

BOROUGH OF MIDLAND PARK  
ORDINANCE #09-02

**“AN ORDINANCE TO AMEND CHAPTER 6 OF THE CODE OF THE BOROUGH OF MIDLAND PARK ENTITLED, “ALCOHOLIC BEVERAGE CONTROL.”**

**BE IT ORDAINED**, by the Borough Council of the Borough of Midland Park, in the County of Bergen, State New Jersey as follows:

**Section 1.**

Chapter 6 of the Code of the Borough of Midland Park, Alcoholic Beverage Control, Article 6-5, ‘Persons Under The Legal Age’, is hereby amended to add a new section after Section 6-5.4 and to read as follows:

**“6-5.5 Possession or Consumption on Public or Private Property by Persons Under the Legal Age.**

- a. Any person under the legal age to purchase alcoholic beverages who knowingly possesses or consumes any alcoholic beverage in or on any school property, public conveyance, public place or place of public assembly or on private property shall be in violation of this Section. Upon conviction, such underage person shall be subject to a fine of Two Hundred Fifty (\$250.00) Dollars for the first offense and Three Hundred Fifty (\$350.00) Dollars for any subsequent offense; at the discretion of the court, perform community service for a period not to exceed one hundred eighty (180) days; at the discretion of the court, have a New Jersey driving privilege suspended or postponed for six (6) months; and, if considered necessary by the court, be referred to an alcoholic treatment program at the defendant’s expense.
- b. This Section shall not apply to persons under the legal age to purchase alcoholic beverages who possess or consume alcoholic beverages in the presence of and with the permission of the parent or legal guardian of said person, provided that said guardian is of the legal age to purchase alcoholic beverages, or if alcoholic beverage is being consumed in any religious observance, ceremony or rite. The Section shall not apply to possession of an alcoholic beverage by an underage person employed by a alcoholic beverage licensee in the course of performing employment duties.

**Section 2. Severability.**

If any section, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgement shall not effect, impair, or invalidate the remainder of this Ordinance but shall be confined in its effect to the section, sentence

or other part of this Ordinance directly involved in the controversy which such judgement shall be rendered.

**Section 3. Inconsistent Ordinances Repealed.**

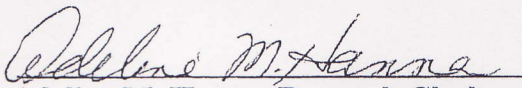
All ordinances or parts or ordinances which are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

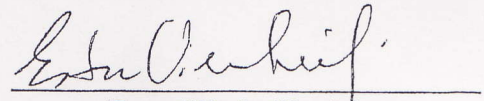
**Section 4. Effective Date.**

This Ordinance shall take effect immediately upon final passage and publication as provided by law.

Introduced: May 23, 2002

Final Adoption: June 13, 2002

  
Adeline M. Hanna, Borough Clerk

  
Ester Vierheilig, Mayor

Member	Motion	Second	Aye	No	Abstain	Absent
Braunius	✓		✓			
Holst						✓
Keeley			✓			
O'Hagan			✓			
Pruiksmā		✓	✓			
Sullivan						✓