

**TOWNSHIP OF MILLBURN
ORDINANCE NO. 2284-07**

**ORDINANCE TO AMEND THE MILLBURN TOWNSHIP
ORDINANCE CODE WITH A NEW SECTION 3-19
ENTITLED, "ALCOHOL CONSUMPTION ON PRIVATE
PROPERTY BY INDIVIDUALS UNDER THE AGE OF 21
YEARS"**

**BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
MILLBURN, IN THE COUNTY OF ESSEX AND STATE OF NEW JERSEY, as follows:**

Section 1. The Revised General Ordinances of the Township of Millburn (1994) are hereby supplemented by the addition thereto of a new Section 3-19 to read in its entirety as follows:

**"3-19 ALCOHOL COMSUMPTION ON PRIVATE PROPERTY BY INDIVIDUALS
UNDER THE AGE OF 21 YEARS**

3-19.1 Definitions. As used in this section, the following terms have the meaning indicated:

Alcoholic Beverage – An alcoholic beverage as defined in the New Jersey Alcoholic Beverage Law, N.J.S.A. 33:1-1 et seq.

Division – The New Jersey Division of Motor Vehicles.

Guardian – A person who has qualified as a guardian of an under aged person pursuant to testamentary or court appointment.

Person under the legal age – A person under the age of 21 year and includes the term under aged person.

Private premises – Any non-commercial premises used for either residential or recreational purposes.

Relative – An adult who is related to a person under the legal age by blood, marriage, or adoption.

3-19.2 Possession or consumption on private premises prohibited. It shall be unlawful for any person under the legal age who, without legal authority, knowingly possesses or knowingly consumes an alcoholic beverage on private premises, and it shall be unlawful for any person to furnish, serve or allow the consumption of any alcoholic beverage to or by a minor on any private premises.

3-19.3 Exceptions.

- a. Nothing herein shall prohibit a person under the legal age from consuming or possessing an alcoholic beverage in connection with a religious observance, ceremony or rite or from consuming or possessing an alcoholic beverage in the presence of and with the permission of a parent, guardian, or relative who has attained the legal age to purchase and to consume alcoholic beverages.
- b. Nothing herein shall prohibit the possession of alcoholic beverages by any person under the legal age while such person is actually engaged in the performance of employment by a person who is licensed under N.J.S.A. 33:1 et seq. or while actively engaged in the preparation of food while enrolled in a culinary arts or hotel management program at a county vocation school or post-secondary education institution, except that this section shall not be construed to preclude the imposition of a penalty under this section or pursuant to N.J.S.A. 33-1.81, or any other section of law against a person who is convicted of unlawful alcoholic beverage activity on or at premises licensed for the sale of alcoholic beverages.

3-19.4 Violations and Penalties.

- a. Upon the conviction of any person under the legal age for a violation of this section, the court shall impose a fine of \$250 for the first offense and \$350 for any subsequent offense.
- b. In addition, the court may suspend or postpone for six months, the driving privileges of the person under the legal age and the suspension or postponement of such person's driver's license, the court shall forward a report to the Division stating the first day and last day of the suspension or postponement period imposed by the court pursuant to this section. If, at the time of the imposition of a sentence, such person is less than 17 years of age, the period of license postponement, including a suspension or postponement of the privilege of operation a motorized bicycle, shall commence on the day the sentence is imposed and shall run for a period of six months after the person reaches the age of 17 years.
- c. If at the time of the imposition of a sentence the convicted person has a valid driver's license issued by the State of New Jersey, the court shall immediately collect the license and forward same to the Division, along with the report required hereunder. If for any reason the license cannot be collected, the court shall include in the report the complete name, address, date of birth, eye color and sex of the person, as well as the first and last date of the license suspension period imposed by the court.
- d. If a person convicted under this section is not a New Jersey resident, the court shall suspend or postpone, as appropriate, the non-resident driving privileges of the person and submit the required report to the Division. The court shall

not collect the license of a non-resident convicted under this section. Upon receipt of a report by the court, the Division shall give required notice to appropriate officials in the licensing jurisdiction of the suspension or postponement.

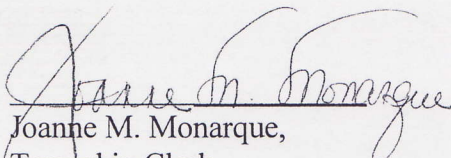
3-19.5 Enforcement.

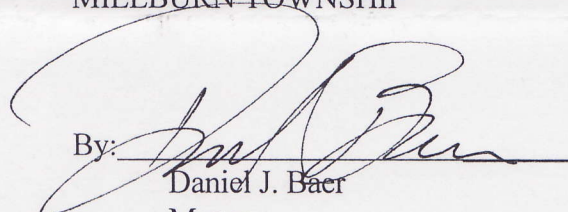
The Police Department shall have jurisdiction to enforce the provisions of this Section

Section 2. This ordinance shall take effect after final passage and publication as required by law.

ATTEST:

MILLBURN TOWNSHIP


Joanne M. Monarque,
Township Clerk

By: 
Daniel J. Bacr
Mayor

Introduced: 1/16/07

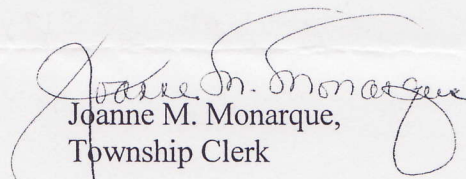
Adopted: 2/6/07

Effective: 2/22/07

CERTIFICATION

I, Joanne M. Monarque, Clerk of the Township of Millburn in the County of Essex, New Jersey, do hereby certify the foregoing is a true and correct copy of an ordinance duly adopted by the Township Committee of said Township at a regular meeting held on the 6th day of February, 2007.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of said Township this 7th day of February, 2007.


Joanne M. Monarque,
Township Clerk