
ARTICLE II, Sales to Persons Under Legal Age [Adopted as Art. 2 of Ch. 3 of the Revised Ordinances, 1968]

§ 79-14. Sale prohibited. [Amended 6-17-1986 by Ord. No. 86-5]

No licensee shall sell, serve, deliver or allow, permit or suffer the sale, service or delivery of any alcoholic beverage, directly or indirectly, to any person under the legal age for purchasing alcoholic beverages or allow, permit or suffer the consumption of any alcoholic beverage by any such person on or upon the licensed premises.

§ 79-15. Entry for purchase prohibited. [Amended 6-17-1986 by Ord. No. 86-5]

It shall be unlawful for a person under the legal age for purchasing alcoholic beverages to enter any premises licensed for the sale of alcoholic beverages for the purpose of purchasing or having served or delivered to him or her any alcoholic beverage.

§ 79-16. Consumption and purchase prohibited. [Amended 6-17-1986 by Ord. No. 86-5]

It shall be unlawful for a person under the legal age for purchasing alcoholic beverages to consume any alcoholic beverage on the premises licensed for the retail sale of alcoholic beverages or to purchase, attempt to purchase or have another purchase for him or her any alcoholic beverage.

§ 79-17. Misrepresentation of age. [Amended 6-17-1986 by Ord. No. 86-5]

It shall be unlawful for any person under the legal age for purchasing alcoholic beverages to misrepresent or misstate his age for the purpose of inducing any retail licensee or employees of any retail licensee to sell, serve or deliver any alcoholic beverage to him or her.

§ 79-18. Violations and penalties. [Amended 6-17-1986 by Ord. No. 86-5]

Unless otherwise provided in N.J.S.A. 33:1-1 et seq., any person who shall violate any of the provisions of this article shall, upon conviction thereof before the Municipal Court, be subject to a fine of not more than \$1,000 or imprisonment for a term of not more than 90 days, or both.

§ 79-19. Copy to be displayed.

A copy of this article shall be displayed at all times in every establishment in the borough which is the holder of a plenary retail consumption license, a plenary retail distribution license or a club license.

ARTICLE III, Consumption on Public and Private Property [Adopted 12-17-1974 by Ord. No. 74-9; amended in its entirety 12-7-1982 by Ord. No. 82-13]

§ 79-20. Purpose.

This article is enacted for the purpose of prohibiting the possession and consumption of alcoholic beverages on public parks, playgrounds, recreation areas, private conveyances on public areas and public ways and, further, prohibiting the consumption and possession of alcoholic beverages on private property without the express written permission of the owner.

§ 79-21. Consumption restricted.

No person shall consume or offer to another for consumption or possess with the intent to consume any alcoholic beverages in or upon any public building, park, playground or recreational area nor in, on or upon public lands, streets, roads, alleys, rights-of-way or sidewalks or upon any land or building owned or occupied by the municipal government, unless previously authorized by the Borough Council.

§ 79-22. Private conveyances.

No person shall consume or offer to another for consumption or possess with the intent to consume any alcoholic beverage in any private conveyance while such conveyance is located in or on any public street, road, lane, alley, right-of-way, public parking lot or any other property. For the purposes of the application of this section, it shall be irrelevant whether such private conveyance is in motion, stopped or parked.

§ 79-23. Private property.

No person shall consume or offer to another for consumption or possess with the intent to consume any alcoholic beverage while in or upon private property, not his or her own, without

having the express permission of the owner or other person authorized to grant such permission nor in a private conveyance while such conveyance is on private property without the express permission of the owner or other person authorized to grant such permission.

§ 79-24. Transportation.

No person shall have in his or her possession any alcoholic beverage in any of the places where consumption of the same is prohibited in §§ 79-21, 79-22 and 79-23 above, except in the process of transporting the same within the original closed container to a place where consumption is lawfully permitted.

§ 79-25. Beverages in other than original containers or open containers.

Possession of any intoxicating beverages in other than the original container or in an original container which has been opened or on which the seal has been broken shall raise the presumption that such beverage was intended for consumption.

§ 79-26. Interpretation.

- A. For the purposes of this article, a person shall be deemed to be in possession of an alcoholic beverage within the meaning of this article if he intends to or does exercise custody, control or dominion over such alcoholic beverage; provided, however, that actual physical or manual possession is not required if the intention to exercise such custody, control or dominion over the alcoholic beverage is manifested from the direct or circumstantial evidence where it is reasonable to infer that the capacity to do so exists. Possession, custody or control need not be exclusive but may be jointly exercised by two or more persons. A person shall be presumed to be jointly in possession, custody or control of the alcoholic beverage if the owner or person in physical control of the alcoholic beverage is in close proximity to him, and the alcoholic beverage is not sealed or has been partially consumed.
- B. For the purposes of this article, any fluid, suitable for human consumption and having alcoholic content of more than 1/2 of 1% by volume, including alcohol, beer, ale, naturally fermented wine, treated wine, blended wine, fortified wine, sparkling wine, distilled liquors, blended distilled liquors and any other brewed, fermented or distilled liquors, if for use of beverage purposes shall be considered an alcoholic beverage.
- C. For the purposes of this article, a private conveyance shall be any automobile, van, truck, motorcycle, moped, trail bike or any other such vehicle.

§ 79-27. Violations and penalties. [Amended 6-17-1986 by Ord. No. 86-5]

Each and every person violating any of the provisions of this chapter, upon conviction, shall be subject to a fine of not more than \$1,000 or imprisonment in the county jail for a period not exceeding 90 days, or both.

§ 79-28. Additional remedies.

In regard to any conviction relating to this article, when the Municipal Court suspends the imposition of a defendant's sentence or a portion thereof or sentences him to be placed on probation, the Municipal Court may attach such reasonable conditions authorized by N.J.S.A. 2C:45-1, including the performance of community-related services and the imposition of conditions reasonably related to the rehabilitation of the defendant including, but not limited to, alcoholic rehabilitation programs or other such programs related to alcoholic education or rehabilitation.
