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ARTICLE IV. Consumption by Underage Persons

[Adopted 11-28-2000 by Ord. No. 2271]

§ 87-16. Prohibitions.

It shall be unlawful for any person under the legal age to purchase alcoholic beverages or to knowingly possess or consume any alcoholic beverage, as defined by N.J.S.A. 33:1-1 while:

A. In, on or upon any of the public streets, sidewalks, parks, alleyways, recreation areas which are open to the public at large, whether publicly or privately owned, or roadways, pathways, playgrounds, outdoor facilities or shopping plazas at any hour of the day or night.

B. In any automobile, whether in motion or parked, on any of the public streets, parking lots which are open to the public at large, whether publicly or privately owned, roadways, highways, pathways, playgrounds, outdoor facilities owned by operated by the Board of Education of the Borough of Bergenfield, parks, shopping plazas, or other thoroughfares open to general vehicular traffic in the Borough of Bergenfield.

C. Upon any private property, not his or her own, without the presence and express permission of the owner or, in the case of rental premises, the lessee of that property.

§ 87-17. Exceptions.

A. This article shall not prohibit an underage person from consuming or possessing an alcoholic beverage in connection with a religious observance, ceremony, or rite or consuming or possessing an alcoholic beverage in the presence of and with the express permission of a parent, guardian or relative who has attained the legal age to purchase and consume alcoholic beverages. As used in this section the following terms shall have the meanings indicated:

GUARDIAN

A person who has qualified as a guardian of the underage person pursuant to testamentary or court appointment.

RELATIVE

The underage person's grandparent, aunt or uncle, sibling or any other person related by blood or affinity.

B. This article shall not prohibit possession of alcoholic beverages by any such person while actually engaged in the performance of employment by a person who is licensed under Title 33 of the Revised Statutes, 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 educational institution; however, this article shall not be construed to preclude the imposition of a penalty under this section, 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.

§ 87-18. Consumption restricted.

No persons shall consume or possess in any open container any alcoholic beverage, as defined by N.J.S.A. 33-1-1 in or upon any private property, not his or her own, without the presence and express permission of the owner or in the case of rental premises, the lessee of that property.

§ 87-19. Violations and penalties.

A. Any person who violates any provision of this article shall, upon conviction thereof, be subject to a fine of \$250 and/or community service and, if necessary, reference to an alcohol treatment program at the defendant's expenses, for a first offense and \$350 for any subsequent offense and/or community service and, if necessary, reference to an alcohol treatment program at the defendant's expense.

B. In addition to the fine authorized for this offense, the court may also suspend or postpone for six months the driving privilege of the defendant. Upon the conviction of any person and the suspension or postponement of that person's driver's license, the court shall forward a report to the Division of Motor Vehicles stating the first and last day of the suspension or postponement period imposed by the court. If a person at the time of the imposition of a sentence is less than 17 years of age, the period of license postponement, including a suspension or postponement of the privilege of operating 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.

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