

TOWNSHIP OF MONTCLAIR

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 74 OF THE TOWNSHIP CODE (“ALCOHOLIC BEVERAGES”) TO PROHIBIT THE OFFERING OR SERVICE OF ALCOHOLIC BEVERAGES TO UNDERAGED PERSONS IN THE TOWNSHIP OF MONTCLAIR

December 11, 2007

BE IT ORDAINED by the Council of the Township of Montclair, in the County of Essex, that Chapter 74 of the Township Code (“Alcoholic Beverages”) be and is hereby amended and supplemented to include the following:

§74-21. Offer or Service of Alcoholic Beverages to Underage Persons

A. Any person who purposely or knowingly offers or serves or makes available an alcoholic beverage to a person under the legal age for consuming alcoholic beverages shall be guilty of violating this Ordinance.

B. Any person who purposely or knowingly entices or encourages a person under the legal age for consuming alcoholic beverages to drink an alcoholic beverage shall be guilty of violating this Ordinance.

C. Subsections A and B of this Ordinance shall not apply (a) to a parent or guardian of the person under legal age for consuming alcoholic beverages if the parent or guardian is of the legal age to consume alcoholic beverages, or (b) to a religious observance, ceremony or rite. Subsections A and B shall also not apply to any person in his home who is of the legal age to consume alcoholic beverages who offers or serves or makes available an alcoholic beverage to a person under the legal age for consuming alcoholic beverages or entices that person to drink an alcoholic beverage in the presence of and with the permission of the parent or guardian of the person under the legal age for consuming alcoholic beverages if the parent or guardian is of the legal age to consume alcoholic beverages.

D. Any person who makes real property owned, leased or managed by him available to, or leaves that property in the care of, another person with the purpose that alcoholic beverages will be made available for consumption by, or will be consumed by, persons who are under the legal age for consuming alcoholic beverages shall be guilty of violating this Ordinance.

This Subsection D shall not apply if:

(1) the real property is licensed or required to be licensed by the Division of Alcoholic Beverage Control in accordance with the provisions of N.J.S.A. 33:1-1 et seq.;

(2) the person making the property available, or leaving it in the care of another person, is of the legal age to consume alcoholic beverages and is the parent or guardian of the person who consumes alcoholic beverages while under the legal age for consuming alcoholic beverages; or

(3) the alcoholic beverages are consumed by a person under the legal age for consuming alcoholic beverages during a religious observance, ceremony or rite.

E. Any person who violates any provision of this ordinance shall, upon conviction thereof, be punished by a fine not exceeding \$2,000.00, imprisonment in the county or municipal jail for a term not exceeding 90 days, or a period of community service not exceeding 90 days, or any combination thereof as determined by the Municipal Court Judge.

RECORD OF COUNCIL VOTE											
COUNCILORS	YES	NO	ABS	N.V.	AB	COUNCILORS	YES	NO	ABS	N.V.	AB
Freier						Mayor Remsen					
Lang						Schlager					
Mattox						Tobin					
Deputy Mayor Michaelson											
X - Indicate Vote ABS - Abstain N.V. - Not Voting AB - Absent											

I HEREBY CERTIFY the foregoing to be a true copy of an ordinance adopted as introduced by the Council of the Township of Montclair, in the County of Essex, at its meeting held on _____, 2008.

 Linda S. Wanat
Clerk of the Township of Montclair, N.J.