

## ORDINANCE 16-2013

### ORDINANCE OF THE BOROUGH OF MADISON AMENDING AND SUPPLEMENTING CHAPTER 233 OF THE BOROUGH CODE ENTITLED "ORDINANCE PROHIBITING THE POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES BY UNDERAGE PERSONS ON PRIVATE PROPERTY"

WHEREAS, Ordinance 8-2013, adopted April 22, 2013, prohibited the possession or consumption of alcoholic beverages by underage persons on private property with certain exceptions; and

WHEREAS, the governing body wishes to amend and supplement the language therein.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Chapter 233 of the Borough Code be amended and supplemented as follows:

#### NEW SECTION:

E(i) – The Municipal Judge shall have the discretion to waive the penalty provisions of Sections A, B and C above if the defendant is enrolled in an educational institution that has imposed administrative sanctions and penalties against the defendant for the offense(s).

#### NEW SECTION:

F(3) An underage person and one or two other persons, if applicable, shall be immune from prosecution under this Chapter prohibiting any person under the legal age who, without legal authority, knowingly possesses or knowingly consumes an alcoholic beverage on private property if:

(a) one of the underage persons called 9-1-1 and reported that another underage person was in need of medical assistance due to alcohol consumption;

(b) the underage person who called 9-1-1 and, if applicable, one or two other persons acting in concert with the underage person who called 9-1-1, provided each of their names to the 9-1-1 operator;

(c) the underage person was the first person to make the 9-1-1 report; and

(d) the underage person and, if applicable, one or two other persons acting in concert with the underage person who made the 9-1-1 call, remained on the scene with the person under the legal age in need of medical assistance until assistance arrived and cooperated with medical assistance and law enforcement personnel on the scene.

(4) The underage person who received medical assistance as provided in subsection 3 of this section shall also be immune from prosecution under this Chapter

prohibiting the possession or consumption of an alcoholic beverage on private property.

SECTION 2. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be judged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 3. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed as to such inconsistency.

SECTION 4. This Ordinance shall take effect after final passage and publication in accordance with law.

ADOPTED AND APPROVED  
May 29, 2013

---

ROBERT H. CONLEY, Mayor

Attest:

---

ELIZABETH OSBORNE, Borough Clerk  
Introduced and passed: May 13, 2013  
Published, Madison Eagle: May 16, 2013  
Hearing and consideration for final adoption: May 29, 2013  
Published upon final adoption, Madison Eagle: June 6, 2013