

ORDINANCE NO. 2021-10

**ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE
BOROUGH OF BELMAR, COUNTY OF MONMOUTH, STATE OF
NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 16-14
OF THE BOROUGH CODE ENTITLED “REGULATION OF
CONDUCT IN PUBLIC PARKS, RECREATION AREAS OR ANY
OTHER PUBLIC PROPERTY.”**

BE IT ORDAINED, by the Mayor and Council of the Borough of Belmar, County of Monmouth, State of New Jersey, that Chapter 16-14 of the Borough Code be amended as follows:

SECTION I. Section 16-14.1 “Unlawful Acts” shall be amended and supplemented to now read as follows:

z. Smoke any cigarettes, cigars, or other tobacco product while located upon public property, including but not limited to all public parks, recreational areas, playgrounds, and the Library at any time. In addition thereto, no person shall smoke cannabis, or other cannabis based products as defined by P.L. 2021, c. 16, commonly known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (“the Act”), while located upon public property, including but not limited to all public parks, recreational areas, playgrounds and the Library at any time.

1. The term “Smoke” shall be interchangeable with term “Smoking” as seen throughout this section, and shall mean the burning of, inhaling and exhaling smoke from, or the possession of a lighted cigar, cigarette, pipe, vaporizer, or any other matter or substance which contains tobacco, cannabis, or any other matter that can be smoked, or the inhaling of exhaling of smoke or vapor from an electronic smoking device.

aa. Notwithstanding any other penalty provision, the fine for a violation of subsection **16-14.1m** shall be \$25.00 and the fine for a violation of subsection **16-14.1z** shall not exceed \$200.00.

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

SECTION III. All ordinances or parts of ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency.

SECTION IV. This Ordinance shall take effect 20 days after final passage, adoption and publication according to law.