

ORDINANCE 2021 – 14

AN ORDINANCE OF THE TOWNSHIP OF LITTLE EGG HARBOR TOWNSHIP, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE MUNICIPAL CODE OF THE TOWNSHIP OF LITTLE EGG HARBOR, SO AS TO AMEND CHAPTER 286, ENTITLED “SMOKING”

BE IT ORDAINED by the Mayor and Township Committee of the Township of Little Egg Harbor, County of Ocean, and State of New Jersey, as follows:

SECTION 1. The Municipal Code of the Township of Little Egg Harbor is hereby amended and supplemented so as to amend Chapter 286 entitled “Smoking”, in order to amend § 286-2 entitled “Definitions” to add and/or modify the following definitions:

CANNABIS ITEM

Any item available for lawful consumption pursuant to the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2020, c. 16).

INDOOR PUBLIC PLACE

A structurally enclosed place of business, commerce or other service-related activity, whether publicly or privately owned or operated on a for-profit or nonprofit basis, which is generally accessible to the public, including, but not limited to: a commercial or other office building; office or building owned, leased or rented by the State or by a county or municipal government; theater or concert hall; public library; museum or art gallery; bar; restaurant or other establishment where the principal business is the sale of food for consumption on the premises, including the bar area of the establishment; garage or parking facility; any public conveyance operated on land or water, or in the air, and passenger waiting rooms and platform areas in any stations or terminals thereof; health care facility; patient waiting room of the office of a health care provider; child care center; race track facility; facility used for the holding of sporting events; ambulatory recreational facility; shopping mall or retail store; hotel, motel or other lodging establishment; apartment building lobby or other public area in an otherwise private building; or a passenger elevator in a building other than a single-family dwelling.

r|m|sh|c

Rothstein, Mandell, Strohm,
Halm & Cipriani, P.A.
ATTORNEYS AT LAW

150 Airport Road
Suite 600
Lakewood, NJ 08701

o: 732.363.0777
f: 732.905.6555

SMOKING

The burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco, or any other matter that can be smoked, including cannabis items, or the inhaling or exhaling of smoke or vapor from an electronic smoking device.

SECTION 2. The Municipal Code of the Township of Little Egg Harbor is hereby amended and supplemented so as to amend Chapter 286 entitled “Smoking”, in order to amend Subsection A, § 286-3, entitled “Smoking prohibited in public places; signs” as follows:

- A. Smoking is hereby prohibited in all municipal parks and recreational facilities owned, leased or rented by the Township of Little Egg Harbor and all indoor public places.

SECTION 3. The Municipal Code of the Township of Little Egg Harbor is hereby amended and supplemented so as to amend Chapter 286 entitled “Smoking”, in order to amend § 286-5 entitled “Violations and penalties” as follows:

§ 286-5 Violations and penalties.

- A. Any person who is found to be in violation of any provisions of this chapter shall be subject to a fine not to exceed \$1,250, and/or community service of not more than 90 days, and/or by a term of imprisonment not to exceed 90 days in the Ocean County Jail or any combination of fine, community service and imprisonment, as determined in the discretion of the Municipal Court Judge.

SECTION 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 5. If any section, subsection, sentence, clause, phrase or portion of this

r|m|s|h|c

Rothstein, Mandell, Strohm,
Halm & Cipriani, P.A.
ATTORNEYS AT LAW

150 Airport Road
Suite 600
Lakewood, NJ 08701

o: 732.363.0777
f: 732.905.6555

ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 6. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Little Egg Harbor held on the **10th** day of **June, 2021**, and will be considered for second reading and final passage at a regular meeting of the Township Committee to be held on the **8th** day of **July, 2021**, at 7:30 p.m., in the Little Egg Harbor Municipal Building located at 665 Radio Road, in Little Egg Harbor Township, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

Susan M. Farrell, RMC Deputy Clerk
TOWNSHIP OF LITTLE EGG HARBOR

John Kehm, MAYOR

June 10, 2021
Motion to Introduce:

Second:

Stevens: _____ Crea: _____ Gormley: _____ Scibetta: _____ Kehm: _____

July 8, 2021
Motion to Adopt:

Second:

Stevens: _____ Crea: _____ Gormley: _____ Scibetta: _____ Kehm: _____

r|m|s|h|c
Rothstein, Mandell, Strohm,
Halm & Cipriani, P.A.
ATTORNEYS AT LAW

150 Airport Road
Suite 600
Lakewood, NJ 08701

o: 732.363.0777
f: 732.905.6555