

**ORDINANCE 2025-04**

**AN ORDINANCE OF THE TOWNSHIP OF LITTLE EGG  
HARBOR, COUNTY OF OCEAN, STATE OF NEW JERSEY,  
AMENDING CHAPTER 307 ENTITLED “TOBACCO, SALE OF”**

**NOW, THEREFORE, BE IT ORDAINED**, by the governing body of the Township of Little Egg Harbor, County of Ocean, State of New Jersey, as follows:

**SECTION 1.** That the governing body hereby amends and supplements the Township Code of the Township of Little Egg Harbor, so as to amend Chapter 307, entitled “Tobacco, Sale of” so as to amend the title of the Chapter to read “Tobacco, Cannabis Items and Electronic Smoking Devices, Sale of.”

**SECTION 2.** That the governing body hereby amends and supplements the Township Code of the Township of Little Egg Harbor, so as to amend Chapter 307 in its entirety, as follows:

**CHAPTER 307. TOBACCO, CANNABIS ITEMS AND  
ELECTRONIC SMOKING DEVICES, SALE OF**

**§ 307-1 Purpose.**

The Township of Little Egg Harbor finds it necessary to limit the accessibility of tobacco, cannabis items and electronic smoking devices to minors and to regulate the means by which such products are sold in order to protect the health, safety and welfare of its residents.

**§ 307-2 Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**CANNABIS ITEM**

Any item available for lawful consumption pursuant to the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16).



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## **HEALTH OFFICER**

The administrative officer of the Township of Little Egg Harbor Board of Health and/or his or her authorized representative.

## **LAW ENFORCEMENT OFFICER**

Any member of the Township of Little Egg Harbor Police Department.

## **PERSON**

An individual, partnership, cooperative, association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

## **RETAILER**

Any person or entity that operates a store, stand, booth, concession, or place at which sales of tobacco, electronic smoking devices and/or cannabis items are made to purchasers for consumption or use, and shall mean a person or entity that owns or operates a vending machine.

## **SELF-SERVICE DISPLAYS**

A display or display shelves designed for the customer to serve oneself without the aid of a sales clerk and where the customer is required to pay the cashier upon leaving.

## **TOBACCO AND ELECTRONIC SMOKING DEVICES**

- (1) any cigarettes made of tobacco or of any other matter or substance which can be smoked, or any cigarette paper or tobacco in any form, including smokeless tobacco; or
- (2) any electronic smoking device that can be used to deliver nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, or pipe, or any cartridge or other component of the device or related product.

## **VENDING MACHINE**

Any automated, self-service device which, upon insertion of money, tokens or any other form of payments, dispenses tobacco, electronic smoking devices and/or cannabis items as defined herein.



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**§ 307-3 Sale of tobacco, cannabis items and electronic smoking devices to minors prohibited; sign required.**

- A. Pursuant to the provisions of N.J.S.A. 2A:170-51.1 et seq., it shall be unlawful for any person to sell, give, or permit to be sold, given or furnished to an individual under the age of 21, tobacco, cannabis items and/or electronic smoking devices as defined herein.
- B. A sign, not less than six inches by eight inches, shall be posted in a conspicuous place near each cash register in all retail establishments which sell tobacco, cannabis items and/or electronic smoking devices containing the following language:

**SALE OF TOBACCO, CANNABIS ITEMS AND/OR ELECTRONIC SMOKING DEVICES TO MINORS UNDER THE AGE OF 21 IS PROHIBITED BY LAW.**

Legal proof of age must be shown. A person who sells or offers to sell tobacco, cannabis items and/or electronic smoking devices to a person under 21 years of age may be prosecuted in accordance with State and local ordinances.

**§ 307-4 Identification required.**

It shall be unlawful for retailer to sell or permit to be sold tobacco, cannabis items and/or electronic smoking devices to any individual without requesting and examining identification from the purchaser, positively establishing purchaser's age as 21 years or greater, unless the seller has some other conclusive basis for determining the purchaser is over the age of 21 years of age.

**§ 307-5 Vending machines prohibited.**

Sale of tobacco, cannabis items and/or electronic smoking devices products through vending machines shall be prohibited.

**§ 307-6 Self-service displays prohibited.**

Self-service displays of tobacco, cannabis items and/or electronic smoking devices products, from which individual items may be selected by the customer, are prohibited.

**§ 307-7 Enforcement.**

The Township of Little Egg Harbor Health Officer and/or his or her designee, and/or a Township of Little Egg Harbor law enforcement officer, shall be responsible for the enforcement of this chapter.



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**§ 307-8            Violations and penalties; inspections.**

- A. No person, either directly or indirectly by an agent or employee, or by a vending machine owned by the person or located in the person's establishment, shall sell, offer for sale, distribute for commercial purpose at no cost or minimal cost or with coupons or rebate offers, give or furnish, to a person under 21 years of age any tobacco, cannabis items and/or electronic smoking devices. A violation of this Chapter shall be punished by a fine of not less than \$250 for the first violation, not less than \$500 for the second violation, and \$1,000 for the third and each subsequent violation in accordance with N.J.S.A. 2A: 170-51.4(c) and the Township may recommend license revocation in accordance with N.J.S.A. 2A:170-51.4(d).
- B. Whenever the Health Officer, his or her designee, Code Enforcement Officer, or a law enforcement officer reasonably believes there exists a violation of this Chapter, such individual may, by written notification not later than 60 days after discovery of the alleged violation, advise the retailer of the nature of the violation and that any subsequent failure or refusal to comply with this Chapter shall be subject to the penalties set forth in this chapter.
- C. The Health Officer, his or her designee, Code Enforcement Officer, or a law enforcement officer, after giving proper identification, may inspect any matter, thing, premises or place as may be necessary for the proper enforcement of the provisions of this chapter.
- D. It shall be unlawful for any person to oppose or otherwise obstruct a Health Officer or his or her designee or the Code Enforcement Officer. Such individual may request the assistance of a law enforcement officer when necessary to execute his or her official duty in a manner prescribed by law.
- E. Except as provided in Subsection A above, any person violating or failing to comply with any of the provisions of this Chapter shall, upon conviction thereof, be punishable by a fine of not more than \$2,000, by imprisonment for a term not to exceed 90 days, or by community service of not more than 90 days, or any combination of fine, imprisonment, and community service, as determined in the discretion of the Municipal Court Judge. The continuation of such violation for each successive day shall constitute a separate offense and the person or persons allowing or permitting the continuation of the violation may be punished as provided above, for each separate offense.
- F. The violation of any provision of this Chapter shall be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.



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**SECTION 3.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 4.** If any section, subsection, sentence, clause, phrase or portion of this 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.

**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 **8th day of May, 2025,** and will be considered for second reading and final passage at a regular meeting of the Township Committee to be held on the **12th day of June, 2025,** at 7:00 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.

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**KELLY LETTERA, CMC, RMC**  
Township Clerk  
Township of Little Egg Harbor

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**DAN MAXWELL, MAYOR**

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