

ORDINANCE NO. 2019-04

AN ORDINANCE AMENDING AND SUPPLEMENTING BOROUGH CODE SECTION 18-2.7, TO PROHIBIT SMOKING ON BOROUGH BEACHES WHEREAS ADJACENT THERETO

THEREFORE, BE IT ORDAINED by the Borough of Belmar, County of Monmouth, New Jersey, that Borough Code modifies and amends Section 18-2.7 to include new subparagraph kk as follows.

SECTION I. The Borough acknowledges the Legislation adopted by the New Jersey Assembly and Senate and signed into by Governor Phil Murphy, thereby amending and supplementing N.J.S.A. 26:3D-56.

SECTION II. The Borough intends to coordinate with the aforementioned Legislation in order to permit any potential violations to be prosecuted in the Borough Municipal Court.

SECTION III. Smoking shall be defined as follows:

“Smoking” means 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, or the inhaling or exhaling of smoke or vapor from an electronic smoking device.

SECTION IV. Smoking is prohibited in an indoor public place or workplace or at a public park or beach, owned, operated or maintained by the Borough except as otherwise provided in this act.

SECTION V. The Borough, by subsequent Resolution which may be modified from time to time, is permitted to reserve and designate an area as a smoking area, not to exceed 15% of the total area of the beach. Enforcement of this Ordinance shall be undertaken by the Borough, Board of Health, or Borough Police Department, and prosecuted in the Belmar Municipal Court.

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 All ordinances or parts of ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency.

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