

ORDINANCE 627-19

**AN ORDINANCE OF THE BOROUGH OF OCEAN GATE, COUNTY OF OCEAN,
STATE OF NEW JERSEY PROHIBITING SMOKING ON ALL PUBLIC
BOARDWALKS, PIERS AND PAVILIONS**

WHEREAS, the Borough of Ocean Gate finds that tobacco is the leading cause of preventable disease and death in the State and the nation;

WHEREAS, the Borough further finds tobacco smoke constitutes a substantial health hazard to the nonsmoking majority of the public;

WHEREAS, the Borough further finds electronic smoking devices have not been approved as to safety and efficacy by the federal Food and Drug Administration, and their use may pose a health risk to persons exposed to their smoke or vapor because of a known irritant contained therein and other substances that may, upon evaluation by that agency, be identified as potentially toxic to those inhaling the smoke or vapor;

WHEREAS, The prohibition of smoking at public boardwalks, piers and pavilions would better preserve and maintain the natural assets of this Borough by reducing litter and increasing fire safety in those areas, while lessening exposure to secondhand tobacco smoke and providing for a more pleasant park or beach experience for the public; and

WHEREAS, the Borough Council deems it clearly in the public interest to prohibit the smoking of tobacco products and the use of electronic smoking devices on all public boardwalks, piers and pavilions within the Borough.

THEREFORE, BE IT ORDAINED by the Mayor and Borough Council of the Borough of Ocean Gate, State of New Jersey, as follows:

SECTION I

XXX-19.1 Definition.

ELECTRONIC SMOKING DEVICE means an electronic 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.

SMOKING means the burning of a lighted cigar, cigarette, pipe, or any other matter or substance which contains tobacco.

XXX-19.2 Prohibition.

Smoking of tobacco products and the use of electronic smoking devices is hereby prohibited on all public boardwalks, piers, and pavilions within the Borough.

XXX-19.3 Signs.

Notice of the prohibitions contained in this article shall be conspicuously posted by signs stating "No Smoking" and shall reference applicable Ordinance provisions.

XXX-19.4 Violations and Penalties.

Any person violating the provisions of this ordinance shall, upon conviction thereof, be punishable by a fine of is subject to a fine of not less than \$250 for the first offense, \$500 for the second offense and \$1,000 for each subsequent offense or by imprisonment for a term not exceeding ninety (90) days, or both.

SECTION II All ordinances or parts of ordinances inconsistent with the provision of this Ordinance are hereby repealed.

SECTION III 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 as separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

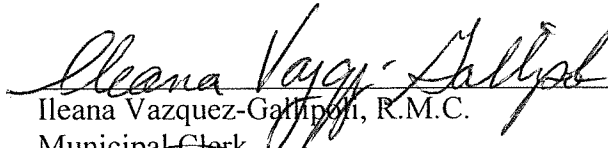
SECTION IV This Ordinance shall take effect immediately upon its final adoption, approval and publication as required by law.

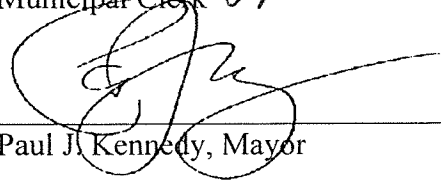
NOTICE

PUBLIC NOTICE is hereby given that the foregoing ordinance was introduced and passed on first reading of the Borough Council of Ocean Gate, in the County of Ocean, State of New Jersey, held on May 1, 2019, and will come on for a second reading, public hearing and final passage at a regular meeting of said Borough Council to be held on May 22, 2019, at Borough Council Chambers, 801 Ocean Gate Avenue, Ocean Gate, New Jersey, at 7:00 P.M., or as soon thereafter as the matter can be reached, at which last mentioned date, hour and place any person desiring to be heard either for or against the adoption of the within ordinance will be given an opportunity to be so heard.

INTRODUCED: May 1, 2019

ADOPTED: May 22, 2019


Ileana Vazquez-Gallipon, R.M.C.
Municipal Clerk


Paul J. Kennedy, Mayor