

ORDINANCE 2016-19

ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING THE BOROUGH CODE OF THE BOROUGH OF BAY HEAD, SO AS TO CREATE CHAPTER 201 OF THE BOROUGH CODE ENTITLED, "SMOKING PROHIBITED ON PUBLIC PROPERTY"

BE IT ORDAINED, by the governing body of the Borough of Bay Head, County of Ocean, State of New Jersey, as follows:

SECTION I. The Borough Code of the Borough of Bay Head is hereby amended and supplemented so as to create Chapter 201, entitled "Smoking Prohibited on Public Property," so as to read in its entirety as follows:

Chapter 201

Smoking Prohibited on Public Property

§ 201-1. Definitions.

As used in this chapter, the following words shall have the following meaning:

ENCLOSED AREA shall mean all areas between a floor and a ceiling, extending to the outer perimeter walls of a structure.

PARKS AND RECREATIONAL FACILITIES shall include all public parks, playgrounds, ballfields, and beach access areas and Beach platform/walkovers publically owned or leased by Bay Head, and all property owned or leased by Bay Head upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities, including all areas adjacent to such facilities, including, but not limited to sidewalks, any parking area, driveway or vehicle passageway located within an area used for the parking of vehicles.

MUNICIPAL BUILDINGS AND GROUNDS shall include all structures and property owned, leased, rented and/or operated by Bay Head, and/or occupied by employees and used for official business of Bay Head.

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, or the inhaling or exhaling of smoke or vapor from an electronic smoking device.

§ 201-2. Prohibition of smoking in public places.

- A. Smoking shall be prohibited in all Municipal buildings.
- B. Smoking shall be prohibited within a thirty-five (35) foot radius of all entrances of all Municipal Buildings and all Beach platform/walkovers.
- C. Smoking shall be prohibited in all public parks and recreation facilities owned or leased by Bay Head and all property owned or leased by Bay Head upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities, including all areas adjacent to such facilities, including, but not limited to, any Beach platform/walkovers, parking area, driveway or drive aisle, which have been designated with no-smoking signs.
- D. Smoking shall be prohibited in any municipal vehicle registered to Bay Head.

§ 201-3. Violations and penalties.

A. Unless otherwise specified herein, for a violation of any provision of this article, the maximum penalty, upon conviction thereof, shall be a fine not exceeding \$1,000 or imprisonment for up to 90 days or a period of community service not exceeding 90 days, or any combination thereof. Except as otherwise provided, each and every day in which a violation of any provision of this article exists shall constitute a separate violation.

B. All fines and penalties under this article may be paid directly to the Municipal Court Administrator.

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

SECTION 5. If any section, subsection, paragraph, sentence, clause or word of this Ordinance shall be adjudged invalid by a Court of competent jurisdiction, then and in such event, said invalidity shall not effect the viability of the remaining portions of this Ordinance.

SECTION 6. This Ordinance shall become effective immediately upon adoption and publication according to law.

ATTEST:

APPROVED:

Patricia M. Applegate, Municipal Clerk

William W. Curtis, Mayor

Introduced on First Reading: August 1, 2016

Introduced on Second Reading: August 15, 2016

Approved on Second Reading: August 15, 2016

ATTEST:

APPROVED:

Patricia M. Applegate, Municipal Clerk

William W. Curtis, Mayor