

ORDINANCE NO. 2018-04

ORDINANCE OF THE BOROUGH OF AUDUBON PARK, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AMENDING ORDINANCE NO. 40, ENTITLED “AN ORDINANCE REGULATING THE CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC SPACES”

WHEREAS, the Borough of Audubon Park (“Borough”) is a municipal entity organized and existing under the laws of the State of New Jersey and located in Camden County; and

WHEREAS, Ordinance No. 40, adopted in 1976, prohibited the consumption of alcoholic beverages in public streets, lanes, sidewalks and motor vehicles located on public streets of the Borough; and

WHEREAS, it has come to the attention of the Council of the Borough of Audubon Park (the “Governing Body”) that the State of New Jersey is contemplating legalization of the use and sale of marijuana; and

WHEREAS, the Governing Body has determined that the sale and distribution of marijuana and/or cannabis presents special concerns of safety, security, and general nuisances that arise as the result of the use of drugs and substances that can affect the youth of the Township and others; and

WHEREAS, the Governing Body has determined that there is potential for exposure to or increased usage by school-aged children due to the consumption of marijuana and/or cannabis on public streets, lanes, sidewalks and motor vehicles located on public streets or lots; and

WHEREAS, in Colorado, where the use of marijuana was legalized in 2012 and the sale of recreational marijuana was legalized in 2014, a comprehensive analysis undertaken by the Denver Post and coroners reports have shown that the number of drivers involved in fatal crashes in Colorado who tested positive for marijuana has risen sharply each year since 2013, more than doubling in that time; and

WHEREAS, the Denver Post analysis of the data and coroner reports also revealed that increasingly potent levels of marijuana were found in positive-testing drivers who died in crashes, including nearly a dozen in 2016 had levels five times the amount allowed by law, and one was at 22 times the limit. Conversely levels were not as elevated in earlier years; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Governing Body is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Borough by law;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Audubon Park, County of Camden, and State of New Jersey, as follows:

Ordinance No. 40, entitled “An Ordinance Regulating the Consumption of Alcoholic Beverages in Public Places,” and said title are hereby amended, revised, and/or supplemented to read as follows:

“AN ORDINANCE REGULATING THE CONSUMPTION OF ALCOHOLIC BEVERAGES AND MARIJUANA AND/OR CANNABIS IN PUBLIC PLACES”

SECTION 1: “CONSUMPTION RESTRICTIONS.

It shall be unlawful for any person to consume alcoholic beverages, or smoke and/or ingest marijuana and/or cannabis within the Borough of Audubon Park:

(a) While in or on a public street, lane, sidewalk, public parking lot, public or quasi-public place or in any public conveyance; or

(b) In a private motor vehicle while the same is in motion or parked in or upon any public street, lane or public parking lot; or

(c) While upon any private property not his own without the express permission of the owner or other person having authority to grant such permission.”

SECTION 2: “DISCARDING CONTAINERS IN PUBLIC OR PRIVATE PLACES.

It shall be unlawful for any person to discard alcoholic beverage containers and any form of marijuana and/or cannabis containers within the Borough of Audubon Park upon any public street, lane, sidewalk, public parking lot, public or quasi-public place or upon any private property not his own without the express permission of the owner or other person having authority to grant such permission.”

SECTION 3: [No Changes]

SECTION 4: All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

SECTION 5: If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

SECTION 6: This Ordinance shall take effect upon passage and publication according to law.

Attest:

BOROUGH OF AUDUBON PARK

Introduced: May 7, 2018

Adopted: June 4, 2018

LAWRENCE E. PENNOCK, MAYOR

Certified to be a true copy of an Ordinance adopted by the Mayor and Borough Council of the Borough of Audubon Park at a regular meeting held on _____.

DAWN M. PENNOCK, MUNICIPAL CLERK