

ORDINANCE NO. 2021-06

ORDINANCE OF THE BOROUGH OF AUDUBON PARK, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AMENDING ORDINANCE NO. 2018-04, ENTITLED “AN ORDINANCE REGULATING THE CONSUMPTION OF ALCOHOLIC BEVERAGES AND MARIJUANA AND/OR CANNABIS IN PUBLIC PLACES”

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, Ordinance No. 2018-04 amended Ordinance No. 40 to also restrict the usage of marijuana and/or cannabis in public places; 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 has recently adopted legislation to legalize the recreational use of cannabis within the State; and

WHEREAS, the Governing Body has determined it would be appropriate to establish policies and procedures for the use of Borough-owned buildings with respect to the “smoking” and/or “vaping of cannabis/marijuana or any other substance; 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. 2018-04, entitled “An Ordinance Regulating the Consumption of Alcoholic Beverages and Marijuana and/or Cannabis in Public Places,” is hereby amended, revised, and/or supplemented to read as follows:

SECTION 1: “DEFINITIONS”

Whenever used in this Ordinance, the following words shall have the following meanings:

- A. “Smoking” means the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, cigarillo or pipe or any other matter or substances which contains tobacco, cannabis/marijuana, or any other substance.
- B. “Electronic Smoking Device” means a device that can be used to deliver nicotine, cannabis/marijuana, or any other substance to the person inhaling the device, including, but not limited to, an electronic cigarette, cigar, cigarillo or pipe.
- C. “Vaping” means the burning of, inhaling from, exhaling the smoke from an Electronic Smoking Device.

SECTION 2: “CONSUMPTION RESTRICTIONS”

- A. No person shall engage in Smoking, Vaping, or the consumption of alcohol on any property owned or controlled by the Borough of Audubon Park.
- B. No person shall engage in Smoking, Vaping, or the consumption of alcohol in any public park, ballfield, playground, courts, trails, or grounds, including sidewalks immediately adjacent to said property.
- C. No person shall engage in Smoking, Vaping, or the consumption of alcohol on or in any public, elementary school or school property, regardless of whether the area is an indoor public place or outdoor public place, including sidewalks immediately adjacent to said property.

- D. No person shall engage in Smoking, Vaping, or the consumption of alcohol in any public building or facility in the Borough of Audubon Park.
- E. No person shall engage in Smoking, Vaping, or the consumption of alcohol in a private motor vehicle while the same is in motion or parked in or upon any public street, lane or public parking lot.
- F. No person shall engage in Smoking, Vaping, or the consumption of alcohol 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 3: “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 4: “VIOLATIONS AND PENALTIES”

Any person, persons or corporation who shall refuse or neglect to comply with the provisions of this chapter shall, upon conviction thereof, be subject to a fine not exceeding \$1,000 for each offense or violation, at the discretion of the Judge before whom any such person, persons or corporation may be tried, and in default of the payment of such fine, be imprisoned in the county jail for a term not exceeding 90 days, at the discretion of said Judge.

SECTION 5: All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

SECTION 6: 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 7: This Ordinance shall take effect upon passage and publication according to law.

Attest:

BOROUGH OF AUDUBON PARK

DAWN M. PENNOCK, MUNICIPAL CLERK

Introduced: June 7, 2021

Adopted: July 6, 2021

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 July 6, 2021.

DAWN M. PENNOCK, MUNICIPAL CLERK