

ORDINANCE #2016-10C

AN ORDINANCE AMENDING AND SUPPLEMENTING Chapter 171, "Smoking", of the Borough Code of the Borough of Beach Haven, County of Ocean, State of New Jersey

THE MAYOR AND COUNCIL OF THE BOROUGH OF BEACH HAVEN DO ORDAIN:

PURPOSE

The purpose of this Ordinance is to prohibit smoking on the beaches and related areas.

SECTION I

Section 171-2, "Smoking Prohibited," of Chapter 171, "Smoking," is amended as follows (deletations are represented by strikethroughs, and additions by underscoring):

(A) The Borough does hereby specifically prohibit smoking in any recreational ~~or park~~ area or on or in any ~~park owned by the Borough~~ owned property, where playgrounds exist, specifically, Taylor Avenue playground and Nelson Avenue playground. For purposes of this chapter, the smoking prohibition shall not apply to parking areas surrounding the ~~recreational~~ designated areas.

(B) Smoking on the beachfront, beach, or beach access pathways, including areas within fifteen (15) feet of the beach access pathways, is hereby prohibited. Permanent signs may be erected to notify and remind the public where smoking is prohibited.

SECTION II

All Ordinances or parts of Ordinances inconsistent herewith are repealed to the extent of such inconsistency. The Clerk of the Borough is authorized to renumber and/or re-codify any sections affected by such repeal to the extent consistent with this Ordinance.

SECTION III

If any word, phrase, clause, sections, or provision of this Ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal, or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of the Ordinance and the remainder of the Ordinance shall remain in full force and effect.

SECTION IV

This Ordinance shall take effect upon publication thereof after final passage according to law.

CERTIFICATION

I, Sherry Mason, RMC, Municipal Clerk of the Borough of Beach Haven, do hereby certify that the foregoing Ordinance was duly adopted on final reading by the Municipal Council of the Borough of Beach Haven at a regular meeting held on the 9th day of May, 2016, a quorum being present and voting in the majority.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 9th day of May, 2016.

Sherry Mason, RMC, Municipal Clerk

First Reading: *April 11, 2016*
Publication: *April 21, 2016*
Passage:* ***May 9, 2016
Final Publication: *May 19, 2016*
Effective: *June 8, 2016***