

ORDINANCE 2016-29

**ORDINANCE OF THE BOROUGH OF SHIP BOTTOM,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AMENDING AND SUPPLEMENTING CHAPTER 12.24 OF TITLE 12
OF THE BOROUGH CODE OF THE BOROUGH OF SHIP BOTTOM
ENTITLED “SMOKING IN PLAYGROUND, BATHING BEACH AND OCEAN
BEACH AREAS - PROHIBITED” SO AS TO REVISE THE NO SMOKING
REGULATIONS AT VARIOUS PARKS AND RECREATIONAL AREAS
WITHIN THE BOROUGH OF SHIP BOTTOM**

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

SECTION 1. Chapter 12.24 is hereby retitled to read “SMOKING IN PARKS, BAY BATHING AND OCEAN BEACH AREAS – PROHIBITED”; and

SECTION 2. Section 12.24.010 of the Borough Code of the Borough of Ship Bottom entitled “Findings” is hereby amended and supplemented so as to delete Paragraph D in its entirety and to replace it with the following:

D. The borough has determined that the public health of the residents and visitors of the borough of Ship Bottom will be promoted by eliminating the exposure of its citizens to airborne tobacco smoke and smoking-related refuse within the various parks and bay and ocean beach bathing areas.

SECTION 3. Section 12.24.020 of the Borough Code of the Borough of Ship Bottom entitled “Purpose” is hereby deleted in its entirety and replaced with the following:

12.24.020 Purpose.

The borough council of the borough of Ship Bottom determines that the purpose of this chapter is to protect and promote the public health and welfare of its community by completely prohibiting smoking within the parks and bay and beach bathing areas as set forth herein and to control the litter of smoke-related refuse within those areas.

SECTION 4. Section 12.24.040 of the Borough Code of the Borough of Ship Bottom entitled “Definitions” is hereby deleted in its entirety and replaced with the following:

“Bay Bathing Beach” means the borough owned recreation area located between the 13th Street lagoon bulkhead and 16th Street on the bay, Ship Bottom, New Jersey, commonly known as the Bay Bathing Beach.

“Bayside Parks” means the borough owned bayfront areas located at the westerly terminus of 4th and 5th Streets; between 10th and 12th Streets; between 25th and 26th Streets; and, 20th Street.

“Ocean beach area” means the area of beach bordering the Atlantic Ocean extending the entire length of the borough of Ship Bottom from 3rd Street to 31st Street and extending eastwardly of the bulkhead line to one hundred (100) feet seaward of the mean high water line.

“Person” means an individual, partnership, corporation, cooperative association or any other legal entity.

“Smoke related refuse” means any used or un-consumed or waste material which has been discarded, whether made of aluminum, glass, plastic, rubber, paper or other natural or synthetic material or any combination thereof, but not limited to any cigarette, cigar, pipe, match, lighting device, paper or plastic packaging or containers, weed, plant or other combustible substance.

“Smoking” or “to smoke” means the act of inhaling, exhaling, burning or carrying any lighted cigarette, cigar, pipe, weed, plant or other combustible substance in any manner or in any form, including but not limited to tobacco or similar products.

“Waterfront Park” means the borough owned recreation park located between 10th Street and 12th Street westwardly of Shore Avenue, Ship Bottom, New Jersey, commonly known as Waterfront Park.

SECTION 5. Section 12.24.050 of the Borough Code of the Borough of Ship Bottom entitled “Smoking prohibited within the playground, bathing beach and ocean beach areas” is hereby deleted in its entirety and replaced with the following:

12.24.050 Smoking prohibited within all parks, bay bathing and ocean beach areas.

Smoking shall be prohibited at all times within all parks and bay bathing areas of the borough including, but not limited to, the Waterfront Park, Bayside Parks and Bay Bathing Beach. Smoking shall be prohibited within the ocean beach area between May 1st and October 31st.

SECTION 6. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 7. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

SECTION 8. This ordinance shall take effect after public reading and publication as required by law.

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ENTITLED “SMOKING IN PLAYGROUND, BATHING BEACH AND
OCEAN BEACH AREAS - PROHIBITED” SO AS TO REVISE THE
NO SMOKING REGULATIONS AT VARIOUS PARKS AND
RECREATIONAL AREAS WITHIN THE BOROUGH OF SHIP BOTTOM**

The Borough of Ship Bottom introduced the above ordinance at its October 25, 2016 meeting. The Ordinance amends and supplements Chapter 12.24 of Title 12 of the Borough Code of the Borough of Ship Bottom entitled “Smoking in Playground, Bathing Beach and Ocean Beach Areas - Prohibited” so as to revise the no smoking regulations at various parks and recreational areas within the Borough of Ship Bottom. The Ordinance will be considered for second and final reading at a meeting of the Borough Council which is scheduled for the 22nd day of October, 2016 at 6:30 p.m., or as soon thereafter as the matter may be reached. All meetings are held at the Municipal Building located at 1621 Long Beach Boulevard, Ship Bottom, New Jersey. Copies of all Ordinances are available at no cost at the Municipal Clerk’s Office located at 1621 Long Beach Boulevard, Ship Bottom, New Jersey, Monday through Friday from 9:00 a.m. to 4:30 p.m.

Danielle Mezzina
Deputy Municipal Clerk
Borough of Ship Bottom

**NOTICE OF ADOPTION
ORDINANCE 2016-29**

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PUBLIC NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on first reading at a meeting of the Mayor and Council of the Borough of Ship Bottom held on October 25, 2016.

Further Notice is Given that said Ordinance was considered for final passage and adopted after a public hearing thereon at a regular meeting of the Mayor and Council held in the Municipal Building, 1621 Long Beach Blvd., Ship Bottom, New Jersey on Tuesday, November 22, 2016.

Kathleen Wells, RMC
Municipal Clerk

ORDINANCE 2016-29

Date of Introduction: October 25, 2016
Motion to Introduce: Councilman English
Second: Councilman Rossi
Roll Call: Tallon, English, Valyo, Rossi and Hartman all aye.

Public Hearing Held on: November 22, 2016
Motion to Adopt: Councilman Tallon
Second: Councilman English
Roll Call: English, Valyo, Hartman and Tallon, all aye. Rossi, absent.

Kathleen Wells, RMC
Municipal Clerk

William Huelsenbeck
Mayor