

**“AN ORDINANCE OF THE BOROUGH OF LAKEHURST AMENDING
CHAPTER III OF THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW
JERSEY, ENTITLED POLICE REGULATIONS”**

2023-02

WHEREAS, the Borough of Lakehurst seeks to promote and protect the health, safety and welfare of Borough residents and visitors: **and**

WHEREAS, the Governing Body recognizes that in providing for these goals there is a need to regulate smoking in the Borough.

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

Section 1.

Chapter 3, entitled “Police Regulations,” Section 3-11.20, is hereby amended to read as follows:

3-11.20. Consumption or Possession of open Containers of Alcoholic Beverages and/or Cannabis Prohibited in Public Places.

- A. No Person shall within the Borough drink or carry in any open containers alcoholic beverage in any public or quasi-public place or public building.
- B. No person shall within the Borough consume any cannabis product in any public or quasi-public place or public building.

Section 2.

Chapter 3, entitled “Police Regulations,” Section 3-12, entitled “Smoking Prohibited,” is hereby created to add a new section to read as follows:

3-12. SMOKING PROHIBITED.

3-12.1. Prohibition.

Smoking be and hereby is prohibited within or on all property owned by the Borough of Lakehurst, except as otherwise provided within.

3-12.2. Definitions.

ELECTRONIC SMOKING DEVICE — An electronic device that can be used to deliver nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, or pipe.

PERSON — Any individual.

PUBLIC FACILITIES — The public facilities covered under the within section include the entire buildings and grounds of the Borough Hall, Police Department and Public Works building; Lake Horicon beach, park and picnic area; Harold Fuccile Sports Complex; Lakehurst Community Center; Lakehurst Historical Society Museum; all public property; and the grounds of the public schools.

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

3-12.3. Smoking areas.

Smoking areas may be designated in vehicle parking areas outside of the public property and buildings covered by this article. Said areas shall bear signs specifically designating that they are smoking areas. Except for those specified areas, no smoking shall be permitted in any area of Borough-owned property or any areas immediately outside and adjacent to the public building, structure, public works facility, parking lot, open space, park, or recreation area.

3-12.4. Posting of signs.

"No Smoking" signs shall be clearly and conspicuously posted by the Borough of Lakehurst at all public properties and shall reference the applicable Code provision herein. The color of such signs, when not of the international type, shall have letters that are distinct, contrasting to the background and easily read. Letters shall have a minimum height of three-quarters of an inch and should be posted in English and such other languages as the governing body shall decide.

3-12.5. Enforcement.

The provisions of this article shall be enforceable by a police officer, public works, or building department employee.

3-12.6. Violations and penalties.

A. Any person violating the provisions of this article shall be subject to a fine of not less than \$50 nor more than \$200 for each violation. A person found guilty of a second or subsequent offense shall be subject to a fine of not less than \$50 nor more

than \$500.

B. Any person found guilty defacing or removing "No Smoking" signs which are required by this article shall be subject to a fine not less than \$200 nor more than \$500, plus the costs of replacing the sign. Any juvenile adjudicated to have violation the provisions of this article shall be subject to such penalties, fines or other discipline as may be imposed upon an adult pursuant to this article.

Section 3.

In the event any section, part or provision of this Ordinance shall be held unconstitutional or invalid by any Court, such holding shall not affect the validity of this Ordinance or any remaining part of this Ordinance other than the part held unconstitutional or invalid.

Section 4.

All ordinances, or parts thereof, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of their inconsistencies.

Section 5.

This Ordinance shall take effect immediately upon adoption and publication in the manner required by law.

Hon. Harry Robbins
Mayor

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on first reading at the regular meeting of the Borough Council of the Borough of Lakehurst, in the County of Ocean, held on the 2nd day of February, 2023 and will be considered for second reading and final passage at the regular meeting of said governing body to be held on the 16th day of February, 2023 at 7:30 p.m. in the Lakehurst Community Center, 207 Center Street, Lakehurst, New Jersey at which time and place any person desiring to be heard will be given an opportunity to be so heard.

Maryanne Capasso, RMC
Municipal Clerk