

## ORDINANCE #1087

### AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY REPLACING CHAPTER 284 OF THE CODE OF THE BOROUGH OF OCEANPORT ENTITLED "PEACE AND GOOD ORDER"

**WHEREAS**, the Borough of Oceanport (the "Borough") seeks to replace Chapter 284 of the Borough Code entitled "Peace and Good Order;" and

**WHEREAS**, the Borough Council believes that it is in the best interest of the Borough residents to adopt an ordinance compatible with Federal and State Law; and

**NOW THEREFORE BE IT ORDAINED**, by the Borough Council of the Borough of Oceanport, County of Monmouth, and State of New Jersey, that Chapter 284, Sections 284-1 through 281-4 of the Borough Code are hereby deleted in their entirety and replaced as follows:

[additions are underlined]...

#### 284-1 Definitions.

As used in the chapter, the following terms have the following meanings:

#### CANNABIS, CANNABIS ITEM

Any usable cannabis, cannabis product, cannabis extract and any other cannabis resin, all parts of the plant Cannabis sativa L., whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative mixture, or preparation of the plant or its seeds, but shall not include any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. "Cannabis" does not include hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the New Jersey Hemp Farming Act, P.L. 2019, c. 238 (N.J.S.A.4:28-6 et seq.).

#### ELECTRONIC SMOKING DEVICE

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

#### GRAFFITI

Writings or drawings scribbled, scratched, or sprayed illicitly on a wall or other surface.

#### INDOOR PUBLIC PLACE

A structurally enclosed place of business, commerce or other service-related activity, whether publicly or privately owned or operated on a for-profit or nonprofit basis, which is generally accessible to the public, including, but not limited to: a theater or concert hall; public library; museum or art gallery; bar; restaurant or other establishment where the principal business is the sale of food for consumption on the premises, including the bar area of the establishment; garage or parking facility; any public conveyance; any facility used for the holding of sporting events; or recreational facility, shopping mall or retail store; hotel, motel or other lodging establishment; apartment building lobby or other public area in an otherwise private building.

#### MARIJUANA

All parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant products cultivated, handled, processed, transported, or sold pursuant to the New Jersey Hemp Farming Act, P.L. 2019, c. 238 (N.J.S.A. 4:28-6 et seq.).

#### OBSTRUCT

Render impassible without unreasonable inconvenience or hazard. No person shall be deemed guilty of recklessly obstructing in violation of this article because of a gathering of persons to hear him or her speak or otherwise communicate or solely because of being a member of such a gathering.

#### PERSON

Wherever appropriate in connection with the context, includes corporation, partnership, association and individual and shall include the plural.

#### PUBLIC PLACE

Any place to which the public has access that is not privately owned; or any place to which the public has access where alcohol or cannabis consumption is not allowed, including, but not limited to, a public street, road, thoroughfare, sidewalk, bridge, alley, plaza, park, playground, swimming pool, shopping area, public transportation facility, vehicle used for public transportation, parking lot, public library, or

any other public building, structure, or are, including beach area.

**SMOKING**

The smoking, vaping, aerosolizing, 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, cannabis or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking device.

**284-2 Prohibited Acts.**

No person, shall within the Borough of Oceanport:

- A. Deface or place graffiti on any public property or private property of another;
- B. Dump any garbage, refuse, paper, glass or cans upon any public highway or any private property.
- C. Place or throw any glass, bottle, can or other sharp and dangerous substance upon any public highway.
- D. Cause or permit any sound which by its length or volume creates a disturbance or annoyance to adjacent property owners;
- E. Without any legal privilege to do so, purposely or recklessly obstruct any public passage to any place of business or house of worship or residence;
- F. Refuse to obey a reasonable official request or order to move to prevent obstruction of a public passage to a place of business or house of worship or residence;
- G. Appear on any street, road, avenue, park or other parks, including in vehicles parked on the same in a state of nudity;
- H. Remove or interfere with or disturb any lantern, warning signal, obstruction or barricade lawfully placed in or across any public street by a public authority, its contractors, agents, servants or employees;
- I. It shall be unlawful for any person to engage in the smoking of marijuana, cannabis or cannabis item in or on any indoor public place or public place.

**284-3 Violations and Penalties.**

Any person violating any of the provisions of this article shall, upon conviction, be punished by a minimum fine of \$250, but not exceeding \$2,000, or by imprisonment not exceeding 90 days, or any combination thereof in the discretion of the Municipal Court Judge.

BE IT FURTHER ORDAINED a copy of this Ordinance shall be supplied to the Police Chief and Code Enforcement Officer.

BE IT FURTHER ORDAINED that all other Ordinances or parts of Ordinances, which are inconsistent herewith, are repealed, only to the extent of such inconsistency. All other parts not inconsistent herewith are ratified and confirmed.

BE IT FURTHER ORDAINED this Ordinance shall become effect immediately upon final passage and publication as required by law.

**APPROVED ON FIRST READING**

DATED: January 18, 2024

JEANNE SMITH  
Clerk of the Borough of Oceanport

**ADOPTED ON SECOND READING**

DATED: February 15, 2024

JEANNE SMITH  
Clerk of the Borough of Oceanport

**APPROVAL BY THE MAYOR ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_.**

**THOMAS J. TVRDIK**  
**Mayor**