

ORDINANCE 2021-07

AN ORDINANCE OF THE BOROUGH OF BAY HEAD,
COUNTY OF OCEAN, STATE OF NEW JERSEY
AMENDING AND SUPPLEMENTING THE MUNICIPAL
CODE OF THE BOROUGH OF BAY HEAD, SO AS TO
AMEND CHAPTER 174, ENTITLED "PEACE AND
GOOD ORDER"

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Bay Head, County of Ocean, and State of New Jersey, as follows:

SECTION 1. The Municipal Code of the Borough of Bay Head is hereby amended and supplemented so as to amend Chapter 174, in order to add Article II which shall be entitled "Cannabis Consumption" and which shall read as follows:

**§174-8. Definitions:
CANNABIS ITEM**

Any item available for lawful consumption pursuant to the NJ Cannabis regulatory enforcement assistance and marketplace modernization act.

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 commercial or other office building; office or building owned, leased or rented by the State or by a county or municipal government; 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 operated on land or water, or in the air, and passenger waiting rooms and platform areas in any stations or terminals thereof; health care facility; patient waiting room of the office of a health care provider; child care center; race track facility; facility used for the holding of sporting events; ambulatory 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; or a passenger elevator in a building other than a single-family dwelling.

§174-9. Consumption of cannabis items in a public place unlawful.

It is unlawful for any person over the age of 21 to consume, other than by smoking, vaping, or aerosolizing, any cannabis item in a public place, including any indoor public place, other than school property, or when not prohibited by the owner or person responsible for the operation of the public place.

§174-10. Violations and penalties.

- A. Violations of Article II shall be punished by a civil penalty of \$200.
- B. All fines and penalties under this chapter may be paid directly to the Municipal Court Administrator, unless otherwise indicated by the officer issuing the summons.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be 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 hereof.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

ATTEST:

Patricia M. Applegate
Patricia M. Applegate, Municipal Clerk

APPROVED:

William W. Curtis
William W. Curtis, Mayor

Introduced on First Reading: April 4, 2021

Introduced on Second Reading: May 3, 2021

Approved on Second Reading: May 3, 2021

ATTEST:

Patricia M. Applegate
Patricia M. Applegate, Municipal Clerk

APPROVED:

William W. Curtis
William W. Curtis, Mayor