

NOTICE OF INTRODUCTION AND FIRST READING

BOROUGH OF AVALON
CAPE MAY COUNTY
NEW JERSEY

ORDINANCE NO. 823-2021

AN ORDINANCE ESTABLISHING SMOKE-FREE ENVIRONMENTS WITHIN THE BOROUGH OF AVALON INCLUDING PROHIBITING THE SMOKING OF TOBACCO, CANNIBIS AND CANNIBIS MATERIALS OR ANY OTHER SUBSTANCES WHICH CAN BE SMOKED OR THE INGESTION THEREOF AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF AND AMENDING AND SUPPLEMENTING CHAPTER 18 OF THE AVALON BORORUGH CODE ENTITLED HEALTH AND SAFETY

The New Jersey “Smoke-Free Air Act” prohibits smoking of tobacco, or any other substance capable of being smoked, and vaping in any interior workplace or commercial enterprise as well as all beaches and parks and State beaches, parks, marinas, state forests and with very few exceptions that are specified in the Act.

Smoking is PROHIBITED as follows:

Avalon, as expressly authorized in the Act, and in reliance upon N.J.S.A. 40:48-1 AND 40:48-2, proposes to extend

- the anti-smoking ban to both indoor and outdoor venues.
- the anti-smoking outdoor areas include the beach, boardwalk, recreation fields, playgrounds, the sidewalks and right-of-way in the Business District on Dune Drive from 19th Street to 34th Street.
- the interior areas of all public and private workplaces, businesses, public buildings and grounds, and Borough motor vehicles and equipment.
- The exterior grounds adjacent to Borough public buildings

Smoking is PERMITTED:

- on Borough owned or controlled property at the 30th Street parking lot, the marinas and parking areas (Sport Fishing Center at 14th Street and Bay Park Marina at 57th Street)
- on designated EXTERIOR smoking areas at municipal buildings and facilities
- in outdoor dining areas approved by the TERP 2021 subject to certain conditions
- on sidewalks and the public right-of-way except for the business district (19th to 34th Streets on Dune Drive).

Business Owners may, at their option, prohibit outdoor smoking in parking areas adjacent to such businesses.

Owners also have the option to ban smoking in outdoor dining areas which are approved under TERP 2021. Businesses in the downtown business district (19th to 34th Streets on Dune Drive) that permit

exterior smoking must restrict such smoking to private property as smoking may not take place on the sidewalk or in the right-of-way in such area.

Private businesses may designate an area for use of employees for smoking, but it must be an area where the public does not transact business or consume food or beverages.

The penalty and enforcement provisions are taken from the Smoke Free Air Act.

This Ordinance was introduced and passed on first reading on June 9, 2021 and will be further considered for second reading, public hearing and final adoption on June 23, 2021 at the Municipal Building, 3100 Dune Drive, Avalon, NJ 08202 at 4:15 p.m.

A copy of the Ordinance is available at no charge from the Borough Clerk's Office, Borough of Avalon, 3100 Dune Drive, Avalon, NJ 08202 between the hours of 8:15 a.m. and 4:15 p.m., Monday through Friday excluding holidays.

C. DANIELLE NOLLETT
Borough Clerk

Publication date: June 14, 2021