

**TOWNSHIP OF DENNIS  
COUNTY OF CAPE MAY  
STATE OF NEW JERSEY**

**ORDINANCE NO. 2021-04**

**AN ORDINANCE ESTABLISHING CHAPTER 147 OF THE TOWNSHIP OF DENNIS  
CODE, PROHIBITING SMOKING MARIJUANA IN PUBLIC AREAS**

**WHEREAS**, on February 22, 2021, the Governor of the State of New Jersey signed the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act and accompanying marijuana decriminalization laws; and

**WHEREAS**, the legislation both legalizes and regulates the use and possession of cannabis for adults aged twenty-one (21) and its two companion laws, A1897 and S3454, decriminalize marijuana and hashish possession and prescribe penalties for the use and possession of marijuana and cannabis for individuals younger than twenty-one (21) years old; and

**WHEREAS**, the legislation does not preempt the Township's authority to regulate the smoking and/or vaping of said substances in public; and

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, the Township possesses the authority to enact, amend, repeal and enforce such ordinances, regulations, or any other such rules not contrary to the laws of the State of New Jersey or the United States, as it may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants; and

**WHEREAS**, the Township Committee, having reviewed the said legislation and considered the Township's authority under the same, has determined it to be in the best interest of the Township, residents and visitors alike to regulate the use of marijuana in public areas throughout the Township;

**NOW THEREFORE BE IT ORDAINED**, by the Township Committee for the Township of Dennis as follows:

SECTION 1. The Code of the Township of Dennis is hereby amended to include the following section, identified as Chapter 147:

Chapter 147– Public Consumption of Cannabis, Marijuana and Hashish Prohibited

§ 147-1 – Township Policy

The purpose of this Chapter is to regulate conduct in public areas affecting the public health, safety and general welfare so as to protect residents of and visitors to the Township

of Dennis from the nuisance and health hazards of nonconsensual exposure to secondhand marijuana smoke and limit marijuana-related litter and pollution.

#### § 147-2 - Definitions

##### MARIJUANA

"Marijuana", as used herein, shall mean all parts of the cannabis plant, as well as the seeds thereof, and any compound, manufacture, salt, derivative, mixture, or preparation of said plant or its seeds, resin, or oil. For purposes of this section, any reference to "Marijuana" shall also include and incorporate by reference regulated Cannabis, Medical Cannabis, unregulated marijuana and hashish.

##### OPEN SPACE

Any nature areas, greenbelts, and wildlife and vegetation habitat areas open to the public.

##### OUTDOOR DINING AREAS

Areas utilized for food and/beverage service located in the public right-of-way that are not enclosed nor contained within any restaurant, business, nonprofit entity, or place of employment.

##### PARKS

Any public parks owned, leased, utilized or operated by the Township of Dennis.

##### PUBLIC RIGHT-OF-WAY

That area on, below, or above any public roadway, highway, street, sidewalk, alley, waterway, or utility easement in which the Township of Dennis and/or County of Cape May has an interest.

##### RECREATION AREA

Those areas that are open to and accessible by the general public for recreational purposes including, but not limited to, public parks, beaches, nature preserves, designated wildlife areas, boat ramps, athletic fields, playgrounds, tennis courts, pickleball courts, basketball courts and senior center outdoor areas.

##### BIKE PATH

Means the public pedestrian walkway/pathway constructed over the municipal right-of-way or within any jurisdiction that the municipal has entered into an agreement with a private entity for the use of the public.

## SCHEDULED PUBLIC EVENTS

Any scheduled event within the Township of Dennis where the public is invited some of which may require a permit, including but not limited to farmers markets, concerts, parades, or festivals.

## SMOKING

The burning of, inhaling from, exhaling the smoke from, or the possession of a lighted marijuana cigarette, pipe, vape, or similar device, or other matter or substance which contains marijuana or any other matter that can be smoked, or the inhaling or exhaling of marijuana smoke or vapor from an electronic smoking device.

## SMOKING DEVICE

Any device or apparatus that can be used to consume cannabis, marijuana, or hashish or other related substance including, but not limited to, an electronic cigarette, cigar, cigarillo, pipe, or other device used to consume said substances. This definition shall include the "vaping" of said substances.

### § 147-3 - Prohibition

It shall be unlawful for any person to smoke or otherwise use or consume marijuana in or on any public open space, outdoor dining area, parks, public right of way, recreation area, bike path or the area of any scheduled public event.

### § 147-4 - Posting Signs.

A sign shall be clearly, sufficiently and conspicuously posted in public areas. The sign(s) shall state "Smoking Marijuana in Public is Prohibited" or substantially similar language, written in lettering that is not less than 3/4 inches in height, and shall contain the citation to this Township Code section.

### §147-5 - Enforcement.

The New Jersey State Police is hereby charged with the enforcement of this section and all members of the same shall be designated as enforcement officers for the purpose of enforcement of this section.

### §147-6 - Penalties.

Any person who is found guilty of violating this section shall be subject to monetary fines as follows:

- a. \$100.00 to \$250.00 for a first offense;

b. \$500.00 - \$1,000.00 for a second or subsequent offense.

SECTION 2. Any other Ordinance that is in conflict or otherwise inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

SECTION 3. Should any section, paragraph, sentence, clause or phase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect. and to this end the provisions of this Ordinance are hereby declared to be severable.

SECTION 4. This Ordinance shall become effective 20 days after final passage and publication, according to law.

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Zeth A. Matalucci, Mayor

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Scott J. Turner, Deputy Mayor

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Thomas VanArtsdalen, III, Committee Member

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Matthew Cox, Committee Member

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Frank L. Germanio, Jr., Committee Member

The foregoing Ordinance was introduced at a meeting of the Township Committee of the Township of Dennis on April 27, 2021. Publication will be held on May 03, 2021 and a Public Hearing will be held at a meeting of the said Township Committee to be held on May 25, 2021 at 5:30 p.m. in the Municipal Building located at 571 Petersburg Road in Dennisville.

ATTEST  
**Jacqueline B. Justice, RMC/Clerk**