

CITY OF BRIGANTINE

ORDINANCE NO. 11 OF 2023

“AN ORDINANCE TO AMEND THE CITY CODE OF THE CITY OF BRIGANTINE CHAPTER 257-2, SMOKING ON CITY PROPERTY PROHIBITED”

WHEREAS, the City of Brigantine has previously adopted rules and regulations for beaches and recreational facilities as well as a separate ordinance creating a general smoking ban on City-owned property; and,

WHEREAS, Chapter 257, Section 2(A)(2) permits smoking at the Links Golf Course as well as on Brigantine public beaches; and

WHEREAS, permission to smoke on public beaches directly contradict other municipal rules and regulations and is preempted by state law which creates a statewide ban for smoking of any type on the State’s beaches and the City wishes to amend Chapter 257-2 to remove this inconsistency; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRIGANTINE IN THE COUNTY OF ATLANTIC, STATE OF NEW JERSEY THAT CHAPTER 257-2(A)(2) BE AND IS HEREBY AMENDED TO READ AS FOLLOWS:

Section 1. Chapter 257-2(A)(2) shall read as follows:

§ 257-2. Smoking on City property prohibited.

A. ...

(1) ...

(2) **The prohibition relating to recreation areas does not include a prohibition at the Links Golf Course, it being the intention of the City Council that the prohibition provided herein shall not apply at that facility.**

Section 2. Chapter 257 shall remain in full force and effect to the extent not modified herein.

Section 3. Repealer, Severability, and Effective Date.

A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the City Council hereby declares its intent that the balance of the Ordinance not affected

by said invalidity shall remain in full force and effect to the extent that it allows the City to meet the goals of the Ordinance.

- C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

INTRODUCTION: August 2, 2023

ADOPTION: August 16, 2023



Lynn Sweeney, RMC, City Clerk

Vince Sera, Mayor

RECORD VOTE OF COUNCIL ON FINAL PASSAGE

COUNCIL MEMBERS	Y	N	NV	AB
SERA	✓			
RIORDAN	✓			
KANE	✓			
BEW ✕	✓			
LETTIERI ✕ ✕	✓			
HANEY	✓			
DeLUCRY	✓			

X-INDICATES VOTE NV=NOT VOTING AB=ABSENT