

# *City of Somers Point*

## **Ordinance**

**ORDINANCE NO. 24 of 2023**

### **AN ORDINANCE CREATING AND ADOPTING A NEW CHAPTER 215, “PUBLIC CONSUMPTION OF CANNABIS, MARIJUANA AND HASHISH” OF THE SOMERS POINT MUNICIPAL CODE**

**WHEREAS**, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

**WHEREAS**, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalized the recreational use of cannabis by adults 21 years of age or older; and

**WHEREAS**, City Council recognizes that second hand smoke from cannabis use can be both a nuisance and health hazard to the general public; and

**WHEREAS**, City Council recognizes the importance of protecting its residents of and visitors to the City of Somers Point from the nuisance and health hazards of second-hand cannabis smoke; and

**WHEREAS**, City Council recognizes the inherently dangerous behavior of consuming cannabis around non-users; and

**WHEREAS**, for purposes of the public health, safety and welfare, City Council hereby wishes to prohibit the non-consensual exposure to non-users by cannabis use by others.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Somers Point, County of Atlantic, and State of New Jersey, as follows:

#### **SECTION 1:**

Chapter 215 of the Code of the City of Somers Point, identified as “Public Consumption of Cannabis, Marijuana, and Hashish,” is hereby created and adopted with the following sections:

§215-1. City Policy, Prohibition of Public Consumption of Cannabis, Marijuana, and Hashish.

The purpose of §215-1 through §215-4 of this Chapter is to regulate conduct in Public Places affecting the public health, safety and general welfare by protecting residents of and visitors to the City of Somers Point from the nuisance and health hazards of second hand cannabis smoke, and to provide for the public health, safety and welfare by discouraging the inherently dangerous behavior of consuming cannabis around non-users; by protecting the public from nonconsensual exposure to secondhand cannabis smoke and cannabis-related litter and pollution, and, by affirming the family-friendly atmosphere of public areas in the City of Somers Point.

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In addition, it is intended to provide an enforcement mechanism for complaints made by private and commercial property owners, tenants, business operators, and their representatives to preclude cannabis consumption on their property, premises, or place of business.

§215-2. Definitions.

### **CANNABIS**

All parts of the plant *Cannabis sativa* L., the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds. "Cannabis" does not include: medical cannabis dispensed and administered to registered qualifying patients by qualified personnel in either public or non-public schools; the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant; any other compound, manufacture, salt derivative mixture, or preparation of mature stalks, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

### **HASHISH**

The resin extracted from any part of the plant *Cannabis sativa* L. and any compound, manufacture, salt, derivative, mixture, or preparation of such resin.

### **MARIJUANA**

All parts of the plant *Cannabis sativa* L., the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds. "Marijuana" does not include: the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant; any other compound, manufacture, salt derivative mixture, or preparation of mature stalks, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

§215-3. Restrictions on Public Consumption of Cannabis, Marijuana, and Hashish.

It is unlawful for any person to smoke or otherwise use, ingest or consume Cannabis, Marijuana, and/or Hashish in any City building and adjacent grounds and parking lots, as well as on the following public property: Public Open Space, Playgrounds, Parks, Piers, Beaches, Public Right-of-Way, Athletic and Recreational Areas, Parking Lots, as well as the area of any scheduled public event.

Smoking or otherwise using or consuming Cannabis, Marijuana, or Hashish while on private property without the permission of the owner, tenant, business operator or their representatives shall constitute public consumption and is hereby prohibited.

§215-4. Violations and penalties.

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Any such person who shall violate or fail to comply with the provisions of this chapter shall upon conviction, be subject to a minimum fine of \$250 or a maximum of \$1,500 or by imprisonment for a term not exceeding 90 days or by a period of community service not exceeding 90 days as well as such penalties as may otherwise be provided by law.

### **SECTION 2:**

Should any section, clause, sentence, phrase or provision or any item in any schedule of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

### **SECTION 3:**

This ordinance shall take effect after final passage, publication and adoption in the manner prescribed by law.