

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
O R D I N A N C E**

ORDINANCE NO. 012-2021

**AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER III
(POLICE REGULATIONS) AND CHAPTER IV (GENERAL LICENSING) OF THE
CODE OF UPPER TOWNSHIP**

BE IT ORDAINED by the Township Committee in the Township of Upper,
County of Cape May and State of New Jersey as follows:

SECTION 1: Chapter III, Section 3-12, of the Revised General Ordinances of the
Township of Upper, also known as the Code of Upper Township, shall be amended as follows:

**3-12 PROHIBITING SMOKING AND THE CONSUMPTION OF CANNABIS IN
TOWNSHIP PUBLIC FACILITIES.**

Replace in its entirety Section 3-12.1:

3-12.1 Definitions.

As used in this section, the following terms shall have the meaning indicated:

Cannabis shall mean all parts of the plant *Cannabis sativa* L., whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds; but does not include medical cannabis dispensed to registered qualifying patients pursuant to the “Jake Honig Compassionate Use Medical 27 Cannabis Act,” P.L.2009, c.307 (C.24:6I-1 et al.).

Cannabis products shall mean cannabis concentrate and products that are composed of cannabis and other ingredients and that are intended for use or consumption, including edible products, ointments, and tinctures.

Certified Coach shall mean a coach of an approved Upper Township Sports Program.

Consume, Consuming, and Consumption shall mean the act of ingesting, inhaling or otherwise introducing cannabis into the human body.

Department Head shall have the meaning of "Supervisor" as defined herein.

Indoor place shall mean a structurally enclosed area.

Public Facility shall mean any municipally owned or maintained park, beach, building or other property including, but not limited to, athletic fields and maintained paths.

Smoking shall mean the inhaling, exhaling, vaping, aerosolizing or burning of a lighted cigar, cigarette, pipe, electronic device, or any other matter or substance containing tobacco or cannabis, whether natural or synthetic.

Supervisor shall mean the person who ultimately controls, governs or directs the activities and conduct of employees within a certain department or division.

Replace in its entirety Section 3-12.2:

3-12.2 Smoking or the Consumption of Cannabis and Cannabis Products Prohibited.

Smoking or the consumption of cannabis and cannabis products shall be prohibited at all times at all Township Public Facilities.

Replace in its entirety Section 3-12.3:

3-12.3 Violation of Prohibition; Request to Comply; Denial of Services.

- a. Any Certified Coach, Department Head or Supervisor, or their designee, may order any person smoking or consuming cannabis or cannabis products in violation of this section to comply with the provisions hereof. Thereupon, any member of the public who smokes or consumes cannabis or cannabis products in Public Facilities is in violation of this section, shall be subject to a fine as hereinafter provided.
- b. The supervisor or department head shall have the right to withhold the services of the supervisor's department, division or agency to any member of the public who smokes or consumes cannabis or cannabis products in any public area in which such conduct is prohibited, provided that the supervisor or department head shall first inform that person of this right. Services shall not be denied if the member of the public complies with the rules governing smoking or consuming cannabis or cannabis products after receiving this notice, and the supervisor or department head shall so inform that person.
- c. Any person waiting for services in a municipal building who leaves the building to smoke or consume cannabis or cannabis products shall, upon re-entering the building, have the right to regain his or her position in the order of persons receiving those services.

Replace in its entirety Section 3-12.4:

3-12.4 Posting of Signs.

The Township shall install appropriate signs which shall be posted in conspicuous places throughout Public Facilities affected by this section advising the public and employees that smoking and consuming cannabis or cannabis products is prohibited.

SECTION 2: Chapter IV, Section 3.9, of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended as follows:

Replace the following in Section 4-3.9a:

4-3.9 General Rules.

- a. There shall be no smoking or consumption of cannabis or cannabis products on jitneys.

SECTIONS 3: REPEALER: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency only.

SECTION 3: EFFECTIVE DATE: This Ordinance shall take effect immediately upon final adoption and publication as required by law.

ATTEST:

BARBARA L. YOUNG, Township Clerk

RICHARD PALOMBO, Mayor

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 12TH DAY OF APRIL, 2021 AND WAS TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD EXCLUSIVELY BY ELECTRONIC MEANS, ON THE 10TH DAY OF MAY, 2021 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

Legislative History:

Introduced: April 12, 2021

Publication: April 16, 2021

Newspaper(s): Press of Atlantic City

Second Reading & Public Hearing: May 10, 2021

Final Adoption: May 10, 2021

Final Publication Date: May 14, 2021

I certify that the foregoing Ordinance was finally adopted by the Township Committee of the Township of Upper on May 10, 2021 and notice of adoption was thereafter published pursuant to law in The Press of Atlantic City on May 14, 2021.

BARBARA L. YOUNG, Township Clerk