

CITY OF WOODBURY, NEW JERSEY

ORDINANCE NO. 2369-22

AN ORDINANCE AMENDING CHAPTER 55, ALCOHOLIC BEVERAGES, ARTICLE II, CONSUMPTION IN PUBLIC; OPEN CONTAINERS, OF THE CODE BOOK OF THE CITY OF WOODBURY

WHEREAS, there is currently no law specifically banning the use of cannabis, whether smoked or otherwise ingested, in locations such as, for example, public sidewalks, public streets, and public parking lots, cf. N.J.S.A. 2C:35-10a; and

WHEREAS, conversely, with regard to any substance that can be smoked – the State already bans smoking in any “indoor public place,” see N.J.S.A. 26:3D-57 (Smoke Free Air Act); and

WHEREAS, the Mayor and Council of the City of Woodbury now wish to protect the public from unwanted exposure to the effects of any form of cannabis use in places such as, for example, public sidewalks, public streets, and public parking lots, just as consumption of alcohol is already barred in such places.

NOW, THEREFORE, BE IT ORDAINED by the governing body of the City of Woodbury in the County of Gloucester and the State of New Jersey, as follows:

SECTION 1. Chapter 55, Alcoholic Beverages, Article II, Consumption in Public; Open Containers, shall be amended as follows, with additions indicated by underline:

ARTICLE II: CONSUMPTION OF ALCOHOLIC BEVERAGES OR CANNABIS IN PUBLIC; OPEN CONTAINERS

§55-20 Definitions

As used in this article, the following terms shall have the meanings indicated:

ALCOHOLIC BEVERAGE

Any fluid or solid capable of being converted into a fluid, suitable for human consumption and having an alcoholic content of more than 1/2 of 1% by volume, including alcohol, beer, lager beer, ale, porter, naturally fermented or distilled liquors, blended wine, fortified wine, sparkling wine, distilled liquors, blended distilled liquors and any brewed, fermented or distilled liquors fit for use for beverage purposes of any mixture of the same with soda or fruit juices.

CANNABIS

For the purposes of this Article “Cannabis” means all parts of the plant Cannabis sativa L., whether growing or not, the seeds thereof, any every compound,

manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant, which are cultivated for use in cannabis products, regardless of whether the Cannabis is for medical use, and regardless of whether the Cannabis is to be smoked or otherwise ingested. However, notwithstanding any provision to the contrary, "Cannabis" does not include non-intoxicating CBD oils, or hemp products cultivated, handled, processed, transported, or sold pursuant to the "New Jersey Hemp Farming Act" N.J.S.A. 4:28-6.

PRIVATE PLACE

Any place which is not a public place as defined below.

PUBLIC PLACE

Any place, either publicly or privately owned, which is or may be frequented by the public.

§55-21 Consumption in certain places.

No person shall consume alcoholic beverages or cannabis in the City of Woodbury:

- A. While in or upon a public street, lane, sidewalk, public parking lot, public place or in any conveyance.
- B. In a private motor vehicle while the same is in motion or parked upon any public street, lane, public parking lot or public place.
- C. While upon any private property not his or her own without the express permission of the owner, tenant or lawful occupant thereof.

§55-22 Possession of open containers.

No person shall have in his or her possession any open container of alcoholic beverage in any of the places where consumption of the same is prohibited by § 55-22 above.

§55-23 Discarding of containers.

No person shall consume any alcoholic beverages or discard any beverage container of any nature whatsoever upon any public street, lane, sidewalk, public parking lot, public place or upon any private property not his or her own without the express permission of the owner, tenant or lawful occupant thereof.

§55-24 Violations and penalties.

Any person who shall violate the provisions of this article shall, upon conviction, be subject to one or more of the following: a fine not exceeding \$1,000; imprisonment for a term not exceeding 90 days; or a period of community service not exceeding 90 days.

SECTION 1. Repealer: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION 3. Severability: Each section of this Ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective, shall not be deemed to affect the validity or constitutionality of any other sections or parts hereof.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon final passage and publication as required by law

CITY OF WOODBURY, NEW JERSEY

By: _____

Philip D. Hagerty
PHILIP D. HAGERTY,
Council President Por-Tempore

ATTEST:

Cassidy L. Swanson

CASSIDY L. SWANSON,
City Clerk

APPROVED:

By: _____

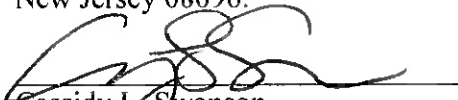
Peg Sickel
PEG SICKEL,
Mayor



Council Member	Ayes	Nays	Abstain	Absent
Councilwoman Carter	✓			
Councilman Fleming	✓			
Councilman Hagerty	✓			
Councilwoman Harwell	✓			
Councilwoman Miller	✓			
Councilman Miller	✓			
Councilwoman O'Connor	✓			
Councilman Pisarcik	✓			
Council President Merinuk	✓			
Mayor Sickel				

CERTIFICATION OF INTRODUCTION

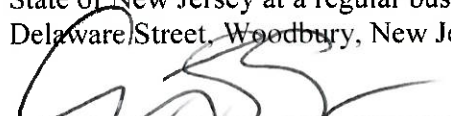
I, Cassidy L. Swanson hereby certify that the foregoing Ordinance 2369-22 was introduced to the City Council, of the City of Woodbury, in the County of Gloucester and State of New Jersey at a regular business meeting held on **July 13, 2022** at City Hall, 33 Delaware Street, Woodbury, New Jersey 08096.


 Cassidy L. Swanson,
 City Clerk

Council Member	Ayes	Nays	Abstain	Absent
Councilwoman Carter	✓			
Councilman Fleming	✓			
Councilman Hagerty	✓			
Councilwoman Harwell	✓			
Councilwoman Miller	✓			
Councilman Miller				✓
Councilwoman O'Connor	✓			
Councilman Pisarcik				✓
Council President Merinuk				✓
Mayor Sickel				

CERTIFICATION OF ADOPTION

I, Cassidy L. Swanson hereby certify that the foregoing Ordinance 2369-22 was adopted after public hearing by the City Council, of the City of Woodbury, in the County of Gloucester and State of New Jersey at a regular business meeting held on **July 27, 2022** at City Hall, 33 Delaware Street, Woodbury, New Jersey 08096.


 Cassidy L. Swanson,
 City Clerk

