

ORDINANCE #2015-10

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER X (BEACH REGULATIONS) OF THE CODE OF THE BOROUGH OF ALLENHURST TO ESTABLISH RULES AND REGULATIONS RELATIONG TO SMOKING AND DISPOSAL OF TOBACCO PRODUCTS ON THE MUNICIPAL BEACH AND AT THE ALLENHURST BEACH CLUB.

WHEREAS, The Board of Commissioners of the Borough of Allenhurst do hereby proclaim the following:

Legislative Statement

The municipal beaches of the Borough of Allenhurst provide an opportunity for residents and visitors to enjoy the seashore environment, breathe the fresh salt air, play or relax on the sand or in the water, and engage in other healthy and wholesome recreational or fitness related activities.

The odors caused by persons who smoke tobacco products, as well as the litter caused by persons who improperly dispose of cigarette butts and cigar remains on the beach and other Allenhurst Beach Club ("ABC") areas, significantly detract from the wholesome and healthy environment free of smoking related pollution.

Our beach cleaning equipment is unable to pick up cigarette butts and cigar remains from the beach, and it is not economically feasible for Borough to regularly sift the sand to remove such unwanted debris.

Allenhurst wants to promote and enhance the healthy and wholesome environment of its beach, and the safe enjoyment of these facilities by all individuals, especially children, by prohibiting smoking on the beach and other ABC areas, except in designated smoking areas to be established by the Borough.

By limiting the use of tobacco products to designated areas of the beach and ABC, the beach will be a safer place, as second hand smoke, which has been found to present a health risk to those exposed to it will be confined to the designated areas. Furthermore, the said areas can be better equipped to facilitate the proper disposal of cigarette butts and cigar remains. By reducing the areas where smoking related litter will be likely to accumulate, removal of the same will be more practical.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Borough of Allenhurst in the County of Monmouth, New Jersey that Chapter X, entitled, "Beach Regulations" Article 2, entitled, "Rules and Regulations" be and is hereby amended and supplemented as follows:

' 10-2.7. No smoking and Beach Refuse

a. No Smoking. It is hereby established that no person shall smoke any cigarettes, cigars or other tobacco product on the Beach or in the ABC, as hereinafter defined, at any time except in designated "smoking areas:" as indicated by signs posted by the Borough. For the purpose of this Chapter, the term "beach" shall mean all areas east of the public boardwalk, including, but not limited to, all cabana areas and walkways, the ABC, jetties, dunes, the beach and waters immediately adjacent thereof. The penalty for a violation of this section shall be \$25.00.

b. Beach Refuse. No person shall throw or discard any bottles, cans, paper or other refuse, including, but not limited to, cigarette butts, cigar butts, and other tobacco products, in the Beach or in the ABC and all refuse and paper and litter shall be placed in refuse containers provided therefore. The penalty for a violation of this section shall be \$100.00 and two (2) days community service.

c. If any parts of this Ordinance are for any reason held to be invalid, such adjudication shall not affect the validity of the remaining portions of this Ordinance.

d. This Ordinance shall become effective immediately upon its final passage and publication as required by law.

APPROVED: May 26, 2015

SCHEDULED FOR PUBLIC HEARING AND FINAL READING: June 9, 2015