



**ORDINANCE - 2025-28**

**City of Asbury Park  
County of Monmouth  
State of New Jersey**

**ORDINANCE OF THE CITY OF ASBURY PARK AMENDING CHAPTER 5, SECTION 5-4.22, ENTITLED “NO SMOKING, BURNING, VAPORIZING OR LITTERING OF TOBACCO PRODUCTS AND CERTAIN SUBSTANCES ON PUBLIC BEACHES AND BOARDWALK,” TO MAKE THE ORDINANCE CONSISTENT WITH STATE LAW**

**WHEREAS**, Section 5-4.22 of the City Code prohibits smoking and related acts on any portion of the public beaches or public boardwalk, including any of the public walks, ramps and sidewalks adjacent thereto; and

**WHEREAS**, smoking and related acts on public beaches are already banned under State law, specifically the Smoke-Free Air Act, N.J.S.A. 26:3D-55, et seq.; and

**WHEREAS**, to ensure the enforceability of the City’s smoking ban as set forth in Section 5-4.22, the ordinance needs to be clarified to confirm that the ordinance covers the boardwalk and adjoining areas, to be consistent with State law which governs the ban on smoking on the beaches; and

**WHEREAS**, the City desires to confirm that smoking and related acts will continue to be banned by City ordinance on the public boardwalk and any of the public walks, ramps and sidewalks adjacent thereto, to clarify the scope and enforceability of Section 5-4.22, and to ensure the enforceability of the City’s ban.

**NOW THEREFORE, IT IS HEREBY ORDAINED**, by the Mayor and City Council of the City of Asbury Park, in the County of Monmouth and State of New Jersey, as follows:

**Section 1.** Chapter 5, Section 5-4.22 of the City Code, entitled “No Smoking, Burning, Vaporizing or Littering of Tobacco Products and Certain Substances on Public Beaches and Boardwalk” is hereby amended as set forth below, and which shall now read as follows (underlined to be added; ~~strikethrough~~ portions to be omitted):

**§ 5-4.22 No Smoking, Burning, Vaporizing or Littering of Tobacco Products and Certain Substances on ~~Public Beaches and Boardwalk~~ and Adjoining Areas.**

1. Smoking, Burning and/or Vaporizing Certain Substances Prohibited on ~~Public Beaches and Boardwalk~~ and Adjoining Areas. No person shall smoke and/or burn any cigarettes, cigars, pipes, or other tobacco products, including use of handheld electronic smoking devices which vaporize or aerosolize a liquid (e.g., e-cigarettes, e-cigs, electronic nicotine delivery systems, electronic non-nicotine delivery systems, personal vaporizers, PV's, etc.), or any cannabis item or substance (including use of electronic devices which vaporize or aerosolize cannabis), at any time while on any portion of the ~~public beaches~~ or public boardwalk, including any of the arcades, public walks, ramps and public sidewalks adjacent thereto, within the City.

2. Smoking on public beaches and parks is prohibited by the New Jersey Smoke-Free Air Act, N.J.S.A. 26:3D-55 et seq.

100. Discarding of Cigarette Butts and Tobacco or Cannabis Products. No person shall throw or discard any cigarette butts, cigar butts, and/or any other tobacco or cannabis products or paraphernalia relating thereto at any time on any portion of the public beaches or public boardwalk within the City.

500. Smoke-Free Zone Signs. The City shall attach or erect appropriate signage indicating "City of Asbury Park Smoke-Free Zone" to such ~~public beaches and~~ public boardwalk areas.

5. Penalties. The penalty for violation of this section shall, upon conviction, be two hundred fifty (\$250) dollars for the first offense, five hundred (\$500) dollars for the second offense, and one thousand (\$1,000) dollars for each subsequent offense.

**Section 2.** All other provisions of the City Code which are not referenced in this Ordinance shall remain unaffected/unchanged and remain in full force and effect.

**Section 3.** All parts and provisions of any Ordinance which are inconsistent with the provisions of this Ordinance shall be repealed to the extent of such inconsistency.

**Section 4.** The provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

**Section 5.** This Ordinance shall take effect upon final passage and publication in accordance with the law, following the required twenty (20) day period after adoption, as set forth in N.J.S.A. 40:69A-181(b).

CERTIFIED BY ME THIS \_\_\_\_ DAY OF \_\_\_\_, \_\_\_\_.

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Anthony Cucci, City Clerk [Insert Date Here]

ANTHONY CUCCI  
CITY CLERK