

O-23-29
7/19/23

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 33, "PLANNING AND DEVELOPMENT REGULATIONS" AND CHAPTER 35, "ZONING REGULATIONS"

BE IT ORDAINED, by the Municipal Council of the City of Bayonne, as follows:

SECTION 1: The Revised General Ordinances of the City of Bayonne, Chapter 33, "Planning and Development Regulations, Article II, "Definitions," Subsection 2.2 is hereby amended and supplemented as follows (additions ****between asterisks and/or in bold****, deletions {within brackets and/or ~~struck through~~):

****ELECTRONIC/VAPOR SUBSTANCE INHALATION SHOP**

Those businesses where customers can purchase electronic/vapor substance inhalation products, commonly known as "electronic cigarettes," "e-pipes," "e-hookahs," "electronic nicotine delivery systems" and other similar devices.

MASSAGE PARLOR

Any premises which are used, in whole or part, to administer acupressure, massage, bodywork or somatic therapy, or involving the act of holding, touching, positioning, mobilizing, applying friction or pressure manually and/or by mechanical or vibratory apparatus to body tissues, including, but not limited to, employing the procedures of acupressure, reflexology, moving, striking, pounding, rubbing, manipulating, kneading and/or tapping, or the use of oil rubs, heat lamps, salt glow, hot or cold packs, vibration, percussion, medical gymnastics, heliotherapy, external application of topical preparations, or tub, shower, or cabinet baths, but excluding the practice of medicine, physical therapy, or chiropractic by an osteopath, medical doctor, physical therapist, or chiropractor licensed to practice in the State of New Jersey.

TOBACCO OR SMOKE SHOP

Any store, stand, booth, concession or other place that either devotes a substantial portion of its display area (5% or more floor or wall space) to tobacco products, hookahs, electronic vapor devices, electronic inhalation substances or drug paraphernalia to purchasers for consumption or use.**

SECTION 2: The Revised General Ordinances of the City of Bayonne, Chapter 35, "Zoning Regulations, Section 4.2, "Uses Prohibited in All Districts" is hereby amended and supplemented as follows (additions ****between asterisks and/or in bold****, deletions {within brackets and/or ~~struck through~~):

****a.**** Any use which fails to comply with performance standards as defined herein shall be prohibited.

****b. Electronic/vapor substance inhalation shop and tobacco or smoke shops and massage parlors are prohibited in all zoning districts in the City of Bayonne.****

SECTION 3. If any section, paragraph, sub-section, clause or provision of this ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any part thereof.

SECTION 4. All ordinances or parts of ordinances of the City heretofore adopted that are inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. This Ordinance shall take effect twenty (20) days after final passage, adoption and publication according to law.