

**BERNARDSVILLE BOROUGH
ORDINANCE 2023-1979**

**PROHIBITING SMOKING IN OUTDOOR DINING AREAS IN THE
DOWNTOWN DISTRICT AND AMENDING ARTICLE 12 OF THE
BOROUGH CODE ENTITLED "ZONING"**

WHEREAS, section LD-12-12.9 of the Borough Land Development Regulations which regulates outdoor dining does not currently prohibit smoking; and

WHEREAS, the governing body believes that smoking in outdoor dining areas affects the health, comfort and convenience of staff members and other patrons of the restaurant and should be prohibited;

NOW THEREFORE, BE IT ORDAINED by the Council of the Borough of Bernardsville in the County of Somerset, State of New Jersey that the Borough Land Development Regulations are hereby supplemented and amended as follows:

Section 2. Paragraph "b" of section LD-12-12.9 entitled "Outdoor Dining" is hereby supplemented and amended by adding a new paragraph "g", which reads as follows:

"§ LD-12-12.9 Outdoor Dining.

Outdoor Dining shall be permitted within the Downtown District as accessory to an existing indoor restaurant only subject to the following regulations:

g. Smoking and the use of smokeless tobacco products is prohibited in all outdoor dining areas. For purposes of this section, "smoking" shall mean the inhaling, exhaling, burning, or carrying of a lighted or heated cigar, cigarette, pipe, electronic smoking device, or any other tobacco or plant product intended for human consumption through inhalation, in any manner or in any form.

Section 2. Any or all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 3. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 4. This ordinance shall become effective immediately upon final passage and publication as required by law.

COUNCIL OF THE BOROUGH OF
BERNARDSVILLE IN THE COUNTY
OF SOMERSET

ATTEST:

Anthony Suriano
Anthony Suriano, Borough Clerk

By: Mary Jane Canose
Mary Jane Canose, Mayor

1st Reading and Introduction: September 11, 2023
1st Publication: September 14, 2023
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Notice to Clerks of Adjoining Municipalities (if required): September 12, 2023
Notice to Affected Property Owners (if required): n/a
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