

**BOROUGH OF MIDLAND PARK
ORDINANCE #08-2024**

AN ORDINANCE TO AMEND CHAPTER 34 OF THE CODE OF THE BOROUGH OF MIDLAND PARK ENTITLED “ZONING”. (Vaping Restrictions)

BE IT ORDAINED by the Borough of Midland Park, in the County of Bergen, and State of New Jersey as follows:

Section 1.

Chapter 34 of the Code of the Borough of Midland Park, Zoning, §34-1.4.3, Prohibition of Vaping Products, be and is hereby amended to read as follows:

§34-1.4.3 Vaping Products; Restrictions.

Any business that has more than 15% of its sale items derived from vaping products, electronic smoking devices, related accessories, and liquid nicotine shall be deemed to be a vapor business and shall be prohibited. In the event the business does not sell these products exclusively, or otherwise are sold in a retail convenience store establishment whereby sales of such items do not exceed 15% of the retail sale items of the business, same shall be permitted. As used herein, the term retail convenience store establishment shall mean a retail business selling primarily food products, beverages, newspapers and magazines, candy, cigarettes, household items, and a limited amount of freshly prepared foods such as sandwiches and salads for off-premises consumption.

Section 2. Inconsistent Ordinances Repealed.

All Ordinances or parts of Ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed, but only to the extent of such inconsistencies.

Section 3. Effective Date.

This Ordinance shall take effect immediately upon final passage and publication as provided by law.

Wendy Martin, RMC, Borough Clerk

Harry Shortway, Jr., Mayor

Member	Motion	Second	Aye	Nay	Abstain	Absent
Sansone						
Braunius						
Kruis						
DeLuca						
Peet						
DeBlasio						

Introduced: May 9, 2024

Adopted: May 23, 2024