

ORDINANCE NO. 10-2025

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF SEA BRIGHT AMENDING CHAPTER 130, "LAND USE," OF THE CODE OF THE BOROUGH OF SEA BRIGHT TO PROHIBIT THE OPERATION OF TOBACCO ESTABLISHMENTS AND VAPE SHOPS AND TO PROHIBIT THE SALE OF THC PRODUCTS WITHIN SEA BRIGHT

WHEREAS, The New Jersey Legislature has declared that "Tobacco is the leading cause of preventable disease and death in the State and the nation" and that "Tobacco smoke constitutes a substantial health hazard to the nonsmoking majority of the public"; and,

WHEREAS, N.J.S.A. 40:55D-2a provides that one of the purposes of the Municipal Land Use Law is "to encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals and general welfare"; and,

WHEREAS, N.J.S.A. 26:3D-63 provides that the New Jersey Smoke-Free Air Act, N.J.S.A. 26:3D-55 to -64, permits municipalities to enact ordinances "which provide restrictions on or prohibitions against smoking equivalent to, or greater than, those provided" in that Act.

NOW THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Sea Bright in the County of Monmouth, State of New Jersey, as follows:

1. Article II "Terminology" of Chapter 130, "Land Use" of the Code of the Borough of Sea Bright, Section 130-5 "Definitions" is hereby amended by adding the following definition:

THC PRODUCTS - Products designed to be smoked or ingested which contain delta-9-tetrahydrocannabinol, except those products which contain an amount allowed by Federal law, State law or Federal or State regulation.

TOBACCO ESTABLISHMENT – Cigar Bars, Cigar Lounges as such terms are defined in N.J.S.A 26:3D-57 and/or an establishment in which at least 51% of retail business is the sale of tobacco products and/or accessories or paraphernalia and in which the sale of other products is merely incidental.

VAPE SHOP – Any premises dedicated as a principal business to display, sale, distribution, delivery, offering, furnishing, or marketing of electronic smoking devices, liquid nicotine containers or vapor product as defined by N.J.S.A. 26:3D-57, N.J.S.A. 2A:170-51.9(a)(2), N.J.S.A. 2A:170-51.9(a)(3) and N.J.S.A. 2A:170-51.9(a)(4), including an area for vaping. An area for vaping shall mean inhaling or exhaling smoke or vapor from any electronic smoking device.

2. Article VII, "Area, Bulk and Use Requirements," of Chapter 130, "Land Use," of the Code of the Borough of Sea Bright, Section 130-38, "Uses Permitted," subsection G, "Prohibited Uses," is hereby amended by adding to the list of prohibited uses, the following: "All Tobacco Establishments", "All Vape Shops" and "the sale of THC Products".

3. Any article, section, paragraph, subsection, clause, or other provision of the Code of the Borough of Sea Bright inconsistent with the provisions of this Ordinance is hereby repealed to the extent of such inconsistency.

4. If any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

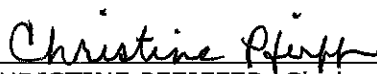
5. This ordinance shall take effect upon its passage and publication according to the law.

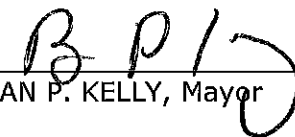
I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Sea Bright, introduced on July 15, 2025 and will be further considered after a Public Hearing held on August 19, 2025 in the Municipal Building at 1097 Ocean Avenue at 7:00 p.m.

INTRODUCED: July 15, 2025
PUBLIC HEARING: August 19, 2025
ADOPTED: August 19, 2025

Witness:

BOROUGH OF SEA BRIGHT


CHRISTINE PFEIFFER, Clerk


BRIAN P. KELLY, Mayor