

**BOROUGH OF OAKLAND  
BERGEN COUNTY, NEW JERSEY  
ORDINANCE #21-CODE-847**

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 3 OF THE CODE OF  
THE BOROUGH OF OAKLAND ENTITLED “POLICE REGULATIONS”, SECTION  
3-24 ENTITLED “SMOKE-FREE SCHOOL ZONES; UNDERAGE SMOKING”**

NOW, THEREFORE, BE IR ORDAINED, by the Mayor and Council of the Borough of Oakland, in the County of Bergen, State of New Jersey, as follows:

I. The Code of the Borough of Oakland, Chapter 3 “Police Regulations”, Section 3-24 “Smoke-Free School Zones; Underage Smoking” be and is hereby amended and supplemented as follows:

Section 1. Section 3-24 Smoke-Free School Zones; Underage Smoking is amended and supplemented as follows:

Section 3-24.1 Creation of Smoke-Free School Zones and Prohibition of Underage Smoking.

It shall be unlawful for any person under the legal age to smoke or use a tobacco product or regulated cannabis item, to smoke or use a tobacco product, regulated cannabis item or unregulated cannabis item in or on any public place or nonpublic place; and it shall be unlawful for any person to possess in open view an opened pack, opened carton or other opened container holding a tobacco product, regulated cannabis item or unregulated cannabis item, unless otherwise permitted by law, in any public place or nonpublic place, within a radius of 1,000 linear feet of any public or private school or secondary educational institution. This section shall not apply to individuals smoking or using a tobacco product or regulated cannabis item in a nonpublic place which constitutes the individual’s residence, or the residence of the minor and his or her parent or parents or guardian.

Section 3-24.2 Violations and Penalties

Section 3-24.2(A) Violations and Penalties Related to Tobacco Products.

A person under the legal age who violates the provisions of this section shall be subject to the following penalties:

1. First Offense. A fine of \$100 and/or educational projects designated by the Municipal Court.
2. Second and Subsequent Offenses. A fine of \$300 and/or a period of community

service and/or educational programs designated by the Municipal Court.

Section 3-24.2(B) Violations and Penalties Related to Regulated Cannabis Items.

A person who violates the provisions of this section shall be subject to punishment pursuant to N.J.S.A. 2C:33-15.

Section 3-24.3 Intent is deleted in its entirety.

Section 2.

All part of Ordinances inconsistent with this Ordinance are hereby repealed as to such inconsistent part and this Ordinance shall take effect after publication and passage in the manner provided by law.

Section 3.

If any section, subsection, paragraph, sentence, clause or word of this Ordinance shall be adjudged invalid by a Court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this Ordinance, it being intended that all such portions be severable in such event.

Section 4.

This ordinance shall take effect immediately upon publication and final passage according to law.

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Linda H. Schwager, Mayor

ATTEST:

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Lisa M. Duncan, Mayor