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All part of Ordinances inconsistent with this Ordinance are hereby repealed as to such inconsistent part and this Ordinance shall take effect after publication and passage in the manner provided by law.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

Linda H. Schwager, Mayor

ATTEST:

Lisa M. Duncan, Mayor

This is to certify that this is a true copy as adopted by the Mayor and Council of the Borough of Oakland at a meeting held on June 28, 2021.

Borough Clerk