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**AN ORDINANCE AMENDING CHAPTER 4 SECTIONS 33.1 AND 33.2 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE AND ESTABLISHING A SECTION GOVERNING THE CONSUMPTION OF CANNABIS IN PUBLIC AND SUPPLEMENTING CHAPTER 4 TO ADD A NEW SECTION 41 PROHIBITING ALCOHOL CONSUMPTION IN PUBLIC**

**BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY** that Chapter 4 of the Revised General Ordinances of the Township of West Orange be and are hereby amended and supplemented related to the prohibition of alcohol and cannabis to prevent such public drinking and cannabis use:

**I. AMENDMENTS TO CHAPTER 4, SECTIONS 33.1 AND 33.2**

**§ 4-33.1 Prohibition Against Smoking and Use of Tobacco or Cannabis Products**

a. Smoking of cigarettes, including electronic cigarettes, the use of tobacco products, and the smoking or consumption of cannabis products within public parks, playgrounds, ballfields and schoolgrounds shall be prohibited within the Township of West Orange.

b. Smoking of cigarettes, including electronic cigarettes, the use of tobacco products, and the smoking or consumption of cannabis products shall be prohibited within any park or parking lot thereof in the Township of West Orange.

**Deleted:** the Oskar Schindler Performing Arts Center located at 4 Boland Drive...

c. Pursuant to N.J.S.A. 2C:35-10a(c), no person shall smoke or otherwise consume cannabis on any of the public streets, sidewalks, parking lots, roadways, pathways, playgrounds, parks or quasi-public areas or any other public property whatsoever within the Township at any hour of the day or night.

**§ 4-33.2 Definitions**

**CANNABIS:**

Pursuant to N.J.S.A. 24-6I-33, "Cannabis" means all parts of the plant Cannabis sativa L., whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant, which are cultivated and, when applicable, manufactured in accordance with P.L.2021, c. 16 (C.24:6I-31 et al.) for use in cannabis products as set forth in this act, but shall not include the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. "Cannabis" does not include: medical cannabis dispensed to registered qualifying patients pursuant to the "Jake Honig Compassionate Use Medical Cannabis Act," P.L.2009, c. 307 (C.24:6I-1 et al.) and P.L.2015, c. 158 (C.18A:40-12.22 et al.); marijuana as defined in N.J.S.2C:35-2 and applied to any offense set forth in chapters 35, 35A, and 36 of Title 2C of the New Jersey Statutes, or P.L.2001, c. 114 (C.2C:35B-1 et seq.), or marihuana as defined in section 2 of P.L.1970, c. 226 (C.24:21-2) and applied to any offense set forth

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in the “New Jersey Controlled Dangerous Substances Act,” P.L.1970, c. 226 (C.24:21-1 et al.); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the “New Jersey Hemp Farming Act,” P.L.2019, c. 238 (C.4:28-6 et al.).

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#### **PUBLIC PARKS, PLAYGROUNDS AND BALLFIELDS**

Shall mean any place or area within the Township upon which the public is invited or upon which the public is permitted and where children gather for recreational activities.

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#### **SCHOOLGROUNDS**

Shall mean any grounds upon which a school is located excepting parking lots.

## **II. ESTABLISHING A PROHIBITION OF PUBLIC CONSUMPTION OF ALOCHOL**

### **§ 4-41.1—PURPOSE**

The Township has determined that the public drinking of alcoholic beverages by persons or groups of persons standing about on sidewalks, especially in the areas near taverns, or sitting in or standing about automobiles while drinking intoxicating beverages has created a public nuisance with the consequent result that the safety of persons lawfully using the streets and public areas has been affected and deems it in the public interest to prevent such public drinking and cannabis use.

This Section of Chapter 4 is hereby established to ban public drinking on public property.

### **§ 4-41.2—DEFINITIONS**

As used in this article, the following terms shall have the meanings indicated:

**ALCOHOLIC BEVERAGE**—Any fluid or solid capable of being converted into a fluid, suitable for human consumption, and having an alcoholic content of more than 1/2 of 1% by volume, including alcohol, beer, lager beer, ale, porter, naturally fermented wine, treated wine, blended wine, fortified wine, sparkling wine, distilled liquors, blended distilled liquors and any brewed, fermented or distilled liquors fit for use for beverage purposes or any mixture of the same and fruit juices.

### **§ 4-41.3—PUBLIC CONSUMPTION RESTRICTED; PERMIT**

No person shall consume alcoholic beverages on any of the public streets, sidewalks, parking lots, roadways, pathways, playgrounds, parks or quasi-public areas or any other public property whatsoever within the Township at any hour of the day or night. A special permit may be issued for alcohol in such areas in accordance with applicable statutes.

### **§ 4-41.4—VIOLATIONS AND PENALTIES**

Unless another penalty is expressly provided by New Jersey Statute, any person who violates any provision of this article shall, upon conviction thereof, be punished by a fine not less than \$100 and not exceeding \$2,000, or by a period not exceeding 90 days of community service or imprisonment. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

**§ 4-41.5—REPEAL OF CONFLICTING ORDINANCES**

Any Ordinances of the Township which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**§ 4-41.6—SEVERABILITY**

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

**§ 4-41.7—EFFECTIVE DATE**

This Ordinance shall take effect upon final passage and publication in accordance with the law.

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SUSAN McCARTNEY, MAYOR

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BILL RUTHERFORD,  
COUNCIL PRESIDENT

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KAREN J. CARNEVALE, R.M.C.  
MUNICIPAL CLERK

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INTRODUCED: September 10, 2024

ADOPTED: September 24, 2024

#### **Legislative History**

The Township has determined that the public drinking of alcoholic beverages and public use of cannabis by persons or groups of persons standing about on sidewalks, especially in the areas near taverns, or sitting in or standing about automobiles while drinking intoxicating beverages or using cannabis has created a public nuisance with the consequent result that the safety of persons lawfully using the streets and public areas has been affected and deems it in the public interest to prevent such public drinking and cannabis use. Thus, the Township is amending Chapter 4 to include a ban on public consumption of cannabis and alcohol.