

ORDINANCE NO. 2009-8

**ORDINANCE OF THE BOROUGH OF RED BANK,
COUNTY OF MONMOUTH, NEW JERSEY
AMENDING AND SUPPLEMENTING THE
CHAPTER XVIII, SECTION 9, "PARKS AND RECREATION"
AMENDING SECTION 18-9.3 TO REPEAL THE PROHIBITION AGAINST
PUBLIC INTOXICATION WITHIN BOROUGH PARKS**

WHEREAS, N.J.S.A. §26:2B-29 provides that no municipality shall adopt an ordinance, or other legislation creating an offense of public intoxication, or any equivalent offense, and further repealing any such existing ordinances, the Borough is thereby compelled to repeal those portions of its ordinances and regulations governing conduct within its public parks that are contrary to that statute;

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Red Bank that Chapter XVIII of the Revised General Ordinances of the Borough of Red Bank, Monmouth County, Section Nine, "Parks and Recreation" is hereby amended and supplemented as follows:

SECTION ONE: Subsection 18-9.3 is hereby amended and supplemented as follows (stricken text denotes deletions, underlined text denote additions):

18-9 RULES GOVERNING PARKS IN THE BOROUGH OF RED BANK.

While in a park, all persons shall conduct themselves in a proper manner and, in particular, everyone shall comply with the following rules in all parks of the Borough.

[...]

18-9.3 Alcoholic Beverages and Illegal Drugs. No one shall possess or consume ~~or~~ ~~be under the influence of~~ an alcoholic beverage or illegal or hallucinogenic drug.

[...]

SECTION TWO: Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of the Revised General Ordinances are ratified and remain in full force and effect.

SECTION THREE: If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION FOUR: This Ordinance shall take effect immediately upon its passage and adoption according to law.

First Reading: February 23, 2009

Final Reading: March 9, 2009