

Chapter 28

DRUG-FREE ZONES

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HISTORY: Adopted by the Mayor and Borough Council of the Borough of Seaside Park 4-6-2000 as Ordinance No. 1260.¹

Be it ordained by the Mayor and Council of the Borough of Seaside Park, in the County of Ocean and State of New Jersey, as follows:

§28-1. Approval of map.¹

In accordance with, and pursuant to, the authority of N.J.S.A. 2C:35-5 and 2C:35-7, the Drug-Free Zone Map produced by John E. Walsh, P.E., as Seaside Park Municipal Engineer under date of January 21, 1999 and under Index Number 73-000.041, as revised on July 6, 1999 and February 16, 2000, is hereby approved and adopted by the Borough of Seaside Park as an official finding and record of the location and areas within the municipality of property which are used for school purposes, which are owned by, or leased to, any elementary or secondary school or school board, and the areas within one thousand feet (1,000') of such school property; and areas within the municipality of property that comprise any public housing facility, public park, or other public building, and the areas within five hundred feet (500') of such public property.

§28-2. Adoption of map.

The Drug-Free Zones Map approved and adopted pursuant to this section shall continue to constitute an official finding and record as to the location and boundaries of areas on or within 1,000 feet of property owned by, or leased to, any elementary or secondary school or school board; and areas on or within 500 feet

of property that comprises a public housing facility, public park, or other public building, until such time, if any, that this section shall be amended to reflect any additions or deletions with respect to the location and boundaries of said properties and the Drug-Free Zones.

§28-3. Boundaries.

The school board, or the chief administrative officer, in the case of any private or parochial school, the Board of Trustees of the Public Library, and any other public or quasi-public agency or body having ownership and/or control of any public lands within the Borough of Seaside Park shall have the continued obligation to promptly notify the Borough Engineer and the Borough Attorney of any changes or contemplated changes in the location and/or boundaries of any public property which creates a 1,000 foot or 500 foot Drug-Free Zone.

§28-4. Copy of map on file.

The Clerk of the Borough of Seaside Park is hereby directed to receive and to keep on file the original map approved and adopted pursuant to this ordinance, and to provide, at a reasonable cost, a true copy thereof to any person, agency or court which may, from time to time, request such a copy, along with a certification that such copy is a true copy of the map approved and adopted herein and kept on file. It is further directed that a true copy of such map and of this section shall be provided to the County Clerk and to the Office of the Ocean County Prosecutor.

¹ EDITOR'S NOTE: Ord. No. 1260 also repealed former Chapter 28 (Drug-Free Zones) adopted 2-18-1999 as Ord. No. 1238.

§28-5. Findings.

The following additional matters are hereby determined, declared, recited and stated:

- A. It is understood that the map approved and adopted pursuant to this section was prepared and is intended to be used as evidence in prosecutions arising under the criminal laws of this State, and, that pursuant to State law, such map shall constitute *prima facie* evidence of the following:
1. The location of elementary and secondary schools within the municipality.
 2. The boundaries of the real property that is, and continues to be used for school purposes.
 3. That such property is and continues to be used for school purposes.
 4. The location and boundaries of areas which are on, or within, 1,000 feet of such school property.
 5. The location of property that comprises a public housing facility, public park, or other public building within the municipality.
 6. The boundaries of the real property that is, and continues to be used for public housing facility, public park, or other public purpose.
 7. The location and boundaries of areas which are on, or within, 500 feet of such public property.
- B. A prosecutor is not precluded from introducing or relying upon any other evidence or testimony to establish a violation of any offense defined in the statutes of this State, including the use of a map or diagram other than the one approved and adopted pursuant to this ordinance. The failure of the map approved and adopted herein to depict the location and boundaries of any property which is, in fact, used for school purposes, or for public purposes, or which is owned by or leased to any elementary or secondary school or school board, whether the absence of such depiction is the result of inadvertent omission or the result of any changes in the location and boundaries of such property which have not yet been incorporated into a revised approved map, shall not be deemed to be an official finding and record that such property is not owned by or leased to a school or school board, or that such property is not used for school purposes, or public housing facility, public park, or other public purpose within the municipality.
- C. The Municipal Engineer has complied with the statutory requirements concerning the preparation, approval and adoption of a drug-free zone map.

§28-6. Inconsistent ordinances repealed.

This ordinance repeals any inconsistent ordinance or ordinances or part or parts thereof.

§28-7. Severability.

If any section, subsection, paragraph, sentence or any part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance not directly involved in the controversy in which such judgment shall have been rendered.

§28-8. When effective.

This ordinance shall take effect immediately upon final passage and publication as required by law.