

CITY OF VINELAND

ORDINANCE NO. 2019- 19

ORDINANCE AMENDING ORDINANCE 88-87, AS AMENDED, CHAPTER 327 OF THE CODE OF THE CITY OF VINELAND ENTITLED DRUG-FREE ZONES SO AS TO INCLUDE PUBLIC HOUSING FACILITIES, PUBLIC BUILDINGS AND PARKS AS DRUG FREE ZONES AND TO ADOPT DRUG FREE MAPS INCLUDING A NEW DRUG FREE SCHOOL ZONE MAP.

WHEREAS, N.J.S.A. 2C:35-7 prohibits the distribution, dispensing or possession of controlled substances within areas designated as “drug free school zones” provided the municipality has adopted a map produced by the municipal engineer for the purpose of depicting the location and boundaries of the area on or within 1,000 feet of any property used for school purposes which is owned by or leased to any elementary or secondary school or school board, which map shall be admissible and constitute prima facia evidence of the location and boundaries of the area or areas on or within 1,000 feet of the school property; and

WHEREAS, City Council of the city of Vineland has adopted Ordinance No. 88-87 setting forth the drug free school zones within the City which, due to the additions of schools within the City, needs to be amended; and

WHEREAS, N.J.S.A. 2C:35-7.1 prohibits the distribution, dispensing or possessing with the intent to distribute a controlled dangerous substance or controlled substance analog while in, on or within 500 feet of the real property comprising a public housing facility, a public park or public building provided the City Engineer has produced a map depicting the location and boundaries of the area on or within 500 feet of a public housing facility as defined in N.J.S.A. 2C:35-7.1(e), a public park or public building; and

WHEREAS, the City of Vineland Housing Authority has endorsed the adoption of an Ordinance prohibiting the sale of such controlled substances within 500 feet of public housing facilities and City Council finds it to be in the best interest of the City to adopt a map to assist in the prosecution of persons violating N.J.S.A. 2C:35-7 and 2C:35-7.1; and

WHEREAS, the City Engineer has produced maps which accurately depict the location and boundaries of the area on or within 1,000 feet of any property used for school purposes which is owned by or leased to any elementary or secondary school or school board and the location and boundaries of the areas within 500 feet of the real property comprising a public housing facility, a public park and/or public building within the City of Vineland.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Vineland as follows:

Chapter 327 Article I Section 327-1 Drug Free School Zones Map approved and adopted shall be amended as follows:

Section 327-1 Map approved and adopted

In accordance with and pursuant to the authority of P.L. 1988, c.44 (N.J.S.A. 2C:35-7) as amended, the Drug Free School Zone Map produced on or about February 1, 2019 by David J. Maillet, City engineer, is hereby approved and adopted as an official finding and record of the location and areas within the City of Vineland of property which is used for school purposes and which is owned by or leased to any elementary or secondary school board and of the areas on or within 1,000 feet of such property.

Chapter 327 Article II shall be added as follows:

Article II Drug-Free Public Building Facility Zones

Section 327-6 Map approved and adopted

In accordance with and pursuant to the authority of P.L. 1988, c.44 (N.J.S.A. 2C:35-7.1), the Drug-Free Public Building Zone Map produced on or about February 1, 2019, by David J. Maillet, City Engineer, is hereby approved and adopted as an official finding and record of the location and areas within the City of Vineland of Real Property comprising a public building and which is owned by or leased to the City of Vineland and of the areas on or within 500 feet of such property upon which a public building is situated.

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Section 327-7 Map to constitute official finding

The Drug-Free Public Building Zone Map approved and adopted pursuant to § 327-6 of this article shall continue to constitute an official finding and record as to the location and boundaries of the areas on or within 500 feet of property owned by or leased to the City which is used for public purposes until such time, if any, as this article shall be amended to reflect any additions or deletions with respect to the location and boundaries of public buildings and drug-free zones.

Section 327-8 Copies to be kept on file; availability

The Clerk of the City of Vineland is hereby directed to receive and to keep on file the original of the map approved and adopted pursuant to § 327-6 of this article 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 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 hereby further directed that a true copy of such map and of this article shall be provided without cost to the Cumberland County Clerk and to the office of the Cumberland County Prosecutor.

Section 327-9 Additional Determinations

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

A. It is understood that the map approved and adopted pursuant to § 327-6 of this article was prepared and is intended to be used as evidence in prosecutions arising under the criminal laws of the State of New Jersey and that, pursuant to state law, such map shall constitute prima facie evidence of the following:

- (1.) The location of public buildings within the municipality.
- (2.) The boundaries of the real property which is owned by or leased to the City.
- (3.) That such property is and continues to be used for public purposes.
- (4.) The location and boundaries of areas which are on or within 500 feet of such public building.

B. All of the property depicted on the map approved and adopted herein as public building property was owned by the City of Vineland and was being used for public purposes as of February 1, 2019.

C. Pursuant to the provision of P.L. 1988, c.44, a prosecutor is not precluded from introducing or relying upon any other evidence or testimony to establish a violation of the offense defined in that statute, including use of a map or diagram other than the one approved and adopted pursuant to § 327-6 of this article. The failure of the map approved herein to depict the location and boundaries of any property upon which is located a public building and which is owned by or leased to the City, 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 the City.

D. All of the requirements set forth in P.L. 1988, c.44, concerning the preparation, approval and adoption of a drug-free school zone map, have been complied with.

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Article III Drug-Free Public Parks

Section 327-10 Map approved and adopted

In accordance with and pursuant to the authority of P.L. 1988, c.44 (N.J.S.A. 2C:35-7.1), the Drug-Free Public Parks Zone Map produced on or about February 1, 2019, by David J. Maillet, City Engineer, is hereby approved and adopted as an official finding and record of the location and areas within the City of Vineland of Real Property comprising a public park which is owned by or leased to the City of Vineland and of the areas on or within 500 feet of such public park.

Section 327-11 Map to constitute official finding

The Drug-Free Public Parks Zone Map approved and adopted pursuant to § **327-10** of this article shall continue to constitute an official finding and record as to the location and boundaries of the areas on or within 500 feet of property owned by or leased to the City which is used for public parks until such time, if any, as this article shall be amended to reflect any additions or deletions with respect to the location and boundaries of public parks and drug-free zones.

Section 327-12 Copies to be kept on file: availability

The Clerk of the City of Vineland is hereby directed to receive and to keep on file the original of the map approved and adopted pursuant to § **327-10** of this article 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 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 hereby further directed that a true copy of such map and of this article shall be provided without cost to the Cumberland County Clerk and to the office of the Cumberland County Prosecutor.

Section 327-13 Additional determinations

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

- A. It is understood that the map approved and adopted pursuant to § **327-10** of this article was prepared and is intended to be used as evidence in prosecutions arising under the criminal laws of the State of New Jersey and that, pursuant to state law, such map shall constitute prima facie evidence of the following:
 - (1.) The location of public parks within the municipality.
 - (2.) The boundaries of the real property which is owned by or leased to the City comprising public parks.
 - (3.) That such property is and continues to be used as a public park.
 - (4.) The location and boundaries of areas which are on or within 500 feet of such public parks.
- B. All of the property depicted on the map approved and adopted herein as public parks property was owned by the City of Vineland and was being used as a public park as of February 1, 2019.
- C. Pursuant to the provision of P.L. 1988, c.44, a prosecutor is not precluded from introducing or relying upon any other evidence or testimony to establish a violation of the offense defined in that statute, including use of a map or diagram other than the one approved and adopted pursuant to § **327-10** of this article. The failure of the map approved herein to depict the location and boundaries of any property which is, in fact, used as a public park and which is owned by or leased by the City, 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 by the City or that such property is not used as a public park.

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- D. All of the requirements set forth in P.L. 1988, c.44, concerning the preparation, approval and adoption of a drug-free public park zone map, have been complied with.

Article IV Drug-Free Public Housing Facilities

Section 327-14 Map approved and adopted

In accordance with and pursuant to the authority of P.L. 1988, c.44 (N.J.S.A. 2C:35-7.1), the Drug-Free Public Housing Facilities Zone Map produced on or about February 1, 2019, by David J. Maillet, City Engineer, is hereby approved and adopted as an official finding and record of the location and areas within the City of Vineland of Real Property comprising a public housing facility as defined in N.J.S.A. 2C:35-7.1 and of the areas on or within 500 feet of such public housing facility.

Section 327-15 Map to constitute official findings

The Drug-Free Public Housing Facilities Zone Map approved and adopted pursuant to § **327-14** of this article shall continue to constitute an official finding and record as to the location and boundaries of the areas on or within 500 feet of property deemed a public housing facility as defined in N.J.S.A. 2C:35-7.1 until such time, if any, as this article shall be amended to reflect any additions or deletions with respect to the location and boundaries of public housing facilities and drug-free zones.

Section 327-16 Copies to be kept on file; availability

The Clerk of the City of Vineland is hereby directed to receive and to keep on file the original of the map approved and adopted pursuant to § **327-14** of this article 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 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 hereby further directed that a true copy of such map and of this article shall be provided without cost to the Cumberland County Clerk and to the office of the Cumberland County Prosecutor.

Section 327-17 Additional determinations

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

- A. It is understood that the map approved and adopted pursuant to § **327-14** of this article was prepared and is intended to be used as evidence in prosecutions arising under the criminal laws of the State of New Jersey and that, pursuant to state law, such map shall constitute prima facie evidence of the following:
 - (1.) The location of public housing facilities within the municipality.
 - (2.) The boundaries of the real property upon which is located public housing facilities.
 - (3) That such property is and continues to be used for public purposes.
 - (4)The location and boundaries of areas which are on or within 500 feet of such public housing facilities.
- B. All of the property depicted on the map approved and adopted herein as public housing facilities property was being used for public housing facilities as defined in N.J.S.A. 2C:35-7.1 as of February 1, 2019.
- C. Pursuant to the provision of P.L. 1988, c.44, a prosecutor is not precluded from introducing or relying upon any other evidence or testimony to establish a violation of the offense defined in that statute, including use of a map or diagram other than the one approved and adopted pursuant to § **327-14** of this

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article. The failure of the map approved herein to depict the location and boundaries of any property which is, in fact, used for public housing facilities purposes, 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 a public housing facility as defined in N.J.S.A. 2C:35-71.

D. All of the requirements set forth in P.L. 1988, c.44, concerning the preparation, approval and adoption of a drug-free public housing zone map, have been complied with.

Passed first reading:

Passed final reading:

President of Council

Approved by the Mayor:

Mayor

ATTEST:

City Clerk