

C h a p t e r 4 2

DRUG-FREE SCHOOL ZONES

§ 41-1. Approval and adoption of drug-free school zone map.

§ 41-2. Location and boundaries of school property.

§ 41-3. Change in location or boundaries.

§ 41-4. Copy of map on file.

§ 41-5. Additional matters.

[HISTORY: Adopted by the Township Committee of Barnegat 8-15-88 as Ord. No. 1988-29. Amendment where applicable.]

§ 42-1. Approval and adoption of drug-free map.

In accordance with and pursuant to the authority of L. 1988, c. 44 (C. 2C:35-7), the drug-free school zone map produced on or about December 1987 by the Ocean County Engineer, is hereby approved and adopted as an official finding and record of the location and areas within the municipality of property which is used for school purposes and which is owned by or leased to any elementary or secondary school or school board, and of the areas on or within one thousand (1,000) feet of such school property.

§ 42-2. Location and boundaries of school property.

The drug-free school zone map approved and adopted pursuant to § 42-1 of this chapter shall continue to constitute an official finding and record as to the location and boundaries of areas on or within one thousand (1,000) feet of property owned by or leased to any elementary or secondary school or school board which is used for school purposes until such time if any that this chapter shall be amended to reflect

any additions or deletions with respect to the location and boundaries of school property and drug-free school zones.

§ 42-3. Changes in location or boundaries.

The school board, or the chief administrative officer in the case of any private or parochial school, is hereby directed and shall have the continuing obligation to promptly notify the County Engineer and the County Attorney of any changes or contemplated changes in the location and boundaries of any property owned by or leased to any elementary or secondary school or school board and which is used for school purposes.

§ 42-4. Copy of map on file.

The Clerk of the Municipality is hereby directed to receive and to keep on file a certified copy of the map approved and adopted pursuant to § 42-1 of this chapter, 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 hereby further directed that a true copy of such map and of this chapter shall be provided without cost to the County Clerk and to the office of the Ocean County Prosecutor.

§ 42-5. Additional matters.

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

- A. It is understood that the map approved and adopted pursuant to § 42-1 of this chapter 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 which is owned by or leased to such schools or a school board;

- (3) That such school property is and continues to be used for school purposes; and
 - (4) The location and boundaries of areas which are on or within one thousand (1,000) feet of such school property.
- B. (Except as is otherwise expressly noted on the face of the approved and adopted map.) All of the property depicted on the map approved and adopted herein as school property was owned by (or leased to) a school or school board and was being used for school purposes as of July 9, 1987, that being the effective date of L. 1987, c. 101 (C. 2C:35-7).
- C. Pursuant to the provisions of 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 § 42-1 of this chapter. The failure of the map approved herein to depict the location and boundaries of any property which is, in fact, used for school purposes and 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.
- D. All of the requirements set forth in L. 1988, c. 44 concerning the preparation, approval and' adoption of a drug-free school zone map have been complied with.