

## ORDINANCE 2019-04

### AN ORDINANCE TO ESTABLISH CHAPTER 183 AS “SMOKE AND TOBACCO FREE PARKS, RECREATIONAL AREAS, AND PUBLIC BUILDINGS” OF THE CODE OF THE TOWNSHIP OF LOWER ALLOWAYS CREEK.

WHEREAS, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good of government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, the state now expressly authorized municipalities to enact strict ordinances regulating smoking under N.J.S.A. 26:30-63; and

WHEREAS, N.J.S.A. 2C:33-13b also provides that the owner and/or operator of a public place, such as public parks and recreational areas, may prohibit smoking and Tobacco products on such property.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of Lower Alloways Creek that Chapter 183 to be known as “SMOKE AND TOBACCO FREE PARKS, RECREATIONAL AREAS AND PUBLIC BUILDINGS” be established as follows:

#### SECTION I

§183 – 1 **Definitions.** As used in this chapter, the following words shall have the following meanings:

ENCLOSED AREA - Shall mean all areas between a floor and a ceiling, extending to the outer perimeter walls of a structure.

MUNICIPAL BUILDINGS - Shall be all structures owned, leased, rented and/or operated by the Township of Lower Alloways Creek, and/or occupied by the employees and used for official business of the Township of Lower Alloways Creek, including all areas adjacent to such facilities and within 20 feet of such areas.

PARKS AND RECREATIONAL FACILITIES - shall include, but are not limited to, all public parks, playgrounds, basketball courts, swim club, tennis courts, ice skating areas, and ball fields publicly owned or leased by the Township of Lower Alloways Creek and all property owned or leased by the Township of Lower Alloways Creek upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities, including all areas adjacent to such facilities, including, but not limited to, any parking area, driveway or drive aisle and within 20 feet of such areas.

SMOKING - The burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking device.

SMOKELESS TOBACCO - All chewing tobaccos or similar type products meant to be placed and held within the mouth for a time in order to extract a flavor or juice and then expelled from the mouth.

#### § 183 -2. **Prohibition of Smoking in Public Places: Signs**

- A. Smoking shall be prohibited in all municipal buildings as defined herein. No- Smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently and conspicuously posted at each municipal building entrance and within each closed area where smoking is prohibited by this chapter. The signs shall be clearly visible to the public and shall contain letters or a symbol which contrast in color with the sign, indicating that

smoking is prohibited therein. The sign shall also indicate that violators are subject to a fine.

- B. Smoking shall be prohibited within a twenty (20) foot radius of the front entrance of all municipal buildings. No-smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently and conspicuously posted both on the building and at the thirty-five foot perimeter of the front entrance of all municipal buildings where smoking is prohibited by this chapter. The sign shall be clearly visible to the public and shall contain letters or a symbol which contrast in color with the sign, indicating that smoking is prohibited therein. The sign shall also indicate that violators are subject to a fine.
- C. Smoking shall be prohibited in, but are not limited to, all public parks, playgrounds, basketball courts, tennis courts, ball fields, and recreation facilities owned or leased by the Township of Lower Alloways Creek and all property owned or leased by the Township of Lower Alloways Creek upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities, including all areas adjacent to such facilities, including, but not limited to, any parking area, driveway or drive aisle and within fifteen (15) feet of such areas, which have been designated with no-smoking signs. No-smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently and conspicuously posted in all areas regulated by this chapter. The signs shall be clearly visible to the public and shall contain letters or a symbol which contrast in color with the sign, indicating that smoking is prohibited at the designated area. The sign shall also indicate that violators are subject to a fine.
- D. Smoking, electronic smoking devices and Smokeless Tobacco shall be prohibited in any vehicle registered to the Township of Lower Alloways Creek.

#### § 183-3. **Enforcement.**

The enforcement authority of this chapter shall be any member of the public and the Police of the Township of Lower Alloways Creek.

#### § 183 -4. **Violations and Penalties**

Any person who violates any provision of this chapter shall be subject to a fine of fifty dollars (\$50.00).

#### SECTION II

If any section or provision of this ordinance shall be invalid in any court the same shall not affect the other sections or provisions of this ordinance except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

#### SECTION III

All ordinances or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistency.

#### SECTION IV

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

**Public Hearing on this Ordinance shall be on Tuesday April 16, 2019 at 7:30 p.m., at the Municipal Building, 501 Locust Island Road, Hancock's Bridge, New Jersey.**

This Ordinance which was introduced for First Reading on March 19, 2019 shall be published by Title in the South Jersey Times and placed on the Township's Bulletin Board and official website giving notice of said Public Hearing as required by Law.

Introduction: MAY 19, 2019

COMMITTEE MEMBER	MOVE	SECOND	YES	NO	ABSTAIN	ABSENT
MR. BRADWAY		S	Y			
MR. PALOMBO			Y			
MR. VENABLE	M		Y			
MAYOR POMPPER			Y			

Final: APRIL 16, 2019

COMMITTEE MEMBER	MOVE	SECOND	YES	NO	ABSTAIN	ABSENT
MR. BRADWAY		S	Y			
MR. COLLIER			Y			
MR. PALOMBO			Y			
MR. VENABLE	M		Y			
MAYOR POMPPER			Y			

Attest

Township of Lower Alloways Creek

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Ronald L Campbell Sr., Clerk

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Mayor, Ellen B. Pompper