

**ORDINANCE OF THE BOROUGH OF AUDUBON PARK, COUNTY OF CAMDEN, AND STATE
OF NEW JERSEY PROHIBITING SMOKING OR USE OF TOBACCO RELATED PRODUCTS
UPON PUBLIC PROPERTY CONTAINING MUNICIPAL BUILDINGS AND OTHER
IMPROVEMENTS – NO. 2016-02**

WHEREAS, the laws of the State of New Jersey prohibit the use of tobacco in all public schools, public school grounds, and public buildings, recognizing the dangers of the use of tobacco including second hand smoke; and

WHEREAS, the Borough Council of the Borough of Audubon Park recognizes the well-known health and safety risks associated with the use of tobacco and tobacco related products and finds that it is in the best interest of the health, safety and welfare of the general public to prohibit the use of tobacco and tobacco related products on all property owned by the Borough of Audubon Park which have constructed thereon public buildings and other improvements which are open to the public or which the public may be invited; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the borough of Audubon Park as follows:

SECTION 1. DEFINITIONS

Whenever used in this Ordinance, the following words shall have the following meanings:

SMOKING – The burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, cigarillo or pipe or any other matter or substances which contains tobacco.

ELECTRONIC SMOKING DEVICE – The use of an electronic device that can be used to deliver nicotine or other substances to the person inhaling the device, including, but not limited to, an electronic cigarette, cigar cigarillo or pipe.

HEALTH DEPARTMENT – The Borough of Audubon Park Health Department and may be referred to in this article as the “Department”.

HEALTH OFFICER – The administrative officer of the Borough of Audubon Park Health Department and/or his or her authorized representative.

MUNICIPAL BUILDINGS AND IMPROVEMENTS – Shall include all structures owned, leased, rented and/or operated by the Borough of Audubon Park and/or occupied by Borough Employees which are open to the public or which the public may be invited.

TOBACCO PRODUCTS – Any product containing tobacco or nicotine, including but not limited to cigars, cigarillos, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, snus, and electronic cigarette cartridges.

SECTION 2. SMOKING OR USE OF TOBACCO PRODUCTS ON PUBLIC PROPERTY UPON WHICH IS CONSTRUCTED A PUBLIC BUILDING OR OTHER IMPROVEMENTS OPEN TO THE PUBLIC OR TO WHICH THE PUBLIC MAY BE INVITED IS PROHIBITED

No person shall engage in Smoking or use of Tobacco Products while on the grounds upon which are constructed municipal buildings and improvements, including contiguous properties owned, leased, rented and/or operated by the Borough of Audubon Park regardless of whether any municipal building and improvement is constructed thereon.

SECTION 3. ENFORCEMENT

- A. This Article shall be enforced by the Health Officer or the Police Department or any other person charged with the enforcement of ordinances in the Borough of Audubon Park.
- B. It shall be unlawful for any person to molest, willfully oppose, verbally abuse or otherwise obstruct the health Officer or a member of the Police Department or their designee executing their official duty in a manner prescribed by law.
- C. Citizens may bring complaints against violators of this Article.

SECTION 4. VIOLATIONS AND PENALTIES

Any person found to be in violation of this Article shall, upon conviction, be subject to the following penalties:

- A. A fine of not less than \$50 but not exceeding \$100 for the 1st offense;
- B. A fine of not less than \$100 but not exceeding \$200 for the 2nd offense;

C. A fine of not less than \$200 but not exceeding \$500 for the 3rd offense.

BE IT FURTHER ENACTED by the Borough Council of Audubon Park that;

1. Severability. If any provision of this Ordinance shall be held invalid, or contrary to the law then such provision of the Ordinance shall be deemed separable from the remaining provisions of this Ordinance and shall not affect the validity of the other provisions of this Ordinance.
2. Effective Date. This Ordinance shall take effect twenty (20) days following action or inaction by the Mayor, as provided by law or on an override of a mayoral veto by the council, whichever is applicable in accordance with law.
3. Publication. A notice of action shall be published in the official newspaper authorized to publish legal notice for the Borough of Audubon Park as required by law.

Attest:

BOROUGH OF AUDUBON PARK

LAWRENCE E. PENNOCK, MAYOR

Introduced: March 7, 2016

Adopted: April 4, 2016

Certified to be a true copy of an Ordinance adopted by the Mayor and Borough Council of the Borough of Audubon Park at a regular meeting held on _____.

DAWN M. PENNOCK, MUNICIPAL CLERK