

MORAN/JENKINS  
01-08-13

**ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER 529 (TOBACCO)  
TO BAN SMOKING AND TOBACCO USE IN  
CITY-OWNED PLAYGROUNDS AND PARKS  
IN THE CITY OF CAMDEN**

WHEREAS, Chapter 529 of the Municipal Code of the City of Camden ("Code") governs tobacco use in the City of Camden; and

WHEREAS, Chapter 529 of the Municipal Code needs to be further amended to protect life and property from fire, as well as protect the public health; and

WHEREAS, the State of New Jersey Smoke-Free Air Act N.J.S.A. 26:3D-55 et seq. (the "Act") authorizes local restrictions on smoking equivalent to, or greater than those provided in the Act for purposes of protecting life and property from fire, as well as protecting the public health; and

WHEREAS, there is no safe level of exposure to second-hand smoke, a Class "A" carcinogen. Such smoke aggravates and increases the risk of chronic diseases including asthma, allergies, heart disease, pneumonia, emphysema, lung cancer, chronic bronchitis, and diabetes, according to a U.S. Surgeon General 2006 Report; and

WHEREAS, studies have shown that breathing environmental tobacco smoke is a significant health hazard for children, the elderly, and individuals with cardiovascular disease, impaired respiratory function, and asthma; and

WHEREAS, besides lung cancer, tobacco use also increases the risk for cancers of the mouth, lips, nasal cavity (nose) and sinuses, larynx (voice box), pharynx (throat), esophagus (swallowing tube), stomach, pancreas, kidney, bladder, uterus, cervix, colon/rectum, ovary (mucinous), and acute myeloid leukemia. (Source: American Cancer Society, "Cancer Facts & Figures 2012")

WHEREAS, this City Council believes the general health and well-being of its residents and children is a priority and the banning of smoking and tobacco use on all City-owned playgrounds and parks in Camden would benefit all residents; and

WHEREAS, it is in the best interests of the City of Camden to designate all City-owned playgrounds and parks in Camden as "Smoke and Tobacco Free Zones"; now, therefore

BE IT ORDAINED, by the City Council of the City of Camden as follows:

SECTION 1. Chapter 529 (Tobacco) of the Municipal Code of the City of Camden is hereby amended and supplemented to add a new Article II as follows:

**Chapter 529. TOBACCO**

**Article II.**

**§ 529-5. City-Owned Playgrounds and Parks as Designated  
"Smoke and Tobacco Free Zones."**

The smoking and use of tobacco products is hereby banned in all City-owned playgrounds and parks in the City of Camden, which areas are hereafter designated as "Smoke and Tobacco Free Zones." Accordingly, it shall be unlawful for any person, regardless

of age, to smoke or use a tobacco product in any City-owned playground or park or to possess in open view a cigarette, cigar or any other tobacco product, an opened cigarette pack, opened carton or other opened container (as evidenced by a broken seal) holding a tobacco product.

**§ 529-6. Violations and penalties.**

Unless otherwise provided in the chapter, penalties against persons violating the provisions of this article shall be imposed in accordance with the provisions of § 1-16A.

SECTION 2. Any portion of Chapter 529 of the Municipal Code not herein amended and supplemented shall remain in full force and effect.

SECTION 3. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency only.

SECTION 4. If any provision of this ordinance is declared invalid, such invalidity shall not effect the other provisions of this ordinance. Furthermore, the other provisions of this ordinance are deemed to be severable and remain in full force and effect.

SECTION 5. This Ordinance shall take effect twenty (20) days after its final passage and publication as provided by law.

BE IT FURTHER ORDAINED, that pursuant to N.J.S.A. 52:27BBB-23 and N.J.S.A. 40:69A-41, a true copy of this Ordinance shall be forwarded to the Mayor, who shall have ten (10) days from the receipt thereof to approve or veto this Ordinance. Additionally, pursuant to N.J.S.A. 52:27BBB-23, a true copy of this Ordinance shall be forwarded to the State Commissioner of Community Affairs, who shall have ten (10) days from the receipt thereof to veto this Ordinance, and the action by the Commissioner regarding this Ordinance shall supersede any action by the Mayor on the same Ordinance. All notices of approval and/or veto shall be filed in the Office of the Municipal Clerk.

Date of Introduction: January 8, 2013

The above has been reviewed  
and approved as to form.

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MARC A. RIONDINO  
City Attorney

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FRANCISCO MORAN  
President, City Council

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DANA L. REDD  
Mayor

ATTEST: \_\_\_\_\_  
LUIS PASTORIZA  
Municipal Clerk