

**BOROUGH OF DEMAREST  
County of Bergen**

**ORDINANCE – 1036-16**

**AN ORDINANCE AMENDING THE BOROUGH  
OF DEMAREST CODE CHAPTER 143, ENTITLED “SMOKING”**

**WHEREAS**, the Borough of Demarest has determined that it is desirable and proper to amend its smoking ordinance to better provide for the safety of the public;

**NOW THEREFORE**, be it ordained and enacted by the Mayor and Council of the Borough of Demarest, County of Bergen, State of New Jersey, as follows:

Chapter 143 of the Borough Code, entitled “Smoking” is hereby amended as follows:

**§ 143-1. Definitions.** As used in this chapter, the terms below shall have the following meanings:

**PUBLIC PLACES.** All public parks, playgrounds, ball fields, schools, and indoors of any publicly owned or leased place by the Borough and all property owned or leased by the Borough 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, drive aisle, and places of public accommodation, where such smoking is prohibited by the owner, or persons responsible for operation of the public place, and where adequate notice of such prohibition has been conspicuously posted.

**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, including but not limited to the use of an electronic smoking device, such as any device that can be used to deliver nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, or pipe, or any cartridge or other component of the device or related product.

TOBACCO. Any product containing any tobacco for personal consumption including, but not limited to, cigars, little cigars, cigarillos, chewing tobacco, pipe tobacco, smoking tobacco and their substitutes, and dry and moist snuff.

**§ 143-2. Prohibition of Smoking in public places; signs.**

A. Smoking shall be prohibited in all public places as defined herein.

B. Smoking shall be prohibited in all parks and recreational facilities and within a thirty-five foot (35 foot) radius of the front entrance of all parks and recreational facilities. 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 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.

**§ 143-3. Enforcement.** Enforcement of this chapter shall be within the authority of the Police Department, Fire Department, Recreation Department, Public Works Department and Health Department of the Borough.

**§ 143-4. Violations and penalties.** Any person who violates any provisions of this chapter shall, upon conviction, be subject to a fine not to exceed \$200 for the first offense, \$500 for the second offense and \$1,000 for each subsequent offense, or by a period not to exceed 90 days of community service, or both of the above, imposed by and in the discretion of the Municipal Court. Any municipal employee found in violation of this chapter may also be subject to discipline in accordance with the provisions of the Borough's policies and procedures.

**§143-5. Repealer.** All Ordinances or parts of Ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflicts;

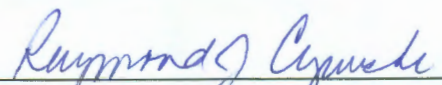
**§143-6. Severability.** If any section or part of clause or phrase in any section of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this Ordinance and a reviewing court may make such changes as may be required to give full weight and effect to the intent of this Ordinance.

**§143-7. Effective Date.** This Ordinance shall take effect immediately upon passage and publication and shall be applied to any pending qualifying Proceedings.

ATTEST:

BOROUGH OF DEMAREST

  
\_\_\_\_\_  
SUSAN CROSMAN  
Borough Clerk

By:   
\_\_\_\_\_  
RAYMOND CYWINSKI  
Mayor