



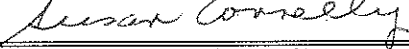
**2015
BOROUGH OF DUMONT
ORDINANCE**

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
CORREA	✓			
HAYES	✓			
MANNA	✓			
MORRELL	✓			
RIQUELME				✓
ZAMECHANSKY	✓			
MAYOR KELLY				
TOTALS	5			1

Ordinance No. 1494
Date: December 1, 2015
Page: 1 of 5
Subject: Smoking Regulated in Public Areas
Purpose: Approval
Dollar Amount: _____
Prepared By: Gregg Paster, Esq.

Offered by: Hayes
Seconded by: Manna

Certified as a true copy of an Ordinance Adopted on 2nd Reading by the Governing Body of the Borough of Dumont on the above date at a Public Meeting by:


Susan Connelly, RMC, Municipal Clerk
Borough of Dumont, Bergen County, New Jersey

ORDINANCE ESTABLISHING CHAPTER 360-REGULATING SMOKING IN AND UPON PUBLIC BUILDINGS AND PUBLIC PROPERTIES, PARKS, PLAYGROUNDS AND RECREATIONS AREAS ENTITLED "SMOKING PROHIBITED" OF THE ORDINANCES OF THE BOROUGH OF DUMONT

BE IT ORDAINED by the Mayor and Council of the Borough of Dumont, County of Bergen, State of New Jersey, as follows:

Section 1. Chapter 360 be and is hereby established as a new Chapter of the Borough Code with the addition of this Chapter, entitled Smoking.

Chapter 360

Section 1: **Findings**

The Mayor and Council of the Borough of Dumont hereby find and determine that:

- a. The smoking of tobacco products is a major contributor to indoor air pollution and breathing second-hand smoke is a cause of disease to non-smokers;
- b. Reliable studies have shown that environmental tobacco smoke is a cause of cardiovascular disease, impaired respiratory function and asthma;
- c. The United States Department of Environmental Protection (USEPA) has designated second-hand smoke as a Class A carcinogen as well as a significant cause of respiratory problems in children;
- d. The U.S. Surgeon General has found that the active smoking of tobacco products and the passive inhalation of environmental tobacco smoke are the most prevalent causes of preventable death, disease and disability;
- e. The U.S. Surgeon General has found that separating smokers from non-smokers within the same air space does not eliminate the exposure of non-smokers to environmental tobacco smoke;
- f. The State of New Jersey has acknowledged that careless smoking is the leading cause of death from fire;
- g. Smoking leads to the inevitable discard of tobacco products and a source of litter by those who fail to properly dispose of cigar, cigarette, pipe or other combustible tobacco product in any manner or in any form.
- h. The State Legislature has deemed the control of smoking to be a necessary and proper exercise of municipal authority pursuant to N.J.S.A. 40:48-1 et seq., 40:48-2 et seq., N.J.S.A. 26:3D-46 et seq. and N.J.S.A. 2C:33-13 for the preservation of public health, safety and welfare of the community.

Section 2. **Definitions.**

As used in this section:

Common Area shall mean the walkways, lawns, yards, gardens of any public building and all accessory structures, improvements or appurtenances used for the management, operation, or maintenance of the public building.

Person shall mean any individual, partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignee or any other legal entity.

Public Building shall mean any building, structure, facility or complex used by the general public, or to which the general public is invited; which is owned, leased, operated or under the ownership or control of the Borough of Dumont (Dumont Board of Education has its own policy).

Smoking shall mean the inhaling, exhaling, burning, or possession of any lighted cigar, cigarette, pipe or other combustible tobacco product in any manner or in any form, including the vapor from electronic smoking devices.

Section 3. **Smoking Prohibited-Locations.**

- a. Except as otherwise provided herein, smoking shall be prohibited in the following places:
 1. Every room, chamber, lobby, hallway, restroom, plaza, and other common areas in and upon any public building;
 2. Any entrance or exit areas of any public buildings where smoke may enter the air people breathe through such entrances, exits, windows or ventilation systems.
 3. Any vehicles owned and/or leased, in part or entirely, by the Borough of Dumont.
 4. On any public property including parks, recreations areas, playgrounds, and swimming pools. This prohibition on smoking shall not apply to individuals in privately owned vehicles, provided that all debris is retained within the vehicle.

Section 4. **Signs.**

"Smoking" or "No Smoking" signs, as appropriate, or the international, "No Smoking" symbol (a picture of a burning cigarette inside a red circle with a red bar across it) shall be clearly and conspicuously posted by the owner, operator, manager, employer or such other person in control of every public building where smoking is controlled by this chapter. The color of such signs, when not of the international type, shall have letters that are distinct, contrasting to the background and easily read. Letters shall have a minimum height of three-quarters of an inch and should be posted in English. The "No Smoking" signs shall be posted, at a minimum, on every doorway which provides an entry to the building. The "Smoking" signs shall be posted only in those areas so designated by the governing body provided by this chapter.

Section 5. **Enforcement.**

The provisions of this article shall be enforceable by a police officer, employee or elected official of the Borough of Dumont, as well as by any other individual who observes a violation. Any person seeking to enforce the provision of this ordinance shall be authorized to file a complaint with the Police Department of the Borough of Dumont.

Section 6. **Violations and Penalties.**

- a. It shall be unlawful for any person to smoke in any area where smoking is prohibited under this chapter.
- b. Unless a greater fine is permitted under N.J.S.A. 26:3D-56 et seq., for smoking in specific areas defined therein, in which case such higher level of fine shall be imposed, any person who smokes in an area in which smoking is prohibited hereunder shall be guilty of a disorderly persons offense and subject to a maximum fine of \$200 for each violation pursuant to N.J.S.A. 2C:33-13.
- c. Any person found guilty defacing, tampering with or removing "No Smoking" or "Smoking" signs which are required by this chapter shall be guilty of a disorderly persons offense and subject to a maximum fine of \$200, plus the cost of replacing the sign.
- d. Any juvenile adjudicated to have violated the provisions of this article shall be subject to such penalties, fines or other discipline as may be imposed upon an adult pursuant to this chapter.

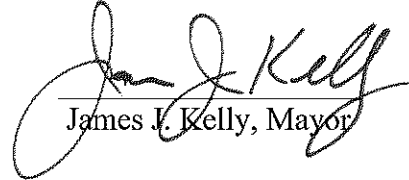
Section 7. **Chapter 283** Parks, Playgrounds and Recreation Areas, Section 14, entitled 'Smoke Free Playgrounds and Recreation Areas' to include of the following:

a. *Smoking Prohibited.* Smoking and/or the carrying of a lighted cigarette, cigar, pipe or other combustible substance, in any manner or any form, including vapor from an electronic smoking device, shall be prohibited at all times, in all Borough parks, playgrounds, playing fields, recreation facilities, and recreational areas. This includes all public areas adjacent to such parks and facilities, including but not limited to the seating areas, paths, walkways, or drive aisles.

Section 8. All ordinances of the Borough of Dumont that are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

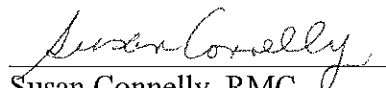
Section 9. If any subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid in any Court of competent jurisdiction, such decision shall not affect the remaining portion of this Ordinance.

Section 10. This Ordinance shall take effect following final passage and publication in accordance with law.



James J. Kelly, Mayor

Attest:



Susan Connelly, RMC
Municipal Clerk

Introduced: November 10, 2015
Adopted: December 1, 2015