

ORDINANCE NO. 4134-16

AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, TO AMEND THE MUNICIPAL CODE OF THE TOWNSHIP OF FRANKLIN WITH THE ADDITION OF NEW CHAPTER 300, TO BE ENTITLED, NO SMOKING ON PUBLIC PROPERTY

See attachments.

WHEREAS, pursuant to N.J.S.A. 26:3-1, the Township Council of the Township of Franklin 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 previous State legislation which prohibited municipalities from passing strict local smoking laws that differed from the State standards was repealed and the State now expressly authorizes municipalities to enact strict ordinances regulating smoking under N.J.S.A. 26:3D-63;and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 on such property; and

WHEREAS, Franklin Township Council recognizes the well-known health and safety risks posed by smoking and finds that it is within the public interest to prohibit smoking in public buildings and on public property, such as public parks and recreation areas; and

WHEREAS, the Franklin Township and MAPSA has determined that the public health interest is especially implicated in preventing the youth of Franklin Township from being exposed and succumbing to the temptation of experimenting with tobacco products; and

WHEREAS, the Franklin Township Council also finds that the appearance of parks, recreation areas and the public pool can be enhanced and the limited resources of the Department of Public Works and Recreation can be conserved if smoking were to be banned from such areas, thereby keeping such areas free of the litter typically generated by the smoking of cigarettes, such as cigarette butts, ashes, and packaging.

NOW, THEREFORE BE IT ORDAINED, by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey as follows:

SECTION I.

Franklin Township



In Somerset County

The Code of the Township of Franklin is hereby amended with the addition thereto a new chapter to be **Chapter 300, No Smoking on Public Property**, to read as follows:

- §300-1. **Definitions.**
- §300-2. **Prohibition of Smoking in Public Places; Signs**
- §300-3. **Violations and Penalties**
- §300-4. **Enforcement**

§300-1. **Definitions.**

As used in this Chapter, the following words shall have the following meanings:

Township shall mean Franklin Township.

Municipal Buildings shall include all structures owned and /or operated by the Township of Franklin and/or occupied by Township employees and used for the conduct of official business of the Township of Franklin.

Township Facilities are defined as all Parks and Recreational Facilities, including all public parks, playgrounds, athletic fields and parking lots publicly owned by the Township of Franklin and all the property owned by the Township 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.

Smoking shall mean 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.

§300-2. **Prohibition of Smoking in Public Places; Signs**

- A. Smoking shall be prohibited on all municipal property, both indoors and outdoors, including the Municipal Building, Police Headquarters, the Community/Senior Center, Community Resource and Services, the Department of Public Works and in any other Municipal Building or facility owned and operated by the Township of Franklin. No smoking signs or the international No-Smoking symbol (consisting of a pictorial

Franklin Township



In Somerset County

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 the entrance to each municipal building facility. 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 must also indicate the violators are subject to a fine. The signs shall be written in English and Spanish in accordance with N.J.S.A. 26:3D-55.

- B. Smoking shall be prohibited in all public parks and recreation facilities, athletic fields, playgrounds, pool facility, and other recreational facilities owned and operated by the Township of Franklin upon which the public is invited or upon which the public is permitted and where individuals gather for recreational and leisure activities including all areas adjacent to such facilities including but not limited to any parking areas, driveway or drive aisle which has 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 at the entrance to each facility. 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 prohibited therein. The sign must also indicate the violators are subject to a fine. The signs shall be written in English and Spanish in accordance with N.J.S.A. 26:3D-55.
- C. The smoking shall be prohibited in any vehicle registered, owned and operated by the Township of Franklin.

§300-3. Violations and Penalties

Any person who violates any provision of this Chapter shall be subject to a fine of not less than \$250.00 for the first offense; \$500.00 for the second offense and \$1,000.00 for each subsequent offense. In addition, any municipal employee found in violation of this Chapter may also be subject to disciplinary action in accordance with the Township's Policies and Procedures governing discipline.

§300-4. Enforcement

The provisions set forth under this Chapter shall be enforced by the Franklin Township Police Department.

Section II.

Franklin Township

In Somerset County



Council Chambers
475 DeMott Lane
Somerset, NJ 08873
732.873.2500
Fax: 732.873.1059
www.franklintwpnj.org

Township Council

Ann Marie Marie McCarthy
Township Clerk
annmarie.mccarthy@twp.franklin.nj.us

MEMORANDUM

To: Bob Vornlocker Pending
Ann Marie Marie McCarthy Pending
Township Council Pending 02/23/2016 7:00 PM

From: Ann Marie Marie McCarthy, Township Clerk

Date: 2/23/2016

RE: 4134-16

AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN,
COUNTY OF SOMERSET, STATE OF NEW JERSEY, TO
AMEND THE MUNICIPAL CODE OF THE TOWNSHIP OF
FRANKLIN WITH THE ADDITION OF NEW CHAPTER 300,
TO BE ENTITLED, NO SMOKING ON PUBLIC PROPERTY

See attachments.

Franklin Township



In Somerset County

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

Section III.

If any word, phrase, clause, section or provision of this ordinance shall be found by any Court or competent jurisdiction to be unenforceable, illegal or unconstitutional, such work, phrase, clause, section, or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.

Section IV.

The ordinance shall take effect immediately upon final passage and publication as required by law.

ORDINANCE NO. 4134-16

This is a true copy of an ordinance adopted by the Township Council, Township of Franklin, Somerset County, New Jersey.

Introduced: 2/23/2016

Public Hearing:

Adoption:

Published:

Effective: