

ORDINANCE #14-13

**AN ORDINANCE AMENDING CHAPTER 3 POLICE REGULATIONS
OF THE REVISED GENERAL ORDINANCES OF THE TOWN OF GUTTENBERG
COUNTY OF HUDSON AND STATE OF NEW JERSEY**

WHEREAS, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-law 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 preservation of the public health, safety and welfare of the municipality and its inhabitants, and as many 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which prohibited municipalities from passing strict local smoking laws that differed from the State standards was repealed and the State now expressly authorizes municipalities to enact strict ordinances regulating smoking under N.J.S.A. 26:3D-63; and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, the Mayor and 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 Mayor and Council has determined that the public interest is especially implicated in preventing the youth of Guttenberg from being exposed and succumbing to the temptations of experimenting with tobacco products; and

WHEREAS, the Mayor and Council also finds that the appearance of parks and recreation areas can be enhanced and the limited resources of the Town's Department of Public Works 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 Mayor and Council of the Town of Guttenberg that Chapter 3, Police Regulations is amended as follows:

3-10 Smoking on Public Property

3-10.1 Definitions. As used in this chapter, the following words shall have the following meanings:

ENCLOSED AREA- shall mean all areas between a floor and a ceiling, extending to the outer perimeter walls of a structure.

PARKS AND RECREATIONAL FACILITIES - shall include all public parks, playgrounds and ball fields publicly owned or leased by the Town of Guttenberg and all property owned or leased by the Town of Guttenberg 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 - 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.

3-10.2 Prohibition of smoking in public places

Smoking shall be prohibited in all public parks and recreation facilities owned or leased by the Town of Guttenberg and all property owned or leased by the Town of Guttenberg 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, which have been designated with no-smoking signs.

3-10.3 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 in all areas regulated by this chapter. The signs shall be clearly visible to the public and shall contain letters or a symbol which contrasts in color with the sign, indicating that smoking is prohibited at the designated area. The sign shall also indicate that violators are subject to a fine.

3-10.4 Enforcement

The enforcement authority of this chapter shall be the Police Department and Health Department of the Town of Guttenberg.

3-10.5 Violations and penalties

Any person who violates any provision of this chapter shall be subject to a fine of not less than \$50 for the first offense and \$100 for the second offense.

If any section or provision of this ordinance shall be invalid in any court the same shall not affect the other sections or provisions of this ordinance.

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

The Ordinance shall become effective immediately upon final adoption and publication thereof according to law.

/S/ Alberto Cabrera
Introduction: 4.22.13
Adoption: 5.28.13

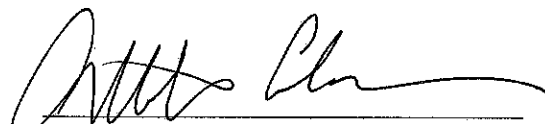
**ORDINANCE#14-13
ADOPTION
MAY 28, 2013
REGULAR MEETING**

On a motion by Councilperson: Florio
Seconded by Councilperson: Habermann

	Ayes	Nays	Absent	Abstain
Councilperson Caso		X		
Councilperson Florio	X			
Councilperson Fundora	X			
Councilperson Habermann	X			
Councilperson Velez	X			
Mayor Drasheff	X			

I, Alberto Cabrera, R.M.C. and Town Clerk for the Town of Guttenberg do hereby certify this to be a true and correct copy of an Ordinance adopted on a second reading by the Mayor and Council of The Town of Guttenberg at a meeting held on May 28, 2013.

Attest:
May 29, 2013



Alberto Cabrera, R.M.C.
Town of Guttenberg