

Ordinance #036-2014

An Ordinance Prohibiting Smoking or Use of Tobacco and tobacco-Related Products upon Property of the Town Of Hammonton

Whereas, the laws of the State of New Jersey prohibit the use of tobacco in all public schools, public school grounds, and public buildings, including the buildings and grounds of all public institutions, recognizing the dangers of the use of tobacco including secondhand smoke; and

Whereas, the Town Council of the Town of Hammonton recognizes the well-known health and safety risks associated with the use of tobacco and tobacco-related products, and

Whereas, the Town Council hereby finds that it is in the best interests of the health, safety, and welfare of the general public to prohibit the use of tobacco and tobacco-related products on all property owned by the Town of Hammonton which have constructed thereupon public buildings or other improvements which are open to the public or to which the public may be invited;

Now, Therefore, Be It Ordained by the Mayor and Council of the Town of Hammonton, in the County of Atlantic, State of New Jersey, as follows:

Chapter 233 of the Ordinances of the Town of Hammonton is hereby amended as follows:

Chapter 233: Prohibition of the Use of Tobacco or Tobacco-related Products upon Property Owned by the Town of Hammonton

A. Definitions

Smoking – the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, cigarillo, pipe, or any other matter or substance that contains tobacco.

Electronic Smoking Device – The use of an electronic device that can be used to deliver nicotine or other substances to the person inhaling the device, including, but not limited to, an electronic cigar, cigarette, cigarillo, or pipe.

Municipal property – All land, buildings, or other improvements owned, leased, rented, and/or operated by the Town of Hammonton, and/or occupied by employees of the Town of Hammonton which are open to the public or to which the public may be invited or otherwise have access. These shall include all areas designated as Town parks without reservation.

Tobacco Product – Any product containing tobacco or nicotine, including but not limited to cigars, cigarettes, cigarillos, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, kreteks, snus, and electronic cigarette cartridges.

B. No person shall engage in smoking or the use of tobacco products while on the grounds upon which are constructed municipal buildings and improvements, including contiguous properties owned, leased, rented, and/or operated by the Town of Hammonton regardless of whether any municipal building or improvement is constructed thereupon. This shall include all areas designated as Town parks, without reservation.

C. Signage.

The Town Administrator shall post and maintain appropriate signage throughout all municipal buildings and upon or on all Town-owned property advising all persons regarding the prohibiting of smoking upon said property.

D. Enforcement

1. This article shall be enforced by the Police Department, Parks Commission, Recreation Supervisor, Town Administrator, or any other person charged with the enforcement of ordinances of the Town of Hammonton.

2. It shall be unlawful to hinder, obstruct, molest, willfully oppose, verbally abuse, or otherwise interfere with any person authorized to enforce the requirements of this Article.

3. Citizens may bring complaints against violators of this Article.

E. Violations and Penalties

1. Any individual violating the provisions of this article shall be subject to the following:

a. A fine of not less than \$50 but not exceeding \$100 for the first offense;

b. A fine of not less than \$100 but not exceeding \$200 for a second offense;

c. A fine of not less than \$200 but not exceeding \$500 for a third offense;

d. A fine of not less than \$500 but not exceeding \$1,000, and mandatory community service of not less than 40 hours and not exceeding 160 hours, for offenses beyond the third offense.

2. All such complaints arising from an alleged violation of this article shall be prosecuted in the Hammonton Municipal Court.

Introduced: November 17, 2014

Adopted: December 15, 2014

THE FOREGOING DOCUMENT IS HEREBY CERTIFIED
BY ME TO BE A TRUE AND CORRECT COPY OF THE
TOWN OF HAMMONTON

Alice B. Mammone
MUNICIPAL CLERK