

# Ordinance 2016-20

*BOROUGH OF HIGHTSTOWN  
COUNTY OF MERCER  
STATE OF NEW JERSEY*

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 3, ENTITLED "POLICE REGULATIONS," OF THE "REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN NEW JERSEY," IN ORDER TO ESTABLISH A NEW SECTION THEREOF, TO BE KNOWN AS SECTION 3-19, "PROHIBITION OF SMOKING IN PARKS AND RECREATIONAL AREAS OWNED, LEASED AND/OR OPERATED BY THE BOROUGH."**

**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-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 persons 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**, N.J.S.A. 26:3D-63 expressly authorizes municipalities to enact strict ordinances regulating smoking; 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 Borough 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 parks and recreation areas located within the Borough.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Borough Council of the Borough of Hightstown, in the County of Mercer and State of New Jersey, as follows:

1. That Chapter 3, entitled "Police Regulations," of the "Revised General Ordinances of the Borough of Hightstown, New Jersey," is hereby amended and supplemented in order to establish a new Section thereof to be known as Section 3-19, "Prohibition of Smoking in Parks and Recreational Areas Owned, Leased and/or Operated by the Borough," as follows:

## **CHAPTER 3 – POLICE REGULATIONS**

**3-19 Prohibition of Smoking in Parks and Recreational Areas Owned, Leased and/or Operated by the Borough.**

**3-19.1 Definitions.** As used in this chapter, the following words shall have the following meanings:

*Parks and Recreational Facilities* shall include all public parks, playgrounds, ball fields, swimming pools, gardens, plazas publicly owned or leased by the Borough of Hightstown and all property owned and/or leased by the Borough of Hightstown upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities.

*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 lighted and smoked.

**3-19.2 Prohibition of smoking in public places.**

a. Parks and Recreational Facilities. Smoking shall be prohibited in public parks and recreation facilities owned and/or leased by the Borough of Hightstown and property owned or leased by the Borough of Hightstown upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities which has been designated with no-smoking signs. Areas designated as smoke free recreational parks shall include:

1. Association Park;
2. Dawes Park;
3. Memorial Park;
4. Rocky Brook Park; and
5. Roger G. Cook Greenway, in those areas where specifically posted.

b. Municipal Vehicles. Smoking shall be prohibited in any vehicle registered to the Borough of Hightstown.

**3-19.3 Signage Required.**

A sign shall be clearly, sufficiently and conspicuously posted at every property where smoking is prohibited by this Ordinance. The sign(s) shall state "Smoke Free Zone" or "This Public Property is 100% Smoke Free" or substantially similar language and may contain the international no smoking sign or symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section). All 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 in the designated area. The sign shall also indicate that violators are subject to a fine.

**3-19.4 Enforcement**

The Business Administrator, police officer, health officer or other public employee engaged in the execution or enforcement of this Section, or any other citizen, may

enforce this Ordinance and sign a complaint against any individual for violation of the provisions of this Section.

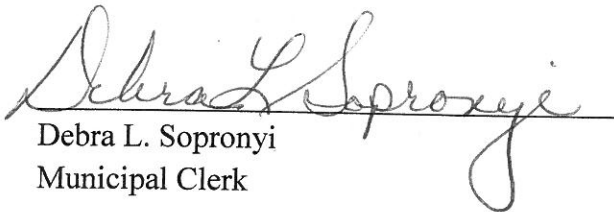
**3-19.5 Violations and penalties.**

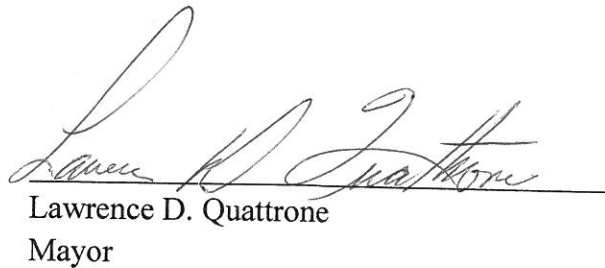
For violation of the provisions of this Section, the penalty upon conviction shall be a fine of twenty-five dollars (\$25.00) per violation.

2. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.
3. That in the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.
4. That this Ordinance shall take effect following final passage and publication in accordance with the law.

Introduced: September 6, 2016

Adopted: September 19, 2016

  
Debra L. Sopronyi  
Municipal Clerk

  
Lawrence D. Quattrone  
Mayor