



Township of Hillsborough

COUNTY OF SOMERSET
MUNICIPAL BUILDING
379 SOUTH BRANCH ROAD
HILLSBOROUGH, NEW JERSEY 08844

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ORDINANCE NO. 2014-09

AN ORDINANCE AMENDING CHAPTER 221 ENTITLED "PARKS AND RECREATION AREAS" BY PROHIBITING SMOKING

WHEREAS, the Surgeon General of the United States has determined that tobacco is the leading cause of preventable disease and death in the United States; and

WHEREAS, exposure to environmental tobacco constitutes a substantial health hazard to the nonsmoking majority of the public; and

WHEREAS, the prohibition of smoking at outdoor recreational and open space Township owned property would better preserve the natural assets of the Township by reducing litter, increasing fire safety in those areas, and lessening the exposure to secondhand smoke among the public; and

WHEREAS, the public interest is especially concerned with preventing the youth of Hillsborough Township from being exposed and succumbing to the temptations of experimenting with tobacco related products; and

WHEREAS, N.J.S.A. 40:48-2 declares that "any municipality may make and enforce such ordinance as it may deem necessary and proper for the preservation of the public health, safety and welfare of the municipality and its inhabitants."

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that Chapter 221 of the *Code of the Township of Hillsborough* entitled "Parks and Recreation Areas" is hereby amended by the addition of §221-6.1 entitled "Smoking prohibited" as follows:

SECTION I Chapter 221 entitled "Parks and Recreation Areas " is hereby amended by the addition of Section 221-6.1 entitled "Smoking prohibited" as follows:

§221-6.1 Smoking prohibited.

§221- 6.1

A. Definitions

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

"Electronic Smoking Device" shall mean an electronic device that can be used to deliver nicotine or other substance to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo or pipe.

"Smoking" shall mean the inhaling, exhaling, burning or carrying of any lighted cigarette, cigar, pipe, electronic smoking device or other similar devices that contain tobacco and/or other similar devices that burn tobacco or similar products.

"Parks and Recreational Facilities" shall mean all public parks, playgrounds, or ball fields, publicly owned or leased by the Township of Hillsborough, 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 areas, driveways or drive aisles.

B. Smoking is prohibited in any park or recreational facility. A sign indicating that such property is a designated smoke-free zone shall be clearly and conspicuously posted at all locations where smoking is prohibited by this ordinance.

C. This ordinance shall be enforced by the Police Department and/or the Health Officer of the Township of Hillsborough.

D. Any person observed to be in violation of this Ordinance shall be subject to a fine not to exceed \$250.00.

SECTION II If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION III In the event of any inconsistencies between the provisions of this Ordinance and any prior Ordinance of the Township of Hillsborough, the provisions hereof shall be determined to govern. All other parts, portions and provisions of *The Code of the Township of Hillsborough* are hereby ratified and affirmed, except where inconsistent with the terms hereof.

SECTION IV This Ordinance shall take effect immediately upon final passage and publication according to law.

ATTEST:

TOWNSHIP OF HILLSBOROUGH

Pamela Borek, MBA, RMC, Twp. Clerk

Douglas Tomson, Mayor

Introduced: 4/22/14
Published: 5/01/14
Public Hearing: 5/27/14
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