

# TOWNSHIP OF MAPLE SHADE

## Ordinance

2015-17

### ORDINANCE CREATING CHAPTER 169 OF THE MAPLE SHADE TOWNSHIP CODE PROHIBITING SMOKING IN MUNICIPAL BUILDINGS, VEHICLES OR RECREATION AREAS

WHEREAS, the State of New Jersey adopted the Smoke Free Air Act in recognition of the substantial health risks smoking posed to the nonsmoking public and to provide protection from secondhand smoke in public places and in the workplace; and

WHEREAS, the 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 and in public vehicles in order to protect the health, safety and welfare of employees, residents and visitors; and

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

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Maple Shade in the County of Burlington and State of New Jersey that the Township Code is hereby amended to incorporate new Chapter entitled "Prohibition of Smoking on Public Property" as follows:

#### Chapter 169 Prohibition of Smoking on Public Property

##### Section 1.

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

"Municipal Building" shall include all structures owned and/or operated by the Township of Maple Shade and/or occupied by Township employees and/or used for the conduct of official business of the Township.

"Parks and Recreational Facilities" shall include all public parks, playgrounds, athletic fields and parking lots publicly owned by the Township of Maple Shade and all 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.

#### FIRST READING

MOTION: Wiest			
SECONDED: Kauffman			
COUNCIL MEMBER:	YEA	NAY	ABS.
Kauffman	x		
Wiest	x		
Manchello	x		

September 24, 2015

MUNICIPAL CLERK

#### SECOND READING

MOTION:			
SECONDED:			
COUNCIL MEMBER:	YEA	NAY	ABS.
Kauffman			
Manchello			
Wells			
Wiest			
Volpe			

October 22, 2015

MAYOR

“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.

§Prohibition of Smoking in Public Places; Signs.

- A. Smoking shall be prohibited in the Municipal Building, Police Headquarters, Public Works office, Rescue Building, Collins Lane House, Club House at Main Street Soccer Field and in any other Municipal Building. No smoking signs or the international No-Smoking symbol in accordance with N.J.S.A. 26:3D-5 shall posted at the entrance to each municipal building facility.
- B. Smoking shall be prohibited in all public parks and recreation facilities, athletic fields, playgrounds, and any other recreational facilities owned and/or operated by the Township of Maple Shade 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 area, driveway or drive aisle which has been designated with No Smoking signs.
- C. Smoking shall be prohibited in any vehicle registered, owned and operated by the Township of Maple Shade.

§Violations and Penalties. Any person who violates any provision of this Article 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 Article may also be subject to disciplinary action in accordance with the Township’s Policies and Procedures governing discipline.

§Enforcement. The provisions set forth under this Article shall be enforced by the Maple Shade Police Department, Code Enforcement officer or other official so designated by the Township Manager.

Section 2. All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.

Section 3. 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 word, 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 4. This ordinance shall take effect immediately upon final passage and publication as required by law.