

§ 158-1. Definitions.

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

ENCLOSED AREA — 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 Borough of Metuchen and all property owned or leased by the Borough of Metuchen 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.

MUNICIPAL BUILDINGS — Shall include all structures owned, leased, rented and/or operated by the Borough of Metuchen and/or occupied by Borough employees and used for official business of the Borough of Metuchen.

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.

§ 158-2. Prohibition of smoking in public places; signs.

- A. Smoking shall be prohibited in all municipal buildings as defined herein. 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 at each municipal building entrance and within each closed area where smoking is prohibited by this chapter. The signs shall be clearly visible to the public and shall contain letters or a symbol which contrast in color with the sign, indicating that smoking is prohibited therein. The sign shall also indicate that violators are subject to a fine.

- B. Smoking shall be prohibited within a fifty-foot radius of the entrances of all municipal buildings. 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 both on the building and in locations to provide adequate notice to the public that smoking is prohibited by this chapter. The signs shall be clearly visible to the public and shall contain letters or a symbol which contrast in color with the sign, indicating that smoking is prohibited therein. The sign shall also indicate that violators are subject to a fine. The "within" prohibition contained in this subsection shall not apply to a designated smoking area located at the Department of Public Works Building (44 Jersey Avenue) and the Volunteer Fire Department Building (583 Middlesex Avenue). The designated smoking area at the above municipal buildings shall be determined and designated by the Borough

Administrator after consultation with the Chief of the Fire Department and the Director of the Department of Public Works. "Designated Smoking Area" signs shall be clearly, sufficiently and conspicuously posted in all areas exempt from this subsection.

- C. Smoking shall be prohibited in all public parks and recreation facilities owned or leased by the Borough of Metuchen and all property owned or leased by the Borough of Metuchen 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. 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.
- D. Smoking shall be prohibited in any vehicle registered to the Borough of Metuchen.

§ 158-3. Enforcement.

The enforcement authority of this chapter shall be the Police Department, Fire Department, Recreation Department, Public Works Department and Health Department of the Borough of Metuchen.

§ 158-4. Violations and penalties.

Any person who violates any provision of this chapter shall be subject to a fine of not less than \$250 for the first offense, \$500 for the second offense and \$1,000 for each subsequent offense. Any municipal employee found in violation of this chapter may also be subject to discipline in accordance with the provisions of the Borough of Metuchen's policies and procedures.