

**ORDINANCE NO. 1892-16**

**AN ORDINANCE AMENDING THE "CODE OF THE BOROUGH MIDDLESEX"  
CHAPTER 343-8 PROHIBITING SMOKING/VAPING ON OUTDOOR GROUNDS OF  
BOROUGH PUBLIC PARKS AND RECREATIONAL AREAS**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey, that:

**Article I. Definitions**

A. Smoking/Vaping means the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or 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.

B. Electronic smoking/vaping device means an electronic device that can be used to deliver nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, or pipe.

**Article II. Smoking on School Property**

343-1. Smoking Prohibited

The smoking of tobacco products within or on any school facility, property or vehicle owned, leased or contracted by the district by an individual within the Borough of Middlesex is prohibited. Consistent with N.J.S.A. 26:3D-16, "smoking or vaping" means the burning of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco or nicotine delivery system, except as part of a classroom instruction or theatrical production.

**Article III. Smoking in Public Places**

343-8. Smoking on Outdoor Grounds of Borough Public Parks and Recreational Areas Prohibited.

A. No person shall smoke while on the outdoor grounds of any and all of the Borough public parks, whether owned, leased or utilized by the Borough including Recreational Areas.

B. Any and all educational facilities.

C. The New Jersey Smoke-Free Air Act (N.J.S.A. 26:3D-63) specifically authorizes local restrictions on smoking "equivalent to, or greater than those provided in the NJSFAA for purposes of "protecting public health".

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Middlesex, County of Middlesex and State of New Jersey as follows:

1. Any existing ordinances or parts of ordinances which are inconsistent with this ordinance are hereby repealed but only to the extent of such inconsistency.
2. This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

ATTEST:

BOROUGH OF MIDDLESEX

\_\_\_\_\_  
Kathleen Anello, RMC  
Borough Clerk

\_\_\_\_\_  
Ronald J. DiMura  
Mayor

INTRODUCED:

June 14, 2016

DATE OF PUBLICATION  
OF INTRODUCTION:

June 17, 2016

FINAL ADOPTION:

June 28, 2016

DATE OF PUBLICATION  
OF ADOPTION:

July 2, 2016