

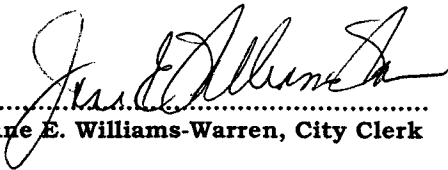
CERTIFICATION

I, **Jane E. Williams-Warren**, City Clerk to the City of Paterson and to the CITY COUNCIL of said city, DO HEREBY CERTIFY that the attached is a true copy of "**An Ordinance amending TCOP Chapter 421 to Prohibit Smoking in Paterson City Parks and All Recreational Areas Owned, Leased or Operated by the City of Paterson. PUBLIC WORKS (ORD. # 12-021)**" Adopted by the said Council on **APRIL 24, 2012** as copied from and compared with the original now remaining on file in my office.

IN TESTIMONY WHEREOF,

I have hereunto set my
hand and affixed the seal of the City of
Paterson, this day of **May 8th,**
Two Thousand and Twelve.

Seal


.....
Jane E. Williams-Warren, City Clerk

Ordinance of the City of Paterson, N.J.

No. . . 2 1st Reading No. . 12-021

Date . APRIL 24, 2012

No. . . 2 Public Hearing
(2nd Rdg. & Final Passage)

Date to Mayor . APRIL 25, 2012

Date Returned . MAY 2, 2012

Division

Date Submitted to
Council . APRIL 12, 2012

TITLE: **ORDINANCE AMENDING TCOP CHAPTER 421
TO PROHIBIT SMOKING IN PATERSON CITY
PARKS AND ALL RECREATIONAL AREAS
OWNED, LEASED OR OPERATED BY THE CITY
OF PATERSON**

Factual Contents Certified to By

Title

4/12/12
Date

Approved As To Form and Legality
on Basis of Facts Set Forth

Paul J. Barnes
CORPORATION COUNSEL

4/12/12
Date

Draft 2. JAA. 4.9.12 Ordinance. Smoking Prohibited. COP. owned. Parks. R
ecreational Areas. JAA. Draft. 4.9.12-rev-BDS. 04.11.12- FINAL

COUNCIL PERSON . . . VERA. AMES-GARNES Introduced the Following Ordinance:

WHEREAS, the life-threatening hazards of smoking are well known; and

WHEREAS, the Municipal Council of the City of Paterson finds that it is in the public interest to protect impressionable children from the temptations of experimenting with cigarettes and other tobacco products, especially in public places where children are likely to congregate, gather, play and/or engage in athletic competition; and

WHEREAS, the Municipal Council of the City of Paterson further finds that the appearance of parks and recreation areas can be enhanced and the limited resources of the Department of Public Works can be conserved if smoking were to be banned from such areas, thereby keeping such areas free of the litter typically generated by the smoking of cigarettes, such as cigarette remnants, ashes and packaging; and

WHEREAS, State legislation formerly codified at N.J.S.A. 26:3D-41 at one time barred municipalities from passing strict local smoking laws that differed from the standards set by the State; and

WHEREAS, because of the cited State legislation, Chapter 421 of the City of Paterson Code, entitled "Smoking," is now left blank, except for a statement noting that smoking is regulated by State law; and

WHEREAS, in 2006 the State ban on strict local smoking laws was repealed, and the State now expressly authorizes municipalities to enact strict ordinances addressing smoking, N.J.S.A. 26:3D-63; and

WHEREAS, as additional basis for the City's authority to enact smoking laws to govern parks and recreational areas, it may be noted that the City is the owner and operator of numerous public sites, and that the statutes provide that smoking or carrying lighted tobacco may be prohibited by the owner or person responsible for operating any public place, N.J.S.A. 2C:33-13b; and

WHEREAS, it is in the interest of the City of Paterson to refer to those areas as "Smoke Free Zones."

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF PATERSON, in the County of Passaic and State of New Jersey, that Chapter 421 of the Code of the City of Paterson be amended as follows:

SECTION I:

The current Chapter 421, entitled "Smoking," is hereby deleted in its entirety, to be replaced by a new Chapter 421, likewise entitled "Smoking."

SECTION II:

A new text for Chapter 421, "Smoking," is hereby created, and shall provide as follows:

**ORDINANCE AMENDING TCOP CHAPTER 421
TO PROHIBIT SMOKING IN PATERSON CITY
PARKS AND ALL RECREATIONAL AREAS
OWNED, LEASED OR OPERATED BY THE CITY
OF PATERSON**

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e recreationalAreas.JAA.Draft.4.9.12-rev-BDS.04.11.12- FINAL

§ 421-1 Definitions

Smoking means 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.

§ 421-2 Smoking Prohibited in Parks and Recreational Areas

No person shall smoke within the boundary of public parks, playgrounds, ball fields, and similar property that is owned or otherwise possessed by the City of Paterson 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, any parking area, driveway or drive aisle, which have been designated with no-smoking signs.

§ 421-3 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, written in lettering that is not less than two (2) inches in height, and shall contain the international no smoking sign or symbol.

§ 421-4 Enforcement

This ordinance shall be enforced by the City of Paterson Police Chief, Fire Chief, Health Officer, and/or Director of Public Works and their designees.

§ 421-5 Penalties

Any person observed to be in violation of the provisions of this ordinance shall be issued a court summons and may be subject, at the discretion of the Court, to the following penalties:

1. A fine of not less that \$50 but not exceeding \$100 for the first violation.
2. A fine of not less that \$100 but not exceeding \$200 for the second violation.
3. A fine of not less that \$200 but not exceeding \$500 for the third and subsequent violation.

SECTION III: All Ordinances or portions of Ordinances inconsistent herewith are hereby repealed to the extent of their inconsistency only.

SECTION IV: If any part of this Ordinance shall be declared to be invalid or inoperative, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

SECTION V: The City Clerk shall have this Ordinance codified and incorporated in the official copies of the Code of Paterson.

SECTION VI: This Ordinance shall take effect upon passage, approval and publication as required by law.

**ORDINANCE AMENDING TCOP CHAPTER 421
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OF PATERSON**

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SECTION VII: This Ordinance shall not be construed as invalidating any permit granted prior to the effective date of this Ordinance.

SECTION VIII: The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this Ordinance reveals a conflict between those numbers and the existing Code, in order to avoid confusion and possible accidental repealers of existing provisions.

SECTION IX: The City Clerk and the Corporation Counsel may correct any clerical errors in the printing, publication and codification of this Ordinance, provided both concur with the correction being made and both certify in writing to the Municipal Council the clerical correction being made within seven days thereof.

STATEMENT OF PURPOSE

The purpose of this Ordinance is to prohibit smoking in parks and recreational areas owned or otherwise possessed by the City of Paterson.

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SECONDED BY COUNCILPERSON ASLON GOOW

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RECORD OF COUNCIL VOTE ON FINAL PASSAGE	AYE	NAY	ABSTAIN	ABSENT
1. AMES-GARNES, VERADENE	X			
2. DAVIS, ANTHONY	X			
3. GOOW, ASLON	X			
4. MCKOY, WILLIAM C.	X			
5. MORRIS, KENNETH	X			
6. RODRIGUEZ, RIGO	X			
7. SAYEGH, ANDRÉ	X			
8. TAVAREZ, JULIO	X			
9. WIMBERLY BENNETT VACANT				

Adopted on first reading at a meeting of the Council of the City of Paterson, N.J., on ... APRIL 12, 2012 Adopted on second and final reading after hearing on ... APRIL 24, 2012

Approved _____ Reconsidered _____ Over
Rejected By _____ By Council _____ Ride _____
Mayor _____ Date _____ Aye _____ Nay _____
JEFFERY JONES _____
Council President _____ City Clerk _____
ANTHONY DAVIS _____ JANE B. WILLIAMS-WARREN _____
This Ordinance when adopted must remain in the custody of the City Clerk. Certified copies are available.