

**PILESGROVE TOWNSHIP
ORDINANCE 17-03**

**AN ORDINANCE AMENDING CHAPTER 148, PARKS AND RECREATION AREAS OF THE CODE OF THE
TOWNSHIP OF PILESGROVE TO PROHIBIT SMOKING IN PUBLIC PARKS**

WHEREAS, studies have shown that breathing environmental tobacco smoke is a significant health hazard for children, the elderly and individuals with cardiovascular disease, impaired respiratory function and asthma, and

WHEREAS, there is no safe level of exposure to secondhand smoke (SHS), a Class A human carcinogen. SHS aggravates and increases the risk of chronic diseases including asthma, allergies, heart disease, pneumonia, emphysema, lung cancer, chronic bronchitis and diabetes (U.S. Surgeon General 2006 Report), and

WHEREAS, 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" and

WHEREAS, on the basis of the published warnings of the U.S. Surgeon General and on the basis of scientific reports and other authoritative and instructive data, it is the intent of the Township Committee of the Township of Pilesgrove to provide for the public health, safety, and welfare by discouraging the inherently dangerous behavior of smoking around non-tobacco users; by protecting children from exposure to smoking and tobacco; by reducing the potential for children to associate smoking and tobacco with a healthy lifestyle; by protecting the public from nonconsensual exposure to secondhand smoke and tobacco-related litter and pollution and by affirming the family-friendly atmosphere of public places. This ordinance guarantees that the need to breathe smoke free air shall take priority over smoking;"

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Pilesgrove, County of Salem, State of New Jersey as follows:

Chapter 158-3 Definitions of the Code of the Township of Pilesgrove is amended to include the following:

ELECTRONIC SMOKING 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.

OPEN SPACE means as nature areas, greenbelts, and wildlife and vegetation habitat areas.

PARKS mean any parks owned, leased, or utilized by (name of municipality).

RECREATION AREA means any areas, public or private, open to the general public for recreational purposes, regardless of any fee requirement, including, but not limited to public parks, beach and ocean beach areas, ocean and other boardwalks, marina, pier, boat dock areas, open spaces, gardens, children's play areas, sports fields, stadiums, playgrounds, swimming pools, batting cages, tennis and basketball courts, golf courses, riding stables and senior center outdoor areas.

SMOKING – means the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe, hookah or similar device, 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.

TOBACCO PRODUCT means any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco, including electronic smoking devices and dissolvable tobacco products not FDA-approved for tobacco cessation.

Chapter 158 shall be amended to include the following sections:

158-6 Smoking Prohibited in Public Parks and Recreation Areas.

No person shall smoke within the boundaries of public parks, playgrounds, ball fields, recreation and similar areas that are owned or otherwise possessed by the Township of Pilesgrove upon which the public is invited or upon which the public is permitted and where individuals gather for outdoor or recreational activities, including all areas adjacent to the facilities, including, but not limited to the parking areas or driveways. Areas covered by this prohibition will be designated with no-smoking signs.

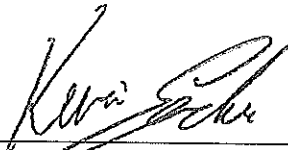
158-7 ENFORCEMENT

This ordinance shall be enforced by the Township Health Officer, or designee, the Borough of Woodstown Municipal Police Department and the New Jersey State Police. Any citizen may register a complaint under this ordinance with the Health Officer, or designee, State Police Officer, or designee, or the Pilesgrove Joint Municipal Court. Any officer or employee of the Township of Pilesgrove may inform persons violating this article of the appropriate provisions thereof.

158-8 VIOLATIONS AND PENALTIES

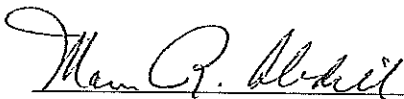
The penalty for violation of regulation 158-6 shall be a fine of not less than \$50.00 nor more than \$500.00 or imprisonment for a period up to 90 days, or both.

THIS ORDINANCE shall take effect upon adoption and publication in the manner prescribed by law.



Kevin Eachus, Mayor

ATTEST:



Maureen R. Abdill, Clerk

Date of Introduction: April 25, 2017

Date of Adoption: May 10, 2017