

ORDINANCE NO. 1, 2011

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PITMAN, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY AMENDING CHAPTER IV ENTITLED "GENERAL POLICE REGULATIONS" OF THE CODE OF THE BOROUGH OF PITMAN

WHEREAS, the Mayor and Council, Borough of Pitman, have determined that certain amendments to Chapter IV entitled "General Police Regulations" are necessary; and

WHEREAS, in all other respects Chapter IV entitled "General Police Regulations" shall remain in full force and effect;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Pitman, in the County of Gloucester and State of New Jersey, and it is hereby enacted and ordained by the authority of same as follows:

Section 1.

§4-25 entitled "Smoke-Free Public Places" shall be amended to read as follows:

4-25.1 Smoking Prohibitions.

- a. Smoking shall be prohibited in the Borough of Pitman in all ~~enclosed areas of indoor~~ public places and workplaces as defined in N.J.S.A. 26:3D-57, except as provided in this Section 4-25.1d. where 10 or more people are permitted or invited to assemble.
- b. The smoking of cigarettes, cigars, pipes or any other smoking or tobacco material is specifically prohibited, indoor and outdoor, in any meeting ~~in~~ or upon any facility owned, used or operated by the Borough of Pitman.
- c. Notwithstanding any other provision of this section, any owner, operator, manager or other person who controls any establishment or facility may declare that establishment or facility as a smoke-free establishment.
- d. The provisions of this Section 4-25 shall not apply to:
 - (1) Any tobacco retail establishment as defined in N.J.S.A. 26:3D-55, or any area the tobacco retail establishment provides for the purposes of smoking;
 - (2) Private residences, private clubs, private automobiles, and any place exempted by N.J.S.A. 26:3D-57, et seq., the New Jersey Smoke-Free Air Act.

4-25.2 Definitions.

- a. "Smoking" shall mean inhaling, exhaling, burning or carrying any lighted cigarette, cigar, pipe and other such devices which contain tobacco and/or other smoke-producing products the burning of, inhaling from, exhaling 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. "Indoor Public Place" shall mean any structurally enclosed place of business, commerce or other service-related activity, whether publicly or privately owned or operated on a for-profit or nonprofit basis, which is generally accessible to the public area to which the public is invited or in which the public is permitted, except a private residence.
- c. "Enclosed area" shall mean all space, extending from the floor to the ceiling, which is enclosed on all sides by solid walls or windows (exclusive of doors or passage ways), including all space therein screened by partitions or dividers which do not extend to the ceiling or are not solid, office-type structures.
- d. "Tobacco retail establishment" shall mean an establishment in which at least 51% of retail business is the sale of tobacco products and accessories, and in which the sale of other products is merely incidental.
- e. "Workplace" shall mean a structurally enclosed location or portion thereof at which a person performs any type of service or labor

4-25.3 Violations; Penalty.

- a. It shall be unlawful for the owner, operator, manager or other person who controls any premises subject to this Section 4-25 or their representative to allow or permit any person to smoke in any portion of such premises.
- b. It shall be unlawful to smoke where smoking is prohibited.
- c. Any person violating any provision of this Section shall, upon conviction thereof, pay a penalty. Said penalty shall include a fine of not less than \$1250 for a first offense, \$500 for a second offense and not more than \$1,000 for each subsequent offense, unless otherwise provided by law.

Section 2.

Repealer.

All prior Ordinances or parts of Ordinances inconsistent with this Ordinance be and the same are hereby repealed to the extent of such inconsistencies.

Section 3.

Severability.

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

When effective.

This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

BOROUGH OF PITMAN

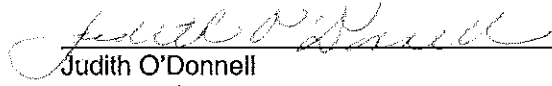
BY: Michael D. Batten, Jr.
Michael D. Batten, Jr., Mayor

ATTEST:

Judith O'Donnell
Judith O'Donnell
Borough Clerk

NOTICE

The Ordinance published herein was introduced and passed upon first reading at a meeting of the Mayor and Council of the Borough of Pitman, in the County of Gloucester and State of New Jersey, held on January 10, 2011. It will be further considered for final passage, after public hearing hereon, at a meeting of said Mayor and Council to be held in the Borough Hall, 110 S. Broadway, Pitman, New Jersey 08071, on January 24, 2011 at 8:00 P.M. During the week prior and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's office at Borough Hall, 110 S. Broadway, in the Borough, to the members of the general public who shall request the same.



Judith O'Donnell
Borough Clerk