

ORDINANCE

CITY OF RAHWAY, NEW JERSEY

No. O-17-17

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 353, SMOKING OF THE CODE OF THE CITY OF RAHWAY

WHEREAS, the City of Rahway has adopted a Smoking Ordinance to control smoking in public places within the City of Rahway; and

WHEREAS, the City of Rahway desires to amend and supplement portions of Chapter 353, Smoking of the Code of the City of Rahway in order to control smoking in public places throughout the City.

NOW, THEREFORE, be it ordained by the City Council of the City of Rahway, County of Union, State of New Jersey, as follows:

Section 1. “Chapter 353-1, Definitions,” of the Code of the City of Rahway is hereby amended to read as follows:

1. Add the definition of:

ELECTRONIC SMOKING DEVICE

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.

2. Add the definition of:

WORKPLACE

A structurally enclosed location or portion thereof at which a person performs any type of service or labor.

3. Delete and replace the definition of “Indoor Public Place” to read as follows:

INDOOR PUBLIC PLACE

a 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, including, but not limited to: a commercial or other office building; office or building owned, leased or rented by the State or by a county or municipal government; public and nonpublic elementary or secondary school building; board of education building; theater or concert hall; public library; museum or art gallery; bar; restaurant or other establishment where the principal business is the sale of food for consumption on the premises, including the bar area of the establishment; garage or parking facility; any public

conveyance operated on land or water, or in the air, and passenger waiting rooms and platform areas in any stations or terminals thereof; health care facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.); patient waiting room of the office of a health care provider licensed pursuant to Title 45 of the Revised Statutes; child care center licensed pursuant to P.L.1983, c.492 (C.30:5B-1 et seq.); race track facility; facility used for the holding of sporting events; ambulatory recreational facility; shopping mall or retail store; hotel, motel or other lodging establishment; apartment building lobby or other public area in an otherwise private building; or a passenger elevator in a building other than a single-family dwelling.

4. Delete and replace the definition of “Smoking” to read as follows:

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.

Section 2. “Chapter 353-2, Smoking prohibited,” is hereby amended to read as follows:

In the best interests of the public health, safety and welfare, smoking shall be prohibited in all government buildings, indoor public places, workplaces, parks and playgrounds and recreational facilities as defined in this chapter. Smoking shall be prohibited in all municipal vehicles owned, leased or operated by the City of Rahway.

Section 3. “Chapter 353-3, “Twenty-five-foot smoke-free zone around municipal buildings,” is hereby amended to read as follows:

There is hereby established, around all municipal buildings located within the City of Rahway a twenty-five-foot smoke-free zone, wherein the smoking of any form of tobacco product (a cigarette, cigar, pipe or electronic smoking device), is strictly prohibited. The smoke-free zone shall include all areas within 25 linear feet from any and all entrances and exits of any and all municipal buildings and public facilities.

Section 4. “Chapter 353-4, Signs,” is hereby amended to read as follows:

- a. The person having control of an indoor public place or workplace shall place in every public entrance to the indoor public place or workplace a sign, which shall be located so as to 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. The provisions of this section shall not be construed to prevent a lessee of the workplace, or space within the building or indoor public place, from enforcing the smoking restrictions imposed by the owner or operator of a commercial or other office building or other indoor public place.

Section 5. “Chapter 353-6, Violations and Penalties,” is hereby amended to read as follows:

Any person violating or failing to comply with any of the provisions of this chapter shall, upon conviction thereof for a first offense, be punishable by a fine of not less than \$250; \$500 for a second offense; and \$1,000 for a third offense.

Section 6. All Ordinances or parts of Ordinances inconsistent herewith are repealed.

Section 7. If any section, subsection, sentence, clause, phrase, or a portion of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 8. This Ordinance shall become effective after second reading and publication as required by law.

Certified to be a true copy of an ordinance introduced and adopted upon first reading by the Municipal Council of the City of Rahway at the duly held Meeting on the 12th day of June, 2017.



Rayna E. Harris, City Clerk

Motion: Mojica **Second:** Baker

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson Maier, Giacobbe

ABSENT: Councilmember Bresenhan