

***AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF
READINGTON TO PROHIBIT SMOKING ON OR WITHIN PUBLIC PROPERTY IN THE
TOWNSHIP OF READINGTON, COUNTY OF HUNTERDON, STATE OF NEW JERSEY***

ORDINANCE #10 -2016

BE IT ORDAINED, by the Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey, that the Code of the Township of Readington is hereby amended to add the following new Chapter entitled "Prohibition of smoking in public places; signs and penalties" and provisions as follows:

SECTION 1. POL/CY STATEMENT

Pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make, amend, repeal and enforce such other ordinances, rules, regulations and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good of government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

This ordinance is authorized by N.J.S.A. 26:3D-63 which permits municipalities to enact ordinances which are stricter than State laws regulating smoking; and

The governing body recognizes that it is within the public interest to prohibit smoking in public buildings and on public property, such as public parks and recreation areas, due to the well-known health and safety risks posed by smoking; and

The governing body also finds that the appearance of the parks, recreation areas, municipal and other Township-owned properties within Readington can be enhanced and that the limited resources of the Township's Department of Public Works can be conserved if smoking is banned from such areas, thereby keeping such areas free of the litter typically generated by cigarette and other smoking products, such as cigarette butts, filters, ashes and packaging.

SECTION 2. DEFINITIONS. As used in this Chapter, the following words and phrases shall have the following meanings:

ENCLOSED AREA shall mean all areas between a floor and a ceiling, extending to the outer perimeter walls of a structure.

PARKS AND RECREATIONAL FACILITIES shall include all public parks, playgrounds, ball fields and open space publicly owned or leased by Readington Township, and all property owned

or leased by Readington Township 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 to, sidewalks, any parking area, driveway or drive aisle.

MUNICIPAL BUILDINGS shall include all structures owned, leased rented and/or operated by Readington Township and/or occupied by employees and used for official business of the Township.

SMOKING shall mean 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 3. PROHIBITION OF SMOKING IN PUBLIC PLACES; SIGNS

A. Smoking shall be prohibited in all Municipal Buildings as defined herein. No-smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently and conspicuously posted at each Municipal Building entrance and within each closed area where smoking is prohibited by this Section. The signs shall 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. Smoking shall be prohibited within a thirty-five (35) foot radius of all entrances of all Municipal Buildings. No smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently and conspicuously posted both on the building and at the thirty-five foot (35') perimeter of all entrances of all Municipal buildings where smoking is prohibited by this Section. The signs shall be clearly visible to the public and shall contain letters or a symbol which shall also indicate that violators are subject to a fine.

C. Smoking shall be prohibited in all public parks and recreation facilities owned or leased by Readington Township and all property owned or leased by Readington 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 by not limited to, any parking area, driveway or drive aisle, which have been designated with no-smoking signs. No-smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently and conspicuously posted in all areas regulated by this Section. The signs shall be clearly visible to the public and shall contain letters or a symbol which contrasts in color with the sign, indicating that smoking is prohibited at the designated area. The sign shall also

state that violators are subject to a fine.

D. Smoking shall be prohibited in any municipal vehicle registered to the Township of Readington.

SECTION 4. ENFORCEMENT

The enforcement authority of this section shall be the Chief of Police and/or his/her designees of the Township of Readington, or other public officer as may be appointed or directed by the Township Committee.

SECTION 5. VIOLATIONS AND PENALTIES

Unless another penalty is expressly provided by New Jersey statute, any person violating any provisions of this Section shall, upon conviction, be punishable by a fine not less two hundred fifty dollars (\$250.00) for the first offense, five hundred dollars (\$500.00) for the second offense and one thousand dollars (\$1,000.00) for each subsequent offense. Any municipal employee found in violation of this ordinance may also be subject to discipline in accordance with the applicable policies and procedures of the Township of Readington.

SECTION 6. REPEALER

All ordinances and resolutions or parts thereof which are inconsistent with this ordinance are repealed.

SECTION 7. SEVERABILITY

If the provision of any article, section, subsection, paragraph, subdivision or clause of this Ordinance shall be judged invalid by any Court of competent jurisdiction, such Order or Judgment shall not affect or invalidate the remainder of any such article, section, subsection, paragraph or clause and, to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 8. EFFECTIVE DATE

This ordinance shall take effect immediately upon final adoption and publication according to the law of the State of New Jersey.

I hereby certify that the attached ordinance is a true and correct copy of an ordinance entitled *AN ORDINANCE AUTHORIZING THE SALE OF AFFORDABLE HOUSING PROPERTY KNOWN AS 408 S. BRANCH DRIVE IN THE TOWNSHIP OF READINGTON, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY* which was introduced at the meeting of Readington Township Committee on July 5, 2016 adopted at the meeting of the Readington Township Committee on July 18, 2016.

Vita Mekovetz, RMC/MMC/QPA
Municipal Clerk