

**TOWNSHIP OF WEST WINDSOR
COUNTY OF MERCER, NEW JERSEY**

1st Reading 3/13
 2nd Reading & Public Hearing 3/27
 Date Adopted 3/27
 Date Effective 4/17
 DOT APPROVAL RECEIVED _____

Date to Mayor 3/28
 Date Signed _____
 Date Resubmitted to Council _____
 Approved as to Form and Legality _____
Michael W. Herbert
 Township Attorney
 Esq.

**ORDINANCE 2017-10
AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 140 "SMOKING AND
USE OF TOBACCO PRODUCTS BANNED" OF THE CODE OF WEST WINDSOR**

RECORD OF VOTE													
First Reading							Second Reading						
Council	Yes	No	NV	AB	Mov	Sec	Council	Yes	No	NV	AB	Mov	Sec
GEEVERS				X			GEEVERS	✓					
HAMILTON	X						HAMILTON	✓					
MARATHE	X					X	MARATHE	✓					✓
MENDONEZ JR.	X						MENDONEZ JR.	✓					
MILLER	X				X		MILLER	✓				✓	

x-Indicates Vote AB-Absent NV-Not Voting Mov-Moved Sec-Seconded

Rejected

Approved

Reconsidered by Council _____

Maferata Schmid 03/28/17
 Mayor Date

Override Vote: YES _____ NO _____

Sharon L. Young
 Sharon L. Young, Municipal Clerk

ORDINANCE 2017-10

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 140 "SMOKING AND USE OF TOBACCO PRODUCTS BANNED" OF THE CODE OF WEST WINDSOR

WHEREAS, pursuant to N.J.S.A. 40:48.2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules 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

WHEREAS, State law expressly authorizes municipalities to enact ordinances regulating smoking under N.J.S.A. 26:3D-63; and

WHEREAS, N.J.S.A. 2C:33-13b also provides that the owner and/or operator of a public place, such as public parks and recreational areas, may prohibit smoking on such property; and

WHEREAS, the Township Council previously recognized the well-known health and safety risks posed by smoking and finds that it is in the public interest to restrict smoking in public buildings and on public property, such as public parks and recreation areas; and

WHEREAS, the Township Council finds that the inclusion of additional restrictions on smoking on Township property will further protect the public from exposures to secondhand smoke;

WHEREAS, the Township Council has determined that the public interest is especially implicated in preventing the youths of West Windsor Township from being exposed and succumbing to the temptations of experimenting with tobacco products; and

WHEREAS, the Township Council wishes to amend and supplement Chapter 140

NOW, THEREFORE BE IT RESOLVED, by the Township Council of West Windsor Township that the Code of West Windsor Township, Chapter 140, "Smoking and Use of Tobacco Products Banned" shall be amended as follows:

SECTION I.

Chapter 140; Smoking and Use of Tobacco Products Banned

§ 140-6 Prohibition of smoking in public places; signs.

- A. Municipal buildings. Smoking shall be prohibited within a thirty-five-foot radius of [the front] **all** entrances of [all] municipal building[s]. 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 entrance onto municipal complexes and** [both] on [the] building[’s front] entrances where smoking is prohibited by this chapter. 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. Parks and recreational facilities. Smoking shall be prohibited in all public parks and recreation facilities owned or leased by the Township of West Windsor and all property owned or leased by the Township of West Windsor 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, any sidewalk, parking area, driveway or drive aisle, which have been designated with no-smoking signs. [Smoking will be allowed by individuals who are outside of a thirty-five-foot radius of nonsmoking individuals and recreational structures located on park and recreational land owned or leased by West Windsor Township.] 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 posted **at or near the entrance to** [in] areas regulated by this chapter. The sign shall also indicate that violators are subject to a fine. However, the posting of said signs shall not congest the overall appearance of the areas regulated by this chapter nor impose an inordinate expense upon the Township of West Windsor.
- C. Municipal vehicles. Smoking shall be prohibited in any vehicle registered to the Township of West Windsor.

§ 140-7 Enforcement.

The enforcement authority of this article shall be the Business Administrator, Chief of Police, Director of Parks and Recreation, Health Officer or designees.

§ 140-8 Violations and penalties.

Any person who violates any provision of this article shall be subject to a fine of not less than \$100 for the first offense, \$250 for the second offense and \$500 for each subsequent offense.

SECTION II.

In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

SECTION III.

This Ordinance shall take effect twenty (20) days after action or inaction by the Mayor as provided by law or an override of a mayoral veto by the Council, whichever is applicable. Publication shall be in accordance to law.

INTRODUCTION: March 13, 2017

PUBLIC HEARING: March 27, 2017

ADOPTION: March 27, 2017

MAYOR'S APPROVAL: March 28, 2017

EFFECTIVE DATE: April 14, 2017

AFFIDAVIT

STATE OF NEW JERSEY :
: SS
COUNTY OF MERCER :
AFFIDAVIT OF PUBLICATION

I, Sharon L. Young, Municipal Clerk of the Township of West Windsor in the County of Mercer, being duly sworn according to law, depose and say that the notice which is attached hereto is exactly as it was published on March 17, 2017 in the Princeton Packet, a semi-weekly newspaper of general circulation, printed in the State of New Jersey and having its publication office at 300 Witherspoon Street, Princeton, New Jersey.

The Princeton Packet 7A

Legal Notices

NOTICE OF PENDING ORDINANCE

ORDINANCE 2017-10
AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 140 "SMOKING AND USE OF TOBACCO PRODUCTS BANNED" OF THE CODE OF WEST WINDSOR

The ordinance published herewith was introduced and passed upon first reading at a meeting of the governing body of the Township of West Windsor, in the County of Mercer, State of New Jersey, held on March 13, 2017. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held in the West Windsor Township Municipal Building, in the Township on March 27, 2017 at 7:00 o'clock P.M., and during the weeks prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's office to the members of the general public who shall request the same.

Sharon L. Young
Township Clerk
West Windsor Township

PP, 1x, 3/17/17 Fee: \$21.00

Adv. Fee: \$21.00
PD: 3/17/2017
Public Notice ID:

Sharon L. Young
Sharon L. Young, Township Clerk

Sworn and subscribed to
before me this 30 day
of March, 2017

Gay Marjorie Huber
Notary Public of New Jersey

