

BOROUGH OF NORWOOD

ORDINANCE NO. 14:13

**AN ORDINANCE AMENDING CHAPTER 168
OF THE CODE OF THE BOROUGH OF NORWOOD
REGULATING PARKS AND RECREATION AREAS TO PROHIBIT SMOKING**

WHEREAS, the purpose of this ordinance is to amend the Borough's ordinances regulating the use of parks and recreation areas to prohibit smoking as authorized by N.J.S.A. 40:48-1 and -2; and

WHEREAS, in 2006, the New Jersey Legislature and Governor enacted the Smoke Free Air Act, N.J.S.A. 26:3D-55 et seq., which prohibits smoking in most indoor places in the state; and

WHEREAS, New Jersey's Senate and Assembly adopted bills, on June 26, 2014, which would have prohibited smoking in public parks and beaches in the state; and

WHEREAS, Governor Christie, on September 10, 2014, vetoed these bills, but he recognized that the state's "local officials have long defined the policy course concerning smoking in public that is in the best interests of their constituents through a deliberative balancing of public health, safety, economics, individual liberties, and other factors relevant for consideration by such officials;" and

WHEREAS, the Governor noted that "more than 240 municipalities and 12 counties have ordinances in place that ban smoking in municipal and county parks;" and

WHEREAS, the Mayor and Council of the Borough finds that the best interests of the people using Norwood's parks and recreation areas, and the public health, safety, and welfare, will be advanced by the adoption of this ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Norwood as follows:

Section 1: Chapter 168 of the Code of the Borough of Norwood, titled "Parks and Recreation Areas" is amended to add the following new section:

§168-15. Smoking Prohibited.

A. Definitions. When used in this section the terms listed below are defined as follows:

"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.

"Parks and recreation areas" means the areas defined as parks and recreation areas in this chapter and all other applicable Borough ordinances, except any parking lots for these parks and recreation areas.

"Smoking" means 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.

B. Smoking is prohibited in Norwood's parks or recreation areas.

C. Signs designating each Norwood park and recreation area as a "Smoke Free Zone" will be posted on the property where smoking is prohibited by this section. The sign will include the words

“Smoke Free Zone” in lettering that is not less than two inches in height and will contain the international no smoking sign or symbol.

D. The provisions of this section are enforceable by a police officer, employee, or elected official of the Borough, as well as by any other person who observes a violation. Any person seeking to enforce the provisions of this section is authorized to file a complaint in the Municipal Court of the Borough.

E. Unless a greater fine is permitted under N.J.S.A. 26:3D-55 et seq., (New Jersey Smoke Free Air Act) for smoking in the specific areas defined by this section, in which case such higher level of fine will be imposed, any person who smokes in area in which smoking is prohibited by this section will upon conviction be guilty of a disorderly persons offense and will be subject to a maximum fine of \$200 for each violation, pursuant to N.J.S.A. 2C:33-13.

F. Any person found guilty defacing, tampering with, or removing “No Smoking” signs that are required by this section will upon a conviction be guilty of a disorderly persons offense and will be subject to a maximum fine of \$200 plus the cost of replacing the sign.

G. Any juvenile adjudicated to have violated the provisions of this section will be subject to all penalties, fines, or other discipline as may be imposed upon an adult pursuant to this section, to the extent permitted by law.

Section 2: All ordinances or parts of ordinances that are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of any inconsistencies.

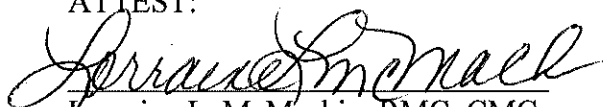
Section 3: The provisions of this ordinance are severable. If any part of this ordinance is declared to be unconstitutional or invalid by any court, the remaining parts of this ordinance will remain in full force and effect.

Section 4: This ordinance will take effect upon final approval and publication, according to law.

Introduced and passed first reading: October 15, 2014

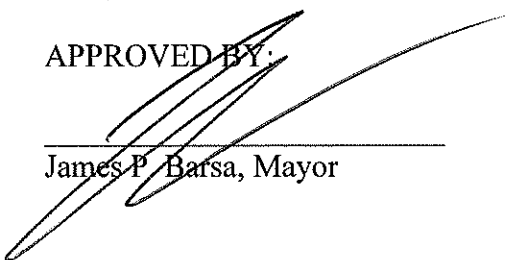
Passed second reading: November 12, 2014

ATTEST:



Lorraine L. McMackin, RMC, CMC
Borough Clerk

APPROVED BY:



James P. Barsa, Mayor