

TOWNSHIP OF PEQUANNOCK

ORDINANCE NO. 2011-17

AN ORDINANCE AMENDING THE "CODE OF THE TOWNSHIP OF PEQUANNOCK" AND CREATING NEW CHAPTER 155 TO PROHIBIT OUTDOOR SMOKING ON DESIGNATED TOWNSHIP PROPERTY

BE IT ORDAINED by the Township Council of the Township of Pequannock, County of Morris, State of New Jersey as follows:

Section 1: The Revised General Ordinances of the Township of Pequannock shall be amended by the inclusion of new Chapter 155 entitled, "Smoking on Designated Public Lands Prohibited", which shall read as follows:

Chapter 155 Smoking on Designated Public Lands Prohibited

155.01 Purpose.

- A. The United States Surgeon General has determined that there is no safe level of exposure to secondhand smoke and that nonsmoking Americans exposed to secondhand smoke in public places are at significantly increased risk of heart disease and lung cancer (see U.S. Department of Health and Human Services, The Health Consequences of Involuntary Exposure to Tobacco Smoke: a report of the surgeon General, U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Coordinating Center for Health Promotion, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2006); and
- B. Smoking is the leading cause of death in the United States and the United States Centers for Disease Control and Prevention has determined that reduction of the death and disease caused by tobacco use and exposure to secondhand smoke is one of six top national healthcare priorities; and
- C. Pursuant to N.J.S.A. 40:48-1, the Township is given the authority to adopt ordinances for the public health, safety and welfare of the Township, its residents and guest; and
- D. The New Jersey Smoke-Free Air Act ("NJSFAA"), N.J.S.A. 26:3D-63, specifically authorizes local restrictions on smoking "equivalent to, or greater than those provided in the NJSFAA for purposes of "protecting public health".

155.02 Definitions.

As used in this Chapter, the following terms shall have the following definitions:

SMOKING means the burning of, inhaling from, exhaling the 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.

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.

155.03 Smoking on Outdoor Grounds of Township Property Prohibited.

No person shall smoke while on the outdoor grounds of the following Township owned properties:

Foothills Park (including The Bark Park)
Lyon Park
Lyman Ave Park
Hillview Fields
Pequannock Valley Park
Riverside Park
Railroad Station – Museum
Town Hall Field

Washington Park
Greenview Park
Golden Panther Park

155.04 Enforcement.

Whenever the Health Officer or his or her designee or a law enforcement officer or a Township Code Enforcement Officer observes or reasonably believes that there exists a violation of this Chapter, he or she may issue a summons and complaint to the violator. The complaint shall be written and served on the violator. Citizens of the Township may also bring private complaints for the violation of this Chapter.

155.05 Penalty.

Any person found guilty of violating this Chapter shall be subject to the following penalties:

First Offense: A fine of fifty (\$50.00) dollars, plus court costs and a period of community service not to exceed five days.

Second Offense: A fine of one hundred (\$100.00) dollars, plus court costs and a period of community service not to exceed ten days.

Third Offense: A fine of one hundred and fifty (\$150.00) dollars, plus court costs and a period of community service not to exceed fifteen days.

Section 2. Chapter 129, Subsection 129.02.030, which prohibited smoking in Pequannock Valley Park (except in designated locations) and at the Pompton Plains Train Station, is hereby repealed as these parks are now included in the smoking prohibition included in this ordinance.

Section 3. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 4. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

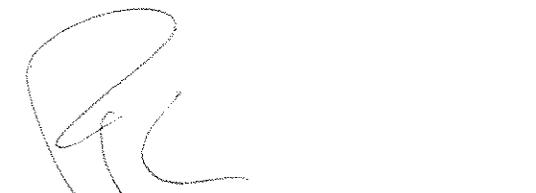
Section 5. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law

Introduced: July 12, 2011

Adopted: July 26, 2011



Joseph J. Delaney, Jr., Township Clerk



Richard Phelan, Mayor