

Explanation: This Ordinance amends Chapter III of the Township Code entitled "General Police Regulations" by prohibiting smoking on certain municipal property.

**TOWNSHIP OF WARREN
ORDINANCE NO. 12 –13**

AN ORDINANCE AMENDING CHAPTER III ENTITLED "GENERAL POLICE REGULATIONS" BY PROHIBITING SMOKING ON CERTAIN MUNICIPAL PROPERTY.

BE IT ORDAINED, by the Township Committee of the Township of Warren, County of Somerset, State of New Jersey that Chapter III of the Township Code entitled "General Police Regulations" is hereby amended as follows:

SECTION I Chapter III entitled "General Police Regulations" is hereby amended by the addition of Section 3-27 entitled "Smoking Prohibited on Certain Municipal Property" as follows:

3-27 Smoking Prohibited On Certain Municipal Property

3-27.1 Definitions

As used in this Section, the following words shall have the following meanings:

"Smoking" shall mean the inhaling, exhaling, burning or carrying of any lighted cigarette, cigar, pipe, electronic cigarette or other similar devices that contain tobacco and/or other similar devices that burn tobacco or similar products.

"Parks and Recreational Facilities" shall mean all public parks, playgrounds, or ball fields, publicly owned or leased by the Township of Warren 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 parking areas, driveways or drive aisles.

"Municipal Property" shall mean all publicly owned or leased buildings or structures.

3-27.2 SMOKING PROHIBITED

Smoking is prohibited in and about any municipal property, or within 35 feet thereof, and in or on any park or recreational facility. A sign indicating that such property is a designated smoke-free zone shall be clearly and conspicuously posted at all locations where smoking is prohibited by this ordinance.

3-27.3 ENFORCEMENT

This ordinance shall be enforced by the Police Department and/or the Health Officer of the Township of Warren.

3-27.4 VIOLATIONS AND PENALTIES

Inasmuch as the provisions of this Ordinance provide restrictions on or prohibitions against smoking equivalent to, or greater than, those provided under the New Jersey Smoke-Free Air Act (NJSA 26:3D-55 et seq.), any person observed to be in violation of

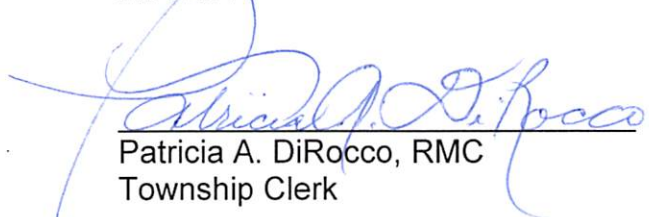
this Ordinance shall be subject to a fine pursuant to N.J.S.A. 2C:33-13.1b and/or N.J.S.A. 26:3D-62 as same may be amended from time to time.

SECTION II If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION III In the event of any inconsistencies between the provisions of this Ordinance and any prior Ordinance of the Township of Warren, the provisions hereof shall be determined to govern. All other parts, portions and provisions of *The Revised General Ordinances of the Township of Warren* are hereby ratified and affirmed, except where inconsistent with the terms hereof.

SECTION IV This Ordinance shall take effect immediately upon final passage and publication according to law.

ATTEST:


Patricia A. DiRocco, RMC
Township Clerk

TOWNSHIP OF WARREN

BY: 
Carolann Garafola, Mayor

INTRODUCED May 24, 2012

ADOPTED June 21, 2012

EFFECTIVE June 28, 2012