

Explanation: This Ordinance amends Section 3-22 entitled "Tobacco Restrictions in School Zones" of Chapter III entitled "Police Regulations" of *The Revised General Ordinances of the Township of Warren* by prohibiting electronic smoking devices.

**TOWNSHIP OF WARREN
ORDINANCE NO. 16-13**

AN ORDINANCE AMENDING SECTION 3-22 ENTITLED "TOBACCO RESTRICTIONS IN SCHOOL ZONES" OF CHAPTER III ENTITLED "POLICE REGULATIONS" OF *THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WARREN* BY PROHIBITING ELECTRONIC SMOKING DEVICES.

BE IT ORDAINED by the Township Committee of the Township of Warren, County of Somerset and State of New Jersey as follows:

SECTION 1. Section 3-22 entitled "Tobacco Restrictions in School Zones" is hereby amended to read as follows:

3-22 Tobacco Restrictions in School Zones.

3-22.1 *Purpose.* To promote the health and safety of the youth of the Township of Warren by prohibiting the use of tobacco products and water vapor/electronic smoking devices and their ingredients by individuals under the age of [18] 19 on or within 1,000 feet of a school within the Township of Warren.

3-22.2 *Definitions.*

a. *Electronic smoking device* shall mean 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.

[a.] b. *Minor* shall mean, for the purposes of this of this section 3-22 only, any person under the age of [18] 19.

[b.] c. *School zone* shall consist of any and all property owned by or leased to a public or private elementary, middle or secondary educational institution within the Township of Warren which is used for school purposes, and shall include public lands or public rights-of-way within a radius of 1,000 feet of such school property. School zone shall not include private property where there is no public right-of-way which may fall within 1,000 feet of such school property.

d. Smoking shall mean the burning or, 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 and exhaling of smoke or vapor from an electronic smoking device.

[c.] e. Tobacco product shall mean any product made from the tobacco plant for the purpose of smoking, chewing, inhaling or other personal use, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco in any form, and water vapor/electronic smoking devices and their ingredients.

3-22.3 *Prohibited Use by Minors.* It shall be unlawful for minors to use, or to possess in plain public view, any tobacco product within a school zone within the Township of Warren.

3-22.4 *Penalties.* Unless otherwise provided by law, statute or ordinance, any person violating any of the provisions of this section 3-22, upon conviction thereof, and in the discretion of the municipal court [judgment] judge, shall pay a penalty of not less than twenty-five (\$25.00) dollars, and not more than one hundred (\$100.00) dollars for each offense. In addition, penalties for repeat violations under this section, not to include the first offense, may be in the form of community service, not to exceed 15 hours for a second offense and not to exceed 30 hours for any subsequent offense.

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 confirmed, except where inconsistent with the terms hereof.

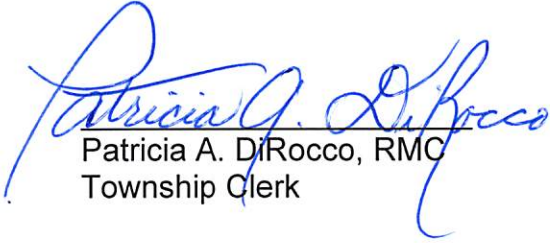
SECTION IV. This Ordinance shall take effect immediately upon final passage and publication according to law.

Note to Codifier: Deleted provisions indicated by brackets [].

New provision indicated in underline _____.

ATTEST:

WARREN TOWNSHIP COMMITTEE


Patricia A. DiRocco, RMC
Township Clerk

By: 
George K. Lazo, Mayor

INTRODUCED May 12, 2016

ADOPTED June 9, 2016

EFFECTIVE June 12, 2016

Handwritten signature in blue ink, possibly reading "Handwritten" or similar cursive text.