

Explanation: This ordinance recodifies and amends the Township of Warren’s existing smoking prohibition. Currently, the Township prohibits underage smoking within school zones. This ordinance would expand that prohibition to include a prohibition against smoking on Township owned properties, including its public parks and all Township-owned buildings as well as lands leased for recreational purposes from the County of Somerset. The ordinance clarifies that smoking also includes use of electronic cigarettes or vaping devices.

**TOWNSHIP OF WARREN
SOMERSET COUNTY, NEW JERSEY**

ORDINANCE #19-50

AN ORDINANCE OF THE TOWNSHIP OF WARREN, COUNTY OF SOMERSET, STATE OF NEW JERSEY REPEALING AND REPLACING SECTION 3-22 ENTITLED “TOBACCO RESTRICTIONS IN SCHOOL ZONES” WITH NEW SECTION 3-22 ENTITLED “SMOKING RESTRICTIONS” OF CHAPTER III ENTITLED “GENERAL POLICE REGULATIONS” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WARREN.

Section 1. Section 3-22 entitled “Tobacco Restrictions in School Zones” of Chapter III entitled “General Police Regulations” is repealed and replaced with new Section 3-22 entitled “Smoking Restrictions.”

a. Definitions.

As used in this section, the following terms shall have the following meanings:

- i. “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.
- ii. “Parks, Recreation Facilities and Buildings” shall mean all public parks, playgrounds, buildings, open space areas or ball fields, publicly owned or leased by the Township of Warren (including recreational areas and parks leased by the Township from the County of Somerset), upon which the public is invited or upon which the public is permitted and where individuals gather for any governmental purposes, recreational activities, including all areas adjacent to such facilities including, but not limited to, parking areas, driveways or driveway aisles.
- iii. “School Zone” shall mean 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, and any buildings or structures thereon, 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.

iv. “Smoking” shall mean 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.

v. “Smoking Product, Device and Paraphernalia” shall mean all tobacco products, including but not limited to, cigars, cigarettes, or any other matter or substance which contains tobacco or any other matter that can be smoked, or any device, pipe, Electronic Smoking Device or other paraphernalia that can be used to inhale smoke or vapor.

vi. “Township Properties and Building” shall mean any and all real properties publicly owned or leased by the Township of Warren and any buildings thereon upon which the public is invited or upon which the public is permitted, including, but not limited to, parking areas, driveways or driveway aisles.

b. Warren Township Parks, Recreation Facilities and Buildings; Township Properties and Buildings; Prohibited.

Smoking is and shall be prohibited in all areas, public or private, interior and exterior, at the all Warren Township Parks, Recreational Facilities and Buildings, and Township Properties and Buildings and “Smoking Prohibited” signs with letters at least one inch in height or designated by the appropriate international symbol shall be located throughout the Parks, Recreational Facilities and Buildings and Township Properties so as to notify and be clearly visible to the public and employees therein.

c. School Zone; Prohibited.

Smoking is and shall be prohibited within a School Zone in the Township of Warren.

Notwithstanding the foregoing, it shall also be a violation of this ordinance for a person under twenty-one (21) years of age to have a Smoking Product, Device and Paraphernalia in their possession within a School Zone.

d. Violations.

Violation of this section will be treated as follows: 1) a first violation shall, upon conviction, result in a fine of up to \$100; 2) a second violation shall, upon conviction, result in a fine of up to \$250; and 3) a third violation shall, upon conviction, result in a fine up to \$500, and/or a period of community service up to 30 days, and/or imprisonment in the county jail or other method of detention for a term not exceeding 30 days.

Section 2. 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 3. The Ordinance shall take effect upon its adoption, passage and publication according to law.

ATTEST:

TOWNSHIP OF WARREN

Cathy Reese, RMC
Township Clerk

Gary DiNardo, Mayor

INTRODUCED: OCTOBER 17, 2019

ADOPTED: NOVEMBER 14, 2019

EFFECTIVE: NOVEMBER 21, 2019