

ORDINANCE NO. 5-13

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AMENDING AND SUPPLEMENTING CHAPTER 198 OF THE CODE OF THE TOWNSHIP ENTITLED PARKS AND RECREATION AREAS WITH THE INCLUSION OF A NEW ARTICLE III ENTITLED "PROHIBITING SMOKING ON PUBLIC PROPERTY"

WHEREAS, pursuant to N.J.S.A. 40:48-2., the governing body of a municipality may make, amend, repeal and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of New Jersey or of the United States, as it may deem necessary and proper for the good of government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants and as may be necessary to carry into effect the powers and duties conferred and imposed by this sub-title, or by any law; and

WHEREAS, the Township Committee of the Township of Hanover recognizes the well-known health and safety risks posed by smoking and finds that it is within the public interest to prohibit smoking in public buildings and on public property such as public parks and recreation areas; and

WHEREAS, the Township Committee has determined that the public interest is best served by preventing the youth of Hanover Township from being exposed and succumbing to the temptations of experimenting with tobacco products; and

WHEREAS, the Township Committee also finds that the appearance of parks and recreation areas can be enhanced and the limited resources of the Township can be conserved if smoking were to be prohibited from such areas thereby keeping such areas free of the litter typically generated by the smoking of cigarettes such as cigarette butts, ashes, wrappings and packaging.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey that Chapter

198 of the Code of the Township entitled Parks and Recreation Areas is hereby amended and supplemented with the establishment of a new Article III to be entitled "Prohibition of Smoking on Public Property".

Article III
Prohibition of Smoking on Public Property

Section 1.

§198-14. Definitions. As used in this Chapter, the following words shall have the following meanings:

Municipal Buildings shall include all structures owned and/or operated by the Township of Hanover and/or occupied by Township employees and used for the conduct of official business of the Township of Hanover.

Parks and Recreational Facilities shall include all public parks, playgrounds, athletic fields and parking lots publicly owned by the Township of Hanover and all property owned by the Township 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 such as the Bee Meadow Pool, including but not limited to any parking area, driveway or drive aisle.

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.

§198-15. Prohibition of Smoking in Public Places; Signs.

- A. Smoking shall be prohibited in the Municipal Building, Whippanong Library, Police Headquarters, the Township's Multi-Purpose Community Center, Monroe Hall and in any other Municipal Building or facility owned and operated by the Township of Hanover. No smoking signs or the international No-Smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently and conspicuously posted at the entrance to each municipal building facility. The signs shall be clearly visible to the public and shall contain letters or a symbol which contrast in color with the sign, indicating that smoking is prohibited therein. The sign must also indicate the violators are subject to a fine. The signs shall be written in English and Spanish in accordance with N.J.S.A. 26:3D-55.
- B. Smoking shall be prohibited in all public parks and recreation facilities, athletic fields, playgrounds, the Bee Meadow Swimming Pool facility and any other recreational facilities owned and operated by the Township of Hanover upon which the public is invited or upon which the public is permitted and where individuals gather for recreational and leisure activities including all areas adjacent to such facilities including but not limited to any parking area, driveway or drive aisle which has been designated with No Smoking signs.

No smoking signs or the international No-Smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently and conspicuously posted at the entrance to each facility. The signs shall be clearly visible to the public and shall contain letters or a symbol which contrast in color with the sign, indicating that smoking is prohibited therein. The sign must also indicate the violators are subject to a fine. The signs shall be written in English and Spanish in accordance with N.J.S.A.26:3D-55.

- C. Smoking shall be prohibited in any vehicle registered, owned and operated by the Township of Hanover.

§198-16. Violations and Penalties. Any person who violates any provision of this Article shall be subject to a fine of not less than \$250.00 for the first offense; \$500.00 for the second offense and \$1,000.00 for each subsequent offense. In addition, any municipal employee found in violation of this Article may also be subject to disciplinary action in accordance with the Township's Policies and Procedures governing discipline.

§198-17. Enforcement. The provisions set forth under this Article III shall be enforced by the Hanover Township Police Department.

Section 2. All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.

Section 3. If any word, phrase, clause, section or provision of this ordinance shall be found by any Court or competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.

Section 4. This ordinance shall take effect immediately upon final passage and publication as required by law.

TOWNSHIP COMMITTEE
TOWNSHIP OF HANOVER
COUNTY OF MORRIS
STATE OF NEW JERSEY

DATE OF INTRODUCTION: January 24, 2013

DATE OF ADOPTION: February 14, 2013

NOTICE OF INTRODUCTION

NOTICE IS HEREBY GIVEN, That the foregoing Ordinance was submitted in writing at a meeting of the Township Committee of the Township of Hanover, in the County of Morris and State of New Jersey, held on the 24th day of January, 2013, introduced and read by title and passed on first reading and the Governing Body will further consider the same for second reading and final passage thereof at a meeting to be held on the 14th day of February, 2013, at 8:30 o'clock in the evening prevailing time, at the Municipal Building, 1000 Route 10, Whippany, in said Township of Hanover, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens in interest shall have an opportunity to be heard concerning same.

JOSEPH A. GIORGIO, TOWNSHIP CLERK
TOWNSHIP OF HANOVER
COUNTY OF MORRIS
STATE OF NEW JERSEY

DATED: January 31, 2013