

TOWNSHIP OF MAPLEWOOD



ORDINANCE

2682-12

**AN ORDINANCE
PROHIBITING SMOKING
IN MAPLEWOOD PARKS,
PLAYGROUNDS, RECREATION AREAS
AND IN AREAS WITHIN 25' OF
TOWNSHIP BUILDINGS**

"Interpretive Statement"

Based upon medical data supplied to the Maplewood Board of Health, the Township Committee has determined that it is the best interests of the residents of Maplewood to prohibit smoking in Township parks, playgrounds, recreation areas, and in areas adjacent to Township Buildings.

WHEREAS, tobacco is the leading cause of preventable disease and death in the United States; and

WHEREAS, tobacco smoke constitutes a substantial health hazard to the nonsmoking majority of the public; and

WHEREAS, the Township of Maplewood's Board of Health (the Board of Health) has heard testimony from Fred M. Jacobs, M.D., J.D., on the effects of outdoor secondhand smoke; and

WHEREAS, medical data available to the Board of Health supports the conclusion that children and senior citizens are particularly susceptible to secondhand smoke; and

WHEREAS, children are extremely impressionable and by all accounts attempt to emulate the actions and habits of adults; and

WHEREAS, the provisions of NJSA 26:3D-63, NJSA 40:48-1 and NJSA 40:48-2 permit a municipality to pass ordinances to protect public health; and

WHEREAS, for public health reasons it is in the best interest of the Residents of Township of Maplewood ("Township") that smoking be prohibited within the public parks, playgrounds and recreation areas of the Township.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Maplewood, County of Essex, State of New Jersey as follows:

FIRST: DEFINITIONS:

Boundary:

Boundary shall mean the exterior property line surrounding each Township park, playground or recreation area, but shall not include a) the sidewalks immediately adjoining the park, playground or recreation area or b) parking lots.

Smoke/Smoking:

Smoke/smoking means the burning of, inhaling from, exhaling the smoke from, or 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.

SECOND: SMOKING PROHIBITED:

A. No person shall smoke within the boundary of any Township park, playground or recreation area including:

Memorial Park

Maplecrest Park

DeHart Park

William Orchard Park

Richard Walter Park

Milo S. Borden Park

Ricalton Square

Grasmere Park

Maplewood Township Municipal Pool

B. Smoking shall not be permitted within twenty-five (25') feet of the ingress or egress of any Township owned or leased building.

THIRD: SIGNAGE:

Signs shall be placed at the entrance and/or other conspicuous location to each park, playground and recreation area covered by this ordinance which shall be located so as to be clearly visible to the public and shall contain letters and/or an international symbol

which contrast in color with the sign, indicating that smoking is prohibited therein. The sign shall also indicate that violators are subject to a fine. Such signs, whether stating "smoking prohibited" or containing an international symbol for "smoking prohibited" shall be in letters at least two (2") inches in height.

Signage shall be placed at the ingress/egress of each Township owned or leased building indicating that smoking is not permitted within twenty-five (25') feet of said ingress/egress.

FOURTH: ENFORCEMENT:

This ordinance shall be enforced by the Chief of Police and/or his/her designees and the Township Health Officer and/or his/her designees.

FIFTH: PENALTIES:

Any person observed to be in violation of the provisions of this ordinance shall be subject to the following penalties:

1. A fine of not less than \$50.00 but not exceeding \$100.00 for the first violation;
2. A fine of not less than \$100.00 but not exceeding \$200.00 for the second violation; and
3. A fine of not less than \$200.00 but not exceeding \$500.00 for the third and any subsequent violation.

SIXTH: SEVERABILITY:

If any section, paragraph, subparagraph, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the specific section, paragraph, subparagraph, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

SEVENTH: REPEAL OF PRIOR ORDINANCES:

Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of any such inconsistencies.

EIGHTH EFFECTIVE DATE:

This Ordinance shall take effect sixty (60) days after final passage and publication and as provided by law.

PUBLIC NOTICE is hereby given that the foregoing proposed Ordinance was introduced and read by title for the first time at a meeting of the Township Committee of the Township of Maplewood, held on February 7, 2012, and that Committee met again on February 21, 2012, at 7:30 p.m. at the Municipal Building, 574 Valley Street, Maplewood, New Jersey, at which time and place the Committee proceeded to consider the said Ordinance on second reading and final passage.

ELIZABETH J. FRITZEN, R.M.C.
Township Clerk