

AN ORDINANCE AMENDING CHAPTER 8.44 ENTITLED "SMOKING REGULATIONS" TO INCLUDE A PROHIBITION AGAINST SMOKING IN THE TOWN CENTER AND AT ALL RECREATIONAL AREAS AND PARKS.

SECTION 1: PURPOSE

WHEREAS, the Township of Ocean and its Mayor and Township Committee are deeply concerned with the adverse health effects of smoking, as well as the adverse effect of second-hand smoke; and

WHEREAS, N.J.S.A. 2C:33-13 provides that smoking may be prohibited by Municipal Ordinance in any public place, including but not limited to places of public accommodation, under the authority of N.J.S.A. 40:48-2, and when adequate notice of such prohibition has been conspicuously posted; and

WHEREAS, the Township of Ocean has previously adopted an Ordinance prohibiting smoking in any school buildings or school grounds; and

WHEREAS, Township of Ocean, through the Waretown Athletic Association, sponsors many recreational programs and activities on fields and in parks owned by the Township and over which the Township has jurisdiction; and

WHEREAS, the Township of Ocean wants to promote and enhance the healthy and wholesome environment of its parks and recreation fields, and the safe enjoyment of these facilities by all individuals, especially children, by restricting smoking in Township owned recreational fields and parks;

WHEREAS, the Township of Ocean has determined that the Town /Center project, consisting of those lots and blocks attached hereto as Exhibit A, is considered a public place and place of public accommodation;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Committee of the Township of Ocean, County of Ocean and State of New Jersey that

Chapter 8.44 of the Code of the Township of Ocean is hereby amended and supplemented so as to add additional prohibitions as follows:

8.44.070 Prohibitions in Town Center and in all Recreational Areas and Parks:

No smoking shall be permitted in any recreation field or in any park. In addition, smoking shall be prohibited in the Townships Town Center area, including the properties set forth on the attached Exhibit A. For the purposes of this ordinance, the smoking prohibition shall not apply to duly designated parking areas surrounding the fields or parks. Enforcement of this section of the ordinance shall be by any member of the Ocean Township Police Department who shall also have the authority to enforce any other provisions of this chapter. Notwithstanding the provisions of section 8.44.060, which shall remain applicable to violations on school property, a violation of section 8.44.070 of this chapter shall be punishable for a first offense with a fine not to exceed \$50.00, or by community service of not more than 2 days; for a second offense within the same calendar year, punishable by a fine of not more than \$100.00, or by community service of not less than 5 days; and for a third offense within the same calendar year, be punishable by a fine of not less than \$200.00, or by community service of not less than 10 days or any combination of fine and Community service as determined in the sole discretion of the Municipal Court Judge.

SECTION 3: All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

SECTION 5: This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed by the Township Committee of the Township of Ocean on first reading at meeting held on the 9th day of November, 2007. The Ordinance will be considered for second and final reading at a meeting of the Township Committee which is scheduled for the 28th day of November, 2007, at 7:30 p.m., or as soon thereafter as the matter may be reached, at the Municipal Building located at 50 Railroad Avenue, Waretown, New Jersey, at which time the public is invited to ask questions, raise objections, or provide public comment with regard to the proposed adoption of this Ordinance.

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