

VILLAGE OF RIDGEWOOD

ORDINANCE NO. 3382

**AN ORDINANCE TO AMEND CHAPTER 244 OF THE CODE OF THE
VILLAGE OF RIDGEWOOD ENTITLED "SMOKING".**

BE IT ORDAINED by the Village Council of the Village of Ridgewood, that Chapter 244, Article III entitled "No Smoking Zones, Village Hall and Library" is amended to read "Smoke Free Zones and Areas"; the Title of Section 244-10 entitled "Use of tobacco or tobacco products prohibited" is amended to read "Definitions" and revised to establish definitions applicable to Article III; Section 244-11 entitled "Violations" is removed and a new Section entitled "Smoking Prohibited" is established; and a new Section 244-12 entitled "Violations" is established.

ARTICLE III

SMOKE FREE ZONES AND AREAS

Section 244-10. Definitions:

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

ENCLOSED AREAS – all areas between a floor and a ceiling, extending to the outer perimeter walls of a structure.

PARKS AND RECREATIONAL FACILITIES – all public parks, playgrounds, sport fields publicly owned or leased by the Village of Ridgewood and all such property within the boundaries of the Village of Ridgewood upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities. This definition excludes the seating areas along East Ridgewood Avenue on the north side of Memorial Park at Van Neste Square and all other parking lots, sidewalks and public streets within the Village.

BOARD OF EDUCATION FACILITIES – any and all property, structures or other areas owned or leased by the Ridgewood Board of Education or operated by employees and agents of and/or persons authorized by the Ridgewood Board of Education and used for official business of the Ridgewood Board of Education.

MUNICIPAL FACILITIES – all structures, improvements, property and enclosed areas owned, leased, rented and/or operated by the Village of Ridgewood, and/or occupied by employees and agents of and/or persons authorized by the Village of Ridgewood and used for official business of the Village of Ridgewood including the "plaza" area located between the Village Hall and the Village Library, at or near the entrance to the Community Center in the Village Hall. This definition shall not include any area adjacent to the Village Municipal Building that may from time to time be designated by the Village Manager as a Village staff smoking area.

Section 244-11. Smoking Prohibited:

- A. It shall be unlawful for any person not covered by Article II of this Chapter to smoke any tobacco product as defined in this Chapter in or on any area defined in Section 244-10 above.
- B. "No Smoking" signs or the International "No Smoking" symbol may be clearly and conspicuously posted in or on any area defined in Section 244-6 above at the discretion of the Village, except in or on the Board of Education Facilities, which signage may be posted at the discretion of the Board of Education. It shall not be a defense to a violation of this Section that "No Smoking" signs were not conspicuously posted as they are not required by this Ordinance.

Section 244-12. Violations:

- A. Any person(s) observed to be in violation of this Article who is not a minor or otherwise subject to Article II of this Chapter shall be issued a summons and may be subject to, at the discretion of the Court, the following penalties:
 - 1.) A warning by the Court or a fine of not less than \$50.00 but not more than \$100.00 for conviction of a first offense;
 - 2.) A fine of not less than \$100.00 but not more than \$150.00 for conviction of a second offense;
 - 3.) A fine of not less than \$150.00 but not more than \$500.00 for conviction of a third and/or any subsequent offense.
 - 4.) For any conviction, the Court shall assess Court administration fees and costs and may sentence the offender to Community Service, for a period of time and type of service to be determined by the Court.

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FOR AFFIRMANCE: Councilmembers: Hauck, Pucciarelli, Riche, Walsh
and Mayor Aronsohn

NAYS: None

ABSENT: None

ABSTAIN: None

Introduction Date: April 10, 2013

Adoption Date: May 8, 2013

Effective Date: May 28, 2013



Paul S. Aronsohn, Mayor

ATTEST:



Heather A. Mailander, Village Clerk