

Township of Hamilton, NJ
Tuesday, May 19, 2015

Chapter 225. Parks and Beaches

Article III. Smoking Prohibition

§ 225-30. Intent.

[Amended 2-7-2011 by Ord. No. 1684-2011]

The health, litter, refuse and debris hazards and burdens referenced above^[1] are sufficient reasons for action to attempt to reduce and eliminate such problems at the locations indicated.^[2]

[1] *Editor's Note: The preamble of this ordinance reads: "Whereas medical and scientific evidence indicates that tobacco use is a leading cause of preventable death in the United States; and whereas numerous studies have found that tobacco smoke is a contributor to air pollution, and that breathing secondhand smoke is a cause of disease, including lung cancer in nonsmokers. At special risk are children, elderly people, individuals with cardiovascular disease and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease ...whereas, smoking tobacco and other plants or vegetation used for smoking, paper, packages, matches and matchbook covers or boxes, and other materials which customarily accompany smoking, and often are discarded by smokers and create litter, refuse and debris at such locations, and that are difficult to clean up and dispose of, and create an undue burden on the Township's facilities and its sanitation crews charged with such responsibility..."*

[2] *Editor's Note: The locations indicated in the preamble to this ordinance are:*

(1) Mizpah ball field, Railroad Blvd., Mizpah Section, 9.26 acres.

(2) Knight Avenue ball field, Harding Lakes, Mays Landing Section, 3.82 acres.

(3) Underhill Park, Old Egg Harbor Road, Mays Landing Section, 71.13 acres.

(4) Hickory Street Soccer Facility, Laureldale Section, 33.53 acres.

(5) Cologne Avenue ball field, Cologne Section, 5.49 acres.

(6) Liepe Tract Recreation Complex, Leipzig Avenue, Cologne Section, 60 acres.

(7) Township Hall, 6101 Thirteenth Street, Mays Landing, New Jersey, and all adjacent parking lots and ancillary facilities located on the northern side of Thirteenth Street.

(8) Frank Grieco Social Services Center, 1309 Route 50, Mays Landing, New Jersey, and all adjacent parking lots and ancillary facilities located on the western side of Route 50.

§ 225-31. Areas restricted.

Smoking of any kind shall be and hereby is prohibited at all such locations referenced above. In addition, smoking of any kind shall be and is hereby prohibited at a certain area of the Cove, Park Road, Mays Landing Section, to be designated "NO SMOKING" by the Township Committee.

§ 225-32. Definitions.

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

SMOKING

The act of lighting by fire by any means, and/or the act of inhaling, exhaling, burning, or carrying any lighted smoking product, including but not limited to a cigarette, cigar, pipe, tobacco, weed, plant or other vegetation or similar material.

§ 225-33. Control of litter.

It shall also be unlawful to discard litter, refuse and debris as described above at such locations.

§ 225-34. Authority to set regulations.

The Township Committee of the Township of Hamilton shall have the power and obligation to prepare reasonable rules and regulations and amendments thereto intended to notify the public by signage and other means, and to encourage compliance by the public with the smoking and smoking materials litter prohibitions.

§ 225-35. Remedies.

Any person violating any of the no smoking and smoking materials littering terms of this article may be required by any member of the Township's Police Department to remedy the situation immediately in the following manner:

- A. Stop smoking in the locations referenced above.
- B. Pick up, remove, and dispose of smoking materials litter created by him or her into a proper receptacle.
- C. Leave the locations referenced above if he or she wishes to continue smoking.

§ 225-36. Violations and penalties.

The Township's Police Department may charge the violator with the offense of violation of this article, said offense to be listed and heard in Municipal Court, the fine for which in the event of a finding of guilty shall be not less than \$50 for a single offense and not more than \$500 for more than a single offense, as shall be determined in the discretion of the Municipal Court Judge. Nothing herein shall preclude the Police Department from charging a violator with a charge or charges of violation under any other ordinance or law of the State of New Jersey that may apply to the offense, in addition to or as an alternative to a charge or charges under this article.