

# ORDINANCE

15-17

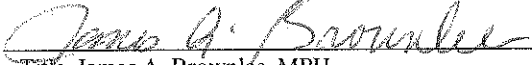
1<sup>st</sup> Reading JUN 30 2015  
Public Hearing JUL 16 2015  
2<sup>nd</sup> Reading & Passage JUL 16 2015  
Withdrawn \_\_\_\_\_ Lost \_\_\_\_\_

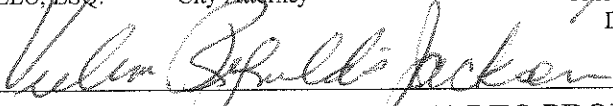
No. \_\_\_\_\_  
Date to Mayor JUL 17 2015  
Date Returned JUL 20 2015  
Date Resubmitted to Council \_\_\_\_\_

Approved as to Form and Legality

Factual content certified by

  
DAVID M. MINCHELLO, ESQ. City Attorney

  
Title James A. Brownlee, MPH  
Director of Health & Human Services

Councilman /woman  presents the following Ordinance:

## AN ORDINANCE AMENDING CHAPTER 54-7 TO PROHIBIT SMOKING IN PARKS AND ALL RECREATIONAL AREAS OWNED, LEASED, OR OPERATED BY THE CITY OF TRENTON

**WHEREAS**, the life-threatening hazards of smoking are well known; and

**WHEREAS**, the City Council of the City of Trenton find that it is in the Public interest to protect impressionable children from the temptations of experimenting with cigarettes and other tobacco products, especially in public places where children are likely to congregate, gather, play, and/or engage in athletic competition; and

**WHEREAS**, the City Council of the City of Trenton further finds that the appearance of parks and recreation areas can be enhance and the limited resources of the Department of Public Works can be conserved if smoking were to be banned from such areas, thereby keeping such areas free from the litter typically generated by smoking of cigarettes, such as cigarette remnants, ashes, and packaging; and

**WHEREAS**, N.J.S.A. 26:3D-63 expressly authorizes municipalities to enact strict ordinances regulating smoking; and

**WHEREAS**, N.J.S.A. 40:48-2 and N.J.S.A. 2C:33-13B also provide that a municipality as the owner and/or operator of a public place, such as public parks and recreational areas may prohibit smoking on such property in order to protect the public health, safety, and welfare of the municipality and its inhabitants; and

**WHEREAS**, it is in the best interest of the City of Trenton to refer to those park and recreational areas as "Smoke Free Zone."

**NOW THEREFORE BE IT ORDAINED**, by the City Council of the City of Trenton, that Chapter 54-7 of the City Code of the City of Trenton is hereby amended as follows:

### Section 1. ARTICLE I - SMOKING

#### Definitions

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

# ORDINANCE

**MUNICIPAL BUILDINGS** – All structures owned, leased, rented, and/or operated by the City of Trenton, and/or occupied by City employees and used for official business of the City of Trenton.

**PARKS AND RECREATIONAL FACILITIES** – All public parks, playgrounds, and ball fields publicly owned or leased by the City of Trenton and all property owned or leased by the City of Trenton 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, including but not limited to, any parking area, driveway, or drive aisle.

**SMOKING** – 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.

## **Prohibiting smoking in public places**

- A. Smoking shall be prohibited in all public parks and recreation facilities owned or leased by the City of Trenton and all property owned or leased by the City of Trenton 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, including but not limited to, any parking area, driveway, or drive aisle, which have been designated with no smoking signs.
- B. Smoking shall be prohibited in any vehicle registered to the City of Trenton.

## **Signage Required**

A sign shall be clearly, sufficiently and conspicuously posted at every property where smoking is prohibited by this Ordinance. The sign(s) shall state “Smoke Free Zone” or “This Public Property is 100% Smoke Free” or substantially similar language and may contain the international no smoking sign or symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section). All signs shall be clearly visible to the public and shall contain letters of a symbol which contrasts in color with the sign, indicating that smoking is prohibited at the designated area. The sign shall also indicate that violators are subject to a fine

## **Enforcement**

The enforcement authority of this chapter shall be the Health Department of the City of Trenton.

## **Violations and penalties**

Any person who violates any provision of this chapter shall be subject to a fine of not less than \$50 - \$100 for the first offense, \$100 - \$200 for the second offense and \$200 - \$500 for each subsequent offense. Any municipal employee found in violation of this chapter may also be subject to discipline in accordance with the provisions of the City of Trenton’s policies and procedures.

# ORDINANCE

Section 2. Severability If any sentence, paragraph or section of this ordinance of the City of Trenton, or the application thereof to any persons or circumstances shall be judged by a court of competent jurisdiction to be invalid, or if by legislative action any sentence, paragraph, or section of this ordinance shall lose its force and effect, such judgement or action shall not affect, impair or void the remainder of this Ordinance

Section 3. Effective Date This Ordinance shall become effective thirty (30) days after final passage by Council of twenty (20) days after approval by the Mayor, whichever comes first.

Section 4. Repealer All other ordinances or part of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

“Statement of Purpose” – The purpose of this Ordinance is to prohibit smoking in parks and recreation areas owned or otherwise possessed by the City of Trenton.

	INTRODUCTION				ADOPTION					INTRODUCTION				ADOPTION					INTRODUCTION				ADOPTION			
	AYE	NAY	NV	AB	AYE	NAY	NV	AB		AYE	NAY	NV	AB	AYE	NAY	NV	AB		AYE	NAY	NV	AB	AYE	NAY	NV	AB
BETHEA	✓				✓				HOLLY WARD	✓				✓				CHESTER	✓				✓			
CALDWELL WILSON		✓				✓			MUSCHAL	✓				✓												
HARRISON	✓				✓				REYNOLDS JACKSON	✓				✓												

NV - NO VOTE      AB - ABSENT

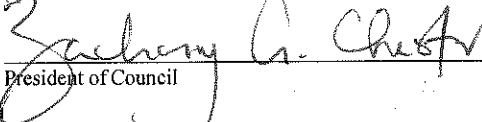
Adopted on first reading at a meeting of the City Council of the City of Trenton, NJ on JUN 30 2015


Adopted on second reading after the public hearing on JUL 16 2015

  
 \_\_\_\_\_  
 Mayor

APPROVED  
REJECTED

Reconsidered by Council - Override Vote  
 \_\_\_\_\_  
 AYE  
NAY

  
 \_\_\_\_\_  
 President of Council

  
 \_\_\_\_\_  
 City Clerk