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Township of Springfield, NJ / Municipal Code

Chapter 9

Smoking

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§ 9-1 STATUTORY AUTHORIZATION; FINDINGS OF FACT; PURPOSE.

§ 9-1.1 Statutory Authorization. [Ord. No. 2015-05]

a. The Legislature of the State of New Jersey in N.J.S.A. 40:48-2, provides that the governing body of a municipality may make, amend, repeal, and enforce such ordinances, regulations, rules and by-laws not contrary to the laws of this State or of the United States, as it may deem necessary and proper for the good of government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by any law; and said Legislature in N.J.S.A. 26: 3D:55, et seq., known and cited as the "New Jersey Smoke-Free Air Act, provides for prohibitions regarding smoking, and therein, by **N.J.S.A. 26:3D-63, expressly authorizes municipalities to enact ordinances under the authority** of N.J.S.A. 40:48-1 or 40:48-2, or by any other statute or regulation adopted pursuant to law for the purposes of protecting life and property from fire or protecting public health, and prohibiting smoking, and further, expressly authorizes municipal ordinances to provide restrictions on or prohibitions against smoking equivalent to, or greater than those provided under the "New Jersey Smoke-Free Air Act.

b. The Legislature of the State of New Jersey in N.J.S.A. 2C:33-13b, provides that the owner and/or operator of a public place, such as public parks and recreational areas, may prohibit smoking on such property.

§ 9-1.2 Findings of Fact and Statement of Purpose. [Ord. No. 2015-05]

a. The Township Committee recognizes the well-known health and safety risks posed by smoking and finds that it is within the public interest to prohibit smoking in public buildings and on public property, such as public parks and recreation areas.

b. The Township Committee has determined that the public interest is especially implicated in preventing the youth of Springfield from being exposed and succumbing to the temptations of experimenting with tobacco products; and

c. The Township Committee also finds that the appearance of parks and recreation areas can be enhanced and the limited resources of the Township's Department of Public Works can be conserved if smoking were to be banned from such areas, thereby keeping such areas free of the litter typically generated by the smoking of cigarettes, such as cigarette butts, ashes and packaging.

§ 9-2 DEFINITIONS AND USAGE. [Ord. No. 2015-05; amended 8-4-2021 by Ord. No. 2021-19]

As used in this chapter, the following words shall have the following meanings: CANNABIS Shall have the same meaning as set forth in N.J.S.A. 24:6I-33. ENCLOSED AREA Shall mean all areas between a floor and a ceiling, extending to the outer perimeter walls of a structure. MUNICIPAL BUILDINGS Shall include all structures owned, leased, rented and/or operated by the Township of Springfield, and/or occupied by Township employees and used for official business of the Township of Springfield. PARKS AND RECREATIONAL FACILITIES Shall include all public parks, playgrounds, ball fields, publicly owned or leased by the Township of Springfield and all property owned or leased by the Township of Springfield 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 Shall mean 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, cannabis, or any other matter that can be smoked. Smoking includes the inhaling or exhaling of smoke or vapor from electronic cigarettes, vaping devices, personal vaporizers, or any electronic nicotine delivery system, or any device which simulates tobacco smoking.

§ 9-3 PROHIBITION OF SMOKING IN PUBLIC PLACES; SIGNS. [Ord. No. 2015-05]

a. Smoking shall be prohibited in all Municipal Buildings as defined herein. No-smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently and conspicuously posted at each Municipal Building entrance and within each closed area where smoking is prohibited by this chapter. The signs shall be clearly visible to the public and shall contain letters or a 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.

b. Smoking shall be prohibited within a twenty-foot radius of entrances of all Municipal Buildings. No-smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently and conspicuously posted both on the building and at the twenty-foot perimeter of the entrances of all Municipal Buildings where smoking is prohibited by this chapter. The signs shall be clearly visible to the public and shall contain letters or a 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.

c. Smoking shall be prohibited in all public parks and recreation facilities owned or leased by the Township of Springfield and all property owned or leased by the Township of Springfield 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. No-smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently and conspicuously posted in all areas regulated by this chapter. The signs shall be clearly visible to the public and shall contain letters or 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.

d. Smoking shall be prohibited in any vehicle registered to the Township of Springfield.

§ 9-4 ENFORCEMENT. [Ord. No. 2015-05] The enforcement authority of this chapter shall be the Police Department, Fire Department, Recreation Department, Public Works Department and Health Department of the Township of Springfield.

§ 9-5 VIOLATIONS AND PENALTIES. [Ord. No. 2015-05] Any person who violates any provision of this chapter shall be subject to a fine of not more than \$50 for the first offense, \$100 for the second offense, \$200 for a third offense, and \$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 Township of Springfield's policies and procedures.