

ORDINANCE NO. 2019-06

**ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH,
STATE OF NEW JERSEY SUPPLEMENTING THE REVISED GENERAL ORDINANCES
OF THE BOROUGH TO INSERT NEW CHAPTER 574: "SMOKING" TO PROHIBIT
THE SMOKING OF TOBACCO AND USE OF ELECTRONIC SMOKING DEVICES
IN CERTAIN PUBLIC INDOOR AND OUTDOOR SPACES**

WHEREAS, the Mayor and Council of the Borough of Red Bank find and declare that tobacco is the leading cause of preventable disease and death in the State and the nation; and

WHEREAS, tobacco smoke constitutes a substantial health hazard to the nonsmoking majority of the public; and

WHEREAS, electronic smoking devices have not been approved as to safety and efficacy by the federal Food and Drug Administration, and their use may pose a health risk to persons exposed to their smoke or vapor because of a known irritant contained therein and other substances that may, upon evaluation by that agency, be identified as potentially toxic to those inhaling the smoke or vapor; and

WHEREAS, the prohibition of smoking at all Borough buildings, parks, and facilities would better preserve and maintain the natural assets of the Borough by reducing litter and increasing fire safety in those areas, while lessening exposure to secondhand smoke and providing for a more pleasant experience for the public; and

WHEREAS, it is clearly in the public interest to prohibit the smoking of tobacco products and the use of electronic smoking devices in all Borough owned or controlled places of public accommodation;

BE IT ORDAINED by the Governing Body of the Borough of Red Bank that the following sections of Chapter 361: "Fire Prevention and Protection" and Chapter 505: "Property Maintenance" of the Revised General Ordinances of the Borough of Red Bank, Monmouth County, are hereby amended and supplemented as follows:

SECTION ONE: The Borough's Revised General Ordinances are hereby amended to insert new Chapter 574: "Smoking" as follows:

CHAPTER 574: SMOKING.

§ 574-1 Definitions.

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

Municipal Buildings shall include all structures owned, leased, rented and/or operated by the Borough and/or occupied by Borough employees and/or used for official business of the Borough.

Parks and Public Recreational Facilities shall include all public parks, playgrounds, pavilions, recreation centers, and fields publicly owned or leased by the Borough and all property owned or leased by the Borough upon which the public is invited or upon which the public is permitted and where individuals gather for recreational or leisure activities, including all areas adjacent to such facilities such as parking areas, driveways, or drive aisles. This definition shall also include the Borough's public lands, streets, and rights of way not ordinarily utilized for recreational or leisure activities during such times when said public lands, streets, and rights of way are being utilized for public special events or for public recreational or leisure activities.

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 that contains tobacco or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking device.

§ 574-2 Prohibition of Smoking in Borough Owned or Controlled Public Places.

- a. Smoking shall be prohibited inside of all Municipal Buildings and within a fifty (50) foot radius of all Municipal Buildings, which radius shall extend from the outer wall of the Municipal Building, but shall not extend beyond the boundary of the property upon which the Municipal Building is located. No-Smoking signs of the international no-smoking signal (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 conspicuously posted at each Municipal Building entrance. The signs shall be clearly visible to the public and indicate that smoking is prohibited inside said Municipal Building and within a fifty (50) foot radius thereof on the public property.
- b. Smoking shall be prohibited in all Parks and Public Recreational Facilities. No-Smoking signs of the international no-smoking signal (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 posted in at least one conspicuous location upon the grounds of all Parks and Public Recreational Facilities. The signs shall be clearly visible to the public and indicate that smoking is prohibited at the Park or Public Recreational Facility.

§ 574-3 Enforcement.

The enforcement authority of this Chapter shall be the Red Bank Borough Police Department.

§ 574-4 Violations and Penalties.

A violation of this Chapter shall be punishable for each violation with a minimum fine of fifty (\$50.00) dollars, not to exceed two hundred (\$200.00) dollars.

SECTION TWO: Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of the Revised General Ordinances are ratified and remain in full force and effect.

SECTION THREE: If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION FOUR: This Ordinance shall take effect immediately upon its passage and adoption according to law.

	Motion	Yes	No	Abstain	Absent
Councilman Yassin	S	X			
Councilwoman Triggiano		X			
Councilman Ballard		X			
Councilman Yngstrom		X			
Councilman Zipprich		X			
Councilwoman Horgan	M	X			

First Reading/Introduction: February 13, 2019

Second Reading/Public Hearing: February 27, 2019

Adopted: February 27, 2019

Pamela Borghi, Municipal Clerk

Pasquale Menna, Mayor