

**BOARD OF HEALTH
OF THE
TOWNSHIP OF CRANBURY**

ORDINANCE NO. 05-17-01

**AN ORDINANCE OF THE BOARD OF HEALTH OF THE
TOWNSHIP OF CRANBURY, COUNTY OF MIDDLESEX, STATE
OF NEW JERSEY, ADDING NEW CHAPTER 167 "SMOKING
PROHIBITED IN TOWNSHIP PARKS, OPEN SPACE AND
RECREATIONAL FACILITIES" TO THE CRANBURY
TOWNSHIP CODE**

WHEREAS, the Cranbury Township Board of Health ("Board") was established pursuant to N.J.S.A. 26:3-1 *et seq.*; and

WHEREAS, pursuant to N.J.S.A. 26:3-2 and Section 20-2 of Chapter 20 of the Cranbury Township Code ("Code"), the Board may adopt rules, regulations or ordinances for its government and that of its officers and employees not inconsistent with law or the State Sanitary Code; and

WHEREAS, the "Smoke-Free Air Act", N.J.S.A. 26:3D-55 *et seq.* and N.J.S.A. 2C:33-13 of the New Jersey Code of Criminal Justice, entitled "Smoking in Public", both expressly authorize municipalities to enact ordinances strictly regulating smoking in public places; and

WHEREAS, the Board recognizes the well-known and established health and safety risks posed by smoking and second-hand smoke; and

WHEREAS, the Board finds that it is within the public interest to prohibit smoking on public property, such as public parks and recreation areas; and

WHEREAS, the Board also finds that the appearance of parks and recreation areas can be enhanced, and the limited resources of the Departments of Public Works and Recreation can be conserved if smoking were to be banned from such areas, thereby keeping such areas free of the litter typically generated by smoking, such as cigarette or cigar butts, ashes, used matches or lighters, and packaging.

NOW, THEREFORE, BE IT ORDAINED by the Board of Health of the Township of Cranbury, Middlesex County, State of New Jersey, that the "Code of the Township of Cranbury" ("Code"), be amended as follows:

1. A new Chapter 167, entitled "Smoking Prohibited in Township Parks, Open Space and Recreational Facilities", shall be added to read as follows:

Chapter 167.
**SMOKING PROHIBITED IN TOWNSHIP PARKS, OPEN SPACE
AND RECREATIONAL FACILITIES.**

§ 167-1. Definitions.

As used in this Chapter, the following terms shall have the meanings indicated.

PARKS, OPEN SPACE AND RECREATIONAL FACILITIES – Includes all public parks owned by the Township of Cranbury.

SMOKING – Consistent with N.J.S.A. 26:3D-57, means 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 inhaling or exhaling of smoke or vapor from an electronic smoking device.

§ 167-2. Prohibition of smoking in public places; signs.

- A. Smoking shall be prohibited in Millstone Park, Heritage Park, Village Park and Cranbury Brook Preserve (West Property).
- B. No-Smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a circle with a diagonal line through its cross section) shall be clearly, sufficiently and conspicuously posted at the entrance to every public place where smoking is prohibited by this ordinance. 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. However, the posting of such signs shall not congest the overall appearance of the areas regulated by this Chapter nor impose an inordinate expense upon the Township of Cranbury.

§ 167-3. Enforcement.

The Health Officer or Board of Health.

§167-4. Violations and Penalties.

A. Unless another penalty is expressly provided by New Jersey statute, any person violating any provisions of this Chapter shall, upon conviction, be subject to a fine of not less than \$250 for the first offense, \$500 for the second offense, and \$1,000 for each subsequent offense.

§167-5. Construal of Provisions.

No provision in this Chapter shall be construed or interpreted to allow smoking where it is otherwise restricted by other laws.

2. **Severability.** If any portion of this Ordinance is found to be invalid for any reason by any court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the ordinance actually invalidated and shall not be deemed to affect the operation of any other portion thereof.

4. **Effective Date.** This ordinance shall take effect upon notice and publication as provided for by law.

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Board of Health of the Township of Cranbury, in the County of Middlesex, State of New Jersey, held on May 1, 2017. It will be further considered for final passage, after public hearing thereon, at a meeting of the Board of Health to be held in the Gourgaud Gallery of Town Hall, 23-A North Main Street, in the Township of Cranbury, on June 5, 2017 at 7:00 p.m., and during the week prior and up to and including the date of such meeting, copies of said ordinance will be made available at the Township Clerk's Office to the members of the general public who shall request same.

Wendy Borg, Secretary
Cranbury Township Board of Health