

**BERNARDSVILLE BOROUGH  
ORDINANCE NO. 2023-1980**

**PROHIBITING SMOKELESS TOBACCO USE IN BOROUGH BUILDINGS, PARKS,  
PLAYGROUNDS, RECREATION AREAS AND VEHICLES ADDING DEFINITIONS  
OF “SMOKING” (TO INCLUDE “VAPING”) AND “SMOKELESS TOBACCO” TO  
SECTION 3-8 OF THE BOROUGH CODE WHICH PROHIBITS SMOKING**

**WHEREAS.** section 3-8 of the Borough Code prohibits smoking in borough buildings, parks, playgrounds, recreation areas and vehicles , but does not explicitly prohibit vaping or the use of smokeless tobacco; and

**WHEREAS,** the governing body wants to clarify the ordinance so that vaping and the use of smokeless tobacco are explicitly prohibited;

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Borough of Bernardsville in the County of Somerset, State of New Jersey that in Section 3-8 entitled “Smoking Prohibited in Municipal Buildings, Parks, Playgrounds, Recreation Areas and Vehicles” in Article 3 of the Borough Code entitled “Police Regulations” is supplemented and amended as follows:

**Section 1.** § 3-8.1 of the Borough Code entitled, “Smoking Prohibited in Borough Facilities and Vehicles” is supplemented and amended to read as follows:

“In accordance with the provisions of N.J.S.A. 2C:33-13, smoking and the use of smokeless tobacco are hereby prohibited in all Borough buildings, parks, playgrounds and recreation areas and within 25 feet of any entrance to a Borough building, and in all Borough vehicles.”

**Section 2.** Subsection 3-8.2 entitled “Definitions” is supplemented and amended by adding the following definition of “smoking” in alphabetical order:

**3-8.2 Definitions.**

*As used in this section:*

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**SMOKING**

Shall mean the inhaling, exhaling, burning, or carrying of a lighted or heated cigar, cigarette, pipe, electronic smoking device, or any other tobacco or plant product intended for human consumption through inhalation, in any manner or in any form.

**SMOKELESS TOBACCO**

Shall mean a fine-grained tobacco that often comes in teabag-like pouches that users put between their lower lip or cheek and gum. Chewing tobacco (also known as snuff or chew) comes in shredded, twisted, or bricked tobacco leaves.

**Section 3.** Any or all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

**Section 4.** In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

**Section 5.** This ordinance shall become effective immediately upon final passage and publication as required by law.

COUNCIL OF THE BOROUGH OF  
BERNARDSVILLE IN THE COUNTY  
OF SOMERSET

ATTEST:

Anthony Suriano  
Anthony Suriano, Borough Clerk

By: Mary Jane Canose  
Mary Jane Canose, Mayor

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