

**ORDINANCE #09.23**

**AN ORDINANCE AMENDING BOROUGH CODE OF THE BOROUGH OF PAULSBORO,  
CHAPTER 44, ARTICLE II, ENTITLED "MISCELLANEOUS NUISANCES", §44-30 and §44-31;  
AND CHAPTER 45A, ENTITLED "PARKS, PLAYGROUNDS AND RECREATIONAL AREAS"  
REGARDING TOBACCO AND RELATED PRODUCTS USE**

**WHEREAS**, New Jersey banned smoking in the workplace and indoor public spaces in 2006;  
and

**WHEREAS**, in 2010, New Jersey's Smoke-Free Air Act was amended to also ban e-cigarettes in  
indoor public places and workplaces; and

**WHEREAS**, New Jersey was the first state in the nation to ban the use of e-cigarettes in the  
workplace and in indoor public spaces; and

**WHEREAS**, in 2015, Borough Council passed Ordinance #01.15 which prohibited, "[s]moking  
and tobacco chewing shall be prohibited at any and all times in or on any publicly owned parks  
and/or recreational areas and any other area designated by Borough Council as smoke- and tobacco-  
free zones."; and

**WHEREAS**, in recent years there has been an evolution of not only tobacco products but also  
nicotine products; and

**WHEREAS**, it is in the best interests for the health, safety and welfare of its residents and  
stakeholders that the Borough of Paulsboro include e-cigarettes and vaping in the prohibition  
of tobacco, tobacco related products and nicotine related products and the prohibition of the  
use of these products in public spaces.

**NOW, THEREFORE, BE IT ORDAINED**, by the Borough Council of the Borough of Paulsboro,  
County of Gloucester and State of New Jersey that Chapter 42, Article II, entitled "Nuisances"  
be amended as follows:

Section 1:

*CHAPTER 44 NUISANCES*

*Article II Miscellaneous Nuisances*

§44-30 Prohibited Acts

(K) [Added with this Ordinance] Smoking, as defined in N.J.S.A. 26:3D-57, and the use of  
smokeless tobacco, including chewing tobacco, use of electronic smoking devices, and  
including vaping and vaping products, 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 shall be prohibited in all locations identified pursuant to the New  
Jersey Smoke-Free Act, N.J.S.A. 26:3D-55, et. seq., in addition to any and all publicly owned  
property within the Borough.

§44-31 Violations and Penalties [Amended as to the Amount of the fines]

Any person or persons, firm or corporation violating any of the provisions of this ordinance shall, upon conviction for each offense, be subject to a fine of not exceeding \$500 or imprisonment in the Borough or county jail for a period not exceeding 30 days, or both, in the discretion of the Mayor, Municipal Court or other Magistrate before whom the conviction is had.

**NOW, BE IT FURTHER ORDAINED** that Chapter 45A, entitled “Parks, Playgrounds and Recreational Areas” and §3.1A(16) be amended as follows [Language supplemented and amended]: “Smoking, as defined in N.J.S.A. 26:3D-57, and the use of smokeless tobacco, including chewing tobacco, use of electronic smoking devices, and including vaping and vaping products, 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 shall be prohibited at any and all times in or on any publicly owned parks and/or recreational areas and any other area designated by Borough Council as smoke- and tobacco-free zones and/or smoke free zones.

Section 2. All other Chapters of the Borough code shall remain valid and in effect, and are not amended by this Ordinance unless specifically so stated.

Section 3. All Ordinances or part of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4. Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 5. This Ordinance shall take effect after final passage, approval and publication, as provided by law.

BOROUGH OF PAULSBORO

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Gary C. Stevenson, Mayor

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Elsie Tedeski, Acting Borough Clerk