

**AN ORDINANCE AMENDING CHAPTER 12, SECTION 8.14 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(TOBACCO AND NICOTINE DELIVERY PRODUCTS-PENALTIES)**

Formatted: Centered

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 12, Section 8.14 of the Revised General Ordinances of the Township of West Orange be and are hereby amended as follows:

I. PURPOSE

The purpose of this ordinance is to modify the fines set forth in Chapter 12, Section 8.14 of the Revised General Ordinances of the Township of West Orange (the "Township Code") to be amendable by Resolution such that it is amendable in the future by approval of the Township Council, a necessity in an everchanging socioeconomic climate.

II. CHAPTER 12, SECTION 8.14 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

§12-8.14 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled "Penalties" which specifies the penalty for failing to comply with the provisions of Chapter 12 Section 8 governing the sale and delivery of Nicotine products in the Township shall be repealed and replaced by the following language:
 - a. Unless otherwise provided by law, statute or ordinance, any person violating any provision of this section shall, upon conviction thereof, pay a fine ~~of not less than \$250 for the first violation, not less than \$500 for the second violation, and not less than \$1,000 for the third and each subsequent violation~~ in an amount prescribed by Resolution. The complaint shall be made in the Municipal Court or before such other judicial officer having authority under the laws of the State of New Jersey.
 - b. In addition any violator of this section shall be subject to having any Township License, held by the violator, suspended, revoked or fined. No such action may be taken unless the requirements of due process are satisfied.
 - c. Any person who continually violates this section may also be charged in the Municipal Court or in Superior Court with maintaining a nuisance.
 - d. These penalties are in addition to any penalties that may be imposed including but not limited to penalties imposed by the New Jersey Code of Juvenile Justice, N.J.S.A. 2A:170-51, et seq. and N.J.S.A. 2C:33-13.1, et seq.

- e. Each sale of tobacco and or nicotine delivery product to any person under the age of 21 shall constitute a separate violation.
- f. Fines and sanctions associated with this section shall be dedicated and forwarded to the Health Department to be used in connection with education and enforcement of this ordinance. The monies shall be maintained by the Chief Financial Officer or Comptroller of the Township of West Orange.

III. REPEAL OF CONFLICTING ORDINANCES

Any Ordinances of the Township which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

IV. SEVERABILITY

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

V. EFFECTIVE DATE

This Ordinance shall take effect upon final passage and publication in accordance with the law.

SUSAN MCCARTNEY, MAYOR

**TAMMY WILLIAMS,
COUNCIL PRESIDENT**

KAREN J. CARNEVALE, R.M.C.
5-MUNICIPAL CLERK

INTRODUCED: June 13, 2023

ADOPTED: July 11, 2023

Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 12 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.