

**STATE OF NEW JERSEY**

**ORDINANCE NO. 17-2018**

**AN ORDINANCE OF THE CITY OF MILLVILLE NEW JERSEY AMENDING CHAPTER 25 PROHIBITING SMOKING OR USE OF TOBACCO AND TOBACCO RELATED PRODUCTS UPON CITY OWNED PROPERTIES.**

WHEREAS, the Commissioners of the City of Millville, being duly elected by the people as their governing body are tasked with preparing local laws and ordinances; and

WHEREAS, the laws of the State of New Jersey prohibit the use of tobacco in all public schools, public school grounds, and public buildings, recognizing the dangers of the use of tobacco including second hand smoke; and

WHEREAS, the City of Millville has determined to prohibit the use of tobacco and tobacco related products on the properties owned by the City of Millville; and

WHEREAS, the City of Millville recognizes the well-known health and safety risks associated with the use of tobacco and tobacco related products and finds that it is in the best interest of the health, safety and welfare of the City and its citizens to enact the following ordinance as described herein;

**NOW THEREFORE, THE BOARD OF COMMISSIONERS OF THE CITY OF MILLVILLE DO ORDAIN:**

**CHAPTER §25-11 SMOKING OR USE OF TOBACCO AND TOBACCO RELATED PRODUCTS PROHIBITED ON CITY PROPERTY**

**SECTION 1 – DEFINITIONS:**

Whenever used in this article, the following words shall have the following meanings:

**ELECTRONIC SMOKING DEVICE**

The use of an electronic device that can be used to deliver nicotine or other substances to the person inhaling the device, including, but not limited to, an electronic cigarette, cigar, cigarillo or pipe.

**SMOKING**

The burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, cigarillo or pipe or any other matter or substance which contains tobacco.

**TOBACCO PRODUCT**

Any product containing tobacco or nicotine, including but not limited to cigars, cigarillos, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, snus, and electronic cigarette cartridges.

**SECTION 2 - SMOKING OR USE OF TOBACCO AND TOBACCO RELATED PRODUCTS UPON CITY OWNED PROPERTIES IS PROHIBITED:**

No person shall engage in smoking or use of Tobacco Products while on City owned properties.

Employees engaged in smoking or use of Tobacco Products in an employee designated smoking area are exempt from this restriction.

**SECTION 3 - ENFORCEMENT:**

A. This article shall be enforced by the Police Department and/or any other person charged with the enforcement of ordinances in the City of Millville.

B. It shall be unlawful for any person to molest, willfully oppose, verbally abuse or otherwise obstruct any official executing their official duty in a manner prescribed by law.

C. Citizens may bring complaints against violators of this article.

**SECTION 4 - VIOLATIONS AND PENALTIES:**

Any person found to be in violation of this article shall, upon conviction, be subject to the following penalties:

A. A fine of not less than \$50 but not exceeding \$100 for the first offense;

B. A fine of not less than \$100 but not exceeding \$200 for the second offense;

C. A fine of not less than \$200 but not exceeding \$500 for the third offense.

**SECTION 5 - PARTIAL INVALIDITY:**

Should any provision of this ordinance be deemed invalid for any reason that invalidity shall not affect the remaining provisions of the ordinance, and the provisions and sections of the ordinance are hereby declared to be severable with respect to their validity.

**SECTION 6 - INCONSISTENT ORDINANCE:**

All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 7 - EFFECTIVE DATE:**

This ordinance shall take effect twenty (20) days after publication following final passage, according to law.

**ADDITIONALLY, CHAPTER §46-113 PERSONNEL POLICIES ARTICLE XXVI-SMOKING SHALL BE AMENDED TO INCLUDE THE FOLLOWING LANGUAGE:**

Smoking or use of Tobacco or certain Tobacco related products is prohibited on certain City properties. Employees engaged in smoking or use of Tobacco Products in an employee designated smoking area are exempt from this restriction.  
(Chapter §25-11)

FIRST READING: March 20, 2018

Moved By: Cooper

Seconded By: Pepitone

VOTING	In Favor	Against	Abstain	Absent
Michael Santiago	X			
W. James Parent	X			
Ashleigh Udalovas	X			
Joseph Pepitone	X			
Bruce Cooper	X			

SECOND READING: April 3, 2018

Moved By: Cooper

Seconded By: Udalovas

VOTING	In Favor	Against	Abstain	Absent
Michael Santiago	X			
W. James Parent	X			
Ashleigh Udalovas	X			
Joseph Pepitone	X			
Bruce Cooper	X			

**CERTIFICATION**

I certify that the foregoing is a true copy of an Ordinance adopted by the Board of Commissioners, of the City of Millville in the County of Cumberland, at a meeting thereof held on April 3, 2018.

Attest:

  
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 Jeanne M. Hitchner, City Clerk

<b>PROCEDURE</b>	
Approved on First Reading:	March 20, 2018
Published:	March 24, 2018
Approved on Second Reading:	April 3, 2018
Published:	April 7, 2018
Effective Date:	April 27, 2018