

**BOROUGH OF WRIGHTSTOWN  
COUNTY OF BURLINGTON**

**ORDINANCE 2020-03**

**CREATING A NEW CHAPTER 176 IN THE BOROUGH CODE  
ENTITLED “SMOKING”**

**WHEREAS**, the New Jersey Smoke-Free Air Act, codified at N.J.S.A. 26:3D-55 et seq., prohibits smoking in public buildings; and

**WHEREAS**, Public Law 2018, c. 64 amended the Smoke-Free Air Act to further limit smoking in public places including on all school grounds and in public parks; and

**WHEREAS**, the Smoke-Free Air Act was enacted to limit second hand smoke and the Act permits municipalities to create ordinances more stringent than the state law; and

**WHEREAS**, N.J.S.A. 40:48-1 & 40:48-2 also permit municipalities to adopt ordinances regulating the public health and safety; and

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

**WHEREAS**, the Borough Council finds that it is within the public interest to prohibit smoking on property owned by the Borough of Wrightstown and the Wrightstown Municipal Utilities Authority, including in vehicles owned by the Borough and Municipal Utilities Authority.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED**, by the Borough Council of the Borough of Wrightstown, County of Burlington and State of New Jersey, that the Borough Code of the Borough of Wrightstown, be and is hereby amended and supplemented to create a new Chapter 176 entitled “Smoking.”

**Section One. Creation of new Chapter 176.**

The Borough Council creates a new Chapter 176 of the Borough Code entitled “Smoking” to read as follows:

**Chapter 176. Smoking.**

**176-1 Findings and Intent.**

The Borough finds that:

A. Numerous studies have found that tobacco smoke is a major contributor to outdoor pollution and breathing secondhand smoke is a cause of disease in healthy non-smokers.

B. As a result, the Borough Council adopts this Code to protect the public health and welfare by prohibiting smoking in certain public places, which are more specifically defined below.

## **176-2 Definitions.**

As used in this section, the following words shall have the following meaning:

ENCLOSED AREA shall mean all areas between the floor and a ceiling, extending to the outer perimeter walls of the structure.

MUNICIPAL BUILDINGS AND GROUNDS shall include all structures and property, including vehicles, owned, leased, rented and/or operated by the Borough of Wrightstown and/or the Wrightstown Municipal Utilities Authority, and/or occupied by employees and used for official business of the Borough of Wrightstown. The definition shall specifically include, but shall not be limited to, the municipal building, firehouse, public restrooms, maintenance building and Wrightstown Municipal Utilities Authority buildings, as well as parking and grass areas which surround said buildings.

SMOKING shall mean 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 the inhaling or exhaling of smoke or vapor from an electronic smoking device or similar device. If legalized by the State of New Jersey, the term shall also the inhaling or exhaling of any cannabis product.

## **176-3. Prohibition of smoking in public places and signage.**

- a. Smoking shall be prohibited in all Municipal Buildings and Grounds as defined herein. No-smoking signs or the international no-smoking symbol shall be clearly, sufficiently and conspicuously posted at each Municipal Building entrance and within each outdoor area where smoking is prohibited by this Section. The sign shall also indicate that violators are subject to a fine.
- b. Smoking shall be prohibited on municipal grounds up to the property lines and shall not be reduced even during inclement weather.
- c. Smoking shall be prohibited in any municipal vehicle registered to the Borough of Wrightstown.
- d. Smoking and the use of other tobacco products shall not be permitted in any enclosed area of the municipal buildings and grounds in the Borough of Wrightstown.

## **§ 176-4 Enforcement**

This Chapter shall be enforced by the Borough of Wrightstown's Police Department and Code Enforcement Officer.

**§ 176-5 Violations and Penalties**

Any person found guilty of a violation of this Chapter by a court of competent jurisdiction may be subject to a fine of not less than \$250 and not more than \$1000 and or subject to up to 30 days community service and or up to 30 days' incarceration in a county jail.

**§ 176-6 Repealer, Severability and Effective Date.**

A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Council hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.

C. This Ordinance shall take effect upon passage and publication according to law.

**NOTICE**

The ordinance published herewith was introduced and passed upon first reading at the Regular Meeting of the Borough Council of the Borough of Wrightstown held on March 25, 2020. It will be further considered for final passage after a public hearing at the Regular Meeting to be held on May 13, 2020 at 6:30 PM by conference call due to the COVID-19 pandemic. Members of the public wishing to participate in the public hearing may do so by calling the conference call line at 1-732-447-9901 and entering the conference code 518129 to join, at which time all interested persons will be heard.

Dated: April 15, 2020

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FREDA H. GORMAN, RMC  
Municipal Clerk

**INTRODUCTION / FIRST READING MARCH 25, 2020:**

**MOTION:** Mr. Cottrell

**SECOND:** Mr. Timberman

**ROLL CALL:**

Ayes: Mr. Bird, Mr. Cottrell, Mr. Lownds, Mrs. Knapp, Mr. Timberman

Nays: None

Absent: Mr. Severns

Abstain: None

**SECOND READING/PUBLIC HEARING/FINAL ADOPTION MAY 13, 2020:**

**MOTION:** Mr. Lownds

**SECOND:** Mr. Cottrell

**ROLL CALL:**

Ayes: Mr. Bird, Mr. Cottrell, Mr. Lownds, Mrs. Knapp, Mr. Timberman

Nays: None  
Absent: Mr. Severns  
Abstain: None

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THOMAS E. HARPER  
Mayor

**CERTIFICATION**

**TAKE NOTICE** that the aforementioned Ordinance Number 2020-03 was finally adopted by the Borough Council of the Borough of Wrightstown, County of Burlington, State of New Jersey, after Second Reading and Public Hearing at a publicly advertised conference call Council Meeting held on May 13, 2020.

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FREDA H. GORMAN, RMC  
Municipal Clerk

Date: May 13, 2020

Ord2020-03 Prohibiting Smoking on Municipal Grounds