



**Township of Delaware
Ordinance No. 2023-09**

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF DELAWARE, COUNTY OF HUNTERDON, STATE OF NEW JERSEY BY ADDING A NEW CHAPTER 300 TO BE ENTITLED "SMOKING" WHICH PROVIDES FOR REGULATIONS AND PENALTIES FOR VIOLATION OF THE CHAPTER

BE IT ORDAINED, by the Township Committee of the Township of Delaware, County of Hunterdon, State of New Jersey as follows:

Section 1. The Code of the Township of Delaware is hereby amended by adding thereto a new chapter to be Chapter 300, Smoking, to read as follows:

Article I. Smoking Prohibited in Recreational Areas, Township-Owned Property, and Township-Sponsored Events

§ 300-1 Smoking Prohibited in Recreational Areas, Township-Owned Property, and Township-Sponsored Events

It shall be unlawful for any person to smoke and/or consume tobacco and/or cannabis in or on Township-owned property, recreational areas and at Township-sponsored events within the Township of Delaware.

§300-2 Definitions:

As used in this article, the following terms shall have the meanings indicated:

CANNABIS

The term "cannabis" in the Section shall include cannabis, marijuana and/or any product made from cannabis or marijuana including, but not limited to, flowers, oils, vapor, or edibles.

CONSUMPTION

The eating, drinking, smoking, or ingesting of something.

RECREATIONAL AREAS

Any parks, playgrounds, or any other public facilities that provide for active or passive recreation.

SMOKING

The burning of, inhaling from, exhaling the smoke from or possession of a lighted cigar, cigarette, pipe, e-cigarette, vape or any other matter or substance which contains tobacco and/or cannabis and/or emits vapor or smoke.

TOBACCO

Any product made from the tobacco plant for the purpose of smoking, chewing, inhaling or other personal use, including cigars, chewing tobacco, pipe tobacco, snuff, and cigarettes in any form.

TOWNSHIP-OWNED PROPERTY

All buildings, lands and grounds owned or leased by the Township of Delaware, including but not limited to recreation fields, parking areas and grounds adjacent to the buildings owned and operated by the Township of Delaware.

TOWNSHIP-SPONSORED EVENT

Any community concert, parade, walkathon, march, fair, carnival, festival, celebration, competition, sports event, party, ceremony, show, demonstration, rally, race, vigil, exhibition, pageant or procession of any kind or any similar display in or upon any street, sidewalk, park, or other public place in the Township of

Delaware.

§ 300-3 Posting of notice.

The Department of Public Works is authorized to post adequate notice of the smoking prohibition in conspicuous places near the entrances to and within the parks, playgrounds, park facilities, ballfields, and recreational areas. The signs may contain wording that violations within the designated area are subject to a fine. The failure to post any such sign shall not be a defense against a violation of this chapter.

§ 300-4 Violations and penalties.

A. Any person who violates any provision of this chapter shall be subject to the following:

- (1) A fine in the maximum amount of \$125 for the first violation.
- (2) A fine in the maximum amount of \$200 for the second violation.
- (3) A fine in the maximum amount of \$300 for each additional violation.

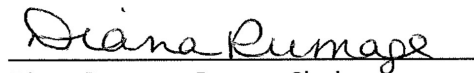
B. The Municipal Court shall have the right, upon conviction for a first violation, to suspend such penalty upon the condition that the violator attend a program or programs relating to the harmful use of smoking and the use of tobacco products and that the violator produces proof of attending said program.

Section 2. Renumbering. The sections, subsections and provisions of this Ordinance may be renumbered as necessary or practical for codification purposes.

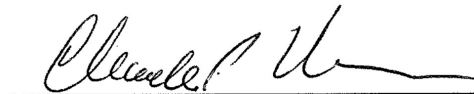
Section 3. Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 4. Repealer. Any Ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

ATTEST:



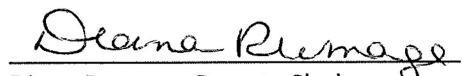
Diana Rumage, Deputy Clerk



Charles Herman, Mayor

PLEASE TAKE NOTICE that the above Ordinance was approved on first reading at the regular meeting of the Delaware Township Committee held September 11, 2023. It will be considered on second reading for final adoption at a regular meeting to be held October 10, 2023, beginning 7:30 P.M. at Township Hall, Sergeantsville, New Jersey. At that time, an opportunity will be given for all interested citizens to be heard.

I, Diana Rumage, Deputy Clerk of the Township of Delaware, do hereby certify that the foregoing is a true copy of an ordinance that was adopted by the Township Committee of the Township of Delaware on October 10, 2023.



Diana Rumage, Deputy Clerk

Introduction: September 11, 2023

Adoption: October 10, 2023

Township Committee	Motion	Second	Yes	No	Abstain	Absent
Chad Bower		X	X			
Susan Lockwood			X			
Joseph Vocke			X			
James Waltman	X		X			
Charles Herman, Mayor			X			