#### Ordinance 15-10

#### **CHAPTER 223-SMOKING**

#### **SMOKE-FREE ZONES AND AREAS**

§223-1. Definitions.

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

#### **BOARD OF EDUCATION FACILITIES**

Any and all property, structures or other areas owned or leased by the Allendale Board of Education or Northern Highlands Regional Board of Education or operated by employees and agents of and/or persons authorized by the Allendale Board of Education and used for official business of the Allendale Board of Education.

#### **ENCLOSED AREAS**

All areas between a floor and a ceiling, extending to the outer perimeter walls of a structure.

#### **MUNICIPAL FACILITIES**

All structures, improvements, property and enclosed areas owned, leased rented and/or operated by the Borough of Allendale, and/or occupied by employees and agents of and/or persons authorized by the Borough of Allendale used for official business of the Borough of Allendale. This definition shall not include any area adjacent to the Borough Municipal Buildings that may from time to time be designated as Borough of Allendale staff smoking area.

#### PARKS AND RECREATIONAL FACILITIES

All public parks, including the Fyke Nature Center (Celery Farm), playgrounds, sport fields publicly owned or leased by the Borough of Allendale and all such property within the boundaries of the Borough of Allendale upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities. This definition excludes public parking lots, sidewalks and public streets within the Borough of Allendale.

#### TOBACCO PRODUCT

Any product made from the tobacco plant for the purposes of smoking, chewing, inhaling and other personal use, including but not limited to cigars, chewing tobacco, pipe tobacco, snuff, e-cigarettes and cigarettes in any form.

### §223-2. SMOKING PROHIBITED

- A. It shall be unlawful for any person to smoke any tobacco product as defined in this chapter in or on any of the following areas:
  - (1) In any Municipal Facilities and Parks and Recreational Facilities, as such terms are defined herein:
  - (2) In or on the area between the edge of pavement of any street/roadway line and the property boundary of any Board of Education Facility as defined in §223-1 this chapter, inclusive of the sidewalk and open or grass area adjacent to the property boundary.
- B. "No smoking" signs or the international "no smoking" symbol may be clearly and conspicuously posted in or on any area defined in §223-1, above, and §223-2 at the discretion of the Borough of Allendale, except in or on the Board of Education facilities, which signage may be posted at the discretion of the Board of Education. It shall not be a defense to a violation of this section that "no smoking" signs were not conspicuously posted as they are not required by this article.

## §223-3. VIOLATIONS AND PENALTIES

Any person(s) observed to be in violation of this article shall be issued a summons and may be subject to, at the discretion of the Court, the following penalties:

- A. A warning by the Court or a fine of not less than \$100.00 for conviction of a first offense;
- B. A fine of not less than \$250.00 for conviction of a second offense;
- C. A fine of not less than \$500.00 for conviction of a third and/or any subsequent offense.
- D. For any conviction, the Court shall assess court administration fees and costs and may sentence the offender to community service, for a period of time and type of service to be determined by the Court.

# BOROUGH OF ALLENDALE Introduction of Ordinance 15-10

March 26, 2015

Resolution 15-127

Be It Resolved that Ordinance 15-10, Chapter 223 of the Allendale Borough Code Smoke-Free Zones and Areas is introduced, and does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 9<sup>th</sup> day of April, 2015, at 8:00 p.m. or as soon thereafter, at Allendale Borough Hall, Council Chambers, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance.

	Motion	Second	Yea	Nay	Absent	Abstain
Bernstein						
Homan			4			
McSwiggan	_	Ñ				
Sasso						
Strauch						
Wilczynski						
White	A)					

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body Of the Borough of Allendale on March 26, 2015

Elizabeth White, Mayor

Frank Valenzuela

Acting Municipal Clerk