

TOWNSHIP OF WALL

ORDINANCE NO. 5-2018

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 184 OF THE TOWNSHIP CODE REGARDING SMOKING REGULATIONS

WHEREAS, the Township of Wall, through adoption of Wall Municipal Code Chapter 184 recognizes that it is authorized to regulate smoking activities in public places within the Township of Wall; and,

WHEREAS, the Wall Township Attorney has reviewed the current language in Chapter 184 of the Wall Township Code and has determined that such Code language is antiquated and does not reflect the current regulations on smoking required by New Jersey State law and that the Township Committee desires to add additional regulations which would restrict smoking to 50 feet outside of recreational activities; and,

NOW, BE IT ORDAINED by the Township Committee of the Township of Wall, in the County of Monmouth, in the State of New Jersey, as follows:

EXPLANATION – Matter in bold-faced in this document is not enacted and is intended to be omitted in the Wall Township Code. Matter underlined thus is new matter.

Section 1. Chapter 184-1 Definition.

SMOKING

The burning or use of a lighted cigar, cigarette, pipe, E-cigarette, vape or any other matter or substance which contains tobacco and or emits a vapor or smoke.

184-2 Smoking restricted in school buildings. This section shall be deleted in its entirety and will be replaced with new language as follows:

184-2 Smoking Confined to Certain Areas at Certain Events.

No person attending an athletic and/or recreational event that takes place on Township property shall smoke in any area closer than fifty (50') feet from the boundary of any athletic field and/or within fifty (50') feet of any of the event participants whether or not such participants are engaged in event activities. No smoking shall take place in any restrooms serving an athletic and/or recreational event on Township property during the course of an athletic or recreational event. Smoking is prohibited within fifty (50') feet of any area where food or beverages are served. This prohibition shall apply only to those athletic or recreational

events where any of the participants are eighteen (18) years of age or younger. Violations of this prohibition shall be punishable as prescribed by law as stated in Chapter 184-3 included herein.

For the purposes of this section, the courtyard at the municipal complex located between the municipal building and the library including the veterans' amphitheater and walkways to the parking lots shall be considered prohibited smoking areas as there is a reasonable anticipated presence of children involved in the various recreational programs as well as the library.

It is further recommended that each organization that routinely utilizes township recreational space shall educate its participants and families about this ordinance and establish designated smoking areas.

184-3 Smoking restricted in municipal complex structures. This section shall be deleted in its entirety and will be replaced with new language as follows:

184-3 Fines and Penalties

Violations of this Chapter shall be punishable by a minimum fine of \$100.00 and up to \$250 for a first offense. Subsequent violations will carry fines up to \$500.

Section 2. All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.

Section 3. This Ordinance may be renumbered for codification purposes.

Section 4. In the event that any section, part or provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

Section 5. This Ordinance shall take effect upon final passage and publication as provided by law.

Introduced: February 28, 2018

Adopted: March 28, 2018

Attest: 
Roberta M. Lang

Attest: 
Timothy Farrell, Mayor