

## ORDINANCE 2021:1503

### ORDINANCE AMENDING THE CODE OF THE BOROUGH OF HADDON HEIGHTS TO ESTABLISH CHAPTER 365, ENTITLED "SMOKING AND VAPING ON PUBLIC PROPERTY"

**WHEREAS**, the Borough of Haddon Heights ("Borough") is a municipal corporation organized and operating under the laws of the State of New Jersey; 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**, New Jersey has recently adopted legislation to legalize the recreational use of cannabis within the State; and

**WHEREAS**, the Mayor and Council of the Borough have determined that it would be appropriate to establish similar policies and procedures for the use of Borough-owned buildings with respect to the "smoking" and/or "vaping" of cannabis/marijuana or any other substance; and

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, the Governing Body is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Borough by law.

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Haddon Heights is adds Chapter 385, entitled "Smoking and Vaping on Public Property" as follows:

**SECTION 1.** The Code of the Borough of Haddon Heights hereby adds Chapter 385, entitled "Smoking and Vaping on Public Property, which shall provide as follows:

#### **Chapter 385. Smoking and Vaping on Public Property**

##### **§385-1. Definitions.**

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

- A. "Smoking" means 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 substances which contains tobacco, cannabis/marijuana, or any other substance.
- B. "Electronic Smoking Device" means a device that can be used to deliver nicotine, cannabis/marijuana, or any other substance to the person inhaling the device, including, but not limited to, an electronic cigarette, cigar, cigarillo or pipe.

- C. "Vaping" means the burning of, inhaling from, exhaling the smoke from an Electronic Smoking Device.

**§385-2. Prohibited Activity.**

- A. No person shall engage in Smoking or Vaping on any property owned or controlled by the Borough of Haddon Heights.
- B. No person shall engage in Smoking or Vaping in any public park, ballfield, playground, courts, trails, or grounds, including sidewalks immediately adjacent to said property.
- C. No person shall engage in Smoking or Vaping on or in any public, elementary school or school property, regardless of whether the area is an indoor public place or outdoor public place, including sidewalks immediately adjacent to said property.
- D. No person shall engage in Smoking or Vaping in any public building or facility in the Borough of Haddon Heights.

**§385-3. Posting signs.**

Signs shall be clearly, sufficiently and conspicuously posted where smoking is prohibited by this section. The sign(s) shall state "100% Smoke Free Public Property" or substantially similar language, written in lettering that is not less than 3/4 inches in height, and shall contain the international no smoking sign or symbol.

**§385-4. Enforcement.**

The Police Department and any municipal officer charged with code enforcement is hereby charged with the enforcement of this section. All members of the Police Department and code enforcement officers are hereby designated as enforcement officers for the purpose of enforcement of this section.

**§385-5. Penalties.**

Any person convicted of violating any provision of this chapter shall be subject to a fine as follows:

- A. A fine of no less than two hundred and fifty dollars (\$250.00) for the first offense;
- B. A fine of no less than five hundred dollars (\$500.00) for the second offense;
- C. A fine of no less than one thousand dollars (\$1,000.00) for the third offense and all subsequent offenses.

**SECTION 2:** All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

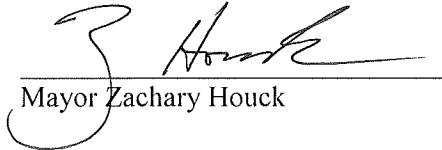
**SECTION 3:** The provisions of this Ordinance shall supersede the terms of any previous site plan approval, to the extent there is any conflict therewith.

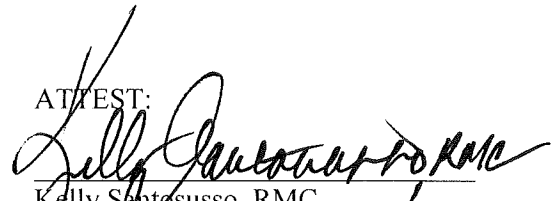
**SECTION 4:** This Ordinance shall take effect as set forth above and upon final passage and publication in accordance with law.

Introduction: APRIL 6, 2021

Public Hearing: APRIL 20, 2021

Final Adoption: APRIL 20, 2021

  
\_\_\_\_\_  
Mayor Zachary Houck

ATTEST:  
  
\_\_\_\_\_  
Kelly Santosusso, RMC,  
Borough Clerk