

**Introduced: July 19, 2021**  
**Adopted: August 16, 2021**

**ORDINANCE NO. 2021-13**

**TOWNSHIP OF EASTAMPTON**  
**BURLINGTON COUNTY**

**AN ORDINANCE AMENDING CHAPTER 347 OF THE CODE BOOK OF THE  
TOWNSHIP OF EASTAMPTON ENTITLED “NUISANCES, PUBLIC HEALTH”**

**BE IT ORDAINED** by the Township Council of the Township of Eastampton, Burlington County, State of New Jersey that Chapter 347 known as “Nuisances, Public Health” of the Township of Eastampton be and is hereby amended as follows:

**New Section.** Section 347-8, Smoking on Public Property and in Public Places.

The Township Council of the Township of Eastampton hereby finds and determines that:

- A.** The smoking of tobacco products is a major contributor to indoor air pollution and breathing and secondhand smoke is a cause of disease to nonsmokers; and
- B.** The United States Department of Environmental Protection (EPA) has designated secondhand smoke as a Class A carcinogen, as well as a significant cause of respiratory problems in children; and
- C.** In 1986 the United States Surgeon General found that the active smoking of tobacco products and the passive inhalation of environmental tobacco smoke are the most prevalent causes of preventable death, disease, and disability; and
- D.** The United States Surgeon General found that separating smokers from nonsmokers within the same air space does not eliminate the exposure of nonsmokers to environmental tobacco smoke; and
- E.** The New Jersey Legislature finds and declares that tobacco is the leading cause of preventable disease and death in the State of New Jersey and the nation and tobacco smoke constitutes a substantial health hazard to the nonsmoking majority of the public; and
- F.** The State of New Jersey has acknowledged that careless smoking is the leading cause of death from fire; and
- G.** Smoking leads to the inevitable discard of tobacco products and a source of litter by those who fail to properly dispose of cigarettes; and
- H.** The State of New Jersey entered into litigation against various tobacco product manufacturers and others for the purpose of improving the public’s health and adopting policies and programs to

achieve a significant reduction in smoking by its citizens, and in particular, by youth and, as part of a settlement, the State of New Jersey received significant funding for the advancement of public health, including the implementation of important tobacco-related public health measures and restrictions; and

**I.** In 2006, the New Jersey State Legislature enacted the New Jersey Smoke Free Air Act, N.J.S.A. 26:3D-56 et seq., creating an outright ban on smoking in virtually all public indoor facilities and extending such ban to the grounds of any public or nonpublic elementary or secondary school, regardless of whether the area is an indoor or outdoor public place; and

**J.** In 2021, the New Jersey State Legislature adopted “The New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act,” which legalizes personal use of cannabis for adults, subject to state regulations.

**K.** The Legislature has deemed the control of smoking tobacco and/or use of cannabis products in any form to be a necessary and proper exercise of municipal authority pursuant to N.J.S.A. 40:48-1 et seq., 40:48-2 et seq., and N.J.S.A. 2C:33-13 for the preservation of public health, safety, and welfare of the community.

[New] Section 347-9, Definitions.

As used in this chapter only, the following words and terms shall be defined as set forth below. All other terms, words and phrases not defined herein shall be given their customary meaning.

**PARK.** Any athletic fields, playgrounds, and other active and passive recreation areas primarily of service to youth, owned, leased, operated or under the ownership control of Eastampton Township to which the general public is invited and youth under the age of 18 may gather.

**PERSON.** Any individual, partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

**PUBLIC BUILDING.** Any building, structure, facility or complex, including appurtenant parking areas, owned, leased, operated or under the ownership control of Eastampton Township to which the general public is invited.

**PUBLIC PLACE.** Any place to which the public has access that is not privately owned; or any place to which the public has access where alcohol consumption is not allowed, including, but not limited to, a public street, road, thoroughfare, sidewalk, bridge, alley, plaza, park, playground, swimming pool, shopping area, public transportation facility, vehicle used for public transportation, parking lot, public library, or any other public building, structure, or area.

**SMOKING.** For purposes of this subsection, smoking shall be defined as: To smoke shall mean the burning of, inhaling, exhaling and/or the inhaling and exhaling the smoke and/or vapor from or the possession of a lighted cigar, cigarette, e-cigarette, pipe, battery or electronic smoking device, or other paraphernalia that can be used to consume tobacco, e-liquid, cannabis, marijuana products or a tobacco like substance. Tobacco products encompasses all smokeless tobacco,

including, but not limited to, chewing tobacco; loose leaf tobacco; tobacco pellets; plug tobacco; twist or rope tobacco; dipping tobacco and dissolvable tobacco.

[New] Section 347-10, Smoking Prohibited.

Except as otherwise provided herein, smoking shall be prohibited in the following places:

**(1)** In every room chamber, lobby, hallway, and other common areas in and upon any public building.

**(2)** In every park as defined herein whether or not children are present.

**(3)** Any entrance or exit areas of any public buildings where smoke may enter the air people breathe through such entrances, exits, windows or ventilation systems.

**(4)** Any vehicles owned and/or leased, in part or entirely, by the Township of Eastampton.

**(5)** Public areas of libraries, museums or the like which are funded or partially funded by government agencies.

**(6)** Any polling places within 100 feet of the public entrances to any polling places during the time at which elections are being conducted.

**B.** Smoking optional areas. Notwithstanding the prohibitions contained in the foregoing provisions, outdoor smoking areas may be designated by the Township Council by resolution of same. Smoking areas, once approved, shall bear signs specifically designating that they are smoking areas. Smoking areas shall be clear of any public entrance or exit areas of any public buildings where smoke may enter the air people breathe through such entrances, exits, windows or ventilation systems. The smoking of cannabis by any means described herein shall not be permitted within the designated optional smoking area. Except as approved by resolution, no smoking shall be permitted in any other areas of any public buildings and parks.

[New] Section 347-11, Signs.

“Smoking” or “No Smoking” signs, as appropriate, or the international “No Smoking” symbol (a picture of a burning cigarette inside a red circle with a red bar across it, and/or other indication of cannabis use) shall be clearly and conspicuously posted by the owner, operator, manager, employer, or such other person in control of every public building where smoking is controlled by this chapter. The color of such signs, when not of the international type, shall have letters that are distinct, contrasting to the background and easily read. The “No Smoking” signs shall be posted, at a minimum, on every area which provides an entry to the public building. The sign shall list the ordinance number and applicable fine. The “Smoking” signs shall be posted only in those areas so designated by resolution of the governing body as provided by this chapter.

[New] Section 347-12, Promulgation of regulations.

The implementation and administration of regulations concerning the Township's designation of the Township's smoking areas shall be approved by resolution as necessary from time to time under this chapter in accordance with the terms of this section. Prior to implementing any such designations by resolution, the Township Council shall consult with and obtain input from the designated Township staff and advisory boards regarding the proposed designated smoking areas. Notwithstanding anything to the contrary contained in this section, any designated areas implemented hereunder shall not contradict the specific terms of this chapter, nor may the penalties imposed under this chapter be assessed for a violation of any regulation implemented by the Township Council, unless such violated regulation was, prior to the violation, adopted by an ordinance.

[New] Section 347-13, Enforcement.

The provisions of this chapter shall be enforceable by a police officer or employee of the Township of Eastampton, as well as by any other individual. Any person seeking to enforce the provisions of this chapter shall be authorized to file a complaint in the Municipal Court of the Township of Eastampton.

[New] Section 347-14, Violations and penalties.

**A.** It shall be unlawful for any person to smoke in any area where smoking tobacco or cannabis products, as defined herein, is prohibited under this chapter.

**B.** Unless a greater fine is permitted under N.J.S.A. 26:23D-56 et seq., for smoking in specific areas defined therein, in which case such higher level of fine shall be utilized, any person who smokes any tobacco or cannabis products as defined herein, in an area in which smoking is prohibited shall be guilty of a disorderly persons offense and subject to a maximum fine of \$200.00 for each violation pursuant to N.J.S.A. 2C:33-13.

**C.** Any person found guilty defacing, tampering with, or removing "No Smoking" or "Smoking" signs, which are required by this chapter, shall be guilty of a disorderly persons offense and subject to a maximum fine of \$200.00, plus the cost of replacing the sign.

**D.** Any juvenile adjudicated to have violated the provisions of this chapter shall be subject to such penalties, fines or other discipline as may be imposed upon an adult pursuant to this chapter.

[New] Section 347-15, Construal of provisions.

No provision of this chapter shall be construed or interpreted to allow smoking where it is otherwise restricted or prohibited by other laws.

**Section Two.** All ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed to the extent of such inconsistency.

**Section Three.** If any section, subsection or part, clause or phrase of this Ordinance shall be declared invalid by judgment of any court of competent jurisdiction, such section, subsection, part, clause, or phrase shall be deemed to be severable from the remainder of the Ordinance.

**Section Four.** This Ordinance shall take effect immediately after final passage and publication as required by law.

Adoption: August 16, 2021

ATTEST:



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Kim-Marie White  
Municipal Clerk



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Dominic F. Santillo  
Mayor

Introduction: July 19, 2021

<b>Council</b>	<b>Motion</b>	<b>2<sup>nd</sup></b>	<b>Ayes</b>	<b>Nays</b>	<b>Abstain</b>	<b>Absent</b>
Councilman Apgar	✓		✓			
Councilman Besko			✓			
Councilman Springer			✓			
Councilman Zeno		✓	✓			
Mayor Santillo			✓			
		<b>VOTE</b>	<b>5</b>	<b>0</b>		

Adoption: August 16, 2021

<b>Council</b>	<b>Motion</b>	<b>2<sup>nd</sup></b>	<b>Ayes</b>	<b>Nays</b>	<b>Abstain</b>	<b>Absent</b>
Councilman Apgar			✓			
Councilman Besko		✓	✓			
Councilman Springer			✓			
Councilman Zeno	✓		✓			
Mayor Santillo			✓			
		<b>VOTE</b>	<b>5</b>	<b>0</b>		