

**BOROUGH OF BERGENFIELD
PUBLIC NOTICE**

ORDINANCE 21-2584 – AN ORDINANCE AMENDING CHAPTER 282 OF THE CODE OF THE BOROUGH OF BERGENFIELD, ENTITLED “TOBACCO”

was introduced at a Regular Meeting of the Mayor and Council of the Borough of Bergenfield, in the County of Bergen, New Jersey, held on Tuesday, July 20, 2021 and will be further considered for final passage after public hearing at a meeting of the Mayor and Council to be held in the Council Chambers, Bergenfield Municipal Center, 198 North Washington Avenue, Bergenfield, New Jersey on Tuesday, August 17, 2021 at 8:00 p.m. prevailing time, or as soon thereafter as the matter can be heard.

A clear and concise statement is to amend Chapter 282 entitled “Tobacco” to prohibit smoking in public buildings, parks, and recreational facilities within the Borough as set forth in the ordinance.

A copy of this ordinance may be obtained without cost between the hours of 8:30 a.m. and 4:30 p.m. at the office of the Borough Clerk, 198 North Washington Avenue, Bergenfield, New Jersey.

Marie Quinones, RMC
Borough Clerk

BOROUGH OF BERGENFIELD
Ordinance No. 21-2584

**AN ORDINANCE AMENDING CHAPTER 282 OF THE CODE OF THE BOROUGH OF
BERGENFIELD, ENTITLED "TOBACCO"**

WHEREAS, Chapter 282 of the Code of the Borough of Bergenfield sets forth all regulations regarding Tobacco within the Borough of Bergenfield; and,

BE IT ORDAINED, by the Mayor and Council of the Borough of Bergenfield, County of Bergen and State of New Jersey that those portions of the aforesaid set forth below are hereby amended as follows and that those portions of the Ordinance not set forth below shall remain unchanged.

Section 1 Entitled Definitions.

As used in this chapter, the following words shall have the following meanings:

ENCLOSED AREA

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

MUNICIPAL BUILDINGS

All structures owned, leased, rented and/or operated by the Borough of Bergenfield, and/or occupied by Borough employees and used for official business of the Borough of Bergenfield.

PARKS AND RECREATIONAL FACILITIES

All public parks, playgrounds and ball fields publicly owned or leased by the Borough of Bergenfield and all property owned or leased by the Borough of Bergenfield upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities.

SMOKING

The burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco or any other matter that can be smoke, or the inhaling or exhaling of smoke or vapor from an electronic smoking device.

Section 2 entitled Prohibition of smoking in public places; signs.

A. Smoking shall be prohibited in all municipal buildings as defined herein. No-smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently and conspicuously posted at each municipal building entrance and within each closed area where smoking is prohibited by this chapter. The signs shall be clearly visible to the public and shall contain letters or a symbol which contrast in color with the sign, indicating that smoking is prohibited therein. The sign shall also indicate that violators are subject to a fine.

B. Smoking shall be prohibited within a twenty-foot radius of the front entrance of all municipal buildings. No-smoking signs or the international No-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently and conspicuously posted both on the building and at the twenty-foot perimeter of the front entrance of all municipal buildings where smoking is prohibited by this chapter. The signs shall be clearly visible to the public and shall contain letters or a symbol which contrast in color with the sign, indicating that smoking is prohibited therein. The sign shall also indicate that violators are subject to a fine.

C. Smoking shall be prohibited in all public parks and recreation facilities owned or leased by the Borough of Bergenfield and all property owned or leased by the Borough of Bergenfield upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities. No-smoking signs or the international No-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently and conspicuously posted in all areas regulated by this chapter. The signs shall be clearly visible to the public and shall contain letters or a symbol which contrasts in color with the sign, indicating that smoking is prohibited at the designated area. The sign shall also indicate that violators are subject to a fine.

D. Smoking shall be prohibited in any vehicle registered to the Borough of Bergenfield.

Section 3 entitled Enforcement

The enforcement authority of this chapter shall be the Police Department, Fire Department, Recreation Department, Public Works Department and Health Department of the Borough of Bergenfield.

Section 4 entitled Violations and penalties.

Any person who violates any provision of this chapter shall be subject to a fine of not less than \$100 for the first offense, \$250 for the second offense and \$500 for each subsequent offense. Any municipal employee found in violation of this chapter may also be subject to discipline in accordance with the provisions of the Borough of Bergenfield's policies and procedures.

Severability All provisions of this Ordinance are severable. If for any reason, any provision of this Ordinance is held to be invalid, the validity of the remainder of the Ordinance shall not be affected.

Effective Date. This Ordinance shall become effective upon final approval and publication, pursuant to law, and upon completion of all outstanding cases.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced at a meeting of the Borough of Bergenfield on the 20th day of July, 2021 and passed on first reading, and the same was ordered for final passage at a meeting of the Council to be held at the Municipal Building in the Borough of Bergenfield, Bergen County, New Jersey, on the 17th day of August, 2021 at 8 p.m., at which time and place all persons interested will be given an opportunity to be heard concerning such Ordinance.

Borough Clerk