

ORDINANCE NO. 2021-01

**TOWNSHIP OF EAST WINDSOR
MERCER COUNTY
NEW JERSEY**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER V,
"GENERAL POLICE REGULATIONS," SECTION 5-9, "USE OF
RECREATION AREAS AND PARK FACILITIES," TO ADD SECTION 5-9.4,
"SMOKING PROHIBITED IN RECREATION AREAS AND PARK
FACILITIES," OF THE REVISED GENERAL ORDINANCES OF THE
TOWNSHIP OF EAST WINDSOR**

**BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE
TOWNSHIP OF EAST WINDSOR** in the County of Mercer, State of New Jersey, that Chapter V, "General Police Regulations," Section, 5-9, "Use of Recreation Areas and Park Facilities," of the Revised General Ordinances of the Township of East Windsor is amended and supplemented as follows:

SECTION 1. Chapter V, "General Police Regulations," Section 5-9, "Use of Recreation Areas and Park Facilities," is amended and supplemented by the addition of new Section 5-9.4, "Smoking Prohibited in Recreation Areas and Park Facilities," as follows:

5-9.4.1 Definitions. As used in this Section:

a. *Recreation Areas and Park Facilities* shall include any Township lands and facilities owned by or operated by the Township upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities

b. *Smoking* shall mean 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 smoked, or inhaling or exhaling of smoke or vapor from an electronic smoking device.

5-9.4.2 *Smoking Prohibited in Public Places.* Smoking shall be prohibited in all recreation areas and park facilities which have been designated with no-smoking signs. Areas designated as smoke-free recreation areas and park facilities shall include: Anker Park, Bear Brook Pathway, Disbrow Hill Fields, Disbrow Hill Trail, Dreyfus Park, East Windsor Police Athletic League Complex, Etra Lake Park, Etra Lake Pathway, Rocky Brook Pathway, Turnpike Park, Turnpike Park Pathway, Veterans Park, Westfield Road Park, Wiltshire Park, Woods Road Community Park, and all other Township lands and facilities.

5-9.4.3 *Signage Required.* No-smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a circle with a diagonal line through its cross section) shall be clearly, sufficiently and conspicuously posted at the entrance to every public place where smoking is prohibited by this article. 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.

5-9.4.4 *Enforcement.* The Township Manager, police officer, health officer or other public employee engaged in the execution or enforcement of this Section, or any other citizen, may enforce and sign a complaint against any individual for violation of the provisions of this Section.

5-9.4.5 *Violations and Penalties.* For a violation of the provisions of this Section, the penalty upon conviction shall be a fine of up to \$100 for the first offense, up to \$250 for the second offense, and up to \$500 for each subsequent offense.

5-9.4.6 *Construal of Provisions.* No provision in this Section shall be construed or interpreted to allow smoking where it is otherwise restricted by other laws.

SECTION 2. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance.

SECTION 4. This Ordinance shall take effect 20 days after final passage and publication according to law.

ATTEST:

KELLY LETTERA
Municipal Clerk

JANICE S. MIRONOV
Mayor