

TOWNSHIP OF WYCKOFF

ORDINANCE # 1784

AN ORDINANCE TO CREATE NEW CHAPTER 84, "SMOKING AND RETAIL SALE OF TOBACCO PRODUCTS," OF THE CODE OF THE TOWNSHIP OF WYCKOFF TO PROHIBIT SMOKING IN PUBLIC PLACES AND TO PROHIBIT THE SALE OF TOBACCO AND NICOTINE DELIVERY PRODUCTS TO PERSONS UNDER THE AGE OF TWENTY-ONE (21) WITHIN THE TOWNSHIP OF WYCKOFF

WHEREAS, the Township Committee of the Township of Wyckoff is committed to ensuring the health and wellbeing of its citizens; and

WHEREAS, the Township Committee of the Township of Wyckoff is committed to preserving the health and welfare of the children of the Township; and

WHEREAS, the Township Committee of the Township of Wyckoff finds that the use of tobacco and nicotine delivery products that deliver nicotine and/or vapor including, but not limited to, cigarettes, chewing tobacco, "e-cigarettes," and/or other types of electronic smoking devices are detrimental to the health of the citizens and youth of the Township of Wyckoff; and

WHEREAS, the citizens of the Township of Wyckoff have a right to enjoy public property without the nuisance of and exposure to nicotine delivery products; and

WHEREAS, the Township Committee of the Township of Wyckoff has concluded that it is appropriate to prohibit smoking in public places and the sale of tobacco and nicotine delivery products to persons under the age of twenty-one (21) within the Township of Wyckoff; and

WHEREAS, the Township of Wyckoff is authorized to enact ordinances not contrary to the laws of the State or the United States as it may deem necessary and proper for the protection of persons and for the preservation of the public health, safety, and welfare of the Township of Wyckoff and its residents; and

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey, that new Chapter 84, "Smoking and Retail Sale of Tobacco Products," is hereby created as follows:

SECTION 1. Chapter 84. Smoking and Retail Sale of Tobacco Products.

84-1. Definitions.

NICOTINE DELIVERY PRODUCT shall mean any product that is designed to deliver nicotine or vapor including, but not limited to, what are commonly known as "e-cigarettes" or other types of electronic smoking devices, or any cartridge or other component of such device, or related products including, but not limited to, any substances used in such devices, such as liquids or powders or other forms of tobacco, but excluding United States Food and Drug Administration approved nicotine patches or nicotine chewing gum.

PERSON shall mean an individual, partnership, cooperative, association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

TOBACCO shall mean any product made from the tobacco plant for the purpose of smoking, chewing, inhaling, and other personal use, including cigars, chewing tobacco, pipe tobacco, snuff, and cigarettes in any form.

TOBACCO RETAILER shall mean any person or entity that operates a store, stand, booth, concession, or place at which sales of tobacco or nicotine delivery products are made to purchasers for consumption or use. The term shall also mean any person or entity that owns, operates, or uses a tobacco vending machine and/or a tobacco vending machine location as defined herein.

TOBACCO VENDING MACHINE shall mean any automated, self-service device which, upon insertion of money, tokens, or other form of payment, dispenses nicotine delivery products, cigarettes, or other tobacco products.

TOBACCO VENDING MACHINE LOCATION shall mean the room, enclosure, space, or area where a tobacco vending machine is installed and operated.

ENCLOSED AREA shall mean all areas between a floor and a ceiling, extending to the outer perimeter walls of a structure.

MUNICIPAL BUILDINGS shall mean all structures owned, leased, rented, and/or operated by the Township of Wyckoff, and/or occupied by Township employees and used for official business of the Township of Wyckoff.

PARKS AND RECREATIONAL FACILITIES shall mean all public parks, playgrounds, and ball fields publicly owned or leased by the Township of Wyckoff and all property owned or leased by the Township of Wyckoff upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities, including all areas adjacent to such facilities including, but not limited to, any parking area, driveway, or drive aisle.

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 the inhaling or exhaling of smoke or vapor from an electronic smoking device.

84-2. Retail Sale of Tobacco Products.

- A. No person shall sell tobacco or nicotine delivery products in the Township of Wyckoff unless an employee of the establishment controls the sale of such products. A person may only sell tobacco or nicotine delivery products in a direct, face-to-face exchange between the retailer and the consumer. Self-service displays and vending machines of tobacco or nicotine delivery products shall be prohibited.
- B. No person shall sell, distribute, or give tobacco or nicotine delivery products to any person under the age of twenty-one (21) years or give tobacco or nicotine delivery products to any person under the age of twenty-one (21).
- C. Tobacco retailers shall conspicuously post and reasonably maintain signs having a minimum size of six (6) inches by eight (8) inches where tobacco or nicotine delivery products are displayed and at all check-out counters notifying customers that proof of age is required to purchase tobacco or nicotine delivery products.
- D. Any person selling tobacco or nicotine delivery products shall verify by means of government-issued photographic identification containing the bearer's date of birth that no person purchasing the tobacco or nicotine containing products is younger than twenty-one (21) years of age. No such verification is required for any person over the age of twenty-six (26). No clerk shall sell tobacco or nicotine delivery products to a person less than twenty-one (21) years of age who has a note or any form of communication from any person, including an adult.
- E. No person or tobacco retailer selling tobacco or nicotine delivery products shall allow an employee to sell or distribute such products until the employee has read the Wyckoff Township Ordinances and State laws pertaining to the sale or distribution of tobacco and nicotine delivery products and the business owner or manager has signed a statement that the employee has read such Ordinances and State laws. Such form statement will be supplied by the Township of Wyckoff and the signed original statement shall be filed with the Township of Wyckoff and a copy shall be kept on file by the tobacco retailer and made available for review by the Township of Wyckoff.

84-3. 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 the municipal building. The sign 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 therein. The sign shall also indicate that violators are subject to a fine.
- B. Smoking shall be prohibited in all public parks and recreational facilities owned or leased by the Township of Wyckoff and all property owned or leased by the Township of Wyckoff upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities, including all areas adjacent to such facilities including, but not limited to, any parking area, driveway, or drive aisle, which have been designated with no-smoking signs. 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 all parks and facilities 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.
- C. Smoking shall be prohibited in any vehicle registered to the Township of Wyckoff.

84-4. Enforcement.

The enforcement authority of this Chapter shall be the Police Department and Health Department of the Township of Wyckoff.

84-5. Violations and Penalties.

Any person who violates any provision of this Chapter shall be subject to a fine of not less than \$250 for the first offense, \$500 for the second offense, and \$1,000 for each subsequent offense.

SECTION 2. Except as hereby amended, all other sections of the Code of the Township of Wyckoff shall remain in full force and effect.

SECTION 3.

This Ordinance shall take effect upon final passage and publication according to law.

TOWNSHIP OF WYCKOFF
CERTIFIED TO BE A TRUE COPY
OF THE ORIGINAL

Jayce C. Deasinaurs
MUNICIPAL CLERK

TOWNSHIP OF WYCKOFF

ORDINANCE #1786

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WYCKOFF, CHAPTER 146, "PARKS, PLAYGROUNDS AND RECREATIONAL AREAS," TO DELETE SECTION 146-36B.

BE IT ORDAINED by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey, that Chapter 146, "Parks, Playgrounds and Recreational Areas," Section 146-36, "Smoke-free area," is hereby amended to delete subsection B., so that smoking shall be prohibited within the parking lots and vehicular access lanes to parks, playgrounds and/or recreational areas, as follows:

SECTION 1 - Chapter 146. Parks, Playgrounds and Recreational Areas;

Section 146-36. Smoke-free area.

- A. It shall be unlawful for any person to smoke within the boundaries of any of the parks, playgrounds or recreational areas which are defined within § 146-4 of this chapter. To the extent possible, "smoke-free area" signs shall be clearly, sufficiently and conspicuously posted at properties where smoking is prohibited by this chapter. The signs shall have the words "smoke-free area" in lettering that is not less than two inches in height and shall contain the international no-smoking sign.
- ~~B. Notwithstanding the above, smoking shall not be prohibited within the parking lots or vehicular access lanes to such parks, playgrounds and/or recreational areas unless prohibited by other applicable law.~~

SECTION 2 - Except as hereby amended, all other Sections of Chapter 146 shall remain in full force and effect.

SECTION 3 - This Ordinance shall take effect upon final passage and publication according to law.

TOWNSHIP OF WYCKOFF
CERTIFIED TO BE A TRUE COPY
OF THE ORIGINAL

Joyce C. Santoro
MUNICIPAL CLERK