

ORDINANCE 2021-04

ORDINANCE AMENDING THE CODE OF THE BOROUGH OF LINDENWOLD TO ESTABLISH A CHAPTER, ENTITLED “SMOKING AND VAPING ON PUBLIC PROPERTY”

WHEREAS, the Borough of Lindenwold (the “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 Governing Body of the Borough has 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 Township by law; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Lindenwold that the Code of the Borough of Lindenwold is hereby amended, revised and/or supplemented as follows:

SECTION 1. The Code of the Borough of Lindenwold is hereby amended, revised, and supplemented to establish a Chapter, entitled “Smoking and Vaping on Public Property”, which shall provide as follows:

Smoking and Vaping on Public Property

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.

Prohibited Activity

- A. No person shall engage in Smoking or Vaping on any property owned or controlled by the Borough of Lindenwold.
- 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 Lindenwold.

Penalties

Any person(s) assessed for violations of this chapter shall be in accordance with Chapter I, Section 1-1 of this code book.

SECTION 2. Except as set forth in Section 1 above, the balance of the Code of the Borough of Lindenwold shall not be affected by this Ordinance.

SECTION 3. All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

SECTION 4. If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

SECTION 5. This Ordinance shall take effect immediately upon posting, publication, and final passage in the manner prescribed by law.

INTRODUCED: March 10, 2021

ADOPTED: April 14, 2021

Richard E. Roach, Jr.
Mayor

Deborah C. Jackson
Borough Clerk