

**AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL
ORDINANCES OF THE CITY OF NEW BRUNSWICK,
TITLE 8, "HEALTH AND SAFETY"**

BE IT ORDAINED by the New Brunswick City Council, as follows:

SECTION I

WHEREAS, in 2006, the 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

The Legislature has deemed the control of smoking 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.

WHEREAS, the City of New Brunswick seeks to promote and protect the health, safety and welfare of City Residents and Visitors; and

WHEREAS, the Mayor and City Council recognize that in providing for these goals there is a need to regulate smoking in the City of New Brunswick.

SECTION II

Title 8 is hereby amended to **ADD** a new Chapter, Chapter 8.33, "**SMOKING IN PUBLIC**".

SECTION III

Title 8, Chapter 8.33, Section 8.33.010, "**Purpose**" shall read as follows:

The purpose of this ordinance is to protect residents of and visitors to the City of New Brunswick from the health hazards of secondhand smoke, and to provide for the public health, safety and welfare by discouraging the inherently dangerous behavior of smoking around nonsmokers; by protecting children from exposure to smoking tobacco, cannabis, marijuana and hashish; by reducing the potential for children to associate smoking tobacco, cannabis, marijuana or hashish with a healthy lifestyle; by protecting the public from nonconsensual exposure to secondhand smoke and smoking-related litter and pollution; and, by affirming the family-friendly atmosphere of public areas. This ordinance guarantees that the need to breathe smoke-free air shall take priority over smoking.

SECTION IV

Title 8, Chapter 8.33, Section 8.33.020, "**Definitions**" shall read as follows:

SMOKING DEVICE means a device that can be used to deliver nicotine or other substances, including cannabis, marijuana, and hashish, to the person inhaling from the device, including, but not limited to, an electronic cigarette, e-cigarette, vape, vape pen, Juul and similar products, as well as cigar, cigarillo, bong, vaporizer or pipe.

OPEN SPACE means public nature areas, greenbelts, and wildlife and vegetation habitat areas.

PARKS mean any parks owned, leased, or utilized by the City of New Brunswick.

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

RECREATION AREA means any areas, public or private, open to the general public for recreational purposes, regardless of any fee requirement, including, but not limited to, public parks, marina, pier, boat dock areas, open spaces, gardens, children's play areas, sports fields, stadiums, playgrounds, tennis and basketball courts and senior center outdoor areas.

SCHEDULED PUBLIC EVENTS means any scheduled event within the City of New Brunswick where the public is invited, some of which may require a permit, including, but not limited to, farmers markets, concerts, parades, festivals, carnivals and car shows.

SMOKING means the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe, hookah or similar device, or other matter or substance which contains tobacco, cannabis or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from a smoking device.

TOBACCO PRODUCT means any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco, including electronic smoking devices and dissolvable tobacco products not FDA-approved for tobacco cessation.

TRAILS means along all exercise, walking, hiking, and biking trails through parks or open space areas.

SECTION V

Title 8, Chapter 8.33, Section 8.33.030, “**Smoking Prohibited**” shall read as follows:

- a. Except as otherwise provided herein, smoking shall be prohibited in the following places:
1. Any vehicles owned and/or leased, in part or entirely, by the City of New Brunswick.
 2. Any Open Space, Park or Recreation Area, and Service Area within the City of New Brunswick, to include, but not be limited to, the following locations:
 - Buccleuch Park (321 Easton Avenue)
 - Alice Jennings Archibald Park (23 Van Dyke Avenue)
 - Elmer Boyd Park (Route 18 northbound @ Paul Robeson Blvd) **Also dog park**
 - Recreation Park (7 Pine Street)
 - Feaster Park (175 Paul Robeson Blvd)
 - Baker Park (Remsen Avenue @ Ellen Street)
 - Joyce Kilmer Park (143 Joyce Kilmer Avenue)
 - Kossuth Park (76 Harvey Street)
 - Monument Square Park (2 Livingston Avenue)
 - Murphy Park (131 Tunison Road)
 - Pittman Park (101 Handy Street)
 - Quentin Avenue Park (Quentin Avenue and Langley Place)
 - Simplex Avenue Park (1 Simplex Avenue)
 - War Memorial Park (1 Jersey Avenue)
 - Welton Street Park (137 Welton Street)
 - Memorial Stadium (801 Joyce Kilmer Avenue)
 - New Brunswick Youth Sports Complex (419 Joyce Kilmer Avenue)
 3. At any scheduled public event.

SECTION VI

Title 8, Chapter 8.33, Section 8.33.040, “**Enforcement**” shall read as follows:

The Police Department is hereby charged with the enforcement of this ordinance. All members of the Police Department are hereby designated as enforcement officers for the purpose of enforcement of this ordinance.

SECTION VII

Title 8, Chapter 8.33, Section 8.33.050, “**Posting Signs**” shall read as follows:

A sign shall be clearly, sufficiently and conspicuously posted at every Public Area, Park, and Recreation Area where smoking is prohibited by this Ordinance. The sign(s) shall state "100% Smoke Free Public Property" or substantially similar language, written in lettering that is not less than 3/4 inches in height, and shall contain the international no smoking sign or symbol.

SECTION VIII

Title 8, Chapter 8.33, Section 8.33.060, "Penalties" shall read as follows:

It shall be a violation of this ordinance for any owner, operator, manager, or person who controls any premises subject to this ordinance to fail to comply with any of its provisions. It shall be unlawful to smoke or carry a lighted cigarette, cigar, pipe or hookah where smoking is prohibited, as well as to actively engage in the use of any other smoking device, or other product such as an electronic cigarette or vaping device.

Any person who is found guilty of violating this ordinance shall pay fines as follow:

- 1. For a first offense, a fine of not less than \$250.00 nor more than \$500.00.
- 2. For a second or subsequent offense, a fine of not less than \$500.00 nor more than \$1,000.00.

SECTION IX

SEVERABILITY:

If any section, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION X

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION XI

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and publication as required by law.

ADOPTED ON FIRST READING
DATED: December 4, 2024


COUNCIL PRESIDENT

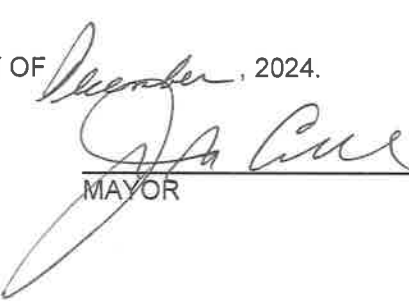
ADOPTED ON SECOND READING
DATED: December 18, 2024


COUNCIL PRESIDENT

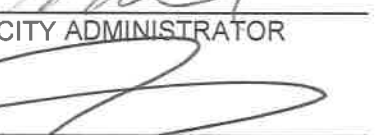
ATTEST:

CITY CLERK

APPROVAL OF THE MAYOR ON THIS 20th DAY OF December, 2024.


MAYOR

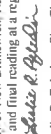
APPROVALS:

CITY ADMINISTRATOR

CITY ATTORNEY
JC/kc

COUNCIL MEMBER	Y	N	AB	NV	Y	N	AB	NV	ALL
CASTANEDA	X				X				
FERGUSON	X				X				
FLEMING	X				X				
GASKINS	X				X				
SICORA LUDWIG	X				X				

COUNCIL MEMBER	Y	N	AB	NV	Y	N	AB	NV	ALL
CASTANEDA	X				X				
FERGUSON	X				X				
FLEMING	X				X				
GASKINS	X				X				
SICORA LUDWIG	X				X				

I, Leslie R. Zeldoon, City Clerk of the City of New Brunswick, NJ, do hereby certify the foregoing Ordinance is a true copy of the Original Ordinance adopted on second and final reading at a regular meeting of the New Brunswick City Council at its meeting on: DECEMBER 18, 2024.


Leslie R. Zeldoon, City Clerk

Any reproduction of the original ordinance must contain the raised seal of the City of New Brunswick to be legally certified.