

**BOROUGH OF ROSELAND**

**ORDINANCE #09-2014**

**ORDINANCE AMENDING CHAPTER XIV OF THE REVISED GENERAL  
ORDINANCES OF THE BOROUGH OF ROSELAND TO PROHIBIT SMOKING IN  
PARKS AND RECREATION AREAS**

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good of government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

**WHEREAS**, Chapter XIV “Parks and Recreation,” of the Revised General Ordinances of the Borough of Roseland in its current form does not address smoking in any public parks and recreation areas; and

**WHEREAS**, the previous State legislation which prohibited municipalities from passing strict local smoking laws that differed from the State standards was repealed and the State now expressly authorizes municipalities to enact strict ordinances regulating smoking under N.J.S.A. 26:3D-63; and

**WHEREAS**, N.J.S.A. 2C:33-13b also provides that the owner and/or operator of a public place, such as public parks and recreational areas, may prohibit smoking on such property; and

**WHEREAS**, the Mayor and Council recognizes the well-known health and safety risks posed by smoking and finds that it is within the public interest to prohibit smoking in public buildings and on public property, such as public parks and recreation areas; and

**WHEREAS**, the Mayor and Council has determined that the public interest is especially implicated in preventing the youth of Roseland from being exposed and succumbing to the temptations of experimenting with tobacco products; and

**WHEREAS**, the Mayor and Council also finds that the appearance of parks and recreation areas can be enhanced and the limited resources of the Borough’s Department of Public Works can be conserved if smoking were to be banned from such areas, thereby keeping such areas free of the litter typically generated by the smoking of cigarettes, such as cigarette butts, ashes and packaging.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Roseland that Section 14-1.1 “Prohibited Activities” of the Revised General Ordinances of the Borough of Roseland, Chapter XIV “Parks and Recreation” shall be amended by the addition of the following new section:

**SECTION I**  
**NEW SECTIONS ARE UNDERLINED**

14-1. CONDUCT AND USE OF PARKS AND RECREATION AREAS

14-1.1 Prohibited Activities

n. Smoking, which includes 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.

**SECTION II**

If any section of provision of this ordinance shall be invalid in any court the same shall not affect the other sections or provisions of this ordinance except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

**SECTION III**

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

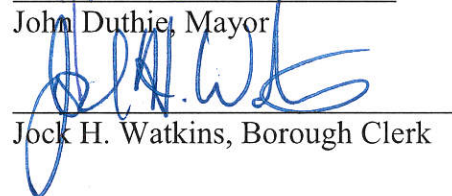
**SECTION IV**

This ordinance shall take effect upon publication as provided by law.

Introduced: August 19, 2014  
Public Hearing: September 23, 2014  
Published: October 2, 2014  
Official: October 22, 2014



John Duthie, Mayor



Jock H. Watkins, Borough Clerk

Approved: 9 / 23 / 14

Council Member	Yea	Nay	Abstain	Absent
Jacobs	X			
Leonard	X			
Smith	X			
Tolli	X			
Tsilionis	X			
Vidovich	X			
Mayor Duthie				