

ORDINANCE 2011-01

ORDINANCE AMENDING ORDINANCE 2000-02 OF THE PRINCETON REGIONAL HEALTH COMMISSION CREATING A SMOKE-FREE SCHOOL ZONE IN PUBLIC RIGHTS-OF-WAY IN THE VICINITY OF ELEMENTARY AND SECONDARY SCHOOLS LOCATED WITHIN THE BOROUGH OF PRINCETON AND TOWNSHIP OF PRINCETON.

WHEREAS, the Princeton Regional Health Commission has adopted as one of its goals the reduction of the use of tobacco products by minors; and,

WHEREAS, N.J.S.A. 26:3D-58(b) prohibits smoking in any area of any building of, or on the grounds of, any public or nonpublic elementary or secondary school, regardless of whether the area is an indoor public place or is outdoors; and,

WHEREAS, on or about June 8, 2000, the Princeton Regional Health Commission created a “Smoke-Free School Zone” within 1,000 feet of all elementary and secondary schools located within the Borough of Princeton (the “Borough”) and the Township of Princeton (the “Township”); and,

WHEREAS, N.J.S.A. 26:3D-63 allows those local smoking restriction ordinances to remain in full force and effect, which provide restrictions on or prohibitions against smoking equivalent to, or greater than, those provided under N.J.S.A. 26:3D-58 et seq., and,

WHEREAS, the Princeton Regional Health Commission desires to continue to promote the health and safety of the youth of the Borough and Township by prohibiting the use of tobacco products by individuals under the age of 19 on or within 1,000 feet of an elementary or secondary school located within the Borough and the Township as described herein.

NOW THEREFORE BE IT RESOLVED, by the Princeton Regional Health Commission, as follows:

Section 1: Purpose.

To promote the health and safety of the youth of the Borough and the Township by prohibiting the use of tobacco products by individuals under the age of 19 on or within 1,000 feet of a school located within the Borough and the Township.

Section 2: Definitions.

As used in this article, the following terms shall have the meanings indicated:

“DESIGNEE” - May include, but not limited to, police officers and registered environmental health specialists.

“MINORS” - Any person under the age of 19 years.

“SCHOOL ZONE” - Any and all properties owned by or leased to a public or private elementary, middle or secondary school within the Borough and the Township and shall include public lands or public rights-of-way within 1,000 feet of such school property. School zone shall not include private property where there is no public right-of-way which may fall within 1,000 of such school property.

“TOBACCO PRODUCT” - Any product made from the tobacco plant for the purpose of smoking, chewing, inhaling or other personal use, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff and chewing tobacco in any form.

Section 3: Prohibited Use by Minors.

It shall be unlawful for minors to use, or to possess in plain public view, any tobacco product within a school zone within the Borough and the Township.

Section 4: Enforcement.

(a) Whenever the Health Officer, or his or her designee, reasonably believes there exists a violation of this ordinance, he or she may issue a summons and complaint not later than thirty (30) days after discovery of the alleged violation. The complaint shall be written and shall state with reasonable particularity the nature of the violation, including reference to the article and section of this ordinance alleged to have been violated. The complaint shall be delivered or sent by certified mail to the alleged violator.

(b) The Health Officer, or his designee, or any other person charged with enforcement of this ordinance, after giving proper identification, may inspect any matter, thing, incident or event as necessary which relates to an alleged violation of this ordinance.

Section 5: Penalties.

Unless otherwise provided by law, statute or ordinance, any person violating any of the provisions of this ordinance, upon conviction thereof, and in the discretion of the municipal court judge, shall pay a penalty of not less than \$25.00 nor more than \$500.00 for each offense.

Section 6: Severability.

If any chapter, section, subsection or paragraph of this ordinance is declared to be unconstitutional, invalid or inoperative, in whole or in part, by a court of competent jurisdiction, such decision shall not affect the enforceability of the remaining provisions of this ordinance.

Section 7: Effective Date.

This ordinance shall take effect immediately upon passage and publication according to law.

First Reading: April 26, 2011
First Insertion:
Second Reading:
Second Insertion: