

SMOKING

Chapter 64A

SMOKING

ARTICLE I

Restricted in Township Meeting Room.

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ARTICLE 1

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School Grounds Prohibited**

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[HISTORY: Adopted by the Township Committee of the Township of Barnegat 3-15-82 Ord. No. 1982-5. Amendments noted where applicable.]

Be it ordained by the Township Committee of the Township of Barnegat, in the County of Ocean and State of New Jersey:

§ 64A-1. Smoking in meeting room restricted.

There shall be no smoking permitted within the township meeting room at 900 West Bay Avenue during all Township Committee meetings, all board meetings as well as the meetings of any other official agencies or commissions of the township.

§ 64A-2. Posting of restrictions; statutory authority.

A "No-smoking" signs shall be conspicuously posted at all times that the Township Committee desires to enforce the within ordinance.

This ordinance is being adopted in accordance with the provisions of N.J.S.A. 40:48-1 and 40:48-2 as well as the provisions of N.J.S.A. 2C:33-13.

§ 64A-3. Violations and penalties.

Any person who violates any one (1) or more of the provisions of this ordinance shall be subject to a fine of not more than fifty dollars (850.) for each separate offense and/or confinement in the Ocean County Jail for a period of not more than ten (10) days. In the case of a continuing violation or violations, a fine of not more than fifty dollars (\$50.) may be assessed for each day that said violation or violations continue unabated, until such time as said violation or violations are corrected. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

§ 64A-4. Repealer.

This ordinance repeals any inconsistent ordinance or ordinances or part or parts thereof.

§ 64A-5. When effective.

This ordinance shall become effective upon final passage and publication as required by law.

A R T I C L E I I
Smoking and Tobacco Products on
School Grounds Prohibited.
[Adopted 6-20-05 by Ord. No. 2005-381

§ 64A-6. Definitions.

SMOKING - The use of lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco and/or other similar products.

§ 64A-7. Making and enforcement of regulations.

Any school board having a public school building or public school property located within the Township of Barnegat shall make and enforce regulations to prohibit the use of tobacco products to prohibit smoking and the use of tobacco products anywhere in its building and on its grounds except as part of a classroom instruction or theatrical production. The regulations shall also provide for additional specified limitations regarding smoking on the school grounds as designated by the respective schools. In accordance with the aforementioned regulations smoking and use of tobacco products as defined herein is prohibited on school board grounds and in school board buildings.

§ 64A-8. Complaints for violations of this Article.

The Superintendent of the school district, or persons designated by him, or any other school principal, or persons designated by such school principal, or any other person having control of school property, or other public servant engaged in his official duties, or any other citizen, may sign a

complaint against any individual for a violation of the provisions of this Article.

§ 64A-9. Posting of signs.

Every public entrance onto school property shall be posted with a sign legibly lettered notifying the public that the use of tobacco products and smoking is forbidden on the property or in the school building and shall further state that violations are subject to fine and punishment by municipal ordinance. There shall be a minimum of four (4) signs posted at each school property under the ownership or control of the Barnegat Township Board of Education. The Barnegat Township Board of Education shall assume all responsibility for maintaining and if necessary replacing the aforementioned sign.

§ 64A-10. Penalties.

Any person who violates this Article shall appear before the Township of Barnegat Municipal Court and shall be subject to punishment as follows; upon signing of the complaint as provided here and against the person under the age of eighteen (18), the Municipal Court shall subpoena the parents and/or guardians of the person charged who will appear at the Municipal Court hearing:

- A First offense. Up to fifteen (15) hours of community service at a place designated by the Municipal Court and/or a fine of up to twenty-five dollars (\$25.);
- B. Second offense. Up to thirty (30) hours of community service in a place designated by the Municipal Court and/or a fine up to one hundred dollars (\$100.) or both;
- C. Third and subsequent offense. Up to fifty (50) hours of community service in a place designated by the Municipal Court and/or a fine up to two hundred fifty dollars (\$250.).

Community service may include participation in a nonsmoking educational or support program approved by the Municipal Court.