

BOH ORDINANCE #10-01**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 195, ENTITLED PARKS, PLAYGROUNDS AND RECREATION AREAS OF THE BOROUGH CODE TO PROHIBIT SMOKING OR THE USE OF TOBACCO RELATED PRODUCTS WITHIN THE BOROUGH'S PARKS, PLAYGROUNDS, RECREATION AREAS, BOROUGH HALL AND THE LIBRARY**

WHEREAS, the Borough of Chatham has set aside land and improvements as parks, playgrounds, recreation areas, Borough Hall and the Library and for the enjoyment and use of children and adults free of health and safety dangers; and

WHEREAS, it is not in the best interests of the children and adults visiting the parks, playgrounds, and recreation areas to be subject to others using tobacco products or to be subject to discarded tobacco products on the ground within the Borough's parks, playgrounds, recreation areas, Borough Hall and the Library; and

WHEREAS, the use and discarding of tobacco products causes damages to the improvements in the parks, playgrounds and recreation areas, Borough Hall and the Library; and

WHEREAS, the Mayor and Members of the Council of the Borough of Chatham have determined that it is the best interests of the residents of the Borough to enact an ordinance to protect and preserve the health, safety, and welfare of the residents as well as the property owned by the Borough or youth sports organizations.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Chatham, County of Morris, and State of New Jersey as follows:

SECTION 1: Chapter 195 of the Code of the Borough of Chatham, entitled Parks, Playgrounds and Recreation Areas, Borough Hall and the Library, is hereby amended and supplemented as follows:

Smoke or the use of tobacco related products, and/or discarding of those products, in an area designated as "Tobacco Free" and/or beyond any point which is otherwise marked as "no smoking beyond this point" or similar language, or within fifty (50') feet of any park, playground, and/or recreation area, Borough Hall and Library, owned, leased or utilized by the Borough of Chatham and/or the youth sports organizations of the Borough of Chatham is prohibited.

SECTION 2: Violations and penalties.

Pursuant to §195-15 of the Code of the Borough of Chatham, any person who violates any provision of this article shall, upon conviction thereof, be punishable as provided in Chapter 1, §1-14, as follows:

Unless another penalty is provided or if no other penalty for the violation of any provision of the Code of the Borough of Chatham, the violator shall, upon conviction, be punishable by one or more of the following: a fine of not more than one hundred (\$100.00) dollars, and/or a period of community service.

SECTION 3: If any section paragraph, subsection, clause or provision of this Ordinance shall be adjudged to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged, and the remainder of this Ordinance shall be deemed to be valid and effective.

SECTION 4: All Ordinances or parts of Ordinances inconsistent with this Ordinance are repealed to the extent of such inconsistency only.

SECTION 5: This Ordinance shall take effect upon final passage and publication pursuant to law.

INTRODUCED: October 25, 2010

ADOPTED: November 8, 2010

APPROVED: _____

V. Nelson Vaughan, III, Mayor

Attest:

Susan Caljean
Susan Caljean, Borough Clerk