

**THE TOWNSHIP OF SOUTH ORANGE VILLAGE**

**ORDINANCE 2010-29**

**AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF SOUTH ORANGE VILLAGE, CHAPTER 110, PARKS AND RECREATION AREAS, ARTICLE II, CONDUCT IN PARKS AND RECREATION AREAS, TO PROVIDE FOR NO SMOKING ZONES.**

**WHEREAS**, the Centers for Disease Control and Prevention (the “CDC”) has found that secondhand smoke causes numerous health problems for both children and adults; and

**WHEREAS**, the CDC has found that there is no risk-free level of exposure to secondhand smoke; and

**WHEREAS**, the Klepeis Study, published by Stanford University, has concluded that levels of outdoor tobacco smoke under conditions of proximity can be substantial,

**NOW, THEREFORE,**

**BE IT ORDAINED**, by the Board of Trustees of the Township of South Orange Village, a municipal corporation of New Jersey located in Essex County thereof, as follows:

**Section 1.**

Chapter 110, Parks and Recreation Areas, Article II, conduct in Parks and Recreation Areas, is hereby amended by the addition of a new Section 110-27.2 “Smoking Prohibited” as follows:

**Section 110-27.2**

- A.** No person shall use tobacco smoking products, in any form, in No Smoking Zones within Parks and Recreation Areas. Persons who engage in such behavior may be charged with a violation of this ordinance and shall be subject to punishment pursuant to Section 1-20 of this Code.
- B.** No Smoking Zones is defined to include the following:
  - (1.) All facilities and improvements, now or hereafter constructed in any park or recreation area, including an area twenty-five (25) feet distant in all directions around such facility or improvement. Facility or improvement shall include, but not be limited to, the following:
    - (a.) The municipal pool complex;
    - (b.) All tennis, paddle tennis, and bocce courts;
    - (c.) All playgrounds;
    - (d.) All community gardens;
    - (f.) All athletic fields and basketball courts; and
    - (e.) All benches, bleachers, and seating areas directly associated with any of the above.
  - (2.) Any location within a park or recreation area, including an area twenty-five (25) feet distant in all directions, whereon a gathering assembles to pursue an organized, scheduled recreational, cultural, holiday, or similar events.

**Section 2. Repealer.**

In all other respects, the Ordinance shall remain in full force and effect, and all other ordinances or parts of ordinances inconsistent with the provisions of this amendment are hereby repealed to the extent of such inconsistency.

**Section 3. Effective Date**

This ordinance shall take effect upon final passage and publication as required by law.

ORDINANCE SUMMARY FOR PUBLICATION

This is an ordinance which provides for “no smoking zones” within parks and recreation areas maintained by the Township of South Orange Village. Such zones are defined, in part, as facilities and improvements within parks and recreation areas and extending for twenty-five (25) feet in all directions around such facilities and improvements.