

## Chapter 353

### SMOKING

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**[HISTORY: Adopted by the City Council of the City of Rahway 5-9-2011 by Ord. No. O-16-11 .<sup>1</sup> Amendments noted where applicable.]**

#### GENERAL REFERENCES

Air pollution — See Ch. 121.

Recreational areas — See Ch. 327.

Drug-free zones — See Ch. 189.

Tobacco products — See Ch. 385.

Public health nuisances — See Ch. 291.

#### § 353-1. Definitions.

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

**ELECTRONIC SMOKING DEVICE** — An electronic device that can be used to deliver nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, or pipe.**[Added 7-10-2017 by Ord. No. O-17-17 ]**

**GOVERNMENT BUILDINGS** — A building or portion of a building owned or leased by a government entity.

**INDOOR PUBLIC PLACE** — A structurally enclosed place of business, commerce or other service-related activity, whether publicly or privately owned or operated on a for-profit or nonprofit basis, which is generally accessible to the public, including, but not limited to: a commercial or other office building; office or building owned, leased or rented by the state or by a county or municipal government; public and nonpublic elementary or secondary school building; Board of Education building; theater or concert hall; public library; museum or art gallery; bar; restaurant or other establishment where the principal business is the sale of food for consumption on the premises, including the bar area of the establishment; garage or parking facility; any public facility; any public conveyance operated on land or water, or in the air, and passenger waiting rooms and platform areas in any stations or terminals thereof; health care facility licensed pursuant to P.L. 1971, c. 136 (N.J.S.A. 26:2H-1 et seq.); patient waiting room of the office of a health care provider licensed pursuant to Title 45 of the Revised Statutes; child-care center licensed pursuant to P.L. 1983, c. 492 (N.J.S.A. 30:5B-1 et seq.); race track facility; facility used for the holding of sporting events; ambulatory recreational facility; shopping mall or retail store; hotel, motel or other lodging establishment; apartment building lobby or other public area in an otherwise private building; or

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1. Editor's Note: This ordinance was adopted as Ch. 346 but was renumbered in order to retain the alphabetical organization of the Code.

a passenger elevator in a building other than a single-family dwelling. **[Amended 7-10-2017 by Ord. No. O-17-17 ]**

**PARK or PLAYGROUND** — Any tract of land designated and used by the public for active and passive recreation.

**RECREATIONAL FACILITY** — Any place designed and equipped for the conduct of sports and leisure-time activities.

**SMOKING** — 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. **[Amended 7-10-2017 by Ord. No. O-17-17 ]**

**WORKPLACE** — A structurally enclosed location or portion thereof at which a person performs any type of service or labor. **[Added 7-10-2017 by Ord. No. O-17-17 ]**

**§ 353-2. Smoking prohibited. [Amended 7-10-2017 by Ord. No. O-17-17 ]**

In the best interests of the public health, safety and welfare, smoking shall be prohibited in all government buildings, indoor public places, workplaces, parks and playgrounds and recreational facilities as defined in this chapter. Smoking shall be prohibited in all municipal vehicles owned, leased or operated by the City of Rahway.

**§ 353-3. Twenty-five-foot smoke-free zone around municipal buildings. [Amended 7-10-2017 by Ord. No. O-17-17 ]**

There is hereby established, around all municipal buildings located within the City of Rahway, a twenty-five-foot smoke-free zone, wherein the smoking of any form of tobacco product (a cigarette, cigar, pipe or electronic smoking device) is strictly prohibited. The smoke-free zone shall include all areas within 25 linear feet from any and all entrances and exits of any and all municipal buildings and public facilities.

**§ 353-4. Signs. [Amended 7-10-2017 by Ord. No. O-17-17 ]**

- A. The person having control of an indoor public place or workplace shall place in every public entrance to the indoor public place or workplace a sign, which shall be located so as to be clearly visible to the public and shall contain letters or a symbol which contrast in color with the sign, indicating that smoking is prohibited therein. The sign shall also indicate that violators are subject to a fine.
- B. The provisions of this section shall not be construed to prevent a lessee of the workplace, or space within the building or indoor public place, from enforcing the smoking restrictions imposed by the owner or operator of a commercial or other office building or other indoor public place.

**§ 353-5. Enforcement.**

The Health Officer, or designee, and the Police Department are hereby charged with the enforcement of this chapter. All members of the Health Department and the Police Department are hereby designated as enforcement officers for the purpose of enforcement of this chapter.

**§ 353-6. Violations and penalties. [Amended 7-10-2017 by Ord. No. O-17-17 ]**

Any person violating or failing to comply with any of the provisions of this chapter shall, upon conviction thereof for a first offense, be punishable by a fine of not less than \$250; \$500 for a second offense; and

\$1,000 for a third offense.