

**TOWNSHIP OF MAHWAH
ORDINANCE NO. 1950**

**ORDINANCE OF THE TOWNSHIP OF MAHWAH, COUNTY OF BERGEN,
STATE OF NEW JERSEY, AMENDING CHAPTER 3, POLICE REGULATIONS,
OF THE TOWNSHIP CODE TO PROHIBIT SMOKING ON PUBLIC
PROPERTY**

WHEREAS, pursuant to N.J.S.A. 40:48-1 et seq., the New Jersey Legislature delegated to municipalities the responsibility to promulgate regulations designed to promote the public health, safety, and welfare of its citizens; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L.2021, c.16, the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult-use) cannabis operations, use and possession, P.L.2021, c.19, which provides for certain criminal and civil justice reforms, and P.L.2021, c.25, amended thereafter by P.L.2021, c.38, which concerns certain regulated substances, with particular emphasis on underage possession or consumption of various forms of cannabis, including legal consequences for such activities; and

WHEREAS, the Township Council has determined that it is necessary and appropriate, and in the best interest of the health, safety and welfare of the Township of Mahwah’s residents and members of the public who visit, travel to, or conduct business in the Township, to prohibit smoking of tobacco and cannabis, and related products, in public areas, including parks, athletic fields, in and around municipal building facilities and adjacent parking lots, Township-owned Open Space, and Township-owned motor vehicles and ride-on equipment; and

WHEREAS, the Township Council desires to amend the Township Code to implement these changes.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Mahwah, County of Bergen, State of New Jersey, as follows:

SECTION 1. Chapter 9, Recreational Facilities, § 9-1.4A, Smoking Prohibited, is hereby repealed in its entirety.

SECTION 2. Chapter 3, Police Regulations, of the Township Code, is hereby amended to establish § 3-16, Prohibition of Smoking on Public Property, to read as follows in its entirety:

§ 3-16 PROHIBITION OF SMOKING ON PUBLIC PROPERTY

§ 3-16.1 Definitions.

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

EXTERIOR AREA

An area that is not structurally enclosed.

MUNICIPAL BUILDINGS

All structures owned and/or operated by the Township of Mahwah and/or occupied by

Township employees and used to conduct official business of the Township of Mahwah.

MUNICIPAL PROPERTY

All property owned by the Township upon which the public is invited or upon which the public is permitted.

MUNICIPAL VEHICLES

All Township-owned and -registered motor vehicles and ride-on equipment, including but not limited to, lawn mowers, tractors, and golf carts used to conduct official business of the Township of Mahwah.

PARKS AND RECREATIONAL FACILITIES

All public parks, playgrounds, athletic fields and parking lots publicly owned by the Township of Mahwah and all property owned by the Township where individuals gather for recreational activities including all areas adjacent to such facilities, including but not limited to any parking area, driveway or drive aisle.

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 that contains tobacco and/or cannabis, in any form, and/or any other matter that can be smoked; or the inhaling or exhaling, or aerosolizing, of smoke or vapor from an electronic smoking device.

§ 3-16.2 Prohibition of smoking on public property; signs.

- a. Smoking shall be prohibited in all Municipal Buildings, Exterior Areas surrounding Municipal Buildings, in accordance with the New Jersey Smoke-Free Air Act (N.J.A.C. 8:6-1.1 et seq.), Municipal Property, Municipal Vehicles, and Parks and Recreational Facilities.
- b. No-smoking signs referencing the applicable Code provision shall be conspicuously posted where smoking is prohibited, in accordance with law.

§ 3-16.3 Violations and penalties.

Any person who violates any provision of this section shall be subject to fine of not less than \$250 for the first offense; \$500 for the second offense; and \$1,000 for each subsequent offense. In addition, any municipal employee found in violation of this article may also be subject to disciplinary action in accordance with the Township's policies and procedures governing discipline.

§ 3-16.4 Enforcement.

The provisions set forth in this section shall be enforced by the Mahwah Township Police Department or authorized Township employee or agent.

SECTION 3. If any section, paragraph, subsection, clause or provision of this ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any part thereof.

SECTION 4. All ordinances or parts of ordinances of the Township heretofore adopted that are inconsistent with any terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency.

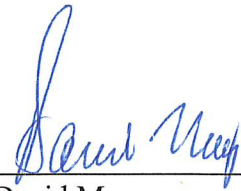
SECTION 5. This ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

Ordinance No. 1950

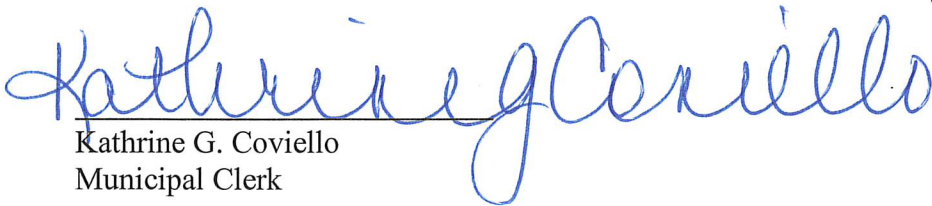
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Dated: 1/12/22

Attest



David May
Council President



Kathrine G. Coviello
Municipal Clerk

I, Kathrine G. Coviello, Municipal Clerk of the Township of Mahwah, hereby certify that the within Ordinance was passed and adopted at a meeting of the Township Council held on the 23rd day of September, 2021.



Kathrine G. Coviello, RMC/CMC/MMC
Municipal Clerk