

**BOROUGH OF HILLSDALE
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO. 19-16
(Adoption)**

**AN ORDINANCE OF THE BOROUGH OF HILLSDALE,
COUNTY OF BERGEN, STATE OF NEW JERSEY
CREATING A NEW CHAPTER 222 ENTITLED "SMOKING"**

Section 1. The Borough Code is hereby amended and a new Chapter, Chapter 222 entitled "Smoking" is hereby created as follows:

222.1 DEFINITIONS

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

A. "Board of Education" shall mean the Pascack Valley Regional High School Board of Education or the Board of Education for the Hillsdale Public Schools.

B. "Board of Education Facilities" shall mean any and all property, structures, or other areas owned or leased by the Hillsdale Board of Education or Pascack Valley Board of Education or operated by employees and agents of and/or persons authorized by the Hillsdale Board of Education and used for the official business of the Hillsdale Board of Education.

C. "Municipal Facilities" shall mean all structures, improvements, property and enclosed areas owned, leased, rented, and/or operated by the Borough of Hillsdale, and/or occupied by employees and agents of and/or persons authorized by the Borough of Hillsdale used for official business of the Borough of Hillsdale. This definition shall not include any area adjacent to the Borough Municipal Building that may from time to time be designated as the Borough of Hillsdale staff smoking area.

D. "Enclosed Areas" shall mean all areas between a floor and a ceiling, extending to the outer perimeter walls of a structure.

E. "Electronic Smoking Device" shall mean 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.

F. "Parks and Recreation Facilities" shall mean all public parks, playgrounds, open space areas or ball fields, publicly owned or leased by the Borough of Hillsdale, upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities, including all areas adjacent to such facilities including, but not limited to, parking areas, driveways or driveway aisles. This definition excludes public parking lots, sidewalks and

public streets within the Borough of Hillsdale, other than as noted herein.

G. "Smoking" shall mean 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.

222.2 SMOKING PROHIBITED

- A. It shall be unlawful for any person to smoke any product as defined in this chapter in or on any of the following areas:
- (1) In any Municipal Facilities and Parks and Recreational Facilities, as such terms are defined herein;
 - (2) In or on the area between the edge of pavement of any street/roadway line and the property boundary of any Board of Education Facility as defined in §222-1 this chapter, inclusive of the sidewalk and open or grass area adjacent to the property boundary.
- B. "No smoking" signs or the international "no smoking" symbol may be clearly and conspicuously posted in or on any area defined in §223-1, above, or at the discretion of the Borough of Hillsdale, except in or on the Board of Education facilities, which signage may be posted at the discretion of the Board of Education. It shall not be a defense to a violation of this section that "no smoking" signs were not conspicuously posted as they are not required by this article.

§223.3. VIOLATIONS AND PENALTIES

Any person(s) observed to be in violation of this article shall be issued a summons and may be subject to, at the discretion of the Court, the following penalties:

- A. A warning by the Court or a fine of not less than \$100.00 for conviction of a first offense;
- B. A fine of up to \$250.00 for conviction of a second offense;
- C. A fine of up to \$500.00 for conviction of a third and/or any subsequent offense.
- D. For any conviction, the Court shall assess court administration fees and costs and may sentence the offender to community service, for a period of time and type of service to be determined by the Court.

Section 2. If any section or provision of this Ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or

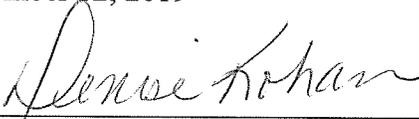
provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 3. The Ordinance shall take effect upon its adoption, passage and publication according to law.

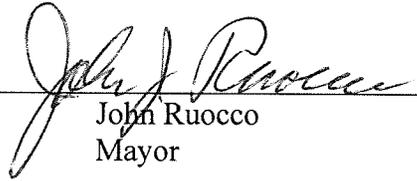
Council member	Motion	Second	Yes	No	Absent	Abstain	Recuse
DeRosa, Anthony			X				
Escobar, John			X				
Horvath, Zoltan				X			
Lundy, Abby				X			
Pizzella, Frank	X		X				
Segalas, Steven		X	X				
Ruocco, John							

Adoption: November 12, 2019

Attest:



Denise Kohan
Municipal Clerk



John Ruocco
Mayor