

MINORS; TOBACCO PRODUCTS

Chapter 61

MINORS; TOBACCO PRODUCTS

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**[HISTORY: Adopted by the Mayor and Common Council of the City of Gloucester City as indicated in article histories. Amendments noted where applicable.]**

GENERAL ORDINANCES

Purchase of alcoholic beverages by minors — See Ch. 15, Art. II.  
Curfew — See Ch. 39.  
Disorderly persons — See Ch. 41.  
Drug-free school zones — See Ch. 44, Art. I.  
Garbage, littering and handbills — See Ch. 51.  
Littering — See Ch. 59A.  
Loitering — See Ch. 60.

ARTICLE I

**Offenses; Parental Responsibility; Enforcement**  
**[Adopted 8-1-1974]**

**§ 61-1. Enumeration of offenses.**

- A. Offenses against the public peace, safety and morals shall be punishable as herein provided.
- B. Offense against the public peace, safety and morals are hereby defined to include:
- (1) A felony, high misdemeanor, misdemeanor or other offense.
  - (2) Violation of any penal law or municipal ordinance.
  - (3) Any act or offense for which he could be prosecuted in the method partaking of the nature of a criminal action or proceeding.
  - (4) Being a disorderly person.
  - (5) Habitual vagrancy.
  - (6) Incurigibility.
  - (7) Immorality.
  - (8) Knowingly associating with thieves or vicious or immoral persons.

- (9) Growing up in idleness or delinquency.
- (10) Knowingly visiting gambling places, or patronizing other places or establishments, his admission to which constitutes a violation of law.
- (11) Idly roaming the streets at night.<sup>1</sup>
- (12) Habitual truancy from school.<sup>2</sup>
- (13) Deportment endangering the morals, health or general welfare of said child.
- (14) Including any and all state statutes under Title 39 of the Motor Vehicle Act as to violations in the operation and use of a motor vehicle, but not including violations for parking.
- (15) Sale and use of narcotics or other drugs.
- (16) Defacing the property of another (graffitti).
- (17) Destroying any property of another.
- (18) Mugging.
- (19) Assaults.
- (20) Assaults and battery.
- (21) Loitering in groups of three or more on any public streets, highways or alleys.<sup>3</sup>
- (22) Littering or destruction or defacing of public property owned by the governments of the city, county or state.<sup>4</sup>
- (23) Destruction of playground equipment and public parks.<sup>5</sup>

<sup>1</sup> Editor's Note: See also Ch. 39, Curfew.

<sup>2</sup> Editor's Note: See also Ch. 39, Art. II, School Time Day Curfew.

<sup>3</sup> Editor's Note: See also Ch. 60, Loitering.

<sup>4</sup> Editor's Note: See also Ch. 59A, Littering.

<sup>5</sup> Editor's Note: See Ch. 65, Playgrounds.

- (24) Consumption of alcoholic beverages on a public street.<sup>6</sup>
- (25) Drunkenness.
- (26) Begging.
- (27) Lack of supervision by a parent, legal guardian or other person having the care or custody of a minor child under the age of 18. A "person" is defined to include parents, guardians or persons having custody or control of minor children.
- (28) Indecent exposure.

#### § 61-2. Parental responsibility.

It shall be unlawful for any parent, legal guardian or other person having the care or custody of a minor child under 18 years of age by any act or word, or the failure to act or by the lack of supervision and control over said minor child to encourage, contribute toward, cause or tend to cause said child to violate this ordinance by reason of the activity of said minor child within the City of Gloucester City.

#### § 61-3. Supervision.

Supervision is the exercise of control over a minor child, knowing his whereabouts, knowing with whom he associates and in what activities he or she may engage in which could affect or offend the public peace, safety and morals.

#### § 61-4. Assisting in encouraging violations.

It shall be unlawful for any parent, legal guardian or other person having custody and care of any minor child under the age of 18 to assist, aid, abet, allow, permit or encourage said

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<sup>6</sup> Editor's Note: See also Ch. 15, Alcoholic Beverages.

minor to violate the provisions of this ordinance or any other ordinance of the City of Gloucester City as defined herein, either by overt act, by failing to act or by lack of supervision and control over said minor child.

**§ 61-5. Presumption of evidence.**

The fact that a child under the age of 18 years is apprehended while on any public streets, highways, alleys or parks during the hours of curfew shall be prima facie evidence of a violation of this ordinance on the part of the parents, legal guardian or other person having custody or care of said minor.

**§ 61-6. Apprehension of violators.**

When any person under the age of 18 years is apprehended in violation of this ordinance or violation of any laws of the state as outlined in this ordinance and has been brought before the Judge of the Division of Camden County Juvenile and Domestic Relations Court, and upon the Court's determination that the child is guilty of the offense within the purview of this ordinance, the parent, legal guardian or other person having care and custody of said minor may be summoned before a Judge of the Municipal Court of the City of Gloucester City and ordered to provide supervision of the minor. The failure of said parent, legal guardian or other person having legal custody of said minor child, upon a second offense, shall cause the parent, legal guardian or the other person having custody of said minor child to be subject to the penalties herein.

**§ 61-7. Violations and penalties.**

Any person who violates any provision of this ordinance shall, upon conviction thereof, be punished by a fine not exceeding \$500 or by imprisonment for a term not exceeding 90 days, or both.

**§ 61-8. Repealer.**

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency only.

**§ 61-9. When effective.**

This ordinance shall take effect after final passage and publication as provided by law.

## ARTICLE II

**Tobacco Products**

**[Adopted 5-7-1998 by Ord. No. 13-1998; amended in its entirety 4-5-2001 by Ord. No. 6-2001]**

**§ 61-10. Prohibition of purchase, possession or use of tobacco products for any minor child; violations by minors.**

No person under the age of 18 (a minor) shall purchase or, within or upon any public place or area, use or be in possession of cigarettes or other tobacco products within the City of Gloucester City.

**§ 61-10.1. Violation by parents or guardians.**

It shall be unlawful for the parent or guardian or any person having the care, custody or control of any minor child to permit such minor child to purchase, possess or use any tobacco products within or upon any public place or area.

**§ 61-11. Definitions.**

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

MINOR CHILD — Any person under the age of 18 years.

PARENT — Any natural parent or guardian or any adult person of the age of 21 or over who is responsible for the care, custody and control of any minor child.

PUBLIC PLACE OR AREA — Any place or area to which the public is invited or upon which the public is permitted, including but not limited to any sidewalk, street or any other right-of-way, park, playground and any other property owned by the city, any commercial area or shopping center, and any school property.

TOBACCO PRODUCT — Any product made from the tobacco plant for the purpose of smoking, chewing, inhaling or other personal use, including cigars, chewing tobacco, pipe tobacco, snuff and cigarettes in any form.

**§ 61-12. Procedure following apprehension.**

The first duty of the apprehending officer or official shall be to take into protective custody the minor child who has violated this article. Said officer or official shall then make a complete record of the circumstances under which the minor child was discovered in apparent violation of this article, and such record shall include the names and addresses of all persons who have either the legal or moral obligation for said minor child's well being and the nature of each obligation (i.e., parent, guardian, custodian, etc.) Upon completion of a record of all of the salient facts, the officer or official shall personally return the minor child to his home or place of residence immediately, at which time said officer or official shall inform the parent or legal guardian with whom the minor child resides that, upon the event of a subsequent violation by the minor, such parent or legal guardian shall be summoned before the Municipal Court of the City of Gloucester City, and that, at the time of the appearance before said Court, there will be a complete review of all the facts and circumstances of the case. Upon issuance of a summons for violation of this article, said officer or official shall then forward the report described in this section to the Municipal Court Administrator of Gloucester City.

**§ 61-13. Written notice of violation.**

It shall be the duty of the Police Department of the City of Gloucester City to serve formal written notice upon any parent or legal guardian that there has been a violation of this article and that, upon the event of a subsequent violation by a minor, such parent or guardian shall be summoned before the Municipal Court of Gloucester City and will be subject to a fine, community service, or other penalty as prescribed by the Judge of said Municipal Court. This notice shall be captioned "Notice of First Violation of Tobacco Ordinance" and shall contain an explanation of the ordinance. This notice shall be served by the Gloucester City Police Department by hand and/or by certified mail.

**§ 61-14. Violations and penalties.**

- A. For a first offense of any minor child found guilty of violating any of the provisions of this article, said minor child, at his or her expense or the expense of the parent or guardian, shall be required to participate in an educational program concerning the dangers of smoking and tobacco use.
- B. For a second or subsequent offense by a minor child found guilty of violating any of the provisions of this article, said minor child shall be required to perform community service in an amount not to exceed 50 hours, may be subject to a fine not to exceed \$250, or both.
- C. A parent or legal guardian found guilty of violating any of the provisions of this article shall be required to perform community service in an amount not to exceed 50 hours, may be subject of a fine not to exceed \$500, or both. If both the minor child and the parent or legal guardian are found guilty of violating any of the provisions of this article, they shall be required to perform the community service together. Community service may include attendance at a parenting skills program.