

**Chapter 75**

**SMOKE-FREE BUSINESS DISTRICT**

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**[HISTORY: Adopted by the Mayor and Common Council of the City of Gloucester City 9-25-2014 as Ord. No. 17-2014. Amendments noted where applicable.]**

Be it ordained, by the Common Council of the City of Gloucester City, County of Camden, State of New Jersey that the following is now adopted;

**§ 75-1. Purpose.**

The purpose of this section is to protect residents and visitors to Gloucester City from second hand smoke and tobacco related litter and pollution and by affirming the family friendly atmosphere of the business district.

**§ 75-2. Definitions.**

**ELECTRONIC SMOKING DEVICE** — An electronic device that can be used to deliver nicotine or other substances to that person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo or pipe.

**SMOKING** — The burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe, hookah or similar device, or the 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.

**TOBACCO PRODUCT** — Any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco, including electronic smoking devices and dissolvable tobacco products not FDA-approved for tobacco cessation.

**§ 75-3. Restrictions for Monmouth Street Business District. [Amended 12-4-2017 by Ord. No. O36-2017]**

It is unlawful for any person to use tobacco products by smoking other methods on the outside property of the Monmouth Street Business District from Atlantic Street to Railroad Avenue and shall include all streets, sidewalks, stoops, curbs and steps and include the roadways of Atlantic Street and Railroad Avenue. The restrictions contained herein shall also be applicable for Champion Road, between Monmouth Street and Somerset Street on both sides of the street.

**§ 75-4. Posting signs.**

A sign shall be clearly, sufficiently and conspicuously posted where smoking is prohibited by this section. The sign(s) shall state "100% Smoke Free Public Property" or substantially similar language, written in lettering that is not less than three-quarter (3/4) inches in height, and shall contain the international no smoking sign or symbol.

**§ 75-5. Enforcement.**

The Police Department and any municipal officer charged with code enforcement is hereby charged with the enforcement of this section. All members of the Police Department and code enforcement officers are hereby designated as enforcement officers for the purpose of enforcement of this section.

**§ 75-6. Penalties.**

It shall be a violation of this section for any owner, operator, manager, or a person who controls any premises subject to this section to fail to comply with any of its provisions. It shall be unlawful to smoke or carry a lighted cigarette, cigar, or pipe, hookah, electronic smoking device or other product that can be smoked, where smoking is prohibited.

Any person who is found guilty of violating this section shall pay fines as follow:

- A. For a first offense, a fine not less than, \$100. nor more than \$250.
- B. For a second or subsequent offense, a fine of not less than \$500. nor more than \$1,000.

This ordinance will become effective upon the posting of signs and 20 days after publication.

