

**TOWNSHIP OF CRANFORD
CRANFORD, NEW JERSEY**

ORDINANCE NO. 2022-23

**AN ORDINANCE TO AMEND THE CODE OF THE
TOWNSHIP OF CRANFORD TO EXPRESSLY PROHIBIT
IN PUBLIC PLACES WITHIN THE TOWNSHIP THE
SMOKING, VAPING, OR AEROSOLING OF TOBACCO,
HEMP, CANNABIS AND MARIJUANA**

WHEREAS, both the “Smoke-Free Air Act”, N.J.S.A. 26:3D-55 *et seq.* and N.J.S.A. 2C:33-13 of the New Jersey Code of Criminal Justice, entitled “Smoking in Public,” authorize municipalities to enact ordinances strictly regulating smoking in public places; and

WHEREAS, the Township Committee recognizes the well-known and established health and safety risks posed by smoking and second-hand smoke; and

WHEREAS, the Township Committee has determined that it is within the public interest to prohibit smoking on public property, such as public parks and recreation areas; and

WHEREAS, in 2020 the New Jersey voters approved an amendment to the New Jersey Constitution to legalize the use of cannabis by adults at least 21 years of age; and

WHEREAS, P.L. 2021, c. 16, the Marketplace Modernization Act" (the "Act"), regulates the development and enforcement of a recreational cannabis; and

WHEREAS, the Act enables municipalities to enact an ordinance making it unlawful for any person to smoke, vape, or aerosolize tobacco, cannabis, and marijuana in public places because such activities would be detrimental to the public health, safety, and welfare of the Township and its residents because of the migration of smoke and harm from second-hand smoke; and

WHEREAS, the Township Committee finds that the limited resources of the Department of Public Works and Recreation Department can be conserved if smoking were to be banned from such public parks and recreation areas, by preventing the litter typically generated by smoking, such as cigarette or butts, ashes, used matches or lighters, and packaging; and

WHEREAS, the Township Committee authorizes the imposition of fines or civil penalties may be imposed for the public smoking, vaping, or aerosolizing of tobacco, hemp, cannabis, and marijuana items.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Cranford, in the County of Union, State of New Jersey, that the Code, Chapter 472 shall be amended as follows:

EXPLANATION – Matter struck through ~~thus~~ in the above ordinance is not enacted and is intended to be omitted in the law. Matter underlined thus is a new matter.

SECTION 1. Article I Sale to Minors, of Chapter 472 of the Municipal Code of the Township of Cranford, Article I, is hereby renamed “Sale & Consumption of Tobacco and Cannabis Products.

SECTION 2. Chapter 472 of the Municipal Code of the Township of Cranford, Article I, is hereby amended as follows:

§ 472-1 Violations and penalties.

- A. Any person who directly or indirectly, acting as agent or otherwise, sells, gives or furnishes to a minor under the age of ~~21~~19 years any cigarettes made of tobacco or of any other matter or substance which can be smoked or any cigarette paper or tobacco in any form, including smokeless tobacco, shall be punished by a fine of \$250.
- B. Smoking on municipal property (including but not limited to municipal buildings, parks, parking lots, and recreational areas) shall be prohibited. Any person smoking on municipal property shall be punished by a fine of \$250.

SECTION 3. Chapter 472 of the Municipal Code of the Township of Cranford, Article II, Section 5 is hereby amended as follows:

§ 472-5 Definitions.

For the purpose of this ~~Chapter~~article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this article clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number shall include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

BOARD

The Cranford Board of Health.

CANNABIS.

All parts of the plant Cannabis sativa L. within the plant family Cannabaceae, whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant; which are cultivated and, where applicable, manufactured for use in cannabis products, in accordance with the Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, P.L. 2021, c. 16 (N.J.S.A. 24:6I-31 et seq.).

ELECTRONIC SMOKING DEVICE

An electronic or other powered 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.

RETAIL ELECTRONIC SMOKING DEVICE ESTABLISHMENT

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Any establishment that sells or offers for sale electronic smoking device products designed for consumption through inhalation.

SALE

Every delivery of electronic smoking devices, whether the same is by direct sale or the solicitation or acceptance of an order, including the exchange, barter, traffic in, keeping and exposing for sale, displaying for sale, delivering for value, peddling and possessing with intent to sell.

SMOKING

The burning or aerosolizing of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or other product which contains tobacco, cannabis, and any other matter that can be burned or aerosolized so as to be inhaled and exhaled as smoke or vapor.

SECTION 4. Severability. If any portion of this Ordinance is found to be invalid for any reason by any court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the ordinance actually invalidated and shall not be deemed to affect the operation of any other portion thereof.

SECTION 5. This Ordinance shall take effect upon final passage and publication according to law.

Introduced: September 27, 2022

Adopted: October 25, 2022

Approved:

Kathleen Miller Prunty
Chair, Township Committee

ATTEST:

Patricia Donahue
Township Clerk

RECORDED VOTE	INTRODUCED	ADOPTED
Kathleen Miller Prunty	Aye	Aye
Brian Andrews	Aye	Aye
Jason Gareis	Absent	Aye
Gina Black	Aye	Aye
Mary O’Connor	Aye	Aye

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