

**CITY OF ENGLEWOOD
BERGEN COUNTY, NEW JERSEY**

ORDINANCE No. 25-05

**AN ORDINANCE AMENDING CHAPTER 404 ENTITLED
PROHIBITION OF SMOKING IN PUBLIC PLACES; SIGNS**

WHEREAS, the City of Englewood seeks to amend Chapter 404 of the City Code to clarify public areas where it is restricted as well as to include cannabis type products; and

WHEREAS, the purpose of the amendment is to protect the public health, welfare and safety including but not limited to the dangers of second hand smoke.

NOW THEREFORE BE IT ORDAINED, that Chapter 404 Article II is hereby amended as follows:

Article II Smoking on Public Property

[Adopted 7-29-2014 by Ord. No. 14-21]

§ 404-9 Definitions.

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

CITY BUILDINGS

Includes all structures owned, leased, rented and/or operated by the City of Englewood, and/or occupied by City employees and used for official business of the City of Englewood.

ENCLOSED AREA

All areas between a floor and a ceiling, extending to the outer perimeter walls of a structure.

PARKS AND RECREATIONAL FACILITIES

Includes all public parks, playgrounds, ball fields, to which the City of Englewood has access whether through an easement, publicly owned or leased by the City of Englewood and all property owned or leased by the City of Englewood 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, any parking area, driveway or drive aisle.

PUBLIC SIDEWALKS AND RIGHT OF WAY

Includes all public sidewalk and “right of way” in City, whether maintained by the State or by any county, city, or other subdivision. The “right of way” includes the sidewalk and the area between the sidewalk and public street.

PUBLIC STREET

Includes all public highways, roads and streets in the City, whether maintained by the State or by any county, city, or other subdivision.

QUASI-PUBLIC/PRIVATE PARKING LOTS

This includes all parking lots of all businesses and organizations that are open to the public and may be used by customers or individuals visiting the business or organization that is open to the public for the purpose of use for the respective businesses. This does not include residential driveways of private residences or single-family homes. This does include shared parking lots for apartments, condominiums, and townhomes.

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 which contains tobacco, **cannabis**, or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking device.

§ 404-10 Prohibition of smoking in public places; signs.

A.

Smoking shall be prohibited in all City buildings as defined herein. No-smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently and conspicuously posted at each City building entrance and within each closed area where smoking is prohibited by this article. The signs shall be clearly visible to the public and shall contain letters or a symbol which contrast in color with the sign, indicating that smoking is prohibited therein. The sign shall also indicate that violators are subject to a fine.

B.

Smoking shall be prohibited within a thirty-five-foot radius of the front entrance of all City buildings. No-smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently and conspicuously posted both on the building and at the thirty-five-foot perimeter of the front entrance of all City buildings where smoking is prohibited by this article. The signs shall be clearly visible to the public and shall contain letters or a symbol which contrasts in color with the sign, indicating that smoking is prohibited therein. The sign shall also indicate that violators are subject to a fine.

C.

Smoking shall be prohibited in all public parks and recreation facilities owned or leased by the City of Englewood and all property owned or leased by the City of Englewood 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, any parking area, driveway or drive aisle, which have been designated with no-smoking signs. No-smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently and conspicuously posted in all areas regulated by this article. The signs shall be clearly visible to the public and shall contain letters or a symbol which contrasts in color with the sign, indicating that smoking is prohibited at the designated area. The sign shall also indicate that violators are subject to a fine.

D.

Smoking shall be prohibited in any vehicle registered to the City of Englewood.

E.

Smoking shall be prohibited on all public streets, public sidewalks, right of way, and quasi-public/private parking lots as described in this ordinance.

§ 404-11 Enforcement.

The enforcement authority of this article shall be the Police Department, Fire Department, Recreation Department, Public Works Department and Health Department of the City of Englewood.

§ 404-12 Violations and penalties.

Any person who violates any provision of this article shall be subject to a fine of not less than \$250 for the first offense, \$500 for the second offense and \$1,000 for each subsequent offense. Any City employee found in violation of this article may also be subject to discipline in accordance with the provisions of the City of Englewood's policies and procedures.

ORDINANCE # 25-05**AN ORDINANCE AMENDING CHAPTER 404 ENTITLED
PROHIBITION OF SMOKING IN PUBLIC PLACES; SIGNS****RECORD OF VOTE**

FIRST READING DATE: January 21, 2025

COUNCIL	MOTION	VOTE
David		Y
Rosenzweig	X	Y
Tokayer		Y
Wilson		Y
Wisotsky		Y

DATE PUBLISHED IN THE RECORD: January 27, 2025

DATES PUBLIC HEARINGS HELD: February 4, 2025

DATE SECOND READING HELD: February 4, 2025

COUNCIL	MOTION	OPEN	MOTION	CLOSE	MOTION	ADOPT
David						
Rosenzweig						
Tokayer						
Wilson						
Wisotsky						

Y=YES

N=OPPOSED

A=ABSTAINED

AB=ABSENT

PRESENTED TO MAYOR:

APPROVED _____

REJECTED _____ (VETO)

DATE: _____

MAYOR MICHAEL WILDES

I do hereby certify that the foregoing is a true and exact copy of an Ordinance adopted and approved by the Mayor and Council of the City of Englewood.

Yancy Wazirmas, RMC
City Clerk