

**AN ORDINANCE AMENDING CHAPTER 2, SECTION 17.5, CHAPTER 4, SECTION 33.1, AND CHAPTER 12, SECTION 12-10 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE**

**(SMOKING PROHIBITED)**

**BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY** that Chapters 2, 4, and 12 of the Revised General Ordinances of the Township of West Orange be and are hereby amended as follows:

**I. PURPOSE**

The purpose of this ordinance is to extend the smoking prohibition for certain public areas to include cannabis products and electronic cigarettes and to update the penalty provision governing violation of the smoking prohibition in municipally owned buildings and lands.

**II. CHAPTER 2, SECTION 17.5 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:**

**2-17 DEPARTMENT OF RECREATION AND CULTURAL AFFAIRS.**

**25-17.5 Regulations.**

The following acts are expressly prohibited and/or regulated by the Recreation Department and shall require enforcement under Chapter 4. The following such acts are prohibited and/or regulated:

- a. Other than in regulated parking areas, no vehicle shall be allowed within any park owned by the Township or under its jurisdiction at any time except for emergency vehicles or others with written permission from the Recreation Director.
- b. It shall be strictly prohibited for one to start or maintain a fire of any kind or to use barbecue equipment of any kind in any park owned by the Township or under its jurisdiction or on other Township owned or maintained property.
- c. It shall be strictly prohibited for one to operate a powered flight model in any park owned by the Township or under its jurisdiction or on other Township owned or maintained property.
- d. It shall be unlawful for a person to enter into any park owned by the Township or under its jurisdiction or on other Township owned or maintained property and post bills of any sort without the express permission of the Recreation Director.
- e. A permit shall be required for organized group/team practices, games and/or activities. All permits are issued through the Recreation Department. This shall include all recreational facilities and open space located within the parks and playgrounds deemed to be under the jurisdiction of the Recreation Department. The Recreation Department shall establish reasonable guidelines, policies, and prohibitions for the issuance of said permits.

- f.** The use of all recreational facilities under the jurisdiction of the Recreation Department for financial gain by businesses, organizations, and individuals shall be prohibited without the written permission of the Recreation Department.
- g.** Scholastic games and practices shall have priority over all other users including those who may have previously occupied the park area.
- h.** Bike riding, roller blading, skateboarding and the use of any and all riding devices utilizing wheels or rollers are prohibited on all hard court surfaces within any Recreation facility.
- i.** People are prohibited from wearing hard sole shoes on the tennis courts within any Township park. Additionally, the use of metal spiked or cleated footwear is prohibited on all artificial or synthetic surfaces.
- j.** There shall be one hour time limit for the use of the tennis courts when other players are waiting to use the tennis courts.
- k.** The Recreation Department may charge and collect in advance a reasonable fee for admission to or use of facilities, programs, or activities as specifically authorized by Resolution of Council.
- l.** Golfing activities are prohibited in all Recreation Department facilities.
- m.** Abusive language and actions are prohibited in all Recreation Department facilities.
- n.** The possession, use, and/or consumption of alcohol is prohibited in all Recreation Department facilities without the written permission of the Recreation Director.
- o.** Smoking of cigarettes, including electronic cigarettes, use of tobacco products, or the smoking or consumption of cannabis products within public parks, playgrounds and ball fields under the jurisdiction of the Recreation Department is prohibited.
- p.** Excessive noise is prohibited at all times.
- q.** All dogs must be leashed within the confines of all Recreation Department facilities. Furthermore, dogs shall be prohibited from being inside the confines of a Kiddie Park, as defined herein.
- r.** No littering or dumping is permitted. Dumpsters located within all Recreation Department facilities are restricted to municipal use only.
- s.** All activities that endanger the health, safety or welfare of others, or that breach the public peace, are prohibited at all times.

**III. CHAPTER 4, SECTION 33.1 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:**

**4-33 SMOKE FREE KIDS ZONES.**

**4-33.1 Prohibition Against Smoking and Use of Tobacco or Cannabis Products.**

- a. Smoking of cigarettes, including electronic cigarettes, the use of tobacco products, and the smoking or consumption of cannabis product within public parks, playgrounds, ballfields and schoolgrounds shall be prohibited within the Township of West Orange.
- b. Smoking of cigarettes, including electronic cigarettes, the use of tobacco products, and the smoking or consumption of cannabis product shall be prohibited within the Oskar Schindler Performing Arts Center located at 4 Boland Drive.

**IV. CHAPTER 12, SECTION 10 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:**

**12-10 SMOKING PROHIBITED.**

It shall be unlawful for any person to:(i) smoke or carry lighted tobacco; (ii) utilize electronic cigarettes; or (iii) smoke or consume any cannabis product within any municipally-owned building. This section, however, shall not apply to any residential units within municipally-owned housing.

Pursuant to N.J.S.A. 26:3D-62, a violation of this section act is 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.

**V. REPEAL OF CONFLICTING ORDINANCES**

Any Ordinances of the Township which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**VI. SEVERABILITY**

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

**VII. EFFECTIVE DATE**

This Ordinance shall take effect upon final passage and publication in accordance with the law.

---

**ROBERT D. PARISI, MAYOR**

---

**SUSAN McCARTNEY  
COUNCIL PRESIDENT**

---

**KAREN J. CARNEVALE, R.M.C.  
MUNICIPAL CLERK**

**INTRODUCED: December 14, 2021**

**ADOPTED: January 4, 2022**

**Legislative History**

The purpose of this ordinance is to extend the smoking prohibition for certain public areas to include electronic cigarettes and cannabis products and to update the penalty provision governing violation of the smoking prohibition in municipally owned buildings and lands.