

**ORDINANCE NO. 2021-06**

**AN ORDINANCE TO CREATE CHAPTER 285 OF THE TOWNSHIP OF FRANKLIN, HUNTERDON COUNTY, NEW JERSEY TO PROHIBIT SMOKING AND CONSUMPTION OF TOBACCO AND CANNABIS PRODUCTS IN PUBLIC PLACES.**

**WHEREAS**, the Township of Franklin, through adoption of Franklin Municipal Code Chapter 285 recognizes that it is authorized to regulate smoking and consumption of tobacco and cannabis products in public places within the Township of Franklin; and

**WHEREAS**, the Township of Franklin has been in contact with the Franklin Township Board of Education about regulating smoking and consumption of tobacco and cannabis products in public places owned/leased by the School Board; and

**WHEREAS**, the Township Committee of the Township of Franklin wishes to create Chapter 285 “Smoking and Consumption of Tobacco and Cannabis,” to prohibit smoking of tobacco and cannabis products in public places.

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Township of Franklin, County of Hunterdon, State of New Jersey that Chapter 285, “Smoking and Consumption of Tobacco and Cannabis” of the Code of the Township of Franklin shall be created as follows:

Section 1.

**Chapter 285. Smoking and Consumption of Tobacco and Cannabis**

**§ 135-1. Definition.**

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

**BOARD OF EDUCATION PROPERTIES**

All lands and grounds owned by the Township of Franklin Board of Education, including but not limited to all recreation fields, parking areas and grounds adjacent to the buildings owned or operated by the Franklin Township Board of Education.

**CANNABIS**

The term “Cannabis” in this Section shall include cannabis, marijuana and/or any product made from cannabis or marijuana including but not limited to flowers, oils, vapor or edibles.

**INDOOR PUBLIC PLACES**

Indoor public places means structurally enclosed place of business, commerce or other service-related activity, whether publicly or privately owned or operated on a for-profit or nonprofit basis, which is generally accessible to the public, including, but not limited to: a

commercial or other office building; office or building owned, leased or rented by the State or by a county or municipal government; public and nonpublic elementary or secondary school building; board of education building; theater or concert hall; public library; museum or art gallery; bar; restaurant or other establishment where the principal business is the sale of food for consumption on the premises, including the bar area of the establishment; garage or parking facility; any public conveyance operated on land or water, or in the air, and passenger waiting rooms and platform areas in any stations or terminals thereof; health care facility; patient waiting room of the office of a health care provider; child care center race track facility; facility used for the holding of sporting events; ambulatory recreational facility; shopping mall or retail store; hotel, motel or other lodging establishment; apartment building lobby or other public area in an otherwise private building; or a passenger elevator in a building other than a single-family dwelling.

**PUBLIC BUILDINGS**

Any Township- or Board of Education-owned or leased building, including but not limited to all schools, municipal buildings, library, senior center, recreation center, etc., in which the public is invited, or the public is permitted.

**PUBLIC PROPERTIES**

Any State, County or municipality owned or leased property in which the public is invited, or the public is permitted.

**SMOKING**

The burning or use of a lighted cigar, cigarette, pipe, e-cigarette, vape or any other matter or substance which contains tobacco and/or emits a vapor or smoke.

**§ 135-2. Smoking prohibited on public places; signs to be posted.**

- A. Smoking in public buildings, indoor public places, on public properties and on Board of Education properties as herein defined within the Township of Franklin is prohibited.
- B. “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 posted at each public building entrance and within said building, as well as at conspicuous locations on recreation properties and Board of Education properties, in a number and in a manner determined by the administrator in charge of each such building or recreation property to be sufficient to inform the public that there is no smoking allowed within the building or on any such recreation property. The signs may contain a warning that smoking within the building or on any such recreation property is subject to a fine. The failure to post any such sign shall not be a defense to a violation of this chapter.

**§ 135-3. Consumption of Cannabis and Cannabis Products on public places**

The smoking or consumption of cannabis or cannabis products in public buildings, on public property and on Board of Education properties as herein defined within the Township of Franklin is prohibited.

**§ 135-4 Enforcement.**

The enforcement authorities of this chapter shall be the police officers of the Township of Franklin.

**§ 135-5 Violations and penalties.**

A. Any person who violated any provision of this chapter shall be subject to the following:

- (1) A fine in the maximum amount of \$125 for the first violation.
- (2) A fine in the maximum amount of \$200 for the second violation.
- (3) A fine in the maximum amount of \$300 for each additional violation.

B. The Municipal Court shall have the right, upon conviction for a first violation, to suspend such penalty upon the condition that the violator attend a program or programs relating to the harmful use of smoking and the use of tobacco and/or cannabis products and that the violator produce proof of attending said program.

**Section 2:**

**Severability.** The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

**Section 3.**

Repealer.

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

**Section 4. Effective Date.**

This Ordinance shall take effect upon final passage and publication.

**NOTICE**

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Committee of the Township of Franklin held on May 13, 2021 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on June 10, 2021 at 7:30 p.m. or as soon thereafter as the Township Committee may hear this Ordinance Online at <https://us02web.zoom.us/j/83192056518> and/or at the Municipal Building, 202 Sidney Road, Pittstown, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.



Christine Burke  
Township Clerk



Additional Information:

**Scheduled Zoom meeting.**

Topic: Town Committee

Time: Jun 10, 2021 07:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/83192056518>

Meeting ID: 831 9205 6518

One tap mobile

+13017158592,,83192056518# US (Washington DC)

+13126266799,,83192056518# US (Chicago)

Dial by your location

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 9128 US (San Jose)

Meeting ID: 831 9205 6518

Find your local number: <https://us02web.zoom.us/u/keDfa0702Z>

**I, Christine Burke, Clerk for the Township of Franklin, hereby certify that Ordinance #2021-06 was introduced on first reading by the governing body of the Township of Franklin, County of Hunterdon, on May 13, 2021.**

**Public hearing and consideration for adoption was held on June 10, 2021, at which time the Ordinance was finally adopted.**

  
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Christine Burke, Township Clerk



Introduction : May 13, 2021  
Published : May 20, 2021  
Amended : N/A  
Published : N/A  
Public Hearing : June 10, 2021  
Adopted : June 10, 2021  
Published : June 17, 2021

**FRANKLIN TOWNSHIP  
HUNTERDON COUNTY  
FINAL PASSAGE**

**PUBLIC NOTICE** is hereby given that the following titled Ordinance was duly considered for final passage and adopted by the Franklin Township Committee upon conclusion of the public hearing held on Thursday, June 10, 2021.

**ORDINANCE 2021-06**

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By Order of the Township Committee

Christine J. Burke, RMC  
Municipal Clerk

**EMAIL TO THE HUNTERDON COUNTY DEMOCRAT**

**LEGAL NOTICE, ONE PUBLICATION ONLY, THURSDAY, JUNE 17, 2021**

**NO AFFIDAVIT NEEDED**