

**AN ORDINANCE AMENDING CHAPTER 35 ENTITLED "HEALTH REGULATIONS" OF THE REVISED
ORDINANCES OF THE TOWNSHIP OF WOODBRIDGE**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WOODBRIDGE that Chapter 35, Health Regulations be amended as follows:

"35-14 ESTABLISHMENTS THAT SELL ELECTRONIC SMOKING DEVICES"

1. Purpose

The purpose of this ordinance is to license establishments that sell electronic smoking devices. The funds collected by licensing of such establishments shall be used to fund the development and maintenance of a Tobacco Age of Sale Enforcement Program and other smoking cessation, prevention and control programs.

2. Definitions

As used in this section:

- A. *Department of Health and Human Services* shall mean The Department of Health and Human Services of Woodbridge Township.
- B. *Electronic Smoking Device* shall mean 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.
- C. *License Year* shall mean the time period covering January 1st through December 31st of the year for which a license is issued pursuant to this ordinance.
- D. *Retail Electronic Device Establishment* shall mean any establishment that sells or offers for sale electronic smoking device products designed for consumption through inhalation.
- E. *Sale* shall mean 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, trafficking, keeping and exposing for sale, displaying for sale, delivering for value, peddling and possessing with intent to sell.

3. License Requirements.

- A. No person shall conduct, maintain or operate an establishment that sells electronic smoking devices without first obtaining from the Department of Health and Human Services a license to do so.
- B. Fees in accordance with the following schedule shall be paid before any license required in this article shall be issued:

Electronic Smoking Device Establishment License \$900.00

- C. License issued under the provisions of this article, unless forfeited or revoked by this Department of Health and Human Services, shall expire annually on the 31st day of December each year.
- D. The fees for all initial licenses issued to a licensee pursuant to this section shall be an amount proportionate to the number of months remaining in the License Year including the month in which the license is issued (for example, a license issued to a new licensee in July shall be for six months, a fee of \$450.00).

E. No license is transferrable by sale or otherwise.

F. Such license shall be posted in a conspicuous place in such establishment or, if an itinerant establishment, shall be readily available for display.

4. Application Process

Applicants seeking to obtain a license shall file a written application with the Department of Health and Human Services on a form to be furnished by the Department of Health and Human Services. The applicant shall accompany the application with a tender of the correct fee as provided.

Upon receipt of the completed application and fee, the Department of Health and Human Services shall process the application and issue the license within fourteen (14) days. The license shall list the name and address of the establishment in addition to the effective dates of the license.

5. Enforcement

This section shall be enforced by the Department of Health and Human Services and/or other municipal officials of the Township of Woodbridge. Any person found to be in violation of this section shall be ordered to cease the sale of electronic smoking devices immediately.

6. Violations and Penalties

Any person(s) found to be in violation of the provisions of this section shall be subject to the penalties established in Chapter 1, Section 1-5 for each offense, to be recovered by and in the name of the Department of Health and Human Services or by and in the name of the Township. (1974 Code section 12-24)

7. Severability

If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

8. Effective Date

The ordinance shall take effect on January 9, 2017 following adoption and publication in accordance with law.

All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

Sponsored by Councilman Gregg Ficarra

Introduced and Passed on First Reading on November 22, 2016

Published in the News Tribune on November 28, 2016

With Notice of Public Hearing to be held on December 13, 2016

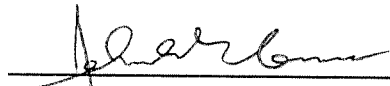
ADOPTED: December 13, 2016
Published in the Home News Tribune, as adopted on
December 16, 2016

The roll call was as follows:

AYES: Council Members: Anderson, DeJesus, Ficarra,
Patel, Spillar, Dalina, Meehan, Drumm

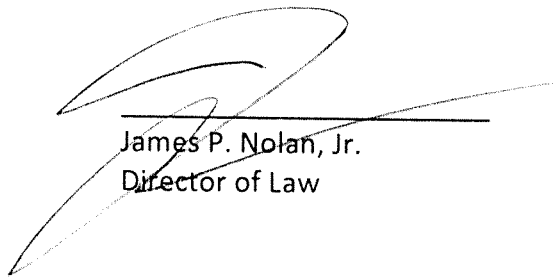
NAYS: None

ABSENT: Small



John E. McCormac, Mayor
Township of Woodbridge
Middlesex County

DATE: 1-9-17



James P. Nolan, Jr.
Director of Law



John M. Mitch, RMC, CMC, CMR
Municipal Clerk

Dated, December 14, 2016