

ORDINANCE #96 -

AN ORDINANCE OF THE BOROUGH OF RUNNEMEDE
REGULATING THE SALE OF TOBACCO PRODUCTS

WHEREAS, the Surgeon General of the United States has called for a ban on the sale of cigarettes by vending machines; and

WHEREAS, the State of New Jersey has banned the sale of cigarettes or tobacco in any form to minors; and

WHEREAS, the Borough of Runnemede wishes to prevent the sale of cigarettes or tobacco by vending machines to minors by prohibiting tobacco vending machines in Borough of Runnemede; and

WHEREAS, the Borough of Runnemede is authorized to adopt an ordinance that is not contrary to the laws of the United States and is necessary and proper for the protection of persons and for the preservation of the public health, safety and welfare of the municipality, the Borough of Runnemede and its residents;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Runnemede in the County of Camden, State of New Jersey, that the following regulations on the Sale of Tobacco Products in the Borough of Runnemede are hereby adopted:

Section 1. Rationale; Purpose.

A. There exists conclusive evidence that tobacco smoke causes cancer, respiratory diseases, cardiovascular disease, negative birth outcomes, as well as, irritations to the eyes, nose and throat. Both smokers and those exposed to secondhand smoke are at risk. It is the

opinion of the Board of Health that nonsmokers should not be involuntarily exposed to tobacco smoke.

B. More than ninety percent (90%) of all smokers begin smoking before the age of eighteen (the legal age to purchase cigarettes in the State) and an estimated three thousand (3,000) minors begin smoking every day in the United States. There is, therefore, an important health need to reduce easy access to tobacco products by youths through strict enforcement of the state law prohibiting sales to minors.

Section 2. Prohibition of Tobacco Sales To Minors.

A. It shall be unlawful to sell tobacco to a person under eighteen (18) years of age.

B. Sign requirements. The following six inch by eight inch (6" x 8") sign shall be posted in a conspicuous place near each cash register in all retail establishments in which tobacco products are sold.

THE SALE OF TOBACCO PRODUCTS TO MINORS UNDER THE AGE OF EIGHTEEN IS PROHIBITED BY LAW. Legal Proof of Age must Be Shown. A person who sells or offers to sell a tobacco product to a person under Eighteen Years of Age may be prosecuted in accordance with State and Local Ordinances.

Section 3. Identification.

A. It shall be unlawful for a tobacco retailer to sell or permit to be sold tobacco to any individual without requesting or examining identification from the purchaser, positively establishing the purchaser's age as eighteen (18) years of age or greater, unless the seller has some other conclusive basis for determining that the buyer is over the age of eighteen (18) years.

B. All cigarettes and tobacco products offered for sale shall be kept in a designated area of such stores, restaurants or other business establishments out of the reach of a minor. Cigarettes and tobacco products are prohibited on store counters, shelves, racks or other areas accessible to minors.

Section 4. Definitions.

A. Purchaser: Shall mean any individual, partnership, cooperative, association or corporation, personal or representative, receiver, trustee, assignee or any other legal entity

B. Tobacco: Shall mean any product made from the tobacco plant for the purpose of smoking, chewing, inhaling or any other use including, cigars, chewing tobacco, pipe tobacco, snuff and cigarettes in any form.

C. Tobacco Retailer: Shall mean any person or entity that operates a store, stand, booth, concession, or place at which sales of tobacco are made to the purchaser for the consumption or use. It shall also mean a person or entity which owns, operates, or uses a vending machine and/or a vending machine location.

D. Tobacco Vending Machine: Shall mean any automatic, self-service device which, upon the insertion of money, tokens or any other form of payment, dispenses cigarettes or other tobacco products.

E. Municipal Building: Shall mean all municipal offices, police station, fire stations, schools and school administration, water treatment plants, Department of Public Works, and any and all facilities owned and/or operated by the Borough of Runnemede.

Section 5. Prohibition of Tobacco Vending Machines and Tobacco Vending Machines Sales.

It shall be unlawful for any person, firm, company, corporation, association or business to offer for sale or to sell tobacco by or through a tobacco vending machine in the Borough of Runnemede.

Section 6. Removal of Tobacco Vending Machines.

All tobacco vending machines must be removed from such businesses located in the Borough of Runnemede within twenty (20) days of the passage of this ordinance.

Section 7. Prohibition on Smoking in Public Places.

Smoking and/or the use of other tobacco products shall be prohibited in any municipal building in the Borough of Runnemede.

Section 8. Enforcement/Penalties.

A. Unless otherwise provided by law, statute or ordinance, any person violating any of the provisions contained within this Ordinance shall, upon conviction thereof, pay a penalty of not less than One Hundred Dollars (\$100.00) or more than Five Hundred Dollars (\$500.00) for each offense.

B. Each sale of tobacco to a minor shall constitute a separate violation.

C. Each day in which a tobacco vending machine is owned or operated, rented, or permitted on a premises shall constitute a separate violation.

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Section 9 Severability.

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JOYCE PINTO, Borough Clerk

JOHN J. YARABINEE, Mayo

NOTICE

The above Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Runnemede held on the _____ day of _____, 1996, and will be advertised on the _____ day of _____, 1996, and will be taken up for final consideration and passage at a meeting of the Borough Council of said Borough of Runnemede, 413 N. Black Horse Pike, Runnemede, New Jersey on the _____ day of _____, 1996, at which time and place all persons interested will be heard.

JOYCE PINTO, Clerk
Upon First Reading

CERTIFICATION

I HEREBY CERTIFY that the foregoing is a true and correct copy of an Ordinance, adopted by the Borough Council of the Borough of Runnemede at a meeting held on the _____ day of _____, 1996.

JOYCE PINTO, Clerk
Upon Final Passage

Passed on First Reading

Tighe	Yes _____	No _____	Abstain _____	Absent _____
Betteridge	Yes _____	No _____	Abstain _____	Absent _____
Dickinson	Yes _____	No _____	Abstain _____	Absent _____
Doyle	Yes _____	No _____	Abstain _____	Absent _____
Hartman	Yes _____	No _____	Abstain _____	Absent _____
Kelly	Yes _____	No _____	Abstain _____	Absent _____

Adopted on Second Reading

Tighe	Yes_	No_	Abstain_	Absent_
Betteridge	Yes_	No_	Abstain_	Absent_
Dickinson	Yes_	No_	Abstain_	Absent_
Doyle	Yes_	No_	Abstain_	Absent_
Hartman	Yes_	No_	Abstain_	Absent_
Kelly	Yes_	No_	Abstain_	Absent_