

BOROUGH OF RIDGEFIELD  
Bergen County, New Jersey

Meeting February 9, 1998

ORDINANCE #1614

Presented by Councilman Peters

BE IT RESOLVED, by the Borough Council of the Mayor and Council of the Borough of Ridgefield, that an Ordinance entitled,

"AN ORDINANCE PROHIBITING SALE OF TOBACCO PRODUCTS TO MINORS AND PROHIBITING TOBACCO VENDING MACHINES IN THE BOROUGH OF RIDGEFIELD, COUNTY OF BERGEN, STATE OF NEW JERSEY"

introduced on the 26th day of January, 1998, do now pass a final reading and be adopted, and that the Borough Clerk be and she is hereby authorized and directed to publish once, the title of the aforesaid Ordinance, together with a notice of the date of its passage on final reading and approval thereof in the Sun Bulletin, a newspaper circulating in the Borough of Ridgefield.

COUNCIL VOTE

Approved:

Stewart V. Veale  
Stewart V. Veale, Mayor

Attest:

Jeanine Sciglitano  
Jeanine Sciglitano,  
Borough Clerk

BOROUGH OF RIDGEFIELD  
Bergen County, New Jersey

Meeting January 26, 1998

Presented by Councilman Peters

ORDINANCE NO. 1614

"ORDINANCE PROHIBITING SALE OF TOBACCO PRODUCTS TO MINORS  
AND PROHIBITING TOBACCO VENDING MACHINES IN THE BOROUGH OF  
RIDGEFIELD, COUNTY OF BERGEN, STATE OF NEW JERSEY."

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

WHEREAS, the State of New Jersey has banned the sale or furnishing of cigarettes or tobacco in any form to minors under N.J.S.A. 2A-170-51; and

WHEREAS, the Ridgefield Board of Health is unable to effectively prevent the sale of cigarettes to minors by vending machines and no penalty has been imposed by state statute upon minors for the purchase of cigarettes; and

WHEREAS, the Borough of Ridgefield is authorized to enact ordinances not contrary to the laws of this State or of the United States as it may deem necessary and proper for the protection of persons and for the preservation of the public health, safety, and welfare of the municipality of the Borough of Ridgefield and its inhabitants.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Mayor and Council of the Borough of Ridgefield as follows:

SECTION I: Prohibition of Tobacco Sales to Minors.

It shall be unlawful for any person, including a Tobacco Retailer, to offer for sale, to sell, give or permit to be sold or given tobacco in any form to a person under eighteen (18) years of age.

SECTION II: Identification required

It shall be unlawful for any Tobacco Retailer to sell or permit tobacco products to be sold to any individual under the age of eighteen (18), unless the seller has a reasonable basis for determining that the buyer is at least eighteen (18) years of age.

SECTION III: Prohibition of Tobacco Vending Machines and Tobacco Vending Machines Sales.

- A. It shall be unlawful to sell tobacco through a tobacco vending machine in the Borough of Ridgefield.
- B. Self-service cigarette displays are prohibited in all retail establishments in the Borough of Ridgefield.
- C. This prohibition shall not apply to vending machines and self-service displays that are located in facilities where the retailer ensures that no person younger than 18 years of age is present or permitted to enter at any time.

SECTION IV: Removal of Tobacco Vending Machines and Self-Service Cigarette Displays:

All tobacco vending machines and self-service displays made unlawful by the terms of this ordinance shall be removed within thirty (30) days from the effective date of this ordinance from premises in the Borough of Ridgefield.

SECTION V: Enforcement

- A. Whenever the Health Officer, or his/her designee, reasonably believes there exists a violation of this ordinance, he/she may issue a summons and complaint not later than sixty (60) days after discovery of the alleged violation. The complaint shall be written and shall state with reasonable particularity the nature of the violation, including reference to the article and section of this ordinance alleged to have been violated. The complaint shall be delivered or sent by certified mail to the alleged violator.
- B. The Health Officer, or his/her designee or any other person charged with enforcement of this ordinance, after giving proper identification, may inspect any retail establishment in the Borough of Ridgefield in the performance of his/her duties under this ordinance.
- C. It shall be unlawful for any person to molest, willfully oppose, verbally abuse or otherwise obstruct the Health Officer, or his/her designee, who may request the assistance of the Ridgefield Borough Police Department, or other police agency or peace officer when necessary to execute his or her official duty in a manner prescribed by law.
- D. This ordinance shall be enforced by the Health Department or the Police Department in the Borough of Ridgefield.

SECTION VI: Severability.

- A. If any chapter, section, subsection or paragraph of this ordinance is declared to be unconstitutional, invalid or inoperative, in whole or in part by a court of competent jurisdiction, such chapter, section, subsection or paragraph shall, to the extent that it is not unconstitutional, invalid or inoperative, remain in full force and effect, and no such determination shall be deemed to invalidate the remaining chapters, sections, subsections or paragraphs of this ordinance.
- B. This ordinance shall be liberally construed for the protection of the health, safety, and welfare of the people of the Borough of Ridgefield.

- A Any person owning, operating, renting or permitting the use of a cigarette vending machine on premises under his or her control shall be subject to a fine to be set in the discretion of the Judge up to the maximum fine permitted to be levied in the Municipal Court for a Borough Ordinance violation. Each day on which such a machine is owned, operated, rented, or permitted on the premises shall result in an additional fine.
- B. Any person who sells or permits tobacco products to be sold to any individual under the age of eighteen (18) or to be sold by any individual under the age of eighteen (18) shall be subject to a fine to be set in the discretion of the Judge up to the maximum fine permitted to be levied in the Municipal Court for a Borough Ordinance violation. Each sale of tobacco to or by a minor shall constitute a separate violation.
- C. After these violations the Ridgefield Board of Health may suspend the retail food establishment license of any person convicted of violation of this ordinance, for a period of not more than three (3) days, pursuant to the authority of the Ridgefield Board of Health to license and regulate food establishments as provided by N.J.S.A. 26:3-31(c).
- D. Any penalty recovered under the provisions of this chapter shall be recovered by and in name of the local Board of Health. The penalty recovered shall be paid by the local Board into the treasury of the municipality where the violation occurred.

SECTION VIII. Seizure of Unauthorized Tobacco Vending Machines.

A tobacco vending machine which is prohibited by this chapter may be taken into custody by municipal authorities. Any machine so taken shall be returned to its owner upon payment of the reasonable costs incurred in connection with the taking.

SECTION IX. Definitions.

HEALTH OFFICER - The Administrative Officer of the Ridgefield Board of Health and/or his or her authorized representatives.

PERSON - An individual, partnership, cooperative, association, corporation, representative, receiver, trustee, or any other legal entity.

person  
assignee

TOBACCO RETAILER - Any person or entity that operates a store, stand, booth concession or place at which sales of tobacco are made to purchasers for consumption or use and who is licensed under the Cigarette Tax Act (N.J.S.A. 54:40A-1 et seq.).

VENDING MACHINE - Any automated, self-service device which, upon insertion of money, tokens or any other form of payments, dispenses cigarettes or other form of payments, dispenses cigarettes or other tobacco products.

SECTION X.

This Ordinance shall take effect immediately upon final passage and publication in the manner provided by law.

APR 10 1997  
MAYOR'S OFFICE  
CITY OF NEW YORK

Approved:

Stewart V. Veale  
Stewart V. Veale, Mayor

Attest:

Jeanine Sciglitano  
Jeanine Sciglitano,