

**AN ORDINANCE OF THE TOWNSHIP OF PLAINSBORO PROHIBITING
THE USE AND POSSESSION OF ELECTRONIC SMOKING DEVICES BY
INDIVIDUALS UNDER THE AGE OF 21 PURSUANT TO N.J.S.A. 40:48-2**

WHEREAS, State law, N.J.S.A. 2A:170-51.4, prohibits the sale or distribution of electronic smoking devices to any individuals under the age of 21, in addition to more conventional tobacco and nicotine products; and

WHEREAS, Section 54-2 of the code of the Township of Plainsboro prohibits the use and possession of tobacco products distributed by machines to anyone under the age of 18 but under state law, and pursuant to the above law, it shall be revised to prohibit use and possession by anyone under the age of 21; and

WHEREAS, Section 54-2 of the code of the Township of Plainsboro must be revised to reflect modern trends relating to the consumption of nicotine, tobacco, and other products; and

WHEREAS, The purposes and goals of the State law and regulation concerning tobacco, nicotine, and electronic smoking devices would be furthered by the local regulation of the use and possession of electronic smoking devices by individual under the age of 21; and

WHEREAS, Pursuant to N.J.S.A. 40:48-2, the Township has the authority to adopt ordinances for the preservation of the public health, safety, and welfare of the municipality and its inhabitants; and

WHEREAS, the Mayor and Township Committee have determined that, consistent with the purposes of relevant State law, it is in the best interests of the public health, safety, and welfare of the municipality and its inhabitants to prohibit the use and possession of electronic smoking devices by individuals under the age of 21 in public places:

NOW THEREFORE BE IT ORDAINED AND ENACTED by the Mayor and Township Committee of the Township of Plainsboro, County of Middlesex, State of New Jersey as follows:

Section One. Section 54-2 of the Code of the Township of Plainsboro is revised to include the underlined language as follows:

§ 54-2.1

Purchases and use by individuals under the age of 21.

A. It shall be unlawful to sell or otherwise provide an electronic smoking device, tobacco or tobacco products to a person under 21 years of age.

B. It shall be unlawful for any person to purchase an electronic smoking device or tobacco products with funds furnished by a minor or with the intent to sell or give such a product to a person under the age of 21.

C. It shall be unlawful to offer for sale or to sell an electronic smoking device or tobacco

products from a self-service display. Tobacco products are to be stored for sale in such a manner that only a sales clerk has physical access to the same, and said sales clerk shall manually obtain the same upon customer request.

D. Sign requirements. The following six-inch-by-eight-inch 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 INDIVIDUALS UNDER THE AGE OF TWENTY-ONE 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 twenty-one years of age may be prosecuted in accordance with state and local ordinances."

E. It shall be unlawful for any person under 21 years of age to smoke or use a tobacco product or electronic smoking device in any public place, or to possess in open view a cigarette or tobacco product, an electronic smoking device, an opened cigarette pack, opened carton or other opened container (as evidenced by a broken seal) holding a tobacco product.

F. Drug-free and cigarette and vape free school zones.

(1) The Drug-Free School Zone Map produced by CME Associates, Municipal Engineer, adopted by Plainsboro Township Committee as referenced in Chapter §15A of the Township Code, is hereby amended to include "Cigarette and Vape Free School Zone" whereby it shall be unlawful for anyone to sell, give or permit to be sold or given to a person under 21 years of age tobacco, cannabis and any other substance in any form or an electronic smoking device within the areas on or within 1,000 feet of such school property.

(2) It shall be also unlawful for a person under 21 years of age to vape and/or smoke or use a tobacco product or to possess in open view an electronic smoking device, a cigarette or tobacco product, an opened cigarette pack, opened carton or other opened container (as evidenced by a broken seal) holding a tobacco product in and/or on school property as referenced in the Cigarette and Vape Free/Drug-Free School Zone Map.

G. It shall be unlawful for a parent, legal guardian or other person acting in place of a parent or legal guardian or person who is responsible for the care and welfare of an individual under the age of 21 years to allow that individual to possess any electronic smoking device, cigarettes made of tobacco or of any other substance which can be smoked, any cigarette paper or tobacco in any form, including but not limited to smokeless tobacco.

§ 54-2.2

Definitions.

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

ELECTRONIC SMOKING DEVICE

An electronic device that can be used to deliver nicotine, cannabis, or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, pipe.

MUNICIPAL BUILDING

All municipal offices, police stations, fire stations, schools and school administration, water treatment plants, Department of Public Works and any and all facilities owned and/or operated by the Township of Plainsboro.

PURCHASER

Any individual, partnership, cooperative, association or corporation, personal or representative, receiver, trustee, assignee or any other legal entity.

TOBACCO

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.

TOBACCO RETAILER

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

VENDING MACHINE

Any automatic, self-service device which, upon the insertion of money, tokens or any other form of payment, dispenses cigarettes, tobacco products or electronic smoking device.

§54-3

Removal of Machines.

All tobacco/vape vending machines made unlawful by the terms of this chapter shall be removed shall be removed within 30 days from the effective date of this chapter.

§54-4

Violations and Penalties.

Any person owning, operating, renting or permitting the sale of tobacco/vape products to individuals 21 years of age or younger, or the use of cigarette/vape vending machine on the premises under his or her control or any person under 21 years of age possessing a tobacco and/or vape product, shall be subject to a fine of \$250.00 each day on which such possession or a machine is owned, or permitted on the premises, shall result in an additional fine.

Section Three. Repealer, Severability and Effective Date.

A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares it intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.

C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

Introduced at a Meeting of the Township Committee of the Township of Plainsboro on **November 13, 2019** and Published on **November 16, 2019**. Adopted at a Meeting held on **November 25, 2019** and Published on **November 30, 2019**.