

**ORDINANCE 2014-6 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN,  
AND STATE OF NEW JERSEY, AMENDING CHAPTER 231 OF THE CODE OF THE  
TOWNSHIP OF BERLIN ENTITLED “PARKS AND RECREATION AREAS”**

**WHEREAS**, Chapter 231 of the Code of the Township of Berlin, entitled “Parks and Recreation Areas,” regulates, in pertinent part, the conduct of persons visiting and/or utilizing the public parks and recreation areas within the Township of Berlin; and

**WHEREAS**, the Governing Body has determined it necessary for the health, safety and welfare of the residents of the Township of Berlin to revise Chapter 231 to prohibit electronic cigarettes as a form of banned smoking in such public parks and recreation areas; and

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, the Governing Body is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Township by law; and

**NOW THEREFORE BE IT ORDAINED**, by the Mayor and the Township Council of the Township of Berlin, as follows:

**SECTION 1:** Chapter 231, entitled “Parks and Recreation Areas,” Section 3, entitled “Prohibited activities,” is hereby amended, revised and supplemented by deleting Subsection (B)(14) in its entirety and replacing with the following new language:

§231-3 Prohibited Activities

- (B)(14) Smoke or use tobacco or tobacco-related products or any device designed or intended to simulate smoking, including but not limited to electronic cigarettes, personal vaporizers, electronic nicotine delivery systems, smokeless cigarettes or the like, or discard of any of the above products in any area designated as “tobacco free” and/or beyond any point which is otherwise marked as “no-smoking beyond this point” or marked with

similar language, or within fifty (50) feet of any park and/or recreation area owned, leased or utilized by the Township of Berlin.

**SECTION 2:** Except as set forth in Section 1 above, the balance of Chapter 231 shall not be affected by this Ordinance.

**SECTION 3:** All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 4:** If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

**SECTION 5:** This Ordinance shall take effect twenty (20) days after final adoption and publication as required by law.

Notice is hereby given that the foregoing Ordinance was introduced and passed upon first reading at a meeting of the Mayor and Council of the Township of Berlin, Camden County, New Jersey on April 28<sup>th</sup>, 2014 and the same was ordered published pursuant to statute. Said ordinance will be further considered for final adoption at a meeting of the Mayor and Council of the Township of Berlin on May 12<sup>th</sup>, 2014 at 6:30 p.m. at the Berlin Township Municipal Hall, 135 Route 73 South, West Berlin, NJ.

Catherine Underwood  
Township Clerk