TOWNSHIP OF WYCKOFF

ORDINANCE # 1784

AN ORDINANCE TO CREATE NEW CHAPTER 84, "SMOKING AND RETAIL SALE OF TOBACCO PRODUCTS," OF THE CODE OF THE TOWNSHIP OF WYCKOFF TO PROHIBIT SMOKING IN PUBLIC PLACES AND TO PROHIBIT THE SALE OF TOBACCO AND NICOTINE DELIVERY PRODUCTS TO PERSONS UNDER THE AGE OF TWENTY-ONE (21) WITHIN THE TOWNSHIP OF WYCKOFF

WHEREAS, the Township Committee of the Township of Wyckoff is committed to ensuring the health and wellbeing of its citizens; and

WHEREAS, the Township Committee of the Township of Wyckoff is committed to preserving the health and welfare of the children of the Township; and

WHEREAS, the Township Committee of the Township of Wyckoff finds that the use of tobacco and nicotine delivery products that deliver nicotine and/or vapor including, but not limited to, cigarettes, chewing tobacco, "e-cigarettes," and/or other types of electronic smoking devices are detrimental to the health of the citizens and youth of the Township of Wyckoff; and

WHEREAS, the citizens of the Township of Wyckoff have a right to enjoy public property without the nuisance of and exposure to nicotine delivery products; and

WHEREAS, the Township Committee of the Township of Wyckoff has concluded that it is appropriate to prohibit smoking in public places and the sale of tobacco and nicotine delivery products to persons under the age of twenty-one (21) within the Township of Wyckoff; and

WHEREAS, the Township of Wyckoff is authorized to enact ordinances not contrary to the laws of the State or 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 Township of Wyckoff and its residents; and

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey, that new Chapter 84, "Smoking and Retail Sale of Tobacco Products," is hereby created as follows:

SECTION 1. Chapter 84. Smoking and Retail Sale of Tobacco Products.

84-1. Definitions.

NICOTINE DELIVERY PRODUCT shall mean any product that is designed to deliver nicotine or vapor including, but not limited to, what are commonly known as "e-cigarettes" or other types of electronic smoking devices, or any cartridge or other component of such device, or related products including, but not limited to, any substances used in such devices, such as liquids or powders or other forms of tobacco, but excluding United States Food and Drug Administration approved nicotine patches or nicotine chewing gum.

PERSON shall mean an individual, partnership, cooperative, association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

TOBACCO shall mean any product made from the tobacco plant for the purpose of smoking, chewing, inhaling, and other personal use, including cigars, chewing tobacco, pipe tobacco, snuff, and cigarettes in any form.

TOBACCO RETAILER shall mean any person or entity that operates a store, stand, booth, concession, or place at which sales of tobacco or nicotine delivery products are made to purchasers for consumption or use. The term shall also mean any person or entity that owns, operates, or uses a tobacco vending machine and/or a tobacco vending machine location as defined herein.

TOBACCO VENDING MACHINE shall mean any automated, self-service device which, upon insertion of money, tokens, or other form of payment, dispenses nicotine delivery products, cigarettes, or other tobacco products.

TOBACCO VENDING MACHINE LOCATION shall mean the room, enclosure, space, or area where a tobacco vending machine is installed and operated.

ENCLOSED AREA shall mean all areas between a floor and a ceiling, extending to the outer perimeter walls of a structure.

MUNICIPAL BUILDINGS shall mean all structures owned, leased, rented, and/or operated by the Township of Wyckoff, and/or occupied by Township employees and used for official business of the Township of Wyckoff.

PARKS AND RECREATIONAL FACILITIES shall mean all public parks, playgrounds, and ball fields publicly owned or leased by the Township of Wyckoff and all property owned or leased by the Township of Wyckoff upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities, including all areas adjacent to such facilities including, but not limited to, any parking area, driveway, or drive aisle.

SMOKING shall mean the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe, or any other matter or substance which contains tobacco or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking device.

84-2. Retail Sale of Tobacco Products.

A. No person shall sell tobacco or nicotine delivery products in the Township of Wyckoff unless an employee of the establishment controls the sale of such products. A person may only sell tobacco or nicotine delivery products in a direct, face-to-face exchange between the retailer and the consumer. Self-service displays and vending machines of tobacco or nicotine delivery products shall be prohibited.

B. No person shall sell, distribute, or give tobacco or nicotine delivery products to any person under the age of twenty-one (21) years or give tobacco or nicotine delivery products to any person under the age of twenty-one (21).

C. Tobacco retailers shall conspicuously post and reasonably maintain signs having a minimum size of six (6) inches by eight (8) inches where tobacco or nicotine delivery products are displayed and at all check-out counters notifying customers that proof of age is required to purchase tobacco or nicotine delivery products.

D. Any person selling tobacco or nicotine delivery products shall verify by means of government-issued photographic identification containing the bearer's date of birth that no person purchasing the tobacco or nicotine containing products is younger than twenty-one (21) years of age. No such verification is required for any person over the age of twenty-six (26). No clerk shall sell tobacco or nicotine delivery products to a person less than twenty-one (21) years of age who has a note or any form of communication from any person, including an adult.

E. No person or tobacco retailer selling tobacco or nicotine delivery products shall allow an employee to sell or distribute such products until the employee has read the Wyckoff Township Ordinances and State laws pertaining to the sale or distribution of tobacco and nicotine delivery products and the business owner or manager has signed a statement that the employee has read such Ordinances and State laws. Such form statement will be supplied by the Township of Wyckoff and the signed original statement shall be filed with the Township of Wyckoff and a copy shall be kept on file by the tobacco retailer and made available for review by the Township of Wyckoff.

84-3. Prohibition of Smoking in Public Places; Signs.

A. Smoking shall be prohibited in all municipal buildings as defined herein. No-smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross-section) shall be clearly, sufficiently, and conspicuously posted at the municipal building. The sign shall be clearly visible to the public and shall contain letters or a symbol which contrasts in color with the sign, indicating that smoking is prohibited therein. The sign shall also indicate that violators are subject to a fine.

B. Smoking shall be prohibited in all public parks and recreational facilities owned or leased by the Township of Wyckoff and all property owned or leased by the Township of Wyckoff upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities, including all areas adjacent to such facilities including, but not limited to, any parking area, driveway, or drive aisle, which have been designated with no-smoking signs. No-smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross-section) shall be clearly, sufficiently, and conspicuously posted at all parks and facilities regulated by this Chapter. The signs shall be clearly visible to the public and shall contain letters or a symbol which contrasts in color with the sign, indicating that smoking is prohibited at the designated area. The sign shall also indicate that violators are subject to a fine.

C. Smoking shall be prohibited in any vehicle registered to the Township of Wyckoff.

84-4. Enforcement.

The enforcement authority of this Chapter shall be the Police Department and Health Department of the Township of Wyckoff.

84-5. Violations and Penalties.

Any person who violates any provision of this Chapter shall be subject to a fine of not less than $250 for the first offense, $500 for the second offense, and $1,000 for each subsequent offense.

SECTION 2. Except as hereby amended, all other sections of the Code of the Township of Wyckoff shall remain in full force and effect.

SECTION 3. This Ordinance shall take effect upon final passage and publication according to law.

TOWNSHIP OF WYCKOFF
CERTIFIED TO BE A TRUE COPY
OF THE ORIGINAL

Joyce C. Santamaura
MUNICIPAL CLERK

Pediatricians Urge Tough Rules On E-cigarettes

The Boston Globe

By Leah Samuel 10/26/2015

reported that the American Academy of Pediatrics called for the federal government to restrict the sale of e-cigarettes to consumers age 21 or older.

Calling the growing popularity of electronic cigarettes "alarming and dangerous," the American Academy of Pediatrics on Monday called for the federal government to restrict the sale of e-cigarettes to adults age 21 or older. Just one state, Hawaii, currently does that.The association also urged tough federal regulations on e- cigarettes, including high taxes, a ban on advertising to minors, and a ban on flavored products that make e-cigarettes taste like gummy bears, cotton candy, peanut butter cups, and other kid- friendly treats.
The recommendations, published in Pediatrics, come as the US Food and Drug Administration is considering regulations on the $1.5 billion-a-year e-cigarette industry.They also coincide with surging use of e-cigarettes, which work by heating tobacco leaves or liquid nicotine, releasing nicotine vapor that is inhaled like cigarette smoke.More teens report using e-cigarettes than any other tobacco product, according to the Centers for Disease Control and Prevention. Last year, 13.4 percent of high school students said they had used electronic cigarettes in the previous month, up from just 1.5 percent in 2011.Pediatricians worry that the nicotine in e-cigarettes could damage developing adolescent brains and cause other problems, including nicotine addiction.
They point to toxic chemicals in the vapor released by e-cigarettes such as formaldehyde, a known carcinogen, and diacetyl, which can cause respiratory problems. For this reason, the pediatricians' group recommends that indoor and outdoor smoking bans in place for traditional cigarettes also be applied to e-cigarettes.Cynthia Cabrera, executive director of the Smoke-Free Alternatives Trade Association, called the proposed regulations unfair."Vapor products are not tobacco," she said. "Vaporizers do not present the same risks as cigarette smoke. Why try to tax these products at the same rate as something that could kill you?"Nonetheless, some state and local governments are moving forward with restrictions on e-cigarettes.In September, Massachusetts Attorney General Maura Healey finalized regulations to prohibit the sale of e-cigarettes to those under 18.
Massachusetts joined 47 other states and territories prohibiting sales of electronic cigarettes to minors."We are completely in agreement with that," said Vince Willmore, spokesman for the Campaign for Tobacco-Free Kids. "It makes it less likely that 18- or 19-year-olds would pass these products along to younger kids."Cabrera, however, argued that making e-cigarettes harder for older teens to get could bring its own problems."They'll just move to something else," she said.Dr. Karen Wilson, chair of the pediatric association's tobacco control group, said older teens already hooked on e-cigarettes should get access to smoking cessation programs.

SCANNED

OCT 30 2015

BY E-Cigs Restriction

Chief Fox

10/30/15
Bergen Record

City raising minimum age to buy tobacco to 21

By JOE MALINCONICO
PATERSON PRESS

PATERSON – The minimum age for buying cigarettes in Paterson will rise from 19 to 21 under a resolution adopted by the City Council this week.

The regulation, which will take effect in November, covers tobacco, electronic cigarettes and other smoking products. The minimum fine for a business caught selling any of the restricted items to someone younger than 21 will be $250.

New Jersey law sets 19 as the minimum age for tobacco purchases, according to Paterson's health and human services director Donna Nelson-Ivy. But she said a bill pending in the Legislature would raise the age to 21 statewide.

Advocates said the measure would protect young people in Paterson. "Let's think about our children and do the right thing," said community activist Waheeda Mohammed.

But Sal Risalvato, executive director of the New Jersey Gasoline, Convenience Store and Automotive Association, told the council that 19- and 20-year-olds from Paterson simply would go to neighboring towns to buy cigarettes. He said the measure would put businesses in the city at a disadvantage compared with rivals in other towns.

The council voted 7-1 in favor of the new regulation. Councilman Julio Tavarez, who cast the only negative vote, questioned the statistics cited by advocates of the measure.

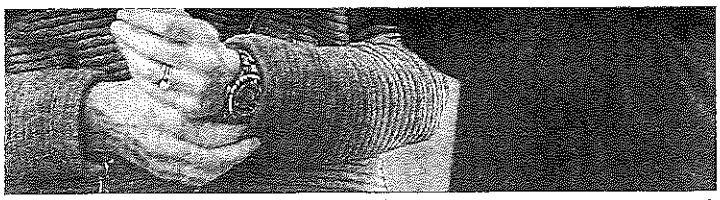
Tavarez said his research revealed that the vast majority of young smokers pick up the habit before they reach 18. He said restricting purchases for 19- and 20-year-olds would not solve the problem of teenage smoking.

Tavarez also pointed out that several advocates of the new regulation cited the illegal sales of loose cigarettes as the basis for their support.

"You are doing nothing to fix that problem," Tavarez said.

SCANNED
OCT 30 2015
BY Paterson

tobacco age raised



JIM ANNESS/SPECIAL TO THE RECORD

tman addressed members of the League of Women Voters of
at a luncheon on Monday.

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Whitman said.
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at people want. And how do
? Because you look at voter

turnout," she said, citing national averages of 10 percent for primaries and 35 percent for congressional elections.

She said low voter turnout undermines the political process by leaving the majority of moderate voters feeling left out of the process.

"What it's doing is reinforcing the politics that we have today because it's telling those in office either we don't care or you're doing fine," she said. "That is what's wrong."

Whitman said ultimately it will take legislation and most likely a Constitutional amendment to fix the current situation when it comes to super PAC money in politics.

Whitman served as New Jersey's 50th governor from 1993 to 2001, when she resigned to become administrator of the Environmental Protection Agency under President George W. Bush. She is president of Whitman Strategy Group, a company that does energy and environmental consulting.

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10/20/15

Hillsdale looks to raise age for tobacco to 21

Ordinance faces pushback

By ANDREW WYRICH
STAFF WRITER

HILLSDALE – The Borough Council has introduced an ordinance that would raise the legal age to purchase tobacco products to 21 despite some pushback from local businesses.

If the ordinance is adopted, Hillsdale would join a growing number of municipalities that are restricting tobacco sales to consumers over age 21. The idea for the change grew out of discussions the council has had since July, when it voted unanimously to introduce an ordinance to raise the minimum age to buy tobacco products to 19 from 18.

The council later voted to rewrite the ordinance to include electronic smoking devices and eventually decided to go further by raising the legal age to buy tobacco products to 21.

The final version of the law was brought to the council on Oct. 13. At the meeting, several business owners expressed opposition to the measure.

Sal Risalvato, the executive director of the New Jersey Gasoline, Convenience Store and Automotive Association, said while the intent of the law was good, he thought it would be better if the council were to approve a resolution asking lawmakers in Trenton to raise the legal age statewide.

"There is nobody who would argue that tobacco does not have health effects on people," he said. "However, the ordinance that you are looking to introduce will do absolutely nothing to stop 19- and 20-year-olds from smoking. They will simply purchase their tobacco products in another town."

Risalvato said while tobacco products do not produce high profits, customers who come in to buy cigarettes tend to buy other items, such as coffee, that yield higher profits.

Local convenience store owners have said the law would lower their revenues and that a statewide law would help shield them from losing customers to stores in other towns.

The council did not seem to agree with Risalvato and voted unanimously to introduce the ordinance.

"If every municipality were to pass such an ordinance, maybe Trenton will get the picture and do it also," Councilman Larry Meyerson said. "I think that's the better way of doing it, rather than simply asking Trenton for a resolution. I think that has no teeth whatsoever."

The ordinance will be up for adoption at the council's next meeting, on Nov. 10.

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SCANNED
OCT 23 2015
BY Hillsdale

raising tobacco age

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"I get inundated with complaints," said Mayor Mark Sokolich.

Noise complaints also prompted the state Senate's transportation committee last year to call on the FAA to stop tourist helicopters from flying over the New Jersey side of the Hudson River, where the number of flights has at least doubled in the past five years due to noise restrictions in parts of Manhattan and Brooklyn.

Fort Lee's resolution also supports that appeal.

"Even where I live, they're a nuisance," Councilman Harvey Sohmer said. "I agree with this wholeheartedly."

The Senate bill, sponsored by state Sen. Nicholas Sacco, who's also mayor of North Bergen, would ban the helicopters from operating at the state's licensed airports, helipads and heliports.

Man denies he left friend to die

2 fought on roadside in Elmwood Park after crash

By PETER J. SAMPSON
STAFF WRITER

A Denville man pleaded not guilty Monday to charges of recklessly causing the death of his friend during a roadside argument on two counts – first-degree aggravated manslaughter in causing the death of William K. Henning, 61, also of Denville, and third-degree endangering an injured victim by leaving the scene knowing that Henning was physically helpless hearing, on Dec. 14.

Clackner and Henning were traveling on Route 80 west in Elmwood Park on March 10 after leaving a ZZ Top concert at the Bergen Performing Arts Center in Englewood. Henning, the driver, scene. When Clackner later returned, he allegedly made self-incriminating statements, including that he hit the victim as hard as he could more than once, Grootenboer said at a prior hearing.

"We have many questions, including how he died," said Kevin Fusco, a close friend of the victim who traveled from upstate New