

**BOROUGH OF WEST WILDWOOD  
COUNTY OF CAPE MAY, NEW JERSEY**

**ORDINANCE 594(2021)**

**ORDINANCE TO PROHIBIT SMOKING IN PUBLIC PLACES**

**WHEREAS**, the dangers of smoking and the effects of second hand smoke are well documented health hazards; and

**WHEREAS**, the Borough of West Wildwood, through adoption of this Ordinance to prohibit smoking activities in public places with the Borough of West Wildwood; and

**WHEREAS**, the Borough Commissioners of Borough of West Wildwood wish to create this Ordinance – “Smoking Ban,” prohibiting smoking in public places.

**NOW, THEREFORE, BE IT ORDAINED**, by the Board of Commissioners of the Borough of West Wildwood, in the County of Cape May, New Jersey, the Governing Body of the Borough of West Wildwood, as follows:

**Section 1.**

Chapter        Smoking

**§ 1. Definitions**

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

**PUBLIC BUILDINGS**

Any Borough-owned or leasing building, including but not limited to all municipal buildings, beaches, parks and playgrounds, etc., in which the public is invited, or the public is permitted.

**SMOKING**

The burning or use of a lighted cigar, cigarette, pipe, e-cigarette, vape or any other matter or substance, including cannabis, which emits a vapor or smoke.

**§ 2. Smoking prohibited in public places; signs to be posted.**

- A. Smoking in public buildings and on Borough properties as herein defined within the Borough of West Wildwood is prohibited.
- B. “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 posted at each public building entrance and within said building, as well as at conspicuous locations on recreation properties, in a number and in

a manner determined by the administrator in charge of each such building or recreation property to be sufficient to inform the public that there is no smoking allowed within the building or on any such recreation property. The signs may contain a warning that smoking within the building or on any such recreation property is subject to a fine. The failure to post any such sign shall not be a defense to a violation of this chapter.

**§ 3. Enforcement**

The enforcement authority of this chapter shall be the Police Department of the Borough of West Wildwood.

**§ 4. Violations and penalties.**

- A. Any person who violated any provision of this chapter shall be subject to the following:
- 1) A fine in the maximum amount of \$125 for the first violation.
  - 2) A fine in the maximum amount of \$200 for the second violation.
  - 3) A fine in the maximum amount of \$300 for each additional violation.

**Section 2.**

If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

**Section 3.**

This ordinance shall take effect upon its passage and publication and filing with the Borough of West Wildwood Planning Board, and as otherwise provided for by law.

**COMMISSIONERS:**

  
\_\_\_\_\_  
**MAYOR MATTHEW J. KSIAZEK**

  
\_\_\_\_\_  
**COMMISSIONER JOHN J. BANNING**

  
\_\_\_\_\_  
**COMMISSIONER JOSEPH D. SEGREST**

First Reading/Introduction: 2021 06-04  
Publication: 2021 06-10

|                                       | Motion | Second | Yes | No | Abstain | Absent |
|---------------------------------------|--------|--------|-----|----|---------|--------|
| <b>Mayor Matthew J. Ksiazek</b>       | X      |        | X   |    |         |        |
| <b>Commissioner John J. Banning</b>   |        |        | X   |    |         |        |
| <b>Commissioner Joseph D. Segrest</b> |        | X      | X   |    |         |        |

I, **Donna L. Frederick, RMC, Municipal Clerk** of the Borough of West Wildwood, Cape May County, do hereby certify the forgoing to be a true and correct copy of an ordinance introduced and passed on the first reading at the June 4, 2021 Regular Meeting held via online access through Zoom.us, and will be considered for final passage after a public hearing to be held on July 2, 2021 at 7:00pm prevailing time.




**Donna L. Frederick, RMC**  
**Municipal Clerk**

COMMISSIONERS:

  
MAYOR MATTHEW J. KSIAZEK


  
COMMISSIONER JOHN J. BANNING

  
COMMISSIONER JOSEPH D. SEGREST

Second Reading/Public Hearing: 2021 07-02  
Publication: 2021 07-12

|                                | Motion | Second | Yes | No | Abstain | Absent |
|--------------------------------|--------|--------|-----|----|---------|--------|
| Mayor Matthew J. Ksiazek       |        | X      | X   |    |         |        |
| Commissioner John J. Banning   |        |        | X   |    |         |        |
| Commissioner Joseph D. Segrest | X      |        | X   |    |         |        |

I, **Donna L. Frederick, RMC, Municipal Clerk** of the Borough of West Wildwood, Cape May County, do hereby certify the forgoing to be a true and correct copy of an ordinance introduced and passed on the first reading at the June 4, 2021 Regular Meeting held via online access through Zoom.us, and finally adopted after a public hearing held on July 2, 2021 at 7:00pm prevailing time.

  
Donna L. Frederick, RMC  
Municipal Clerk