BE IT ORDAINED by the Borough of Hopatcong, in the County of Sussex, and State of New Jersey as follows:

SECTION I. Chapter 194 entitled “Smoking Regulations” is hereby created and added to the Code of the Borough of Hopatcong as follows:

CHAPTER 194 SMOKING REGULATIONS

Article I. Sale of Tobacco and Electronic Smoking Devices.

§ 194-1. Definitions.
Electronic smoking devices is defined in N.J.S.A. 26:3D-57.

§ 194-2. Prohibition of tobacco sales and electronic smoking devices to minors.
It is unlawful to sell tobacco or an electronic smoking device to a person under 21 years of age in the Borough of Hopatcong.

§ 194-3. Identification required.
It shall be unlawful for a tobacco or electronic smoking device retailer to sell or permit to be sold tobacco or electronic smoking devices to any individual without requesting and examining identification from the purchaser positively establishing the purchaser's age of 21 years or greater, unless the seller has some other conclusive basis for determining the buyer is over the age of 21 years.

§ 194-4. Vending machines prohibited.
Vending machines selling tobacco or electronic smoking devices are prohibited, and it shall be unlawful to offer for sale or to sell tobacco or an electronic smoking device through a vending machine in the Borough of Hopatcong.

Article II. Smoking or Use of Electronic Smoking Devices.

§ 194-5. Smoking or use of electronic smoking devices prohibited on public property.
It shall be unlawful to smoke tobacco or use an electronic smoking device anywhere on public property, in public buildings, except in identified smoking areas.

SECTION II. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION III. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other ordinances of the Borough are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION IV. This Ordinance shall take effect immediately upon final passage and publication according to law.
NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Borough of Hopatcong held on the 3rd day of October, 2018, at 7:30 p.m. and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Council of the Borough of Hopatcong to be held on the 17th day of October, 2018, at 7:30 p.m., or as soon thereafter as the Borough may hear this Ordinance at the Municipal Building, 111 River Styx Road, Hopatcong, New Jersey 07843, at which time all persons interested may appear for or against the passage of said Ordinance.

____________________________
Catherine Schultz
Borough Clerk

CERTIFICATION

I, Catherine Schultz, Clerk of the Borough of Hopatcong, do hereby certify that the Council of the Borough of Hopatcong duly adopted the foregoing Ordinance on the ____ day of ____________________, 2018, at 7:30 p.m.

____________________________
Catherine Schultz, Clerk
Borough of Hopatcong

____________________________
Michael Francis, Mayor

Introduced:
Adopted: