

O: 2014-21

**AN ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING SECTION 422-11, USE OR POSSESSION OF LIQUOR, USE OF TOBACCO, OF THE CODE OF THE TOWN OF PHILLIPSBURG TO PROHIBIT THE SMOKING OF TOBACCO IN ALL PARKS AND AT ALL RECREATION OR ATHLETIC FACILITIES OWNED OR LEASED BY THE TOWN OF PHILLIPSBURG**

**BE IT ORDAINED** by the Town Council of the Town of Phillipsburg, County of Warren, State of New Jersey, that Section 422-11, *Use or possession of liquor, use of tobacco*, of the Code of the Town of Phillipsburg, is hereby deleted in its entirety and in its place and stead replaced with the following:

- §422-11. Use or possession of liquor, use of tobacco.
- A. No person shall drink, take, use or have in his/her possession any intoxicating liquors in any park, playground or other recreational areas.
  - B. The smoking of tobacco products, including electronic cigarettes, in any park or at any athletic or recreational facility owned or leased by the Town of Phillipsburg, including parking lots attached to same, is prohibited.

Section 2:

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 3:

Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 4:

Effective Date. This Ordinance shall take effect upon final passage and publication as provided by law.

**ATTEST:**

**TOWN OF PHILLIPSBURG**

\_\_\_\_\_  
VICTORIA L. KLEINER,  
Acting Municipal Clerk

\_\_\_\_\_  
HARRY L. WYANT  
Mayor

DATED:

**CERTIFICATION**

I, Victoria L. Kleiner, Acting Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of an Ordinance duly adopted by the Town Council at their September 16, 2014 meeting.

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VICTORIA L. KLEINER,  
Acting Municipal Clerk

FIRST READING

(September 16, 2014)

MOTION

Councilman Lynn introduced ordinance for first reading and moved that the ordinance be properly advertised. The motion was seconded by Councilman Piazza.

Discussion – none.

VOTE:       YEAS:       Fey, Lynn, Piazza, Stettner

              NAYS:       None

              ABSTAIN:   Tersigni

SECOND READING

(October 7, 2014)

MOTION

Councilman Lynn introduced ordinance for second reading and there being no errors, corrections or objections, Councilman Lynn moved that the ordinance be adopted according to law. The motion was seconded by Councilman Piazza.

VOTE:       YEAS:       Lynn, Piazza, Stettner

              NAYS:       None

              ABSENT:   Fey

              ABSTAIN:   Tersigni