

BOROUGH OF GLEN ROCK

EXECUTIVE MEETING – Wednesday, September 12, 2018 at 6:30 p.m.

There will be an Executive Meeting of the Mayor and Council of the Borough of Glen Rock on Wednesday, September 12, 2018 at 6:30 p.m. in the Conference Room of the Municipal Building.

Agenda (maybe subject to change)

- 1. Mayor
Iona Place
Vaping Ordinance
Resolution Opposing NBLG Power Plant**
- 2. Council Committee and Liaison Report**
- 3. Administrator's Report**
- 4. Council Information**
- 5. Public Comment Portion**
- 6. Resolution for Closed Session – (Immediately Following Conclusion of Work Session Meeting)
•Litigation –**

PUBLIC MEETING – Wednesday, September 12, 2018 at 8:00 p.m.

There will be a Public Meeting of the Mayor and Council of the Borough of Glen Rock on Wednesday, September 12, 2018 at 8:00 p.m. in the Council Chambers of the Municipal Building.

Agenda: (May be subject to change)

- 1. CALL TO ORDER /ROLL CALL**
- 2. FLAG SALUTE/ANNOUNCEMENTS**

Receive Tom Toronto – Bradford Street update.

- 3. MOTIONS**

Departmental Reports

Motion to accept reports as filed:

Motion by Council Member

Seconded by Council Member:

Roll Call: O'Hagan, Martin, Huisiking, Morieko, Leonard, Kreibich

- 4. CONSENT AGENDA**

All items listed are considered to be routine and non-controversial by the Borough Council and will be approved by one motion. There will be no separate discussion on these items unless a Council member(s) so request it, in which case the item(s) will be removed from the Consent Agenda and considered in its normal sequence on the agenda. The one motion signifies adoption of all resolutions, received and filed letters, correspondence, reports and approval of applications and minutes.

Correspondence:

Resolutions:

1. Resolution for Payment of Bills
2. Resolution for Approval of Minutes
3. Resolution

Motion to accept consent agenda by Council Member

Seconded by Council Member

Roll Call: O'Hagan, Martin, Huisking, Morieko, Leonard, Kreibich

5. ORDINANCES

Ord. #1794 – Final Reading - AN ORDINANCE AMENDING CHAPTER 184 ENTITLED “SOLID WASTE”

6. **MEETING OPEN TO THE PUBLIC: (Before speaking at the meeting, each person must state their name and address. 3-minute limit)**

7. ADJOURNMENT

**BOROUGH OF GLEN ROCK
BERGEN COUNTY, NEW JERSEY**

**Resolution No.
Offered by Council Member
Seconded by Council Member**

WHEREAS, the Mayor and Council of the Borough of Glen Rock has certain pending litigation/personnel matters to discuss; and

WHEREAS, the same constitutes matters which are specifically excepted from the requirements of the Open Public Meeting Act of the State of New Jersey.

NOW THEREFORE BE IT RESOLVED that all matters shall be discussed in private session from which the public will be specifically excluded on September 12, 2018 at 6:30 p.m. or soon thereafter in the Conference Room of the Municipal Building.

BE IT FURTHER RESOLVED that the subject matter to be discussed at said private session of the Borough Council may be disclosed to the public at such future time as determination has been reached on said matter.

ROLL CALL:

**Council Member O'Hagan –
Council Member Huisling -
Council Member Leonard -**

**Council Member Martin -
Council Member Morieko -
Council Member Kreibich -**

I, the Borough Clerk of the Borough of Glen Rock, hereby certify that this is a true copy of a resolution passed by the Council of the Borough of Glen Rock at a meeting held this 12th day of September, 2018.

Jacqueline Scalia, Borough Clerk

**BOROUGH OF GLEN ROCK
BERGEN COUNTY, NEW JERSEY**

Resolution No.
Offered by Council Member
Seconded by Council Member

BE IT RESOLVED, that the Minutes of:

Work Session 6/27/18
Closed Session 6/27/18
Public Meeting 6/27/18

Be accepted as submitted.

ROLL CALL:

Council Member O'Hagan – absent
Council Member Huisking – yes
Council Member Leonard - yes

Council Member Martin - yes
Council Member Morieko - yes
Council Member Kreibich – absent

I, the Borough Clerk of the Borough of Glen Rock, hereby certify that this is a true copy of a resolution passed by the Council of the Borough of Glen Rock at a meeting held this 12th day of September, 2018.

Jacqueline Scalia, Borough Clerk

BOROUGH OF GLEN ROCK
COUNTY OF BERGEN, STATE OF NEW JERSEY

Ordinance Procedure: # 1794
Date of Final Reading: September 12, 2018
Date of Introduction: August 22, 2018

Mayor: The next order of business is that the Borough Clerk proceed to give said ordinance second reading that of AN ORDINANCE AMENDING CHAPTER 184 ENTITLED "SOLID WASTE"

Mayor: A motion is in order that the Public hearing on this ordinance be opened. All in favor say aye/nay.

Mayor: Then announces that the Public Hearing on this Ordinance is open and that all persons interested may have the opportunity to be heard.

Mayor: After all persons have had an opportunity to be heard: A motion is in order that the hearing on the Ordinance be closed: All council members Aye/Nay.

Mayor: directs the Borough Clerk to read the Resolution regarding final passage.
Clerk: Then reads the Resolution as follows:

Resolution No.:
Introduced by Council Member
Seconded by Council Member

AN ORDINANCE AMENDING CHAPTER 184 ENTITLED "SOLID WASTE"

Be passed upon second and final reading, and that the Borough Clerk be, and is hereby authorized and directed, to advertise the same according to law by publishing the same by title in the Bergen Record.

ROLL CALL:

Council Member O'Hagan -	Council Member Martin-
Council Member Huisking -	Council Member Morieko -
Council Member Leonard -	Council Member Kreibich -

I, the Borough Clerk of the Borough of Glen Rock, hereby certify that this is a true copy of a resolution passed by the Council of the Borough of Glen Rock at a meeting held this 12th day of September, 2018.

Jacqueline Scalia, Borough Clerk

ORDINANCE NO. 1794

BOROUGH OF GLEN ROCK
BERGEN COUNTY, NEW JERSEY

AN ORDINANCE AMENDING CHAPTER 184 ENTITLED "SOLID WASTE"

SECTION 1.

Chapter 184 is amended and the following new section is added.

Noise restrictions.

Any commercial solid waste pick up company is restricted from engaging in such activity between the hours of 8:00pm and 6:00am.

Enforcement.

Any police officer, special police officer or building department official of the Borough is authorized to enforce the terms and conditions of this chapter.

Violations and penalties.

Any person found guilty of violating this article shall be subject to a penalty consisting of a fine or imprisonment, or both, subject to the discretion of the Judge, the maximum of which shall be the maximum fine or term of imprisonment permitted to be imposed by the court having jurisdiction over the violation of this article; provided, however, that the fine shall not be less than \$100 nor more than \$2,000 per offense and the prison term shall not exceed 90 days in accordance with N.J.S.A. 40:49-5.

SECTION 2.

All other parts, portions and provisions of Chapter 184 of the Borough of Glen Rock Code, be and the same, are hereby ratified and confirmed, except where inconsistent with the terms thereof. In the event of any such inconsistency, the terms of this Ordinance shall be deemed to govern.

SECTION 3.

The terms of this Ordinance are hereby declared to be severable; should any part, portion or provision hereof be declared invalid or unconstitutional, said finding shall not affect any other part, portion or provision thereof.

SECTION 4.

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

ATTEST:

**APPROVED:
BOROUGH OF GLEN ROCK**

Jackie Scalia, Borough Clerk

Mayor Bruce Packer

Adopted:

[MUNICIPALITY]
[Bergen/Hudson] County, New Jersey

RESOLUTION NO. [XXX-XXXX] OPPOSING THE CONSTRUCTION OF THE GAS-POWERED NORTH BERGEN LIBERTY GENERATING STATION

WHEREAS Los Angeles-based Diamond Generating Corporation, a subsidiary of Mitsubishi, has proposed and has requested permits to build a \$1.5B, 1,200-MW gas-fired power plant in North Bergen, NJ on a 21-acre parcel near Railroad Avenue on the banks of Bellman's Creek. A 6.5-mile, 345-kV underground and submarine cable would transmit the electric energy produced by this plant across the Hudson River via the Susquehanna Tunnel to connect with ConEd's substation on West 49th Street in Manhattan. All of this electricity would be used by ConEd in New York. The project is anticipating permit approvals by the Environmental Protection Agency (EPA) and the New Jersey Department of Environmental Protection (NJDEP) by the end of 2019, and to be operational by 2022; and

WHEREAS this natural gas plant would become one of the largest sources of air pollution and greenhouse gas emissions in New Jersey; and

WHEREAS the municipality and [MUNICIPALITY] council of [MUNICIPALITY] has a principal responsibility to protect the health, wellbeing, and safety of its residents, businesses and institutions; and

WHEREAS the people and environment of New Jersey have been increasingly subjected to a build-out of fracked natural gas infrastructure, including but not limited to pipelines and distribution networks, compressor stations, power plants, combustion heating systems, metering and regulation stations, and pigging stations; and

WHEREAS peer-reviewed scientific studies link exposure to air pollutants emitted from natural gas infrastructure facilities with neurological, cardiovascular and respiratory disease, cancer, birth defects, and other adverse health impacts; and

WHEREAS the American Medical Association acknowledges the hazards of natural gas infrastructure and its associated adverse health impacts; and

WHEREAS the National Ambient Air Quality Standards (NAAQS) are based on average population risks across a large area, over a long period of time, but do not adequately address human toxicity for residents living in close proximity to natural gas infrastructure or where they are subject to episodic high exposures during events such as blowdowns; and

WHEREAS on February 7, 2010, a gas blow operation was being performed at the Kleen Energy Systems LLC power plant construction site in Middletown, CT in which flammable natural gas was pumped under high pressure through new fuel gas lines to remove debris. During this operation,

an explosion occurred when the gas contacted an ignition source taking the lives of six workers and injuring 50 others; and

WHEREAS the top 11 electric power plant operators in the U.S. have been fined over \$13.3B since 2000 for 161 environmental violations; and

WHEREAS current protocols used for assessing compliance with ambient air quality standards do not adequately determine intensity, frequency, or durations of actual human exposures to pollutants and mixtures of pollutants emitted from natural gas infrastructure, noting that periodic 24-hour average measures can underestimate actual exposures by an order of magnitude; and

WHEREAS gas infrastructure facilities can emit into the air hundreds of tons of pollutants annually, including: particulate matter; toxic chemicals such as sulfur dioxide and mercury; criteria pollutants such as nitrogen oxides, which cause smog, acid rain, and contribute to ozone production; known carcinogens such as benzene and formaldehyde; and also sources of radioactive contamination known to increase the severity of asthma and other respiratory diseases; and

WHEREAS particulate matter, once inhaled, can affect the heart, lungs, and cause serious health issues in humans, including lung cancer. Long-term exposure to ozone is linked to aggravation of asthma, emphysema, and chronic bronchitis; and

WHEREAS both ozone and particulate pollution have been linked to: premature death, cardiovascular harm, and increased susceptibility to infections. Recent studies have linked air pollution to increases in obesity, diabetes, Parkinson's disease, Alzheimer's and other forms of dementia, and stroke. Children, the elderly, asthmatics, and those active outdoors, especially outdoor workers, are at the greatest risk from breathing air containing ozone and other air pollutants; and

WHEREAS those with the greatest risk of harm are people who live or work in close proximity to natural gas infrastructure facilities such as power plants and compressor stations, particularly developing fetuses, children, the elderly, and those with cardiovascular, lung or respiratory problems and other vulnerable subpopulations. These pollutants can have a wider impact on human health under certain weather and terrain conditions; and

WHEREAS developing fetuses and children are uniquely vulnerable to exposures as they receive proportionally greater doses of pollutants than adults and have immature, developing organs and detoxification systems; and

WHEREAS methane is the primary ingredient of natural gas and leaks at every system stage, including extraction, processing, transmission, distribution, and end-use consumption; and

WHEREAS methane is an extremely potent greenhouse gas with a global warming potential that is 34 times that of carbon dioxide over a 100-year timeframe, and 86 times that of carbon dioxide over a 20-year timeframe; and

WHEREAS the methane emissions from gas-fired power plants may be considerably higher than previously thought according to a 2017 study, which found that gas-fired power plants released more than 20 times more methane than the facilities had initially estimated; and

WHEREAS Bergen and Hudson Counties (proposed site of the proposed plant) already receive grades of 'F' from the American Lung Association for ozone air pollution, the new plant will increase the concentration of ground ozone, increase the health hazards and risks from this pollutant and make it even more difficult to reduce the level of this pollutant; and

WHEREAS New Jersey's environmental justice communities already have some of the worst air quality in the nation, building another massive gas-fired power plant will only exacerbate their predicament; and

WHEREAS the proposed gas-fired electric power plant will be approximately one mile from an existing gas-fired electric power plant operated by PSE&G. PSE&G's Bergen Generating Station is already one of the largest sources of air pollution in New Jersey and already produces over 2 million metric tons of CO₂ annually; and

WHEREAS the proposed gas-fired power plant will produce limited economic benefits to the town of North Bergen and, to an even lesser degree, its neighboring towns. Expected economic benefit will primarily occur during the construction phase due, in part, to the fact that NJ electrical generating equipment is exempt from property tax. After construction, the residents of these municipalities will continue to incur the health care costs associated with increased pollution for another 30 to 40 years; and

WHEREAS an alternative approach to producing electricity from solar panels would avoid all of the environmental and health issues noted in this resolution, while still providing new jobs and other financial benefits to local towns; and which would also be in line with Governor Murphy's goal to increase the use of renewable energy; and

WHEREAS the proposed gas-fired power plant will provide electric energy to New York only. Residents of Hudson and Bergen Counties, and the rest of New Jersey, will incur only the health care costs and environmental degradation caused by the plant during its construction and operation; and

WHEREAS the gas-fired power plant represents a direct threat to the Hackensack Meadowlands, one of the state's most crucial ecological resources. Wetlands such as the Meadowlands serve many beneficial functions, including acting as a natural filtration system, purifying our water. They preserve biodiversity by hosting a number of plant and animal species. Wetlands play an essential role in flood mitigation by absorbing storm water surges, protecting urban or residential communities in nearby flood zones. The construction of, and pollution from, the proposed plant could affect quantity and quality of water flows, thereby harming the delicate animal and plant habitats within the wetlands and undermining their critical hydrological functions. The rehabilitation of the Meadowlands, which has been a triumph for the local groups that have worked hard to recover this area, would be squandered in order to provide unnecessary power to New York City residents; and

WHEREAS the plant will be within the half mile U.S. Department of Transportation (DOT) Evacuation Zone for oil train derailments which have been known to explode, the occurrence of which can only be dealt with by letting the flames burn out; and

WHEREAS the location of the plant conflicts with the Regional Plan Association's 2017 finding of the Meadowlands being at risk from sea level rise. The RPA's Fourth Regional Plan found that "of all the places in the tri-state region challenged by increased flooding from climate change, the New Jersey Meadowlands is at greatest risk." It also concluded that "[t]he Meadowlands are also likely to be one of the first places to be permanently inundated from sea-level rise."; and

WHEREAS geological changes occurring along the East Coast are causing land to sink along the Eastern seaboard. This is exacerbating the flood-inducing effects of sea level rise, which has been occurring faster in the western Atlantic Ocean than elsewhere in recent years. A 2016 article in *Scientific American* reported that Sandy Hook is sinking at the rate of over one inch per decade, while regional sea level is rising at over three inches per decade; and

WHEREAS construction would require digging a 40-foot wide trench through the Meadowlands to connect to an existing Williams' Transco Pipeline, further risking long-lasting damage to sensitive wetlands. The connection to the Williams pipeline may require upgrades to the line and expansion of one or more compressor stations in Northern NJ, risking increases in dangerous emissions from the compressor station and greater potential for leaks from the pipeline; and

WHEREAS the owners of the proposed gas-fired power plant have stated this project is being built to replace the energy that will be lost when the Indian Point Nuclear Plant is closed. However, a 2017 study by Hudson Riverkeeper and the Natural Resources Defense Council states, "[b]y 2023, assumed new energy efficiency and required new renewable energy [will] provide as much output as IPEC would have produced"; and

WHEREAS the proposed gas-fired power plant will require 8.6M gallons of sewage discharge wastewater per day which will allow evaporation of chemicals in the water to contribute to the existing levels of air pollution; and

WHEREAS the proposed plant will require diesel generator backups for winter gas shortage situations, which in turn will require storage of 1M gallons of diesel fuel onsite, increasing the inherent risk of spills and leakage. Leaks or spills would produce additional air, ground, and sediment pollution, as well as surface water pollution in sensitive wetlands and nearby water bodies; and

WHEREAS the gas-fired power plant will require on site storage of chemicals such as ammonia, bleach, and acids, as well as trucks to supply these products. This increases the potential for spills into nearby wetlands and steams as well as increased traffic-based air pollution; and

WHEREAS the proposed gas-fired power plant will increase the volume of fracked gas used in New Jersey, which will, in turn, increase drilling and associated environmentally destructive

activities associated with its production and transport. It will also increase pressure on New Jersey and the Delaware River Basin Commission to accept fracked waste water for disposal; and

WHEREAS the proposed gas-fired power plant will utilize fracked natural gas thereby increasing the amount of energy produced by fossil fuels in direct opposition to Governor Murphy's commitment to moving New Jersey to 100% clean renewable energy usage by 2050.

WHEREAS this type of massive fossil fuel infrastructure project will operate for several decades. This will increase long-term dependence on harmful fossil fuels and their associated environmental impacts and health risks and is incompatible with this administration's energy goals. The average New Jersey gas-fired power plants went online 23 years ago and 13 percent of the state's gas plants went online more than 40 years ago; and

THEREFORE, be it resolved that the municipality and town council of [MUNICIPALITY] in the interest of protecting its residents, businesses and institutions, as of [MONTH] [DAY], 2018, strongly opposes the construction of the North Bergen Liberty Generating power plant.

Be it further resolved, that the [MUNICIPALITY] Clerk shall forward this Resolution to:

- New Jersey Governor Phil Murphy
- Commissioner of the NJ Department of Environmental Protection Catherine McCabe
- State Senator [NAME]
- State Assemblypersons [NAME] and [NAME]
- Food & Water Watch, 100 Bayard Street, Suite 310, New Brunswick, NJ 08901
- The Sierra Club – New Jersey Chapter, 145 W. Hanover Street, Trenton NJ 08618
- Hackensack Riverkeeper
- Hudson County Freeholders and Administration and all Hudson County Municipal Councils, Boards of Health and Environmental Commissions
- Bergen County Freeholders and Administration and all Bergen County Municipal Councils, Boards of Health and Environmental Commissions
- League of New Jersey Municipalities
- NJ Advance Media

References

1. <https://www.northjersey.com/story/news/environment/2018/04/10/new-power-plant-meadowlands-electricity-nyc/503255002/>; <http://newyork.cbslocal.com/2018/04/25/meadowlands-natural-gas-plant-proposal/>
 2. New Jersey Sierra Club May 2018 E-newsletter, <https://spark.adobe.com/page/1cwq37BdNLoxg/>
 3. PSE for Healthy Energy Repository for Oil and Gas Energy Research: <https://www.psehealthyenergy.org/our-work/shale-gas-research-library/>
 4. <https://www.osha.gov/news/newsreleases/national/08052010>
 5. https://violationtracker.goodjobsfirst.org/prog.php?major_industry_sum=utilities+and+power+generation
 6. Criteria air Pollutants (CAP), or criteria pollutants, are a set of air pollutants that cause smog, acid rain, and other health hazards. CAPs are typically emitted from many sources in industry, mining, transportation, electricity generation and agriculture. In many cases, they are the products of the combustion of fossil fuels or industrial processes.
 7. Environmental Health Project Report, October 2017: Health Effects Associated with Stack Chemical Emissions from NYS Compressor Stations: 2008-2014: <http://www.environmentalhealthproject-ny.org/>
 8. <https://www.sciencenews.org/article/list-diseases-linked-air-pollution-growing>
 9. Food & Water Watch
 10. Numbers of residents in 2017 in each county with the diseases shown:
Bergen
Pediatric Asthma: 16,376*
Adult Asthma: 61,021*
COPD: 47,586*
Lung Cancer: 525*
Cardiovascular Disease: 62,375*
Diabetes: 70,715*
Poverty Estimate: 63,789
Hudson
Pediatric Asthma: 11,286
Adult Asthma: 44,533
COPD: 29,582
Lung Cancer: 379
Cardiovascular Disease: 36,091
Diabetes: 40,122
Poverty Estimate: 104,660
- *Highest volume in New Jersey
11. Reducing the staggering costs of environmental disease in children, estimated at \$76.6 billion in 2008, Trasande, L, et al, Health Affairs, May 2011: <https://www.ncbi.nlm.nih.gov/pubmed/21543421>
 12. <https://www.desmogblog.com/2017/03/20/natural-gas-power-plants-fracking-methane>
 13. American Lung Association 2018 State of the Air report <http://www.lung.org/our-initiatives/healthy-air/sota/city-rankings/states/new-jersey/> Shows Hudson and Bergen Counties with grade of F for high ozone days and 22 orange days each

14. https://www.ucsusa.org/sites/default/files/legacy/assets/documents/global_warming/climate-change-and-ozone-pollution.pdf

15.

https://violationtracker.goodjobsfirst.org/prog.php?parent=&major_industry_sum=utilities+and+power+generation&primary_offense_sum=environmental+violation&agency_sum=&hq_id_sum=&company_op=starts&company=&major_industry%5B%5D=&all_offense%5B%5D=&penalty_op=%3E&penalty=&agency_code%5B%5D=&pen_year%5B%5D=&pres_term=&free_text=&case_type=&ownership%5B%5D=&hq_id=&naics%5B%5D=&state=&city=

16. North Bergen Liberty Generating, LLC, Economic and Fiscal Analysis

https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=2ahUKEwjq7o2U8ezaAhXPwVkkHbRSAJAQFjAAegQIABAQ&url=http%3A%2F%2Fdocuments.dps.ny.gov%2Fpublic%2FCommon%2FVleWDoc.aspx%3FDocRefId%3D%257BCF578449-B169-4EAF-9661-BE1A91A35A3B%257D&usg=AOvVaw2pa9f00UCw90mDPB_Zv620

The analysis shows assumptions and a model for financial benefits from the plant.

17. <https://www.sierraclub.org/sites/www.sierraclub.org/files/sce-authors/u1997/HCWH%20pipeline%20health%20impacts.pdf>

18. <http://www.njspotlight.com/stories/18/04/30/op-ed-workers-and-environmentalists-stand-in-solidarity-on-climate/>

19. <http://library.rpa.org/pdf/RPA-4RP-Places.pdf>

20. <https://www.scientificamerican.com/article/sinking-atlantic-coastline-meets-rapidly-rising-seas/>

21. <https://www.riverkeeper.org/wp-content/uploads/2017/03/Clean-Energy-for-New-York-16-121-02-23-2017.pdf>

Important caveat: New York will require an aggressive energy efficiency policy framework in order to secure the improvements needed to obtain the energy efficiency levels modeled in this analysis. Critically, such a policy framework is not currently in place in New York for attaining the levels of energy efficiency contemplated.

22. PSR/CHPNY Compendium 5th Edition (March 2018): http://concernedhealthny.org/wp-content/uploads/2018/03/Fracking_Science_Compendium_5FINAL.pdf

**VILLAGE OF RIDGEWOOD
ORDINANCE NO. 3655**

**AN ORDINANCE TO AMEND CHAPTER 244 OF THE CODE OF THE VILLAGE OF
RIDGEWOOD ENTITLED "SMOKING" TO AMEND THE FOLLOWING SECTIONS:**

**SECTION 244-1 ENTITLED "DEFINITIONS"
SECTION 244-6 ENTITLED "DEFINITIONS";
SECTION 244-7 ENTITLED "USE OR POSSESSION PROHIBITED";
SECTION 244-10 ENTITLED "DEFINITIONS"
SECTION 244-11 ENTITLED "SMOKING PROHIBITED"**

Section 244-1 Definitions:

Amend: TOBACCO and TOBACCO PRODUCTS

- (1) any product containing tobacco leaf including, but limited to, cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco;
- (2) any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the exception that the product or matter will be introduced into the human lungs or mouth in smoke or vapor form, using any tobacco paraphernalia, but does not include any product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependency.

Section 244-6 Definitions:

Add: TOBACCO and TOBACCO PRODUCTS-

- (1) any product containing tobacco leaf including, but limited to , cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco;
- (2) any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the exception that the product or matter will be introduced into the human lungs or mouth in smoke or vapor form, using any tobacco paraphernalia, but does not include any product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependency.

Add: ELECTRONIC VAPOR DEVICE

Any device with a heating element, a batter, or an electronic circuit that provides nicotine or other vaporized liquids to the user in a manner that simulates tobacco products, shisha, herbs, or any other product that produces smoke.

Add: ELECTRONIC/VAPOR INHALATION SUBSTANCE PRODUCTS

Any cartridges, cartomizers, e-liquid, smoke juice, tanks, tips, atomizers, vaporizers, electronic smoking device batteries, electronic smoking device chargers and any other item specifically designed for the preparation, charging, or use of electronic vapor devices.

Section 244-7 Use or Possession Prohibited

Amend: Subsection A.

- A. It shall be unlawful for any person under the age of 18 years to smoke or use a tobacco product, electronic vapor device or electronic/vapor inhalation substance product in or on any public place or non-public place or to possess in open view an opened pack, opened carton, opened box or other opened container used for holding or packaging those items in any public or non-public place.
- B. This article shall not apply to a minor smoking or using any such item described in Section A above in a non-public place which constitutes the residence of the minor and/or the residence of his or her parent or parents or guardian.

Section 244-10 Definitions

Add: TOBACCO and TOBACCO PRODUCTS-

- (1) any product containing tobacco leaf including, but limited to , cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco;
- (2) any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the exception that the product or matter will be introduced into the human lungs or mouth in smoke or vapor form, using any tobacco paraphernalia, but does not include any product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependency.

Add: ELECTRONIC VAPOR DEVICE

Any device with a heating element, a batter, or an electronic circuit that provides nicotine or other vaporized liquids to the user in a manner that simulates tobacco products, shisha, herbs, or any other product that produces smoke.

Add: ELECTRONIC/VAPOR INHALATION SUBSTANCE PRODUCTS

Any cartridges, cartomizers, e-liquid, smoke juice, tanks, tips, atomizers, vaporizers, electronic smoking device batteries, electronic smoking device chargers and any other item specifically designed for the preparation, charging, or use of electronic vapor devices.

Section 244-11 Smoking Prohibited

Amend: Subsection A.

- A. It shall be unlawful for any person to smoke or use any tobacco or tobacco product, electronic vapor device, and/or electronic/vapor inhalation substance product as defined in this Chapter in or on any of the following areas:
- (1) Any area defined in Section 244-10;
 - (2) In or on the area between the edge of the pavement of any street/roadway line and the property boundary of any Board of Education Facility as defined in Section 244-10, inclusive of the side walk and open or grass area adjacent to the property boundary.
- B. "No smoking" signs or the international "no smoking" symbol may be clearly and conspicuously posted in or on any area defined in Sections 244-6, 244-10 above, and 244-11 below, at the discretion of the Village, except in or on the Board of Education facilities, which signage may be posted at the discretion of the Board of Education. It shall not be a defense to a violation of this section that "no smoking" signs were not conspicuously posted as they are not required in this Article.

SECTIONS TO BE DELETED

Section 244 -1 – DEFINITIONS

TOBACCO - as presently written in the Village Code;

Section 244-6 – DEFINITIONS

TOBACCO – as presently written in the Village Code

Section 244-7 – Use or Possession Prohibited; exceptions:

Delete this Section as presently written in the Village Code

Section 244-11 – SMOKING PROHIBITED

Delete Subsection A as presently written in the Village Code

This ordinance shall take effect immediately upon passage and publication as required by law.

VILLAGE OF RIDGEWOOD
ORDINANCE NO. 3655

FOR AFFIRMANCE: Councilmembers: Sedon, Voigt, Walsh and Mayor
Hache

NAYS: NONE

ABSENT: Councilwoman Knudsen

ABSTAIN: NONE

RECUSE: NONE

Introduction Date: July 18, 2018

Adoption Date: August 8, 2018

Effective Date: August 28, 2018



Ramon M. Hache, Sr.
Mayor

ATTEST:



Heather A. Mailander
Village Manager/Village Clerk