

**AN ORDINANCE AMENDING CHAPTER 12, SECTION 11.3 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(E-CIGARETTE LICENSING-LICENSING FEE)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 12, Section 11.3 of the Revised General Ordinances of the Township of West Orange be and are hereby amended as follows:

I. PURPOSE

The purpose of this ordinance is to modify the fines set forth in Chapter 12, Section 11.3 of the Revised General Ordinances of the Township of West Orange (the “Township Code”) to be amendable by Resolution such that it is amendable in the future by approval of the Township Council, a necessity in an everchanging socioeconomic climate.

II. CHAPTER 12, SECTION 11.3 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

§12-11.3 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Licensing Fees” which specifies the fee an establishment must pay for a license to sell electronic cigarettes under Chapter 12, Section 11 of the Township Code shall be repealed and replaced by the following language:
 - a. No person shall conduct, maintain or operate a Retail Electronic Smoking Device Establishment that sells, distributes or gives Electronic Smoking Devices without first obtaining from the West Orange Health Department a license to do so.
 - b. Fees in accordance with the following schedule shall be paid before any license required in this section shall be issued:

Electronic Smoking Device Establishment License: An amount set forth by Resolution.
 - c. Licenses issued under the provisions of this section, unless forfeited or revoked by the West Orange Health Department, shall expire annually on the 31st day of May of each year.
 - d. No license is transferrable by sale or otherwise.
 - e. Such license shall be posted in a conspicuous place in such establishment. No itinerant establishments shall be permitted to obtain an Electronic Smoking Device Establishment License.
 - f. All licensing fees shall be paid to the Township of West Orange to offset budget appropriations in connection with education and

enforcement of this section and/or the States Tobacco Age of Sale Inspection Program.

III. REPEAL OF CONFLICTING ORDINANCES

Any Ordinances of the Township which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

IV. SEVERABILITY

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

V. EFFECTIVE DATE

This Ordinance shall take effect upon final passage and publication in accordance with the law.

SUSAN MCCARTNEY, MAYOR

**TAMMY WILLIAMS,
COUNCIL PRESIDENT**

**KAREN J. CARNEVALE, R.M.C.
MUNICIPAL CLERK**

INTRODUCED: June 13, 2023

ADOPTED: June 27, 2023

Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 12 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.