

RESOLUTION PRESCRIBING FEES AS SET FORTH IN CHAPTER 12 SECTION 8.14 OF THE REVISED GENERAL ORDINANCES AND IMPLEMENTED THROUGH ORDINANCE 2793-23, AMENDING THE PENALTY FOR THE ILLEGAL SALE OF TOBACCO AND NICOTINE DELIVERY

WHEREAS, on July 11, 2023, the Township of West Orange (the “Township”) passed Ordinance 2793-23 (the “Ordinance”), amending Chapter 12, Section 8.14 of the Revised General Ordinances of the Township; and

WHEREAS, the Ordinance amended Chapter 12, Section 8.14 of the Revised General Ordinances of the Township to set the fees and/or penalties set forth therein to prescribed by Resolution; and

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, the penalty prescribed under the following sections of the Ordinance shall be set forth as follows:

- a. Unless otherwise provided by law, statute or ordinance, any person violating any provision of this section shall, upon conviction thereof, pay a fine of not less than \$250 for the first violation, not less than \$500 for the second violation, and not less than \$1,000 for the third and each subsequent violation. The complaint shall be made in the Municipal Court or before such other judicial officer having authority under the laws of the State of New Jersey.
- b. In addition any violator of this section shall be subject to having any Township License, held by the violator, suspended, revoked or fined. No such action may be taken unless the requirements of due process is satisfied.
- c. Any person who continually violates this section may also be charged in the Municipal Court or in Superior Court with maintaining a nuisance.

d. These penalties are in addition to any penalties that may be imposed including but not limited to penalties imposed by the New Jersey Code of Juvenile Justice, N.J.S.A. 2A:170-51, et seq. and N.J.S.A. 2C:33-13.1, et seq.

e. Each sale of tobacco and or nicotine delivery product to any person under the age of 21 shall constitute a separate violation.

f. Fines and sanctions associated with this section shall be dedicated and forwarded to the Health Department to be used in connection with education and enforcement of this ordinance. The monies shall be maintained by the Chief Financial Officer or Comptroller of the Township of West Orange.

Karen J. Carnevale, R.M.C.
Township Clerk

Tammy Williams
Council President

Adopted: August 22, 2023