

Ordinance of the City of Jersey City, N.J.

File No. Ord. 21-052
Agenda No. 3.1 (1st Reading)
Agenda No. 4.1 (2nd Reading and Final Passage)



AN ORDINANCE OF THE CITY OF JERSEY CITY, IN THE COUNTY OF HUDSON, NEW JERSEY AMENDING CHAPTER 182 (HEALTH AND SANITATION) ARTICLE IV (SMOKING) OF THE JERSEY CITY CODE REQUIRING LANDLORDS OF MULTIPLE DWELLING TO IMPLEMENT A POLICY REGULATING SMOKING WITHIN THE BUILDING AND TO PROVIDE NOTICE OF SUCH POLICY BOTH WITHIN THE LEASE AGREEMENT AND THE DWELLING.

COUNCIL AS A WHOLE offered and moved adoption of the following ordinance:

Whereas, the legislature of the State of New Jersey has declared that tobacco is the leading cause of preventable disease and death in the State and that tobacco, including exposure to secondhand smoke, constitutes a substantial health hazard to the non-smoking majority of the public; and

Whereas, smoking in an indoor public place is already prohibited by State law pursuant to N.J.S.A. § 26:3D-58(a); and

Whereas, however, the State expressly authorizes municipalities to enact even stricter ordinances to further regulate smoking pursuant to N.J.S.A. § 40:48 and N.J.S.A. § 26:3D-63; and

Whereas, the City finds that requiring a policy for smoking in multiple dwellings within the City will protect the health, safety, and welfare of the public.

ARTICLE IV – Smoking

§ 182-29.5 – Regulation of Smoking in Multiple Dwellings

A. The owner of a multiple dwelling as defined in § 254-4 shall adopt a policy addressing the following:

1. smoking in all indoor locations of the multiple dwelling as not otherwise prohibited with N.J.S.A. § 26:3D-55 et. seq., including common areas and dwelling units; and
2. outdoor areas of the premises, including common courtyards, rooftops, balconies, and patios, and any outdoor areas connected to dwelling units.

B. The smoking policy shall not be binding on a tenant renting or leasing a dwelling unit during the term of the lease, sublease, or other rental agreement in effect at the time of the adoption of such smoking policy, unless otherwise provided

in such lease, sublease, or other rental agreement.

C. The smoking policy shall apply to all tenants of a multiple dwelling, including invitees of tenants, and any other person on the premises.

§ 182-29.6- Notice of Smoking Policy

A. Upon adoption of a smoking policy, the owner of a multiple dwelling shall provide a copy of the building's smoking policy to all tenants on an annual basis, and post the smoking the policy in the locations and in the manner specified under

N.J.S.A.

B. The policy shall be incorporated into any agreement to rent or lease a dwelling unit in such a building.

§ 182-29.7 Regulation of Smoking within a Condominium, Homeowners, or Cooperative Association

APPROVED AS TO LEGAL FORM

Business Administrator

Corporation Counsel

An ordinance of the City of Jersey City, in the County of Hudson, New Jersey amending Chapter 182 (Health and Sanitation) Article IV (Smoking) of the Jersey City Code requiring Landlords of Multiple Dwelling to implement a policy regulating smoking within the building and to provide notice of such policy both within the lease agreement and the dwelling.

A. The building's smoking policy shall be incorporated into the bylaws, master deed, or other relevant governing document.

B. An owner or tenant who is renting or leasing a dwelling unit shall incorporate the building's smoking policy into any agreement to rent or lease the dwelling unit to a subtenant or sublessee.

§ 182-29.9 Material Changes of Smoking Policy

The owner of a multiple dwelling shall provide notification in writing to all tenants of any material change to the smoking

policy, and post, in a prominent location within such dwelling, any material change to the smoking policy

§ 182-29.9 Document Retention

A. The owner of a multiple dwelling shall make available for inspection copies of the following:

- a. The disclosure of the smoking policy disclosed to all tenants required by § 182-29.5(A) of this section; and
- b. Each notification of a material change made within the past year pursuant to § 182.29.9 of this section

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RECORD OF COUNCIL VOTE ON INTRODUCTION – Jul 14 2021						
RIDLEY	AYE	SALEH	AYE	LAVARRO	AYE	9-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	AYE	ROBINSON	AYE	WATTERMAN, PRES	AYE	

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING – Aug 18 2021						
RIDLEY	AYE	SALEH	AYE	LAVARRO	AYE	7-0
PRINZ-AREY	AYE	SOLOMON	ABSENT	RIVERA	AYE	
BOGGIANO	AYE	ROBINSON	ABSENT	WATTERMAN, PRES.	AYE	

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY –						
RIDLEY		SALEH		LAVARRO		
PRINZ-AREY		SOLOMON		RIVERA		
BOGGIANO		ROBINSON		WATTERMAN, PRES.		

RECORD OF FINAL COUNCIL VOTE – Aug 18 2021						
RIDLEY	AYE	SALEH	AYE	LAVARRO	AYE	9-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	AYE	ROBINSON	AYE	WATTERMAN, PRES.	AYE	

Adopted on first reading of the Council of Jersey City, N.J. on **Jul 14 2021**

Adopted on second and final reading after hearing on **Aug 18 2021**

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on Aug 18 2021



City Clerk



Joyce E. Watterman, President of Council
Approved: Aug 18 2021



Steven M. Fulop, Mayor
Date to Mayor: Aug 19 2021
Approved: Aug 19 2021

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FACT SHEET -

This summary sheet is to be attached to the front of any ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the ordinance.

Project Manager

Laura Bustamante, Council Aide - Ward E	862-296-7471	lbustamante@jcnj.org
Division	Municipal Council	

Note: Project Manager must be available by phone during agenda meeting (Wednesday prior to council meeting @ 1:00 p.m.)

Purpose

Ordinance Amending current smoking rules in multi-dwelling units
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Cost (Identify all sources and amounts)

n/a

Contract term (include all)

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