BOROUGH OF FAIRVIEW, BERGEN COUNTY, NEW JERSEY, NOTICE OF INTRODUCTION ORDINANCE NO 26-17. Notice is hereby given that the following Ordinance 26-17 was introduced at a Regular Council Meeting of the Mayor and Council of the Borough of Fairview on Tuesday, August 18, 2026, and passed on first reading, and the same was then ordered to be published in full or in summary according to law; and that such Ordinance will be further considered for final passage at a meeting of the Mayor and Council at a meeting of the Borough Council to be held at its meeting room in the Borough Hall, 59 Anderson Avenue, Fairview, New Jersey on September 15, 2026 at 6:00 p.m., at which time and place, or any time and place to which such meeting shall from time to time be adjourned, all persons interested will be given opportunity to be heard concerning such Ordinance

BOROUGH OF FAIRVIEW
BERGEN COUNTY, NEW JERSEY
ORDINANCE No. 26-17

AN ORDINANCE AMENDING CHAPTER 3 SECTION 26 ENTITLED SMOKING; SIGNS

WHEREAS, the Borough of Fairview seeks to amend Chapter 3 SECTION 26 of the Borough Code to clarify public areas where it is restricted as well as to include cannabis type products; and

WHEREAS, the purpose of the amendment is to protect the public health, welfare and safety including but not limited to the dangers of secondhand smoke.

NOW THEREFORE BE IT ORDAINED, that Chapter 3 SECTION 26 is hereby amended as follows:

§ 3-26.2 Definitions.

As used in this article, the following words shall have the following meanings:

CANNABIS or CANNABIS ITEM shall have the meaning provided by applicable New Jersey law, including N.J.S.A. 24:61-33 and any successor statute.

ENCLOSED AREA All areas between a floor and a ceiling, extending to the outer perimeter walls of a structure.

PARKS AND RECREATIONAL FACILITIES Includes all public parks, playgrounds, ball fields, to which the Borough of Fairview has access whether through an easement, publicly owned or leased by the Borough of Fairview and all property owned or leased by the Borough of Fairview upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities, including all areas adjacent to such facilities, including, but not limited to, any parking area, driveway or drive aisle.

PUBLIC SIDEWALKS AND RIGHT OF WAY Includes all public sidewalk and “right of way” in Borough, whether maintained by the State or by any County, Borough, or other subdivision. The “right of way” includes the sidewalk and the area between the sidewalk and public street.

PUBLIC STREET Includes all public highways, roads and streets in the Borough, whether maintained by the State or by any County, Borough, or other subdivision.

QUASI-PUBLIC/PRIVATE PARKING LOTS This includes all parking lots of all businesses and organizations that are open to the public and may be used by customers or individuals visiting the business or organization that is open to the public for the purpose of use for the respective businesses. This does not include residential driveways of private residences or single-family homes. This does include shared parking lots for apartments, condominiums, and townhomes.

SMOKING The burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco, cannabis, or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking device.

§ 3-26.3 Smoking Prohibited.

A. Smoking shall be prohibited in all Borough buildings as defined herein

B. Smoking shall be prohibited within a thirty-five-foot radius of the front entrance of all Borough buildings.

C. Smoking shall be prohibited in all public parks and recreation facilities owned or leased by the Borough of Fairview and all property owned or leased by the Borough of Fairview upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities, including all areas adjacent to such facilities, including, but not limited to, any parking area, driveway or drive aisle, which have been designated with no-smoking signs. No-smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently and conspicuously posted in all areas regulated by this article.

D. Smoking shall be prohibited in any vehicle registered to the Borough of Fairview.

E. Smoking of Cannabis or Cannabis Items shall also be prohibited on all public streets, public sidewalks, right of way, and quasi public/private parking lots as described in this ordinance.

A sign shall be clearly, sufficiently and conspicuously posted in public areas. The sign(s) shall state “Smoking Marijuana in Public is Prohibited” or “substantially similar language, written in lettering that is not less than ¾ inches in height and shall contain the citation of this Borough Code section.

§ 3-26.5 Enforcement.

The enforcement authority of this article shall be the Police Department, Fire Department, Recreation Department, Public Works Department and Health Department of the Borough of Fairview.

§ 3-26.6 Violations and penalties.

Any person who violates any provision of this article shall be subject to a fine of not less than $250 for the first offense, $500 for the second offense and $1,000 for each subsequent offense. Any Borough employee found in violation of this article may also be subject to discipline in accordance with the provisions of the Borough of Fairview's policies and procedures.

Diane T. Testa, Administrator/Municipal Clerk
Posted August 31, 2026