

**BOROUGH OF WEST PATERSON
COUNTY OF PASSAIC, STATE OF NEW JERSEY**

ORDINANCE NO. 08-10

**AN ORDINANCE TO BAN SMOKING IN THE PUBLIC PLACES OWNED OR
LEASED BY THE BOROUGH OF WEST PATERSON, PASSAIC COUNTY, N.J.**

WHEREAS, the Surgeon General of the United States has determined:

- A. Smoking has been casually linked to lung cancer, arteriosclerosis, and coronary heart disease, chronic obstructive pulmonary disease and other conditions that constitute a wide array of serious health consequences.
- B. Smoking and smokeless tobacco use are “almost always initiated and established in adolescence”, typically by age 16.
- C. Active smoking by young people is associated with significant health problems during childhood and adolescence with increased risk factors for health problems in adulthood. (Preventing Tobacco Use Among Young People: A report of the Surgeon General, issued in 1994); and

WHEREAS, the Borough of West Paterson finds that it is the best interest to discourage children from the temptations of experimenting with cigarettes and other tobacco products; and

WHEREAS, the Borough of West Paterson finds that it is within the public interest and more specifically the health and welfare interest of children and adolescents to prohibit the use of tobacco products within public places where children congregate, gather, play and/or engage in athletic competitions; and

WHEREAS, smoking or carrying lighted tobacco may be prohibited by the owner or person responsible for operating any public place or by Municipal ordinance under the authority of N.J.S.A. 40:48-1 et seq. and N.J.S.A. 2C:33-13b; and

WHEREAS, The Borough of West Paterson has determined that Borough-operated parks, playgrounds, athletic facilities, ball fields, buildings and properties owned or leased by the Borough of West Paterson are public places where children congregate, play, gather and/or engage in athletic competitions and, therefore, should be free from the existence of tobacco use and second-hand smoke;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of West Paterson that smoking shall be prohibited in all West Paterson operated parks, playgrounds, ball fields, athletic facilities, buildings and properties owned or leased by the Borough of West Paterson, with the exception of those areas within the above referenced locations which may be identified as “Permitted Smoking Areas” by the Mayor and Council via resolution.

1. REPEAL OF CONFLICTING RESOLUTIONS OR ORDINANCES

Any West Paterson ordinances that are in conflict are hereby repealed to the extent of such conflict.

2. 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.

ORDINANCE NO. 08-10

Page 2 of 2

3. ENFORCEMENT PROVISION

This Ordinance shall be enforced by the West Paterson Police Department or its designees. Any person who commits a violation of this section shall, upon conviction thereof, pay a fine not to exceed \$200 providing that, in accordance with 2C:33-13b, adequate notice of such prohibition has been conspicuously posted. Any person may inform any person perceived to be violating this Ordinance, of the provisions of this Ordinance.

4. EFFECTIVE DATE

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

DATE INTRODUCED: August 20, 2008

DATE ADOPTED: September 3, 2008