

Clifton seeks tougher smoking penalties

SEPTEMBER 4, 2015 LAST UPDATED: FRIDAY, SEPTEMBER 4, 2015, 12:31 AM

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CLIFTON JOURNAL

CLIFTON – City council members revisited the issue of illegal indoor smoking at City establishments this week and plan to lobby New Jersey lawmakers into adding teeth to a state law that currently leaves many towns powerless.

Last month, officials revealed that four Middle Eastern-themed restaurants had racked up nearly \$75,000 in fines related to illegal smoking.

Beirut Restaurant on Main Avenue had \$36,717; Sultan Restaurant on Crooks Avenue had accrued \$14,563; The Palace, also on Lexington Avenue, had \$13,566; and Baranda Cafe on Main Avenue had \$9,946 in fines related to indoor smoking accumulated over the last two years.

"It's unfortunate that you have people thumbing their nose at the law," Mayor James Anzaldi said at the Sept. 1 meeting.

However, because the indoor smoking violations are overseen by the state as part of its Smoke-free Air Act Initiative, the municipality's hands are tied.

"This is a joke that some officials think by fining these restaurants a small amount for doing business," said one City resident. "It's illegal to serve shisha but restaurants continue to violate the law and the City of Clifton is not doing enough to control these restaurants."

According to state law, the first offense of illegal indoor smoking carries a \$250 fine. The second offense carries a \$500 and the fine jumps to \$1,000 for each additional offense.

However, because several establishments which allow hookah smoking inside its doors recognize the feature as a major revenue source, the financial reward outweighs the potential fines.

"We have some of these hookah bars paying off tens of thousands in fines and continuing to rack up more fines," Councilman Joe Kolodziej said.

Kolodziej proposed that a resolution be placed before other towns during the League of Municipalities convention in November and inspire other cities to vote for an amendment to the act which would give municipalities greater power in fighting "habitual offenders"

who knowingly break the law. Should the measure pass at the league, its lobbying branch would push legislators in Trenton to amend the state law, he said.

Modifications to the law discussed by council members on Tuesday included the ability to temporarily close down a business for continuous smoking violations in the same manner that a bar can be shuttered if caught serving alcohol to a minor.

Officials also considered the possibility of requiring habitual offenders to pay off the balance of any indoor smoking fines before their business can be reopened. This would eliminate the current process in which establishments are capable of using a payment plan and pay off thousands in fines via small, monthly installments.

However, because the fines serve as a revenue source for the state, several officials were skeptical that lawmakers in Trenton would back such an amendment.

"A state with budget issues might be reluctant to stiffen the law to actually close down multiple offenders sending them a steady stream of money," Kolodziej said.

Anzaldi has continually voiced frustration that repeat offenders are costing Clifton stakeholders thousands of dollars each year because board of health inspectors have to be dispatched to businesses that are breaking the law by allowing smoking inside a public building.

City Manager Dominick Villano said the eateries fined for violating the Smoke-free Air Act Initiative are not only breaking state law but also undercutting establishments which received a special municipal exemption to offer indoor smoking to its clientele.

Clifton Health Officer John Biegel said three businesses - Jamie's Cigar Bar, Kamil's Restaurant and La Ziza lounge - were permitted to offer indoor smoking when the act was approved in 2006.

In other Council news...

A resident on Nugent Drive has filed a tort claim in relation to a major sewer backup in the home.

The homeowner holds the City responsible, alleging promises were made, and is demanding the municipality cover \$90,000 in damages to a sports memorabilia collection, according officials. No additional information is available at this time.

"This is the Patricia Place situation all over again," one City official said.

A sewer issue on Patricia Place frustrated the Delawanna neighborhood for several years because periods of heavy rainfall frequently caused basements to be back up with gallons of sewer water.

Months of investigations and tests finally revealed that a major sewer renovation project was required to alleviate the problem surrounding Patricia Place.

Dozens of the area's residents voiced their anger with the issue, which ultimately will cost the City as much as \$3 million to fix.

<http://www.northjersey.com/news/city-seeks-tougher-smoking-penalties-1.1403657?page=1>