

# The Progress

## Caldwell bans smoking

### Public parks and recreation areas now smoke free

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March 7, 2016

CALDWELL – Caldwell has joined Essex County and other municipalities in the county by banning smoking on all property owned by the borough. An ordinance was passed by the Borough Council at its Tuesday, March 1 meeting.

The ordinance states that the governing body recognizes the health and safety risks posed by smoking and finds that it is within the public interest to prohibit smoking in public buildings and on borough-owned property, such as public parks and recreation areas.

It goes on to say that the appearance of parks and recreation areas can be enhanced and the Department of Public Works' limited resources conserved if smoking were banned from these areas.

Smoking will also be prohibited in vehicles owned by the borough. The ban includes the smoking of cigars, cigarettes, pipes, and electronic smoking devices.

No smoking signs will be clearly posted in the areas.

Councilman Richard Hauser questioned why the ordinance is necessary since smoking in buildings is already prohibited.

“Smoking should be prohibited in municipal buildings,” Hauser said. “But isn’t that already the case?”

Borough Attorney Greg Mascera explained that there is a state law banning smoking in buildings but that this ordinance is for public property. Hauser said he did not think the ordinance was necessary.

“My challenge is government telling people what they can and cannot do,” he said. “I support not being able to smoke in town hall... but if it’s already on the books, and already prohibited, it shouldn’t need to be in this document. We shouldn’t have to vote on it.”

Mascera said: “This ordinance supplements what is in place. There might be some duplication. This would ensure every desired area that would prohibit smoking would be included.”

Councilman John Cascarano addressed Hauser's concern. “We’re not banning tobacco in Caldwell, we’re telling people you can’t use tobacco on the town’s property,” he said. “We’re not saying what they can and can’t do, we’re telling them what they can and can’t do on our property.” Hauser also said he wanted to ask Police Chief James Bongiorno, who did not attend the meeting, about enforcement. “I’m: wondering what the reality is of enforcing something like this,” Hauser said. “It would make [police officers’] job more challenging.”

Mascera pointed out that the ordinance says it’s just not the police department who would enforce it. The ordinance states that the enforcement authority shall be the Police Department, Fire Department, Recreation Department, Department of Public Works, and Health Department.

Anyone convicted of a violation of the ban is subject to a fine not less than \$250 for the first offense and a fine not less than \$500 for each subsequent offense.

In October, Essex County freeholders voted to ban smoking in all county parks.

[http://www.newjerseyhills.com/the\\_progress/news/caldwell-bans-smoking/article\\_ed481f9c-7500-597e-9c05-285fc6b56e0d.html](http://www.newjerseyhills.com/the_progress/news/caldwell-bans-smoking/article_ed481f9c-7500-597e-9c05-285fc6b56e0d.html)