

Paramus Board of Health
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Paramus Board of Health
Ordinance No. 125

AN ORDINANCE TO AMEND CHAPTER 449 OF THE CODE OF THE BOROUGH OF PARAMUS TO PROHIBIT THE USE OF TOBACCO PRODUCTS IN PARKS AND RECREATIONAL AREAS OWNED, LEASED OR OPERATED BY THE BOROUGH OF PARAMUS

WHEREAS, the Surgeon General of the United States has determined that cigarette smoking has been causally linked to lung cancer, arteriosclerosis, coronary heart disease, chronic obstructive pulmonary disease, and other conditions that constitute a wide array of serious health consequences, that smoking and smokeless tobacco use are almost always initiated and established in adolescence, typically by age 16, and that active smoking by young people is associated with significant health problems during childhood and adolescence and with increased risk factors for health problems in adulthood, and

WHEREAS, exposure to environmental tobacco smoke increases the health risk for smokers and non-smokers, and

WHEREAS, there is evidence that approximately half of early childhood cases of asthma, chronic bronchitis, and wheezing are attributable to second hand smoke, and

WHEREAS, studies have shown that environmental tobacco smoke is a cause of cardiovascular disease in non-smokers, and

WHEREAS, the Paramus Board of Health finds that it is in the public interest to enact ordinances that will discourage children from the temptations of experimenting with cigarettes and other tobacco products, and

WHEREAS, the Paramus Board of Health believes that children are extremely impressionable and by all accounts attempt to emulate the actions and habits of adults, and

WHEREAS, the Paramus Board of Health believes that it is in the public interest and more specifically the health interest of children and adolescents to prohibit the smoking of cigarettes, cigars, pipes and use of tobacco products within public places where children are likely to congregate, gather, play and/or engage in athletic competition, 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 authority of N.J.S.A. 40:48-1 et seq., and N.J.S.A. 20:33-13b, and

WHEREAS, the Paramus Board of Health has determined that public parks, playgrounds, ball fields, publicly owned swimming pools and all other recreational areas leased, owned or operated by the Borough of Paramus are public places where children congregate, gather, play and/or engage in athletic competition, and

WHEREAS, it is in the interest of the Borough of Paramus to prohibit smoking of cigarettes and use of tobacco products within public parks, playgrounds, ball fields, publicly owned swimming pools and all other recreational areas leased, owned or operated by the Borough, and

WHEREAS, it is in the interest of the Borough of Paramus to refer to those areas as "Smoke Free Zones.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Health of the Borough of Paramus, County of Bergen, State of New Jersey, the Chapter 449 of the Code of the Borough of Paramus be amended as follows:

Section 1. Definitions

- a. Smoking means the inhaling, exhaling, burning, or carrying of any lighted cigarette, cigar, pipe, electronic cigarette or other similar devices that contain tobacco and/or other similar devices that burn tobacco or similar materials.

Section 2. Smoking Prohibited

No person shall smoke within the boundary of the following parks, playgrounds, ball fields, swimming pools and recreational areas:

- a. Paramus Municipal Pool
- b. Band Shell
- c. Besen Park
- d. DiMaggio Park
- e. Faber Park
- f. Madison Park
- g. McEllen Park
- h. Mele Park
- i. Petruska Park
- j. Reid Park
- k. Sirianni Park
- l. Gennarelli Sports Complex
- m. Fairway Oaks Park
- n. Parkway Sports Complex
- o. Paramus Golf Club Mini-Golf Course

Section 3. Signage

A "Smoke Free Zone" sign shall be clearly, sufficiently and conspicuously posted at every property where smoking is prohibited by this ordinance. The sign(s) shall have the words "Smoke Free Zone" in lettering that is not less than two (2) inches in height, and shall contain the international no smoking sign or symbol.

Section 4. Enforcement

This ordinance shall be enforced by the Chief of Police and his/her designee and/or the Health Officer and his/her designee of the Borough of Paramus.

Section 5. Penalties

Any person observed to be in violation of the provisions of this ordinance shall be issued a court summons and maybe be subject, at the discretion of the Court, to the following penalties:

1. A fine of not less than \$50 but not exceeding \$100, for the first violation
2. A fine of not less than \$100 but not exceeding \$200 for the second violation
3. A fine of not less than \$200 but not exceeding \$500 for the third and subsequent violation.

Section 6. Repealer

All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistencies only.

Section 7. Effective Date

This ordinance shall take effect thirty days after first publication and final passage in accordance with law (N.J.S.A. 26:3-69).

APPROVED 6-27-11
PARAMUS BOARD OF HEALTH

BY: Dr. Holly Driscoll
DR. HOLLY DRISCOLL, PRESIDENT

ATTEST:

BY:

John Hopper
JOHN HOPPER, SECRETARY