

**BOROUGH OF NORTH CALDWELL
ORDINANCE NO. O-6-18**

**AN ORDINANCE TO PROHIBIT THE
SMOKING OF TOBACCO, OR ANY TOBACCO
DERIVED PRODUCT, OR THE USE OF
SMOKING OR VAPORIZING DEVICES IN
PUBLIC PLACES**

WHEREAS, the Legislature of the State of New Jersey and the Governing Body of the Borough of North Caldwell finds that the leading cause of preventable disease and death in the State and nation is caused by the use of tobacco, including, but not limited to, cigarettes and electronic smoking and vaporizing devices (N.J.S.A. 26:3D-56(a)-(c)); and

WHEREAS, the Legislature of the State of New Jersey has prohibited tobacco use in indoor public places and on the grounds of any public or private elementary or secondary school (N.J.S.A. 26:3D-58(b)); and

WHEREAS, the Governing Body of a municipality may adopt an ordinance to impose a civil penalty up to \$200 for such violations (N.J.S.A. 26:3D-65(a)-(b)); and

WHEREAS, the Governing Body of the Borough of North Caldwell finds that it is in the best interest of its citizens to prohibit the smoking of tobacco or any tobacco derived product, the carrying of lighted tobacco, and the use of electronic smoking or vaporizing devices in certain public spaces and schools;

NOW, THEREFORE, BE IT ORDAINED By the Mayor and Council of the Borough of North Caldwell, County of Essex, State of New Jersey as follows:

1. The Code of the Borough of North Caldwell shall be supplemented to add as Chapter 73-21 the following:
 - A. The smoking of tobacco or any tobacco derived product, the carrying of lighted tobacco, or the use of any electronic smoking or vaporizing device shall be prohibited from all indoor or outdoor property of the Borough of North Caldwell;
 - B. The smoking of tobacco or any tobacco derived product, the carrying of lighted tobacco, or the use of any electronic smoking or vaporizing device shall be prohibited on any public conveyances, within the Borough, including but not limited to, buses and other public transportation; and
 - C. The smoking of tobacco or any tobacco derived product, the carrying of lighted tobacco, or the use of any electronic smoking or vaporizing device shall be prohibited on the grounds of, any public or private elementary or secondary schools within the Borough of North Caldwell; and
 - D. Any person held in violation of this Chapter shall be subject to a civil penalty of \$200 per violation, in accordance with N.J.S.A. 26:3D-65(a)-(b), enforceable by the municipal court.
2. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
3. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to that section, paragraph, subdivision, clause or provision so adjudged, and the

remainder of this ordinance shall be deemed to be valid and effective.

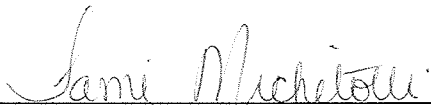
4. This Ordinance shall take effect immediately upon passage and publication in accordance with law.

INTRODUCED: April 24, 2018

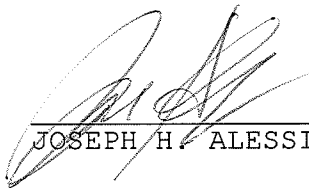
APPROVED: May 22, 2018

ATTEST:

APPROVED:



TAMI MICHELOTTI, ACTING BOROUGH CLERK



JOSEPH H. ALESSI, MAYOR