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East Brunswick officials not blowing smoke with ban

All public lands within township will have a no-smoking policy

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EAST BRUNSWICK

EAST BRUNSWICK — The Township Council has expanded the township's smoking ban to include all public lands.

Its members voted unanimously to approve the ban March 4, one week after the council first mulled formally adopting the measure.

The ordinance was initially introduced at the Feb. 4 meeting.

At the Feb. 25 meeting, Councilwoman Nancy Pinkin asked to postpone the adoption until language defining public lands could be specified.

The definition was altered in the ordinance to exclude public streets and highways as well as the sidewalks abutting them.

The ordinance notes that the exclusion of streets and highways as public lands applies to the smoking ban only.

Pinkin sought the language despite Daniel Zwillenberg, township attorney, previously saying that the township code governing public parks and lands defines public land as "any land that the township owns or controls."

Zwillenberg noted that the ordinance would not cover highways and streets, and that by reading the definition within the context of the rest of the chapter it is evident that it is referring to open space, parks and government facilities.

Pinkin said she wanted the ordinance to specifically use that definition and expressed concern about the potential for frivolous lawsuits to be brought against the town.

"If we specified it with that language, I think it would be much clearer," she said. "Why not it make it as clear as our intent?"

At the Feb. 4 meeting, Pinkin was the lone dissenter against introducing the ordinance, also citing her concern about the prospects of a legal challenge and whether other communities had executed similar measures.

During the initial ordinance discussion, Pinkin noted she has strong personal feelings about smoking because she lost her mother to lung cancer.

However, officials have said they are confident that a legal challenge would be unlikely.

Mayor David Stahl noted that Cherry Hill recently adopted a similar prohibition. He has endorsed the measure, pointing to the fact that the township has a similar ban prohibiting smoking in public parks.

“It’s a stance that’s in the best interest of the public safety and public health,” he said, adding that smokers will be able to use designated smoking areas.

Business Administrator James White said part of the rationale behind the measure was to respond to complaints of smokers not using approved containers for putting out cigarettes at the municipal building, resulting in police having to put out small fires that ignited in the gardens near certain entrances.

“We’ve had some practical problems break out here at the municipal building that really brought [the smoking issue] to light,” White said. “I don’t want to talk about my personal feelings about smoking, even though I have very strong feelings about smoking.”

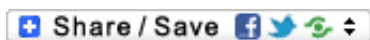
He acknowledged that enforcing the ordinance would be an issue, but said he’s confident that the measure would be successfully implemented if formally adopted by the council.

He also cited East Brunswick’s progressive history in addressing smoking.

“This township has a long history going back before I was here,” he said. “We were the first municipality to ban cigarette machines within our borders and we have previously banned smoking out in public parks, in all recreation areas.”

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