

# Chapter XXX

## Smoking and Vaping

### § 156-1 Purpose.

The purpose of this chapter is to promote and protect the public health, safety and welfare of the Town of Aurora by enacting a chapter which creates smoking- and vaping-free zones in the Town of Aurora.

### § 156-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

#### **ELECTRONIC CIGARETTE or E-CIGARETTE**

An electronic device intended to be used in connection with vapors, liquids or other vaporizing substances that delivers vapor which is inhaled by an individual user, and shall include any refill, cartridge and any other component of such a device, and shall include electronic pipes

#### **SMOKING**

Inhaling or exhaling of lighted tobacco and tobacco products, clove cigarettes, marijuana and similar substances, including, without limitation, cigarettes, cigars, pipes or any other smoke producing device, and carrying of lighted products listed in this definition

#### **VAPING**

Using an electronic cigarette (also known as an "e-cigarette") or similar device.

### § 156-3 Smoke- and vape-free zones.

- A. The following areas owned by the Town or over which the Town holds an easement are hereby designated as smoke- and vape-free zones: Town buildings and structures and land adjacent to said buildings and structures; and Town parks and recreation areas, including but not limited to trails, sports areas and fields, parking lots, pool facilities, tennis facilities and playgrounds.
- B. Smoking and vaping are strictly prohibited in any smoke- and vape-free zone within the Town of Aurora other than in areas expressly designated by resolution of the Town Board as a smoking and vaping areas.
  - 1) Any "Smoking Permitted" area shall be conspicuously posted and delineated.

### § 156-4 Penalties for offenses.

Any person, upon conviction for a violation of this chapter, shall be guilty of a violation as defined in Article 10, § 10.00, Subdivision 3, of the Penal Law, which shall be punishable by payment of a fine not to exceed \$100. In addition to these penalties, the Town Board may revoke for a period of one year any and all Town-issued park permits, licenses, and/or passes held by an individual in violation of this chapter. Further, any individual in violation of this chapter may be removed from, and refused admission to, any area stated in § 156-3A.