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# 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 exhaled ? 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.

**TOWN OF AURORA**

**LOCAL LAW INTRO. NO. \_\_\_\_\_**

**LOCAL LAW NO. \_\_\_\_-2021**

A LOCAL LAW TO AMEND LOCAL LAW 1-1990 KNOWN AS “THE CODES OF THE TOWN OF AURORA” ADOPTED BY THE TOWN BOARD ON JANUARY 22, 1990 BY AMENDING ARTICLE II, CHAPTER 116 REGULATING SMOKING AND TOBACCO USE.

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF AURORA AS FOLLOWS:

**SECTION 1. TITLE.**

This Local Law shall be known as Local Law No. \_\_\_\_\_ - 2021 and be titled “Local Law to amend Local Law 1-1990 known as “The Codes of the Town of Aurora” adopted by the Town Board on January 22, 1990 by amending Article II, Chapter 116 regulating smoking and tobacco use.”

**SECTION 2. PURPOSE AND INTENT.**

This Local Law is intended to amend Local Law 1-1990 known as “The Codes of the Town of Aurora” adopted by the Town Board on January 22, 1990 as amended relating to the terms of Article II, Chapter 116 regulating smoking and tobacco use.

**SECTION 3. AMENDMENT.**

Article II of Chapter 116 of the Code of the Town of Aurora originally adopted on January 22, 1990 by Local Law No. 1-1990, as amended, is hereby amended to read as follows:

Section 116-39.1. Smoking and tobacco prohibited uses:

1. It shall be a violation of this Chapter for any person to smoke or carry lighted cigarettes or other smoking devices, including but not limited to cigars, cigarillos, pipes, electronic cigarettes, vape pens, vapors, e-liquids, other legal marijuana derivatives or other substances and the like, in Town of Aurora 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. parks, recreation areas, playgrounds, pools and beaches . Such conduct is prohibited except where conspicuously designated “Smoking Permitted” or otherwise.
2. Smoking is prohibited within a fifty-foot radius of all entrances to all Town buildings and facilities located within the Town of Aurora which are either owned or leased by the Town of Aurora and which are designated as accessible by the public.
3. The Town further determines and declares that all Town of Aurora owned parks, playgrounds and recreation areas shall be designated as “Tobacco-Free Zones.”
4. Except as otherwise provided in this Code, smoking and/or tobacco use in areas designated as “Smoking Permitted” are not to be considered conduct in violation of this Article.
5. Smoking is defined as to inhale or exhale the smoke of burning tobacco or tobacco substitute and also to carry burning tobacco or tobacco substitute in the form of a cigarette, cigar or any other smoke producing product or device, including pipes.

B. Penalty for Offenses.

A person who commits or permits any acts in violation of any provisions of this Article shall be deemed to have committed an offense against this Article and shall be liable for such violation and the penalty therefore, and shall upon conviction thereof, be subject to a fine or penalty of not less than \$50 and not more than \$250.

C. Severability.

If any clause, paragraph, subdivision, section or part of this Article or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any Court of competent jurisdiction to be invalid or unconstitutional, such Order or Judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this article, or in its application to the person, individual, corporation, firm partnership, entity or circumstance directly involved in the controversy in which such Order or Judgment shall be rendered.

SECTION 4. EFFECTIVE DATE.

This Local Law shall take effect immediately upon adoption by the Town Board of the Town of Aurora and filing with the Secretary of State.

Supervisor Bach	Voted _____
Councilman Snyder	Voted _____
Councilwoman Jeffe	Voted _____
Councilwoman Friess	Voted _____
Councilman Wochensky	Voted _____

