

PROHIBITION OF SMOKING ON TOWN PROPERTY  
LOCAL LAW NO. 10 of 2017

**§ 1. Purpose; Legislative Authority.**

The purpose of this article is to establish a tobacco/smoke-free policy for all Town of West Seneca owned parks, playgrounds and property, in the interest of providing a safe, healthy environment and protection for both employees and the public from the dangers of tobacco use, as well as secondhand smoke, which has been proven to cause cancer and respiratory disease.

**§ 2. Applicability.**

Persons affected or covered by this article: all individuals using or present in Town parks, playgrounds or other property, including employees, volunteers, students, guests, visitors, clients, caretakers, family members and vendors.

**§ 3. Authority.**

This article recognizes that the Town of West Seneca, as the owner of the Town parks, playgrounds and other property, has the legal right to eliminate smoking entirely on its property or to limit smoking to designated outdoor areas.

**§ 4. Prohibited Acts.**

a. Outdoor smoking and/ or tobacco use, including the use of electronic cigarettes or e-cigarettes, shall be prohibited at all Town owned parks, playgrounds and other property.

b. Smoking-related refuse, such as cigarette butts, burnt tobacco, etc., are to be disposed of in ash urns or other containers specifically designated for such disposal. Smoking refuse is not to be disposed of in trashcans.

c. "Electronic cigarette" or "e-cigarette" shall mean any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, or vape pen, or under any other product name or descriptor.

**§ 5. Compliance Required.**

Employees, volunteers, students, guests, visitors, clients, caretakers, family members, vendors or other persons using or present in Town parks may be asked to refrain from smoking activities and may be asked to voluntarily comply with the Town's clean air policy for Town parks and playgrounds.

**§ 6. Penalties for Offenses.**

Any person committing an offense against any provision of this article shall be guilty of a violation punishable as follows: by imprisonment for a term not exceeding 15 days or by a fine not to exceed \$250, or by both such fine and imprisonment. The continuation of an offense against the provisions of this article shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.