

LOCAL LAW NO. 9 OF 2017

PROHIBITING SMOKING AND THE USE OF TOBACCO PRODUCTS AND ELECTRONIC  
AEROSOL DELIVERY SYSTEMS IN TOWN PARKS AND OPEN SPACE

Be it enacted by the Town Board of the Town of Guilderland:

SECTION 1. Purpose.

The Town Board finds that cigarettes, tobacco products, liquid nicotine and electronic cigarettes contain nicotine and various carcinogens and toxic chemicals which present a public health risk to residents of the Town. It is the purpose of this Local Law to prohibit the use of such products in all Town Parks and Town Open Space.

SECTION 2. Definitions.

"Electronic Aerosol Delivery System" shall mean an electronic device that, when activated, produces an aerosol that may be inhaled. Electronic Aerosol Delivery System includes any component, part but not accessory, and any liquid or other substance to be aerosolized, whether or not separately sold. Electronic Aerosol Delivery System does not include Prescription drug devices, or combination products authorized for sale by the state or U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

"Town Open Space" shall mean any land owned or subsequently acquired by the Town and designated as open space.

"Town Parks" shall mean Fred D. Abele Park, 6 Strawberry Lane; DiCaprio Park, 3420 East Lydius Street; Fort Hunter Park, 25 Anne Drive; Roger Keenholt's Park, 6355 French's Mill Road; McKownville Park, 1475 Western Avenue; Nott Road Park and Dog Park, 6073 Nott Road; Carl J. Walters Tawasentha Park & Winter Recreation Area, 188 Route 146; Volunteer Firefighters Memorial Park, 1028 DiBella Drive, and other lands designated as a park by the Town Board.

"Smoking" shall mean inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, in any manner or in any form.

"Tobacco Products" shall mean any product made or derived from tobacco or which contains nicotine marketed or sold for human consumption, whether consumption occurs through inhalation, or oral or dermal absorption. Tobacco product does not include drugs, devices, or combination products authorized for sale by the state or U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

SECTION 3. Prohibition.

Smoking and the use of Tobacco Products and Electronic Aerosol Delivery Systems shall be prohibited within all Town Parks and Town Open Space.

SECTION 4. Signage.

Signage shall be posted as designated by the Director of Parks and Recreation in a conspicuous manner, advising persons about the prohibition on the use of such products and applicable fines.

SECTION 5. Penalty.

Any person who violates any provision of this article shall be subject to the imposition of a civil penalty of \$50.00 for the first violation, and a minimum of \$200.00, but not to exceed \$500.00 for each subsequent violation. For purposes of enforcing the ban on the use of such products, all law enforcement agencies having jurisdiction shall be empowered to issue citations in relation to this Local Law.

SECTION 6. Effective Date.

This Local Law shall be effective upon filing with the Secretary of State.