

TOWN OF EAST GREENBUSH

LOCAL LAW NO. 02 OF THE YEAR 2022

A LOCAL LAW PROHIBITING SMOKING AND VAPING IN ALL TOWN FACILITIES AND ON ALL TOWN PROPERTIES.

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF EAST GREENBUSH AS FOLLOWS:

**Section 1. Legislative Intent**

The intent and purpose of this chapter is to preserve and improve the public's health by improving the air quality in public areas owned and operated by the Town of East Greenbush. The Town of East Greenbush hereby finds that the secondary effects of smoking and vaping pose a threat to the health, safety, and wellbeing of the Town's residents and environment. Prohibition of smoking and vaping will eliminate exposure to second-hand tobacco smoke and aerosols.

**Section 2. Definitions**

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

ELECTRONIC CIGARETTE or E-CIGARETTE means an electronic device that delivers vapor which is inhaled by an individual user and shall include any refill cartridge and any other component of such device.

SMOKING shall mean the inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe containing tobacco, cannabis or any other matter or substance.

VAPING shall mean the use of an electronic cigarette or e-cigarette containing a cartridge or pod in which a vapor can be inhaled and exhaled.

**Section 3. Prohibition of smoking in outdoor areas and in facilities owned and/or operated by the Town of East Greenbush**

Smoking and vaping are prohibited in the following Town-owned facilities and places:

- a. East Greenbush Town Hall, 225 Columbia Turnpike;
- b. Garage/Department of Public Works, 69 Gilligan Road;
- c. Waste Water Treatment Plant, 80 Columbia Turnpike;
- d. East Greenbush Town Park, 100 Town Park Road;
- e. Onderdonk Park;
- f. Hampton Manor Park;
- g. Woodland/Eckman Park;

- h. Pump Stations at the following locations: Teresa Drive; Route 4 (Commons); Third Avenue Extension; Plaza View; HANYS; Birch-Prospect Heights; Kriss Crossing; Route 4 (Hyde A Way); Luther Road; Corellis Road (Forrest Pointe); and Barracks Road.

#### **Section 4. Enforcement**

Notices of violation of this local law may be issued by the East Greenbush Police Department, or by the officers any other law enforcement agency having jurisdiction in Rensselaer County.

#### **Section 5. Penalties for offenses**

Any person committing an offense against any provision of this local law shall, upon conviction thereof, be guilty of a violation pursuant to the penal law of the State of New York, punishable by a fine not exceeding \$250.00 for a first offense, and not exceeding \$500.00 for a second offense.

#### **Section 6. Severability**

If any part of this local law shall be deemed by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this local law.

#### **Section 7. Placement of signs**

The Commissioner of Public Works is authorized, within funds appropriated therefore, to purchase signs giving notice of this local law, and to post those signs where smoking and vaping is prohibited. The failure of the Commissioner to post such a sign in any particular area shall not be a defense against a charge of violating this local law.

#### **Section 8. Effective date**

This local law shall take effect immediately, and shall apply to any applications pending as of the effective date of this local law.