

LOCAL LAW NO. __ of 2022

Town of Ulster, County of Ulster

A Local Law prohibiting smoking on Town-owned property, entitled “No Smoking on Town Property.”

Be it enacted by the Town Board of the Town of Ulster as follows:

Section 1. Title

This Local Law shall be referred to as " A Local Law prohibiting smoking on Town - owned property, entitled 'No Smoking on Town Property.'"

Section 2. Authority

This Local Law is enacted pursuant to Section 10 of the Municipal Home Rule Law.

Section 3. Legislative Findings and Intent

- A. The Town Board of the Town of Ulster finds there is an increasing public awareness and acceptance of the dangers that smoking tobacco products, cannabis, e-cigarettes and other vaping products have on the health and well-being of the general public.
- B. The Town Board of the Town of Ulster further finds it is in the Town' s best interest to do all it can to protect the Town' s property from the danger of fire posed by discarded tobacco, cannabis, and vaping products, as well as the prevalence of unsightly litter caused by same.
- C. In light of the above findings, the Town Board of the Town of Ulster has adopted this Chapter of the Town Code of the Town of Ulster, the primary purpose of which is to ban all smoking and vaping on town owned property, except in specific designated areas.
- D. The Town Board of the Town of Ulster further recognizes that the Clean Indoor Air Act, adopted by the New York State Legislature as Public Health Law, Article 13-E, § 1399- n et seq., already effectively prohibits smoking and vaping in almost all public and private indoor workplaces, as well as numerous specified outdoor areas. The Clean Indoor Air Act, however, allows localities to adopt and enforce local laws regulating smoking and vaping, as long as any such local law is at least as strict as the State Law. Accordingly, this legislation is enacted to enhance the prohibitions of the Clean Indoor Air Act as it pertains to property in the Town of Ulster.

Section 4. Smoking Prohibited on All Town-Owned Property

Other than in specifically designed outside areas, smoking (principally, but not exclusively, meaning the use, ignition, and/ or consumption of tobacco products, cannabis, e-cigarettes and other vaping products) is prohibited in or upon any town -

owned property, building, or facility, including but not limited to:

1. Town Hall, 1 Town Hall Drive;
2. Town Highway Department Complex, 584 East Chester Street Bypass;
3. Robert Post Park;
4. Charles Rider Park;
5. Orlando Street Ball Park;
6. Town of Ulster Mini Parks.

SECTION 5. Enforcement

This chapter may be enforced by any law enforcement officer or agent, including but not limited to the Town of Ulster Police, New York State Police, Ulster County Sheriff, any other local police or peace officer, any Town of Ulster Code Enforcement Officer, or any other person so designated by the Town Board of the Town of Ulster.

SECTION 6. Penalties

Any person cited for violating this Chapter shall be subject to criminal prosecution and if found guilty of such violation, be sentenced to a term of imprisonment up to fifteen (15) days and/or fined up to \$2,000.00 for each violation.

SECTION 7. Effect upon other laws

This chapter shall in no way limit or alter any restriction upon smoking imposed by any other law of the State of New York.

SECTION 8. Severability

If any word, phrase, sentence, part, section, subsection, or other portion of this Local Law, or any application thereof to any person or circumstance, is declared void, unconstitutional or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed Application thereof, shall be severable, and the remaining provisions of this Law, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

SECTION 9. Conflict with other laws

Where this Local Law differs or conflicts with other laws, rules and regulations, unless the right to do so is preempted or prohibited by the County, State or Federal government, the more restrictive or protective of the Town and the public shall apply.

SECTION 10. Effective Date

This Local Law shall become effective upon filing with the New York State Secretary of State.