

TOWN OF CONCORD BOARD PUBLIC HEARING
Local Law: Section 199 Smoking

May 9, 2024
6:45 p.m.

PUBLIC HEARING OPENED BY PHILIP DROZD, SUPERVISOR

ROLL CALL:

PRESENT: PHILIP DROZD, SUPERVISOR
CLYDE M. DRAKE, COUNCIL MEMBER
KENNETH D. ZITTEL, COUNCIL MEMBER
KIMBERLY S. KRZEMIEN, COUNCIL MEMBER
KENNETH KASSEL, COUNCIL MEMBER

ALSO PRESENT: DARLENE G. SCHWEIKERT, Town Clerk
BARRY A. EDWARDS, Hwy Supt
KEVIN RAUTENSTRAUCH, Deputy Town Atty
CAROLYN ROBINSON, Dog Control Officer
THOMAS ROBERTS, Code Enforcement Officer

GEORGE DONHAUSER

DENNIS DAINS

Supervisor Drozd opened the Public Hearing at 6:45 p.m. Town Clerk Schweikert had published the Notice of Public Hearing in the Springville Journal on May 2, 2024. The Public Hearing Notice was posted on the signboard at the Town Hall and on the Town's website: townofconcordny.com on April 25, 2024.

Supervisor Drozd noted that this matter was discussed at last month's meeting with representatives from Tobacco-Free Erie and Niagara/CAI Global offering guidance. The proposed local law:

Local Law Year 2024
Town of Concord, County of Erie
Local Law Amending the Code of the Town of Concord:

Repealing Chapter 199 Smoking replacing said Chapter 199 Smoking as follows:

Chapter 199 Smoking

Section 199-1. Smoking Prohibited.

- A. Purpose. The purpose of this section is to preserve the public health and welfare by creating a healthier community, and a cleaner environment by prohibiting the use of any tobacco products and smoking of any kind in all Town buildings and on Town properties, including but not limited to: Town parks, playgrounds, trails and athletic fields and regardless of whether such properties are owned or leased by the Town.
- B. The use of tobacco products and smoking of any kind, including but not limited to, cigarettes, pipes, cigars, smoke-less tobacco, vaping and the use of electronic cigarettes, or other cartridge devices, is prohibited at or in all Town properties, buildings or structures. The use of any tobacco products and smoking is also prohibited during any event-permitted or sponsored by the Town.
- C. It is unlawful for any person to dispose of any tobacco or smoking materials, including, but not limited to, cigarette/cigar butts and filters or vape cartridges within any Town building, Town park, Town playground, or Town athletic field in any manner other than in a trash receptable.
- D. "No Use of Tobacco or Smoking" signs shall be placed at or near the entrance to Town properties and buildings.

- E. This tobacco and smoking law shall be prominently posted upon the Town Bulletin Board and in each separate building in which Town employees work.
- F. Employees, volunteers, students, guests, visitors, clients, caretakers, family members, vendors or other persons using or present in Town buildings or on Town properties who are violating this section of the law may be removed from said building or property if they fail to comply with a reasonable directive to refrain from such activities.

Section 199-2. Penalties for Offenses.

- A. Any person who shall violate any provision of this Chapter shall be punished by a fine not to exceed \$250 per occurrence.
- B. In addition to this penalty, the Town Supervisor or the designee of the Town Supervisor, may revoke for a period of one year any and all Town-issued permits, licenses, and/or passes held by an individual or organization in violation of this Chapter. Further, any individual or organization in violation of this Chapter may be removed from, and refused admission to, any area stated in this Chapter.

Town Clerk Schweikert and Supervisor Drozd prepared a list of locations for No Smoking signs. These signs will be provided to the Town at no cost through Tobacco Free Erie and Niagara. A sample sign was provided to the Town at last month's meeting. Council Member Krzemien noted that the Town could add the Town's seal to the signs with no cost to the Town.

Supervisor Drozd asked if there were any questions. There were none.

Motion by Council Member Drake, seconded by Council Member Zittel, to close the hearing at 7:00 p.m. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.



Darlene G. Schweikert
Town Clerk