

LOCAL LAW TO BE ENACTED BY
THE ERIE COUNTY LEGISLATURE
IN THE
COUNTY OF ERIE
LOCAL LAW INTRO. No. 23-1 - 2017
LOCAL LAW No. _____ - 2017

A LOCAL LAW banning smoking near and inside bus shelters

Be it enacted by the Legislature of the County of Erie as follows:

SECTION 1: Legislative Findings

The Erie County Legislature finds that scientific studies have proven that cigarette smoking causes chronic lung disease, coronary heart disease, stroke, and cancer of the lungs, larynx, esophagus, mouth, and bladder and contributes to cancer of the cervix, pancreas, and kidneys. The use of cigars is also known to cause lung, larynx, esophageal, and oral cancer. More than 440,000 people die in the United States from tobacco-related diseases every year, making it the nation's leading cause of preventable illness. Furthermore, the United States Environmental Protection Agency has found secondhand smoke to be a risk to public health and has classified secondhand smoke as a Group A carcinogen. Exposure to secondhand smoke is the third leading cause of preventable death in this country.

The Erie County Legislature further finds that, bus shelters and the public areas adjacent thereto are being used by smokers as shelters during inclement weather and at other times.

SECTION 2: Definitions

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

BUS SHELTER shall mean any covered structure at a bus stop, placed upon a sidewalk in the County of Erie, providing protection against the weather for people waiting for a bus.

PUBLIC PLACE shall mean any place open to the general public, including, for example, streets, sidewalks, playgrounds, or bus stops. For sidewalks and driveways, this shall include the curb or, if no curb, the edge of the pavement.

SECTION 3: Smoking Prohibited

- A) It shall be unlawful to smoke any burning tobacco, including cigarettes, cigars, pipes, tobacco smoking devices, or any other lighted smoking equipment upon any public place adjoining or inside of any bus shelter.
- B) Bus transportation providers shall post "No Smoking" or "Smoke Free" signs or the international "No Smoking" symbol, or both, in conspicuous places on their properties sufficient to provide public notice of this prohibition.

SECTION 4: Penalties

A person found to be in violation of Section 3 above is subject to a fine of up to \$50.00 per violation. The presence or absence of signs shall not be a defense to a violation of this article.

SECTION 5: Effective date

This Local Law shall take effect upon filing with the New York State Secretary of State.

SPONSOR: Legislator John J. Mills

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12/07/2017
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