

LOCAL LAW NO. 2 - 1990
~~1989~~

LOCAL LAW INTRO. 13 (Print #2) 1989

RECEIVED
ERIE COUNTY
LEGISLATURE

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A LOCAL LAW in regard to the location of cigarette vending machines in Erie County.

THE ERIE COUNTY LEGISLATURE DOES ENACT AS FOLLOWS:

Section 1. Legislative findings. This legislature finds that cigarette smoking is harmful to the citizens of this county. It is further found that cigarettes are addictive, and that once a person begins smoking it is difficult, and often impossible, to break the addiction. It is further found that minors are frequently encouraged to smoke by peer pressure and the influence of advertising, and that, even though sale of tobacco in any form to a person under eighteen years of age is a class B misdemeanor in New York State, minors have easy access to cigarettes through purchases made at unattended vending machines.

Section 2. Legislative purpose. It is the purpose of this legislature to dissuade minors from purchasing cigarettes from vending machines and to aid local police agencies in the enforcement of the state prohibition against sale of tobacco to minors by regulating the location of cigarette vending machines within Erie county.

Section 3. Placement of cigarette vending machines. No person, corporation, partnership, or other legal entity of whatever nature shall permit a cigarette vending machine to be placed on any commercial premises owned, leased or otherwise

controlled by such person, corporation, partnership or legal entity unless such cigarette vending machine is placed no further than twenty feet from a regularly occupied sales station, cashier's station, office or other place on said premises where such cigarette vending machine shall be under unobstructed supervision by such person, corporation, partnership, or legal entity either personally or through an employee, officer, agent or representative thereof. No sales display, furnishing, partition, or other object shall be permitted to obstruct the view between the supervisory station and the cigarette vending machine.

Section 4. Enforcement.

This law shall be enforced by: (a) the Erie County Department of Health through the administrative enforcement procedures contained in the Erie county sanitary code; or (b) any governmental, or police agency or department authorized to secure compliance of the law by an action in any court of competent jurisdiction for an injunction to prevent the violation or threatened violation thereof.

A civil action in the name of the governmental agency may be commenced to recover a civil penalty in the amounts prescribed by this law.

Section 5. Penalties. A first violation of this local law shall be a violation punishable by a fine not to exceed fifty dollars. A second or subsequent violation of this local law shall be a violation punishable by a fine not to exceed two

hundred and fifty dollars, or imprisonment for no more than ten days, or both such fine and imprisonment.

Section 6. Effective Date. This local law shall be effective immediately.

MICHAEL H. RANZENHOFER
16th District Legislator