

**“TOWN OF LANSING, TOMPKINS COUNTY, NEW YORK
LOCAL LAW NUMBER 9 OF 2009**

**A LOCAL LAW PROHIBITING SMOKING UPON
CERTAIN TOWN-OWNED LANDS**

Be it enacted by the Town Board of the Town of Lansing:

SECTION 1: This Local Law is adopted pursuant to the provisions of the Municipal Home Rule Law of the State of New York, including, but not limited to, § 10 and § 23 thereof. The Town of Lansing declares that smoking in and upon certain Town owned property is deleterious to such property and harmful to the health of persons using and enjoying such Town owned lands. The Town Board further finds and determines that human health is seriously threatened by exposure to environmental tobacco smoke (ETS) and that recent findings by the federal Environmental Protection Agency (EPA) make clear that ETS, or secondhand smoke, is a human carcinogen responsible for lung cancer deaths in nonsmoking adults. Further, the EPA has concluded that exposure to ETS increases the risks of respiratory and middle ear diseases in children, contributing to cases of bronchitis and pneumonia in infants and young children. Further, exposure to ETS significantly worsens the condition of asthmatic children and contributes to new cases of asthma in once-healthy children. Accordingly, and based upon the authority of the Town of Lansing to regulate the use of its property and the authority of the Town to enact laws in furtherance thereof, including, but not limited to Town Law § 64 and § 130, Public Health Law § 1399-r, and the Municipal Home Rule Law § 10, the Town of Lansing adopts this Local Law in furtherance of the health, welfare, and safety of the Town and its residents.

SECTION 2: Smoking (principally, but not exclusively, meaning the use, ignition, and/or consumption of tobacco and other combustible products intended to be inhaled through cigarettes, cigars, pipes and similar devices) is prohibited in any Town building, facility, or vehicle, and in each and all of the following areas:

1. The Town Hall and the campus area upon which the same is situate, including all outside, parking, and lawn areas;
2. The Town Community Center, and the area upon which the same is situate, including all outside, parking, and lawn areas;
3. The Town Library Building (currently occupied by the Lansing Community Library), located upon the Town Hall Campus as leased to the said library, and the lands upon which the same is situate, including all outside, parking, and lawn areas;
4. All Highway Department Facilities, and all areas upon which the same are situate, including all outside, parking, and lawn areas;

Smoking within a private vehicle or other enclosure upon any such site shall be a violation of this Local Law.

SECTION 3: This Local Law may be enforced by any New York State police or peace officer, or by any person designated by the Town Board of the Town of Lansing as an Enforcement Officer relative to this

Local Law. The Town Code Enforcement Officer(s) and any Town constables or police shall be and be deemed Enforcement Officers under this Local Law.

SECTION 4: Any person violating the provisions of this Local Law shall be deemed to have committed a violation and shall be subject to criminal prosecution for such violation, with the fine imposed to be not less than \$50.00 and not greater than \$250.00 per violation. Nothing contained in this Local Law shall be construed to exempt an offender from any other prosecution or penalty otherwise provided by law.

SECTION 5: This Local Law shall in no way limit or alter any restriction upon smoking imposed by any law of the State of New York.

SECTION 6: If any clause or provision of this Local Law shall be held invalid or unenforceable by a court or tribunal of competent jurisdiction, such holding shall not affect or invalidate the remainder of this Local Law and any such invalidity or unenforceability shall be confined in its operation to the clause or provision directly involved in the controversy in which such holding shall have been rendered.

SECTION 7: This Local Law shall become effective upon January 1, 2010 and shall be filed in the office of the Secretary of State.”;