

At 7:12 P.M. Town Attorney Scott D. Moore read proof of publication of notice of October 3,2022 of notice of public hearing to amend Chapter 165 of the Recreation Facilities Ordinance to add section 165-4 Smoking and Vaping to include provisions prohibiting smoking and vaping in or upon any recreational facility maintained by and within the Town of Elmira. The hearing was declared open and anyone wishing to present written or oral comments in favor was invited to do so. When no one wished to speak in favor of the amendment, those wishing to speak in opposition were invited to do so. When no one wished to speak in opposition to the amendment, the hearing was declared closed at 7:12 P.M

Resolution #152-22

Amend Ordinance, Chapter 165, Recreation Facilities

By Mr. Bush

Seconded by Mr. Allison

Whereas a public hearing was held regarding an amendment to Chapter 165 of the Recreation Facilities Ordinance to add section 165-4 Smoking and Vaping to include provisions prohibiting smoking and vaping in or upon any recreational facility maintained by and within the Town of Elmira and;

Whereas of October 13,2022 a new law will prohibit the smoking of tobacco and cannabis in any public park and;

Whereas the Town Board feels this amendment is important for the safety of their residents the amended ordinance will read as follows:

Chapter 165. Recreation Facilities

Article I. Curfew; Possession and Consumption of Alcoholic Beverages and Smoking

[Adopted 8-16-1976 by L.L. No. 1-1976]

§ 165-1. Purpose.

In order to protect property owners, residents and persons lawfully and peacefully using the recreation facilities maintained by the Town of Elmira and under the supervision of the Recreation Commission of the Town of Elmira, and further to prevent vandalism and criminal acts, the Town Board does hereby enact the following curfew regulations, alcoholic beverage restrictions, and smoking prohibitions pursuant to its police power and statutory power to protect and promote the public health, welfare and safety of the inhabitants of the Town.

§ 165-2. Curfew hours.

No person or persons shall be present in or congregate at any recreational facility maintained by the Town of Elmira between the hours of 10:00 p.m. and 6:00 a.m. throughout the year.

§ 165-3. Open container restrictions.

A. No person shall have in his possession any open bottle or container containing an alcoholic beverage and no person shall consume any alcoholic beverage in or upon any recreational facility maintained by and within the Town of Elmira.

B. An open bottle or open container in any vehicle shall be presumptive evidence that the same is in possession of all the occupants thereof and in violation hereof.

§ 165-4. Smoking and vaping.

No person shall smoke or vape any tobacco or cannabis product in or upon any recreational facility maintained by and within the Town of Elmira.

§ 165-5. Penalties for offenses.

Any person who violates this article shall be guilty of a violation and shall be subject to a fine not exceeding \$250.

[1] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).
Aye- Bush, Milliken, Lucarelli, Allison, Sullivan
No- None