



**CITY
OF
JAMESTOWN**
OFFICE OF THE CITY CLERK/TREASURER

Jennifer R. Williams
City Clerk/Treasurer

ORDINANCE 2024-06-01

**AN ORDINANCE AMENDING CHAPTER 193-16, PARKS AND PUBLIC LANDS,
SMOKING IN CITY PARKS AND RECREATION AREAS**

BY COUNCILMAN REYNOLDS:

June 24, 2024

BE IT ORDAINED by the City Council of the City of Jamestown, as follows:

Section 1. Purpose

The use of tobacco, tobacco products, electronic cigarettes, and cannabis or herbal cigarettes on real property owned or leased by the City of Jamestown including streets, sidewalks, parks, sporting fields, the Riverwalk System, swimming pools/splash pads and/or playgrounds, picnic facilities, parklets, parking lots, and lawn areas is prohibited in order to:

- a. Protect the public health, safety, and general welfare by eliminating exposure to the hazards and annoyances of second-hand smoke;
- b. Acknowledge the need of non-smokers, especially children, to breathe smoke-free air, and eliminate the danger to public health which second-hand smoke causes;
- c. Recognize that the need to breathe air free of disease-causing toxins in second-hand smoke and chemicals emitted from combusted products should have priority over the desire and convenience of smoking on real property owned or leased by the City of Jamestown;
- d. Recognize the right and benefit to City residents and visitors to be free from unwelcome toxins, offensive odors, and residue from tobacco, tobacco products, electronic cigarettes, and cannabis or herbal cigarettes while on real property owned or leased by the City of Jamestown.

Section 2. Definitions

- a. Real property – all real property owned or leased by the City of Jamestown including real estate, lands and any structures, buildings or facilities located upon said real estate and lands, streets, sidewalks, parks, sporting fields, the Riverwalk System, swimming pools/splash pads and/or playgrounds, picnic facilities, parklets, parking lots, and lawn areas.

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- b. Smoking means inhaling or exhaling from, or possessing, a lighted pipe, lighted cigar, operating electronic smoking device, or lighted cigarette of any kind, or the lighting of a pipe, cigar, electronic smoking device, or cigarette of any kind, including but not limited to, tobacco, cannabis or any other weed or plant.
- c. Tobacco and tobacco products – broad terms that include products containing tobacco such as cigarettes, cigars, pipes, chewing tobacco, snuff, and/or any other substance capable of being burned, ingested, and inhaled.
- d. Electronic cigarettes – an electronic cigarette is an electronic device that converts any solid or liquid substance into vapor for ingestion, and includes e-cigarettes, e-cigars, e-pipes, or any other similar device.
- e. Cannabis or herbal cigarettes – any product made primarily of cannabis or other herb or combination of herbs and intended to be smoked in any of the methods that tobacco is smoked, including, but not limited to, as a cigarette, cigar, or pipe filler.
- f. Parklet – a small seating area or green space created as a public amenity on or alongside a sidewalk or in place of City of Jamestown parking spaces.
- g. Public Officer – Any police officer, code enforcement officer, building code official, or authorized inspector to enforce federal, state and/or City laws, rules, regulations and/or ordinances.

Section 3. Policy Smoking in City Parks and Recreation Areas, and Real Property Owned or Leased by the City, 193-16

- a. No person shall smoke and/or utilize any tobacco, tobacco products, electronic cigarettes, and cannabis or herbal cigarettes on all real property owned or leased by the City of Jamestown including streets, sidewalks, parks, sporting fields, the Riverwalk System, swimming pools/splash pads and/or playgrounds, picnic facilities, parklets, parking lots, and lawn areas.
- b. No person shall smoke and/or utilize any tobacco, tobacco products, electronic cigarettes, and cannabis or herbal cigarettes while traveling in or operating any equipment and/or vehicles owned or leased by the City of Jamestown and any of its operating entities and used in the delivery of public services.
- c. No person shall smoke and/or utilize any tobacco, tobacco products, electronic cigarettes, and cannabis or herbal cigarettes within 25 feet of the area occupied by a mobile vending cart, parklet, or outdoor dining area on all real property owned or leased by the City of Jamestown.
- d. Appropriate signage shall be posted designating smoke-free zones; however, the presence or absence of signs shall not be a defense to a violation of this section.
- e. Violation of this section shall be punishable in accordance with the provisions of **193-17**.

Section 4. Responsibility of Licensee or Permit Holder to Inform

Any licensee or permit holder for an outdoor dining area, vending or outdoor event on City-owned property shall be required to inform members of the public of applicable restrictions on

outdoor smoking (for example, through signs posted on a mobile vending cart, at the perimeter of an outdoor dining area or outdoor event and/or in the publicity for an event.

Section 5. Penalties for offenses 193-17

Violations of the provisions in this chapter shall be punishable as provided in Chapter 1, General Provisions, Article 1, Penalties, except for violations of **193-15** and **193-16** of this chapter wherein, upon conviction of a violation of any said section, the fine shall not be less than \$50 for a first-time offense, \$100 for a second offense and \$250 for a third or subsequent offense, which shall not be suspended, waived or otherwise reduced below those amounts, In addition, any equipment used in any violation of the provision of this section may be seized or disposed of pursuant to order of the City Court Judge.

Section 6. Enforcement

- a. Any public officer, as previously defined herein, may issue a violation ticket(s) to the individual(s) known to have violated this local law.
- b. A ticket shall be served upon a violator by personally serving it to the violator.

	Yea	Nay	Abstain	Absent
Council President Anthony Dolce	[X]	[]	[]	[]
Councilmember Brent Sheldon	[X]	[]	[]	[]
Councilmember Regina Brackman	[X]	[]	[]	[]
Councilmember Joseph Paterniti	[X]	[]	[]	[]
Councilmember William Reynolds	[X]	[]	[]	[]
Councilmember Andrew Faulkner	[X]	[]	[]	[]
Councilmember Russell Bonfiglio	[X]	[]	[]	[]
Councilmember Randall Daversa	[X]	[]	[]	[]
Councilmember Jeffery Russell	[X]	[]	[]	[]

Carried: 9 – 0

I, Jennifer R. Williams, City Clerk/Treasurer of the City of Jamestown, New York, do hereby certify that the above ordinance is a true and correct copy of the ordinance adopted by the City Council of the City of Jamestown at a regular meeting held June 24, 2024.

Jennifer R. Williams
 June 27, 2024, Jennifer R. Williams, City Clerk/Treasurer

ATTESTED:

Kimberly A. Ecklund

Kimberly A. Ecklund, Mayor

Dated: June 27, 2024

Anthony J. Dolce

Anthony J. Dolce, City Council President

Dated: June 27, 2024