

RESOLUTION #80-19
PL #75-19

By Alderman Andreano, Seconded by Alderman Crawford

TO ENACT A TOBACCO- AND NICOTINE-FREE POLICY FOR CITY OF OLEAN RECREATIONAL FACILITIES

WHEREAS, the City believes that tobacco and nicotine use in the proximity of children and adults engaging in or watching recreational activities at City-owned or operated facilities is detrimental to their health and can be offensive to those using such facilities; and

WHEREAS, the City has a unique opportunity to create and sustain an environment that supports a non-tobacco and non-nicotine norm through a tobacco- and nicotine-free policy, rule enforcement, and adult-peer role modeling at City-owned recreational facilities; and

WHEREAS, the City believes parents, leaders and officials involved in recreation are role models for youth and can have a positive effect on the lifestyle choices they make; and

WHEREAS, the tobacco and nicotine industries advertise at and sponsor recreational events to foster a connection between tobacco and nicotine use and recreation; and

WHEREAS, cigarettes, once consumed in public spaces, are often discarded on the ground requiring additional maintenance expenses, diminish the beauty of the City's recreational facilities, and pose a risk to toddlers due to ingestions; and

WHEREAS, the City of Olean Common Council determines that the prohibition of tobacco and nicotine use at the City's recreational facilities serves to protect the health, safety and welfare of the citizens of our City;

NOW, THEREFORE, BE IT RESOLVED, that the City of Olean Code of Ordinances Chapter 14 is hereby amended to include the following:

Chapter 14. Miscellaneous Offenses and Provisions

Sec. 14-4 No tobacco or nicotine use, or use of vapor devices in City-owned recreational facilities

- (a) No person shall smoke and/or utilize tobacco or nicotine products or vapor devices within the City of Olean Park System or recreational facilities. This prohibition against the use of tobacco and nicotine products includes but is not limited to sporting fields, playgrounds, pools, courts, parks, pavilions and walking trails.
- (b) For purposes of this section, utilization of tobacco or nicotine products shall mean to burn a lighted cigar, cigarette or pipe, and/or to use any other substance which contains tobacco or nicotine and also includes electronic cigarettes, vapor devices and chewing tobacco.
- (c) The use of tobacco is allowed within a vehicle in the parking lot of the recreational facility.
- (d) Appropriate signage shall be posted designating tobacco- and nicotine-free zones; however, the presence or absence of signs shall not be a defense to a violation of this Section.

- (e) The community, especially facility users and staff, will be notified about this policy. Staff will make periodic observation of recreational facilities to monitor for compliance.
- (f) Violations of the provisions of this Section shall be punishable of a fine of \$200, which shall not be suspended, waived, or otherwise reduced below this amount. In addition, any person found violating this policy may be subject to immediate ejection from the recreation facility for the remainder of the event.

RESOLVED, that this Resolution is hereby effective immediately.

Approved: November 12, 2019