

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City of Watkins Glen
Town
Village

Local Law No. 1 of the year 19...
establishing Village of Watkins Glen Smoking Regulations

A local law
(Insert Title)
in Compliance with NYS Clean Indoor Air Act (Public
Health Law, Article 13-E),

Board of Trustees

Be it enacted by the of the
(Name of Legislative Body)

County
City of Watkins Glen
Town
Village as follows:

- I. PURPOSE. The purpose of this Local Law is to ensure that the Village of Watkins Glen is in full compliance with the NYS Clean Indoor Air Act (Public Health Law, Article 13-E).
- II. DEFINITIONS. Whenever used herein, unless otherwise expressly stated or unless the context or subject matter requires a different meaning, the following terms shall have the meaning hereinafter set forth:
 - 1. Smoking - the deliberate or intentional inhaling or exhaling of the fumes of a lighted cigar, cigarette, pipe, or any other lighted smoking equipment or the carrying of a lighted cigar, cigarette, pipe, or other lighted smoking equipment;
 - 2. Village Buildings - those portions of any enclosed structure in which Village employees work and/or which are owned or leased or operated or controlled by the Village of Watkins Glen;
 - 3. Village Vehicles - any motor vehicle, owned, operated or leased by the Village of Watkins Glen;
 - 4. Village - The Village of Watkins Glen.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

- III. SMOKING PROHIBITED. Smoking shall be absolutely prohibited in the following areas:
1. All Village Buildings;
 2. All Village Vehicles.
- IV. ENFORCEMENT. A violation of this Local Law shall be deemed a Violation as that term is defined in the Penal Law of the State of New York, and shall be subject to the same penalties as prescribed for violations.
- V. EMPLOYEE DISCIPLINARY ACTION. In addition to being subject to possible prosecution for violations of this Local Law, any Village Employee shall be subject to possible disciplinary action, pursuant to Civil Service Law, Section 75, including the following:
- First Offense: Verbal warning and enrollment and completion of a smoking cessation program paid for by the Village.
- Second Offense: Verbal warning and \$25.00 fine.
- Third Offense: Written warning and \$25.00 fine.
- Fourth Offense: Written warning and 3-day suspension without pay.
- Fifth Offense: Dismissal.
- A copy of this Local Law shall be provided to all present Village employees immediately upon its adoption, and all prospective and new employees shall be provided a copy at such time as they fill out the forms required for employment with the Village of Watkins Glen.
- VI. POSTING OF NOTICES. "NO SMOKING" signs shall be prominently posted in all Village buildings, in the Village Board Room, in public locations within Village buildings, and in all Village vehicles. Should members of the public commence or continue smoking in any Village building or vehicle, agents or employees of the Village should first request voluntary compliance with this Local Law by extinguishment of smoking materials, before resorting to calling on law enforcement for an arrest. Belligerent non-compliance and/or repeated offenses may subject the offender to his or her being barred from Village buildings.
- VII. RENTALS OF VILLAGE BUILDINGS. As further notice to members of the public using, occupying or renting Village buildings, a clause shall be added to the Community Center and Pavilion rental agreements, to read as follows:

"The Village of Watkins Glen does not allow smoking in any of its buildings. I (We) agree to enforce the no smoking policy with our group or event, and I (we) acknowledge that I am (we are) aware of the penalties prescribed for violation of Local Law No. 1 of the year 1998 of the Village of Watkins Glen (copy annexed to Rules)."

VIII. CONFLICT OF LAW. Wherever this Local Law conflicts with the New York State Clean Indoor Air Act (Public Health Law, Article 13-EO, the provisions of said Act shall govern.

IX. EFFECTIVE DATE. This Local Law shall take effect immediately upon filing with the Secretary of State. This Local Law shall also supersede and replace the No Smoking Policy of the Village of Watkins Glen adopted by Village Board Resolution on August 20, 1990.