

(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 ERIE  
~~Town~~  
~~Village~~

Local Law No. 2 of the year 1994

A local law in relation to the advertisement of tobacco products in county facilities.  
(Insert Title)

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

County  
~~City~~ of ERIE  
~~Town~~  
~~Village~~ as follows:

SECTION 1. LEGISLATIVE FINDINGS.

a. The United States Surgeon General has determined that smoking tobacco causes lung cancer and has found cigarette smoking to be as addictive as cocaine and heroin. The National Institute on Drug Abuse and the United States Public Health Service have concluded that the nicotine in tobacco is a powerful, habit-forming drug and described nicotine addiction as the most widespread example of drug dependence in our country. In addition, the American Medical Association has concluded cigarette smoking is the chief avoidable cause of death in our society.

b. The Journal of Health Politics, Policy and Law reports the tobacco industry spends more than \$2 billion annually to advertise its products, equalling more than \$35 for each of the nation's 56 million smokers.

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

c. Studies published in the Journal of the American Medical Association and the Health Education Journal establish a link between advertising and children's recognition and acceptance of tobacco products. It was found that children's favorable attitudes toward advertising and smoking precede actual tobacco use and correlate with the child's intention to smoke.

d. Tobacco advertising at publicly owned sports facilities where sporting events are broadcast on television is routinely visible during those telecasts and circumvents federal law prohibiting tobacco product advertising on television.

## SECTION 2. DECLARATION OF PURPOSE.

It is the purpose of this law to promote the public health by prohibiting tobacco advertising in county facilities in order to sever the link between advertising and children's recognition and acceptance of tobacco products.

SECTION 3. DEFINITIONS.

a. "Advertise" shall mean to display any poster, sign, or other written or visual material which is intended to communicate commercial information or images to the public.

b. "County facility" shall mean any structure, premises, facility, fixture, or improved or unimproved real property, owned by or leased to Erie County.

c. "Tobacco product" shall mean any product containing tobacco, the prepared leaves of plants of the Nicotiniana family, including but not limited to cigarettes, loose tobacco, cigars, snuff, chewing tobacco, or any other preparation of tobacco.

SECTION 4. ADVERTISING.

Tobacco product advertising prohibited in county facilities. Every lease, contract, or amendment, or renewal or extension thereof, relating to use of county facilities or to advertising in county facilities shall specifically prohibit any advertising of any tobacco product in a county facility.

SECTION 5.           APPLICABILITY.

This local law applies to advertising in all county facilities, except this local law shall not apply to tobacco product advertising permitted under leases of county facilities entered into before the effective date of this local law.

SECTION 6.           SEVERABILITY.

If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

SECTION 7.           EFFECTIVE DATE.

This law shall take effect immediately.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

~~1. (Final adoption by local legislative body only.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ (Name of Legislative Body) on \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.~~

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 19 94 of the (County)(~~City~~)(~~Town~~)(~~Village~~) of Erie was duly passed by the Erie County Legislature on March 24, 19 94, and was (approved)(~~not disapproved~~)(~~repassed after disapproval~~) by the ERIE COUNTY EXECUTIVE (Elective Chief Executive Officer\*) and was deemed duly adopted on April 21, 1994, in accordance with the applicable provisions of law.

~~3. (Final adoption by referendum.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ (Name of Legislative Body) on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ (Elective Chief Executive Officer\*) on \_\_\_\_\_ 19\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.~~

~~4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ (Name of Legislative Body) on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ (Elective Chief Executive Officer\*) on \_\_\_\_\_ 19\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.~~

\*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 19\_\_\_\_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the County of \_\_\_\_\_, State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 19\_\_\_\_ pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 2, above.

*[Handwritten Signature]*

Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: 5-2-94

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK  
COUNTY OF ERIE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

*[Handwritten Signature]*

Signature

ERIE COUNTY ATTORNEY

Title

County \_\_\_\_\_  
City \_\_\_\_\_ of ERIE  
Town \_\_\_\_\_  
Village \_\_\_\_\_

Date: 5/3/94