

ARTICLE 32. AMUSEMENT PRODUCTS BY-LAW

(a) General

1. Statement: The Town of Sutton values the life, well-being and public safety of its residents as well as the physical beauty of the community and the need to reduce litter and non-degradable wastes.
2. Purpose: To regulate the sale, possession and use of certain amusement products in public areas.
3. Products: Products commonly know as Silly String, Instant Smoke, Bomb Bag and other products similar sold for amusement in an aerosol can and knowingly used as a flammable objectionable product, have been sold in the community and have resulted in
 - (a) disfiguring, littering, and desecrating of public and private property
 - (b) indiscriminate use causing alarm to residents, physical harm to members of the public and the threat of physical harm to law enforcement officers
 - (c) threat to domestic animals and wildlife by ingesting plastic and foam being endangered thereby
 - (d) creation of unnecessary refuse and release of potentially environmentally substance or substances into the atmosphere.

(b) Definitions : The following products are subject to this By-Law:

- (1) Silly String - an aerosol can from which string shaped like, foam like material may be sprayed
- (2) Smoke Bag, Instant Smoke - a plastic bag or tube – like containers holding material which when exposed to air produces a quality of smoke- like emission: and
- (3) Other products sold in an aerosol can for amusement and knowingly used as flammable objectionable product.

(c) Prohibition of use, possession or sale: no person, firm or corporation shall use, possess, offer sale or sell products commonly known as Silly String, Instant Smoke or Smoke Bag or other products sold in an aerosol can for amusement and knowingly used as flammable objectionable products within the Town Of Sutton during the following time periods and at the following places.

Such prohibition shall apply on days of operation of carnivals, block parties and festivals requiring a permit from the appropriate town agency and on days of public parades, at or upon parks, public buildings, public streets, public and or private sidewalks, access ways and parking lots within 50 feet thereof.

(d) Exemptions:

- (1) This ordinance shall not apply to prohibited products in transit or storage in interstate commerce.
- (2) Flammable products sold in aerosol cans, which are to be used for their intended purpose.

(e) Enforcement: The Chief of Police or his designee shall have primary responsibility for enforcement of this ordinance. The Chief of Police is authorized to take any and all actions reasonable and necessary to enforce this ordinance, including but not limited to, inspecting any vendors or see premise to verify compliance.

(f) Injunction: In addition to all other remedies and penalties provided by this by-law, the Town may bring suit in a court of competent jurisdiction to seek an injunction or other appropriate relief to halt any violation of this ordinance. Such action may include seeking a temporary restraining order or temporary injunction and other appropriate temporary relief and costs of suits including attorneys fee. Nothing in this ordinance shall be deemed to restrict a suit for damages on behalf of the Town or any other person or entity.

(g) Penalty: Any person, firm or corporation violating any provision of this by-law shall be guilty of an infraction and shall pay a fine of One Hundred Dollars (\$100.00) for a first offense and Two Hundred Fifty Dollars (\$250.00) for each and every subsequent offense.

Adopted: August 18, 2004