

# LOCAL LAW NO. 4 OF 2023

## A LOCAL LAW TO UPDATE AND AMEND CHAPTER 33 OF THE TOWN CODE OF THE TOWN OF CHESTER TO PROHIBIT SMOKING, VAPING, AND THE USE OF ELECTRONIC CIGARETTES ON PUBLIC PROPERTY

Be it enacted by the Town of Chester in the County of Orange, as follows:

### **Section 1. Purpose and Intent**

It is the intent and purpose of this Local Law to update and amend Chapter 33 of the Town Code of the Town of Chester, entitled “Alcoholic Beverages and Cannabis”, to add provisions which prohibit smoking, vaping and the use of electronic cigarettes on public property located in the Town of Chester. It is the finding of the Town Board of the Town of Chester that smoking, vaping, and the use of electronic cigarettes on public property owned by the Town of Chester is detrimental to the health, safety and welfare of the citizens of the Town of Chester, and that such public use contributes to the creation of nuisances and otherwise impedes upon the welfare of Town residents. The Town of Chester enacts this local law an exercise of its police power to promote the general health, safety and welfare of the residents of the Town of Chester.

### **Section 2. Amend and Replace Chapter 33, Entitled, “Alcoholic Beverages and Cannabis”, to Read:**

Chapter 33. Alcoholic Beverages, Cannabis, Smoking, Vaping and Electronic Cigarettes.

### **Section 3 Add Article III, to Read:**

Article II. Smoking, Vaping, and Use of Electronic Cigarettes on Town Property.

#### **§33-10. Legislative Findings.**

The Town Board of the Town of Chester finds that smoking, vaping, and the use of electronic cigarettes on public property owned by the Town of Chester is detrimental to the health, safety and welfare of the citizens of the Town of Chester, causes hazardous, unsightly and unsanitary conditions, and creates a public nuisance.

#### **§33-11. Definitions.**

#### **ELECTRONIC CIGARETTE**

As used in this Article, “Electronic Cigarette” or “E-Cigarette” shall mean an electronic device that delivers vapor which is inhaled by an individual user, and shall include any refill, cartridge and any other component of such a

device. This shall also have the same meaning as defined in New York State Public Health Law §1399-n, as may be amended from time to time.

### **PUBLIC PROPERTY**

As used in this Article, Public Property shall mean any highway, street, sidewalk, park, playground, municipal-owned building or public parking lot.

### **SMOKING**

As used in this Article, Smoking shall mean the burning of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco. This shall also have the same meaning as defined in New York State Public Health Law §1399-n, as may be amended from time to time.

### **VAPING**

As used in this Article, Vaping shall mean the use of an electronic cigarette. This shall also have the same meaning as defined in New York State Public Health Law §1399-n, as may be amended from time to time.

### **§33-12. Prohibited Acts.**

No person shall smoke and/or vape any tobacco substance using any device or method including, but not limited to, cigarettes, cigars, Electronic Cigarettes and pipes on any Public Property within the Town of Chester.

### **§33-13. Penalties for Offenses.**

Each violation of this Article shall constitute an offense punishable by a civil penalty of up to \$200, at the discretion of the Town of Chester Justice Court.

### **Section 6. Severability.**

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

### **Section 7. Effective date.**

This local law shall take effect immediately upon filing with the Secretary of State.