

Local Law Filing

(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 Town Village
(Select one:)

of Chatham, NY

Local Law No. 6 of the year 20²⁴

A local law to Prohibit Smoking and Vaping in or on Village Property
(Insert Title)

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

County City Town Village
(Select one:)

of Chatham, NY as follows:

See 2 pages attached.

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

VILLAGE OF CHATHAM, NEW YORK

A Local Law to Prohibit Smoking and Vaping
in or on Village Property

Local Law No. 6 of 2024

REVISED: June 28, 2024

Be it enacted by the Board of Trustees of the Village of Chatham as follows:

Section 1. Purpose and Intent. The purpose of this local law is to prohibit smoking in or on municipal property within the Village of Chatham in the interest of public health, safety and welfare.

§ 2. A new Chapter 84 entitled “Smoking and Vaping” is added to the Code of the Village of Chatham, to read as follows:

§ 84-1. Definitions.

ELECTRONIC CIGARETTE – shall mean an “electronic cigarette” as set forth in section thirteen hundred ninety-nine-aa of the New York State Public Health Law.

SMOKING – means the burning of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco, or which contains cannabis or cannabinoid hemp as such terms are defined in section three of the New York State Cannabis Law.

VAPING – means the use of an electronic cigarette.

§ 84-2. Smoking and vaping prohibited in or on Village of Chatham property and public parks.

- A. Smoking and vaping shall not be permitted and no person shall smoke or vape in or upon any vehicle owned by the Village of Chatham.
- B. Smoking and vaping shall not be permitted and no person shall smoke or vape in or upon the following public buildings, facilities, parks, or grounds:
 1. Tracy Memorial Village Hall, and its grounds, driveways, steps and plaza area between the front door of such Village Hall and the public sidewalk, such sidewalk being ten feet in width from the curb.
 2. The Village of Chatham Firehouse on Hoffman Street and the parking lot and grounds abutting such Firehouse to the west and east of such Firehouse.

3. All buildings, facilities, and grounds of the Department of Public Works, including the water distribution and sewer treatment facilities.
 4. The gazebo park bounded by Depot Square on the northwest, Park Row on the northeast, and Main Street on the southeast, and the gazebo located within such park.
- C. This section shall not apply on private property or on a public sidewalk or public roadway, or within a public parking lot other than the Firehouse parking lot, as specified in subsection (B.)(2) above, provided, however, that it shall apply at all times within or upon a motor vehicle owned by the Village of Chatham.

§ 84-3. Penalties for offenses.

A violation of this chapter shall constitute an offense punishable by a fine not exceeding one hundred dollars (\$100) for a first offense and by a fine not exceeding two hundred fifty dollars (\$250) for a second or subsequent offense.

§ 3. Statement of Authority

This local law is enacted pursuant to the authority of section 4-412 of the New York Village Law and the New York Municipal Home Rule Law, including but not limited to M.H.R.L. sections 10, 20 and 27, and the general police powers of the municipality.

§ 4. Severability

If any clause, sentence, paragraph, section, article or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operations to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 5. Effective Date

This local law shall become effective August 1, 2024.

(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. 6 of 2024 of the ~~(County)(City)(Town)(Village)~~ of Chatham, NY was duly passed by the Board of Trustees on July 8 2024, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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. _____ of 20____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20____ 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 20____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

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 _____ 20____, 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 20____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law. *(Elective Chief Executive Officer*)*

* 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 chairperson 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 20 ____ 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 _____ 20 _____, 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 20 ____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, 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 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 _____ above.~~

Devin Kelleher
Clerk of the county legislative body, ~~City, Town or Village~~ Clerk or officer designated by local legislative body

Date: 7/8/2024

(Seal)