

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 Freeport

Local Law No. 4 of the year 20 21

A local law to amend Chapter 155 of the Code of the Village of Freeport, entitled "Peace
(Insert Title)
and Good Order" by adding Article XI Smoking in Village Parks and on Village
Property, §155-94 through §155-97.

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

County City Town Village
(Select one.)

of Freeport as follows:

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

(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. 4 of 2021 of the (County)(City)(Town)(**Village**) of Freeport was duly passed by the Board of Trustees on June 7, 2021, in accordance with the applicable (Name of Legislative Body) 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. _____ 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 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 37(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of said 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 1 above.

Danielle Walsh Brenning
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 6/9/2021

(Seal)

A LOCAL LAW TO AMEND CHAPTER 155 OF THE CODE OF THE VILLAGE OF FREEPORT, ENTITLED "PEACE AND GOOD ORDER" BY ADDING ARTICLE XI SMOKING IN VILLAGE PARKS AND ON VILLAGE PROPERTY, §155-94 THROUGH §155-97.

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE INCORPORATED VILLAGE OF FREEPORT AS FOLLOWS:

Section 1. Chapter 155, Article XI Smoking in Village Parks and on Village Property, §155-94 through §155-97, which reads as follows, is hereby adopted:

Article XI Smoking in Village Parks and on Village Property

§155-94 Legislative intent and purpose.

The Board of Trustees of the Village of Freeport finds that the effects of secondary smoke generated by the smoking of cigars, cigarettes, pipes, marijuana, and/or similar articles pose a threat to the health, safety and well-being of the citizens of the Village of Freeport who do not smoke.

§155-95 Definitions.

For the purpose of this section, the following terms shall have the meanings ascribed to them. All other words shall have the meanings normally ascribed to them in common usage.

E-CIGARETTE

Any electronic device composed of a mouthpiece, heating element, battery and electronic circuits that provides a vapor of liquid nicotine and/or other substances mixed with propylene glycol to the user as he or she simulates smoking. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, e-pipes or under any other product name.

SMOKING

The combustion of any cigar, cigarette, tobacco, marijuana or any similar article or any other combustible substance in any manner or in any form or the heating or ignition of an e-cigarette which creates a vapor.

§155-96 Prohibited Acts

- A. Smoking is prohibited in any area of any public park.
- B. Smoking is prohibited on all Village properties and within a fifty-foot radius of all entrances to all Village municipal, government, or library buildings and facilities located within the Village of Freeport which are designated as accessible by the public; provided however that the provisions of this section shall not apply to smoking within the boundary lines of an adjacent property.

§155-96 Penalties for Offenses

Any person who violates this section or fails to comply with any of its requirements shall, upon conviction thereof, be punished by a fine of not more than \$250 for a first offense, \$500 for a second offense, \$750 for any offense thereafter or by imprisonment of not more than 15 days or both.

Section 2. This local law shall take effect immediately upon filing with the Secretary

VILLAGE OF FREEPORT NEW YORK
I HEREBY CERTIFY
AND CORRECT COPY
THE ORIGINAL ON FILE
IN THIS OFFICE
VILLAGE CLERK
DATE 6/17/07
PAMELA WALSH BOENING-VILLAGE CLERK