

TOWN OF HAMBURG

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Supt. of Highways
EDWARD S. HUGHES

April 14, 2026

NYS Department of State
State Records Unit
One Commerce Plaza
99 Washington Avenue
Albany, New York 12231

Dear Sir/Madam:

Re: Town of Hamburg, New York
Filing/Local Law #5, 2026

Enclosed for filing, please find one certified copy of Town of Hamburg Local Law #5 for the year 2026.

Kindly acknowledge receipt of this local law. Thank you.

Sincerely,

Kenneth J. Farrell, Esq.
Town Attorney

KJF/cc
Enclosure



Department of State
Corporations, State Records & UCC

New York State
Department of State
DIVISION OF CORPORATIONS,
STATE RECORDS AND
UNIFORM COMMERCIAL CODE
One Commerce Plaza
99 Washington Ave.
Albany, NY 12231-0001
dos.ny.gov

Local Law Filing

Pursuant to Municipal Home Rule Law §27

Local Law Number ascribed by the legislative body of the local government listed below:

5 of the year 20 26

Local Law Title:

This local law amends Chapter 280 of the Hamburg Town Code entitled "Zoning", specifically
by adding a new article entitled Article LX Smoke Shops and Vape Shops

(the complete text of Article LX follows this page)

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

County City Town Village
(Select one)

of Town of Hamburg as follows on the attached pages:
(Name of Local Government)

For Office Use Only

Department of State Local Law Index Number: _____ of the year 20 ____

(The local law number assigned by the Department of State for indexing purposes may be different from the local law number ascribed by the legislative body of the local government.)

Article LX
Smoke Shops and Vape Shops

§ 280-429. Findings; purpose.

To further the goals of New York State's tobacco use prevention and control program, as identified in New York State Public Health Law § 1399-ii, the Town of Hamburg finds that:

- A. Tobacco is a leading cause of preventable death and disease in New York State;
- B. Adolescent brains are uniquely vulnerable to the effects of nicotine and the formation of nicotine dependence;
- C. Tobacco and vapor/e-cigarette retail outlet density is associated with high rates of youth and adult tobacco use, as well as higher rates of initiation of nicotine use among adolescents and young adults;
- D. Tobacco and vapor products usage is linked to an increased incidence in cancers and disease and therefore is harmful to the public health; and
- E. Restricting the sale of tobacco and vapor/e-cigarette products to certain zoning districts and reducing the concentration of sale locations will reduce the availability of tobacco and nicotine to residents, including adolescents, improving public health and lessening the incidence of various cancers and diseases.

§ 280-430. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

SMOKE SHOP(S) AND/OR VAPE SHOPS— Any shop, store, or business of which the primary activity is the sale, manufacture, or promotion of tobacco, tobacco products, and accessories, either at wholesale or retail, dedicated to the sale of tobacco products and/or smoking paraphernalia, as herein defined.

SMOKING PARAPHERNALIA — All equipment, products, and materials, of any kind, which are used, intended for use, or designed and/or adapted for use in packaging, repackaging, storing, containing, injecting, ingesting, inhaling and/or otherwise introducing into the human body tobacco products.

TOBACCO PRODUCTS — Tobacco, tobacco products, including but not limited to cigarettes, chewing tobacco, cigars, electronic cigarettes, vape pens, vapors, e-liquids, e-vaporizers and other like substances, CBD (cannabidiol), and CBD products, including but not limited to CBD gummies and/or CBD oil.

§ 280-431. General regulations.

- A. All smoke shops and vape shops within the Town of Hamburg after the effective date of this chapter must obtain a special use permit and site plan approval in accordance with Town Code.
- B. Smoke shop or vape shop locations may only operate between the hours of 8:00 a.m. and 10:00 p.m. on weekdays and Saturdays, and 12:00 noon and 9:00 p.m. on Sundays.
- C. A special use permit (§ 280-318) is required for each and every smoke shop or vape shop. No smoke shop or vape shop may open, operate, or exist in the Town without first obtaining a special use permit from the Planning Board following a public hearing. A property owner and/or landlord shall not permit a tenant or subtenant to open or operate a smoke shop or vape shop within the Town unless a special use permit has been obtained for the desired premises. Application procedures for a special use permit shall follow § 280-319 of the Town Code.
- D. A smoke shop/vape shop is only allowable, subject to a special use permit, on a parcel of land in the

C-2 General Commercial District.

- E. It is unlawful for a smoke shop or vape shop to knowingly allow or permit a minor, not accompanied by his or her parent or legal guardian, to enter or remain within any smoke shop.
- F. Each and every smoke shop or vape shop shall post clear signage stating that minors may not enter the premises unless accompanied by a parent or legal guardian. One said sign, measuring approximately 144 square inches, shall be placed in a conspicuous location near each public entrance. It shall be unlawful for a smoke shop or vape shop to fail to display and maintain, or fail to cause to be displayed or maintained, said signage.
- G. All smoke shops and vape shops must comply with the sign regulations (Article XXXVI Sign Regulations) contained in the Town Code.

§ 280-432. Location.

- A. A smoke shop or vape shop shall be allowable only within the C-2 General Commercial District, subject to the issuance of a special use permit, and subject to the regulations set forth herein.
- B. No smoke shop or vape shop shall be permitted within 500 feet of another smoke shop or vape shop.
- C. No smoke shop or vape shop shall be permitted within 500 feet of a school, nursery school, day care, playground, public library, municipal park, or other similar uses where children regularly gather at the discretion of the Supervising Code Enforcement Officer.
- D. No smoke shop or vapes shop shall be permitted within 500 feet of the lot line of any lot zoned for residential use.
- E. No smoke shop or vape shop shall be permitted within 500 feet of a house of worship.
- F. Said distances shall be measured from property line to property line.

§ 280-433. Existing smoke shops or vape shops.

The provisions of Article XLI of Chapter 280 of the Town Code concerning nonconforming uses in existence at the time of the adoption of this chapter shall apply to smoke shops or vape shops. In addition to the provisions of Article XLI of Chapter 280 of the Town Code, if there is any change in the ownership of an existing smoke shop or vape shop after the adoption of this chapter, then any further use of such property as a smoke shop or vape shop shall be required to conform to this chapter and be required to apply for a special use permit, as applicable. No existing smoke shop or vape shop shall be permitted to expand the square footage of its existing footprint without conforming to this chapter and obtaining a special use permit, as applicable.

§ 280-434. Enforcement.

Any violation of this article shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for in the zoning or land use regulations of the Town. This article shall be enforced by the Town of Hamburg Code Enforcement Department, the Town of Hamburg Police Department, and/or the New York State Police.

§ 280-435. Severability.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgement of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

Local Law Filing

(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 ascribed as local law number 5 of 2026 of the ~~(County)~~(City)(Town)(Village) of Hamburg was duly passed by the Town Board on April 13, 2026 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, ascribed as local law number _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____ and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____ in accordance with the applicable provisions of law.

(Name of Legislative Body)

(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____ and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____.

(Name of Legislative Body)

(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, ascribed as local law number _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____ and was (approved)(not approved)(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.

(Name of Legislative Body)

(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.

Local Law Filing

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

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20 ____ of the City of _____ having 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 thereto, ascribed as local law number _____ 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 the paragraph 1 above.

(Seal)

Natalie E. Hitch
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

April 14, 2026

(Date)