

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.)

FILED
STATE RECORDS

NOV 24 2021

of Lake Placid

DEPARTMENT OF STATE

Local Law No. 4 of the year 20 21

A local law to amend Chapter 228 of the Code of the Village of Lake Placid, entitled, "Peace and Good Order" by adding Article II Smoking in Public, 228-5 through 228-8.
(Insert Title)

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

County City Town Village
(Select one.)

of Lake Placid

as follows:

(see attached pages 2a and 2b.)

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

Article II Smoking in Public

228-5 Legislative intent and purpose.

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

228-6 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-cigar, e-pipes or under any other product name and any refill, cartridge and any other component of such device.

VAPING

The use of an E-Cigarette

SMOKING

The combustion/burning of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco or cannabis as defined in section 222.00 of the penal law, or cannabinoid hemp as defined in section three of the cannabis law tobacco, or any similar product 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.

228-7 Prohibited Acts

- A. Smoking and Vaping is prohibited in any area of any public park.
- B. Smoking and Vaping is prohibited on all Village properties and within a fifty-foot radius of all entrances to all municipal, government, or library buildings and facilities located within the Village of Lake Placid 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.
- C. *Smoking and Vaping is prohibited in or on any public highway, public street, public parking area, public sidewalk or any public place.*

228-8 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 of State's Office.

(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 Lake Placid was duly passed by the Village Board on November 1 2021, 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 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 1 above.

Anita Anthony Estly

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

Date: November 22, 2021

(Seal)