

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(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.

Local Law 3 of 2021 Prohibiting Smoking in Town Parks and on Town Property.

Be it enacted by the Town Board of the Town of Naples, in the County of Ontario, as follows:

SECTION 1. SHORT TITLE

This Local Law shall be known as the “Prohibition of Public Cannabis Smoking in Town Parks and on Town Property Local Law of 2021”

SECTION 2. LEGISLATIVE FINDINGS AND INTENT

It is the intent of the Town Board of the Town of Naples, as an exercise of its police power, to promote the general health, safety and welfare of the residents of the Town by enacting this Local Law. Since cannabis, vaping and tobacco smoke and fumes are recognized by the State of New York as harmful to health, accordingly such smoke and fumes being produced where other people who may not desire to be exposed to such smoke and fumes could be present, including underage people, smoking of any product or device should be prohibited in Town parks, playgrounds and other Town owned or controlled property.

SECTION 3. LEGISLATIVE AUTHORITY

This Local Law is adopted pursuant to the provisions of the Municipal Home Rule Law of the State of New York.

SECTION 4. PROVISIONS

The following Chapter is added numerically to the Code of the Town of Naples:

Chapter 95. “Parks, Playgrounds and other Town Owned Property”.

Article 1. Prohibition of Smoking

§95-1. Prohibition

No person shall smoke or vape any product in or on any Town owned parks, recreation areas, playgrounds, outdoor sporting facilities, outdoor stages or parking lots for such facilities or any other Town owned property. For the purposes hereof smoking and vaping shall be defined pursuant to the provisions of §§1399-n(8) and 1399-aa(13) of the Public Health Law of the State of New York.

§95-2 “Penalties for offenses”

A. Any person who violates any provision of this Local Law shall, upon conviction, be punished by a fine of not more than \$250.00 or by incarceration for not more than fifteen (15) days or both a fine and incarceration.

B. As an alternative to or in addition to a fine and/or incarceration, as provided in subsection “A.” hereof the person violating such provision may be sentenced to community service. Such a community service sentence would be imposed as a definite term of hours of work to be served under the direction of the Highway Department of the Town of Naples, and be pursuant to an Order of Conditional Discharge issued by the Court.

SECTION 5. SEVERABILITY.

In the event that a court of competent jurisdiction determines that any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair or invalidate the remainder of this Local Law, 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 6. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing in the office of the Secretary of State of the State of New York, subsequent to having been duly adopted by the Town Board of the Town of Naples.

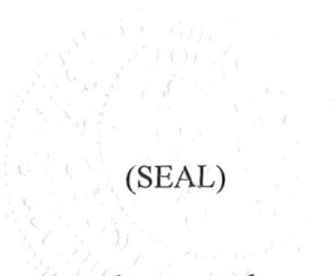
(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only)


I hereby certify that the local law annexed hereto, designated as Local Law No. 3 of the year 2021, was duly passed by the Town Board of the Town Board of

Naples on October 5, 2021, in accordance with the applicable provisions of law.

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.



(SEAL)



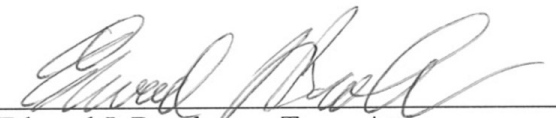
Joanne Lincoln, Town Clerk

Date: October 21, 2021

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality)

STATE OF NEW YORK)
COUNTY ONTARIO) ss:

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Edward J. Brockman, Town Attorney

Town of Naples

Date: October 21, 2021