

April 19, 2024

To Whom It May Concern:

Please be advised that at a Regular Session of the North Tonawanda Common Council held on the 2nd day of April, 2024 the following resolution was passed:

II. Attorney

March 13, 2024

**Hon. Mayor and Common Council
City Hall, 216 Payne Avenue
North Tonawanda, NY 14120**

**Re: Ordinance Revisions – Chapter 70A – Article II – Consumption of Alcohol,
Tobacco, Marijuana and/or Illegal Drugs by Minors and
Chapter 79A – Smoke and Air Pollution**

Dear Honorable Body:

Attached, for your consideration, are two proposed ordinances suggested by CHANT as well as Reality Check of Erie and Niagara, to promote public health and protect our community's youth:

Chapter 70A – Article II – Consumption of Alcohol, Tobacco, Marijuana and/or Illegal drugs by minors; Social Hosting – is an update/enhancement to the existing Article II to include newer forms of tobacco and illegal drugs that are now available to the public.

Chapter 79A – Smoke and Air Pollution – is an update/enhancement of the existing Chapter 79A – Smoking – to account for newer forms of tobacco and illegal substances which are now accessible to the public.

If your Honorable Body concurs, please pass the appropriate resolutions for the City of North Tonawanda to allow these additions to our North Tonawanda City Code, subject to further review by the City Attorney.

**Very truly yours,
Edward A. Zebulske III
City Attorney**

MOVED by Alderman Schmigel SECONDED by Alderman Marranta
That the Common Council at a regular session meeting, held at City Hall, 216 Payne Avenue, North Tonawanda, New York at 6:30 PM on April 2nd, 2024, approved City Ordinance Revisions to Chapter 70A -Article II – Consumption of Alcohol, Tobacco, Marijuana and/or Illegal Drugs by Minors and Chapter 79A – Smoke and Air Pollution and the amendments read as follows:

§70A-9 Definitions.

As used in this article, the following terms shall have the meanings indicated.

TOBACCO PRODUCT

Any product that is made from or derived from tobacco, or that contains nicotine, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to, a cigarette, cigar, hookah, pipe tobacco, chewing tobacco, snuff, snus and electronic smoking devices (“e-cigs,” “vapes,” “e-hookahs,” “vape pens,” “JUUL,” “Hyde,” and “electronic nicotine delivery systems (ENDS),” etc.) and any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, and liquids used in electronic smoking devices, whether or not they contain nicotine.

MARIJUANA

Any part of the plant genus Cannabis whether growing or not; the seeds thereof; the resin extracted from any part of the plant, including hashish and hash oil; and compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin; and any component or accessory used in the consumption of marijuana products, such as edibles, filters, rolling papers, pipes, and liquids used in electronic smoking devices.

ILLEGAL DRUGS

Any substance listed in section 3306 of the New York State Public Health Law and not prescribed by a physician.

§70A-12 Penalties for offenses.

The decision on punishment shall be determined by the court and the presiding judge.

It is recommended:

First Offense. Any person, firm or corporation violating any of the provisions of this article shall be guilty of a violation punishable to the fullest extent of the law up to and including a fine of \$500 and/or 15 days in jail and/or serve court-ordered community service hours.

Second Offense. Any person who violates any of the provisions of this article shall be guilty of a violation punishable to the fullest extent of the law up to and including a fine of \$1,000 where such violation constitutes the person’s second offense and/or 30 days in jail, and/or serve court-ordered community service hours.

Chapter 79A. Smoking

§79A-2. Smoking in City Parks

- B. Smoking or consuming any part of the plant genus Cannabis whether growing or not; the seeds thereof; the resin extracted from any part of the plant, including hashish and hash oil; and compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin; and any component or accessory used in the consumption of a marijuana product, such as edibles, filters, rolling papers, pipes, and liquids used in electronic smoking devices.
- C. smoking or consuming any illegal Substance listed in section 3306 of the New York State Public Health Law and not prescribed by a physician.
- (1) At all times on the grounds of North Tonawanda City Parks
 - (2) “No Smoking/Vaping including Cannabis”, signage shall be placed on the property entrances at an appropriate location on the park entrances.
 - (3) Smoking/consumption of cannabis, tobacco, nicotine, illegal substances, and/or other similar products shall be unlawful in the areas posted as stated in this chapter.
- D. Penalties for offenses:
- The decision on punishment shall be determined by the court and the presiding judge.
- It is recommended:
- (1) A violation of any provision of this section shall be subject to a fine not to exceed \$250 for each offense or imprisonment for not more than 15 days for each offense, or both fine and imprisonment and/or serve court-ordered community service hours.

This Ordinance is subject to further review by the City Attorney.

Ayes: Alderman Schmigel, Marranca, Lavey, DiBernardo (4)
Nays: None (0)
CARRIED.

Donna L. Braun
City Clerk-Treasurer