

Local Law 2 of 2017

CHAPTER 170: PROHIBITIONS IN VILLAGE PARKS, PIERS, BEACHES, BALLFIELDS, DOCKS AND VILLAGE HALL

Section 170-1 Findings, Legislative intent.

The Board of Trustees hereby finds and determines that the use of tobacco and tobacco related products should be prohibited in Village parks, piers, beaches, ballfields, docks and Village Hall in order to:

- A. Further the goals of New York State's tobacco use prevention and control program, as identified in New York State Public Health Law Section 1399-ii;
- B. Respond to the fact that tobacco is the leading cause of preventable death and disease in New York State.

Section 170-2 Definitions.

Unless otherwise expressly stated, the following terms shall, for purposes of this Chapter, have the meanings assigned to them in this section. Words used in the present tense include the future; words used in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular. Any term used in, but not defined in, this Chapter shall have the meaning assigned to it in New York State Public Health Law Article 13-F.

ENFORCEMENT OFFICER

Any police officer, any Nassau County Department of Health Inspector, and any building official from the Port Washington North Building Department, code enforcement officer, county health inspector or other employees of the Village of Port Washington North authorized by the Board of Trustees to enforce this Chapter.

SHISHA

Any product made primarily of tobacco or other leaf or herbs, or any combination thereof, smoked or intended to be smoked in a hookah or water pipe.

SMOKING PARAPHERNALIA

Any pipe, water pipe, hookah, rolling papers, vaporizer or any other device, equipment to apparatus designed for the inhalation of tobacco.

TOBACCO PRODUCT

Any product made or derived from tobacco or which contains nicotine marketed or sold for human consumption, whether consumption occurs through inhalation, or oral or dermal absorption, including cigarettes, cigars, chewing tobacco, powdered tobacco, bidis, gutka, other tobacco products including nicotine water. Tobacco product does not include drugs, devices or combination products, as those terms are defined in the Federal Food, Drug and Cosmetic Act, authorized by the State of New York or U.S. Food and Drug Administration for sale.

VILLAGE

The Village of Port Washington North

Section 170-3 Prohibited acts.

No person shall smoke a tobacco product, herbal product, cigarette, electronic cigarette, pipe, cigar, vapor, e-liquids or other tobacco derivatives in a Village of Port Washington North park, pier, beach, ballfield, dock or at Village Hall. This prohibition applies only to public property and is not intended to include private property to which the general public does not generally have access to.

Section 170-4 Posting of signs.

A. No Smoking sign or the international "No Smoking" symbol, which consists of a pictorial representation of a burning cigarette enclosed in a circle with a bar across it, shall be prominently posted where smoking is prohibited by this Article.

Section 170-5 Enforcement.

Any enforcement officer is authorized to enforce and ensure compliance with this Chapter.

Section 170-6 Violations and Penalties

Each and every violation of, or failure to comply with. Any provision of this Chapter shall constitute a violation, punishable as follows: for a conviction of a first offense, by a fine not to exceed \$250.00; for a conviction of a second offense, both of which were committed within a period of five years, by a fine not less than \$250.00, nor more than \$500.00; for a conviction of a third or subsequent offense, all of which were committed within a period of five years, by a fine not less than \$500.00, nor more than \$1000.00; and for a fourth offense, all of which were committed within a period of five years, by a fine not less than \$1000.00, nor more than \$2500.00 or imprisonment for a period not to exceed 15 days, or both such fine and imprisonment.

Section 170-7 Severability

If any clause, sentence, paragraph, subdivision, section or part of this Chapter or the application thereof to any person, individual, corporation, firm, partnership or business shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, then such order or judgment shall not effect impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Chapter, or in its specific application.

Section 170-8 Effective Date.

This local law shall take effect immediately.