

Local Law Filing

New York STATE DEPARTMENT OF STATE
41 STATE STREET, 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.

County
City
Town of Baxter Estates
Village

Local Law 3 of the year 2021

(Insert Title)

A local law adopting new Chapter 148 to the Code of the Village of Baxter Estates, entitled "Smoking and Vaping Prohibited in Public Places."

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

County
City
Town of Baxter Estates
Village

Section 1. Legislative Intent. This chapter is enacted for the purpose of preserving and improving the health, comfort and environment of Village residents by limiting their exposure to potentially dangerous substances and chemicals emitted from smoking and vaping.

Section. 2 Prohibition of Smoking and Vaping in Public Places. The Board of Trustees of the Village of Baxter Estates hereby adopts Chapter 148, "Smoking and Vaping Prohibited in Public Places," of the Code of the Village of Baxter Estates, to read in its entirety as follows:

"Chapter 148 Smoking and Vaping Prohibited in Public Places

§ 148-1. **Purpose.**

This chapter is enacted for the purpose of preserving and improving the health, comfort and environment of Village residents by limiting their exposure to potentially dangerous substances and chemicals emitted from smoking and vaping.

§ 148-2. **Definitions.**

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

SMOKING

Smoking means the burning of a lighted cigar, cigarette, pipe or any other matter or substance, including but not limited to any illegal matter or substance, or any matter or substance which contains tobacco or cannabis as defined in section 222.00 of the New York State Penal Law, or cannabinoid hemp as defined in section three of the New York State Cannabis Law.

VAPING

Vaping means the use of an electronic cigarette.

ELECTRONIC CIGARETTE

Electronic cigarette means an electronic device that delivers vapor which is inhaled by an individual user, and shall include any refill, cartridge and any other component of such a device.

§ 148-3. **Smoking and Vaping Restrictions.**

Smoking and vaping shall not be permitted and no person shall smoke or vape in the following areas within the Village of Baxter Estates:

1. any public sidewalk;
2. any public street;
3. within any building or facility owned or operated by the Village of Baxter Estates
4. any park, field, playground, or meeting area, owned or operated by the Village of Baxter Estates; and
5. any other public space owned or operated by the Village of Baxter Estates.

§ 148-4. Penalties for Offenses.

Each and every violation of, or failure to comply with, any provision of this article shall constitute a violation, punishable as follows: for a conviction of a first offense, by a fine up to but not more than \$250, or imprisonment for a period not to exceed 15 days, or both such fine and imprisonment; 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, nor more than \$500, or imprisonment for a period not to exceed 15 days, or both such fine and imprisonment; and 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, nor more than \$1,000, or imprisonment for a period not to exceed 15 days, or both such fine and imprisonment. Each day that a violation occurs or continues shall be deemed a separate and distinct violation hereunder.”

Section 3. Effective Date. This local law shall take effect immediately upon filing with the Secretary of State.

(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 2021 of the (County)(City)(Town)(Village) of Baxter Estates was duly passed by the Board of Trustees on September 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 re-passage after disapproval by the Elective Chief Executive Officer¹.)

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) (re-passed after disapproval) by the _____ and was deemed duly _____ (Elective Chief Executive Officer¹) adopted 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____ (Name of Legislative Body) and was (approved)(not approved) (re-passed after disapproval) by the _____ (Elective Chief Executive Officer¹) on _____ 20____. 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 (Name of Legislative Body) (approved)(not approved) (re-passed after disapproval) by the _____ (Elective Chief Executive Officer¹) 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.

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 _____

¹ 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.


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.



Clerk of the Incorporated Village of Baxter Estates

(Seal)

Date: September 9, 2021