

VILLAGE OF CHATHAM, NEW YORK

A Local Law to Prohibit Smoking and Vaping
in or on Village Property

Local Law No. ____ of 2024

REVISED: June 28, 2024

Be it enacted by the Board of Trustees of the Village of Chatham as follows:

Section 1. Purpose and Intent. The purpose of this local law is to prohibit smoking in or on municipal property within the Village of Chatham in the interest of public health, safety and welfare.

§ 2. A new Chapter 84 entitled “Smoking and Vaping” is added to the Code of the Village of Chatham, to read as follows:

§ 84-1. Definitions.

ELECTRONIC CIGARETTE – shall mean an “electronic cigarette” as set forth in section thirteen hundred ninety-nine-aa of the New York State Public Health Law.

SMOKING – means the burning of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco, or which contains cannabis or cannabinoid hemp as such terms are defined in section three of the New York State Cannabis Law.

VAPING – means the use of an electronic cigarette.

§ 84-2. Smoking and vaping prohibited in or on Village of Chatham property and public parks.

- A. Smoking and vaping shall not be permitted and no person shall smoke or vape in or upon any vehicle owned by the Village of Chatham.
- B. Smoking and vaping shall not be permitted and no person shall smoke or vape in or upon the following public buildings, facilities, parks, or grounds:
 1. Tracy Memorial Village Hall, and its grounds, driveways, steps and plaza area between the front door of such Village Hall and the public sidewalk, such sidewalk being ten feet in width from the curb.
 2. The Village of Chatham Firehouse on Hoffman Street and the parking lot and grounds abutting such Firehouse to the west and east of such Firehouse.

3. All buildings, facilities, and grounds of the Department of Public Works, including the water distribution and sewer treatment facilities.
 4. The gazebo park bounded by Depot Square on the northwest, Park Row on the northeast, and Main Street on the southeast, and the gazebo located within such park.
- C. This section shall not apply on private property or on a public sidewalk or public roadway, or within a public parking lot other than the Firehouse parking lot, as specified in subsection (B.)(2) above, provided, however, that it shall apply at all times within or upon a motor vehicle owned by the Village of Chatham.

§ 84-3. Penalties for offenses.

A violation of this chapter shall constitute an offense punishable by a fine not exceeding one hundred dollars (\$100) for a first offense and by a fine not exceeding two hundred fifty dollars (\$250) for a second or subsequent offense.

§ 3. Statement of Authority

This local law is enacted pursuant to the authority of section 4-412 of the New York Village Law and the New York Municipal Home Rule Law, including but not limited to M.H.R.L. sections 10, 20 and 27, and the general police powers of the municipality.

§ 4. Severability

If any clause, sentence, paragraph, section, article or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operations to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 5. Effective Date

This local law shall become effective August 1, 2024.