

Local Law Filing

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(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 Village
(select one)

of Floral Park

Local Law No. 2 of the year 2021

A local law amending Article VIII of the Village Code to prohibit smoking, vaping or the consumption of tobacco or cannabis products on all Village owned properties.

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

County City Town Village
(Select One:)

of Floral Park as follows:

Section 1. Legislative Intent

This Local Law amends Article VIII of the Village Code so as to prohibit smoking, vaping and the consumption of tobacco products on Village owned or leased property.

Section 2. Article VIII of the Code of the Village of Floral Park as amended:

ARTICLE VIII Smoking and Vaping

§ 41-45, Definitions.

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

CANNABIS – All cannabis or concentrated cannabis as those terms are defined by § 222.00 of the New York State Penal Law.

SMOKING – The carrying of lighted pipe, cigar, cigarette, tobacco, cannabis or any other slow-burning smokable material in any form or tobacco-like product.

VAPING – Inhaling or exhaling vapor containing cannabis, nicotine and flavoring produced by a device designed for this purpose.

§ 41-46. Smoking prohibited in retail stores.

It shall be unlawful for any person to smoke or carry a lighted cigar, cigarette, pipe or match or use any spark, flame or fire-producing device which has not been authorized for use by the Fire Marshal in any existing or newly created retail store which is designed and arranged to accommodate 50 people or more, or in which more than five persons are employed. Designated smoking and rest rooms, restaurant, executive offices in such retail stores shall be exempt from this prohibition.

§ 41-47

FIRE PREVENTION

41-47. Theatrical buildings.

Smoking is prohibited in theaters, portions of buildings being used for theatrical or operatic purposes and theaters displaying motion pictures. It shall be unlawful for any person to smoke or carry a lighted cigar, cigarette, pipe or match or use any spark, flame or fire-producing device which has not been authorized for use by the Fire Marshal in any of the above-referred to occupancies. The rooms and location designated as follows shall be exempt from this prohibition:

- A. Lobbies, designated smoking and rest rooms.
- B. Loges, boxes, mezzanines or balconies.
- C. A designated section with a number of seats not in excess of 1/3 the total number in the orchestra section.
- D. Suitable metal containers or receptacles shall be provided and placed in accessible positions for the discarding of ashes or lighted cigars, cigarettes or pipes.

§ 41-48. Certain public buildings.

Smoking, vaping or the consumption of tobacco or cannabis shall be prohibited on any Village-owned or leased property, including, but not limited to buildings, sidewalks, parking lots, parks, preserves, playgrounds or any Village-owned or leased open spaces, and in schools, elevators, auditoriums, public buildings, hospitals, sanatoriums, nursing homes, convalescent homes, homes for the aged or for chronic patients, assisted-living facilities or any similar group-home facility or portions of buildings being used for such purposes, except in legally approved, designated areas.

§ 41-49. Posting of no-smoking signs.

No-smoking, vaping and/or consumption of tobacco or cannabis signs of approved size and lettering shall be displayed.

§41-50. Posting of smoking-permitted signs.

Smoking-permitted signs of approved size and lettering shall be displayed in areas so designated with authorization from the Board of Trustees.

§ 41-51. Removal of signs prohibited.

It shall be unlawful for any person to remove any legally required no-smoking, no-vaping or no-consumption signs.

§ 41-52. Penalties for offenses. [Amended 4-1-1980 by L.L. No.2-1980]

With respect to the smoking, vaping or consumption of cannabis, any violation of this Article shall be punishable by a fine not to exceed \$25.00. A violation of any other provision of this article shall result in a penalty as provided in § 32-13 of Chapter 32 hereof. Said violation shall constitute and is hereby declared to be disorderly conduct, and any person violating this article of any provisions thereof shall be and hereby is declared a disorderly person as provided in § 32-1 of Chapter 32 hereof.

§ 41-53. Enforcement.

This local law shall be enforced by the Police Department of the Incorporated Village of Floral Park and all summons issued shall be returnable at the Village Justice Court.

Section 4. Severability

If a court 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 5. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(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. 2 of 2021 of the (County)(City)(Town)(Village) of Floral Park was duly passed by the Board of Trustees on August 10, 2021, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

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) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) and was deemed duly 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____, and was (approved)(not approved)

(Name of Legislative Body)

(repassed after disapproval) by the _____ on _____ 20____ (Elective Chief Executive Officer*)

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 (approved)(not approved) (Name of Legislative Body)

(repassed after disapproval) by the _____ on _____ 20____. Such local

(Elective Chief Executive Officer*)

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.

* 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.


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 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 as 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 county legislature body, City, Town or Village Clerk or officer designated by local legislative body

Date: August 10, 2021

(Seal)

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

STATE OF NEW YORK
COUNTY OF NASSAU

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.



Signature John E. Ryan

Village Attorney
Title

County _____
City _____
Town of Floral Park
Village _____

Date: August 10, 2021