

LOCAL LAW \_\_ - 2021

A local law to amend Chapter 221 of the Tarrytown, entitled Parks and Recreation Areas, Chapters 221-9 and 221-11 regarding the smoking of tobacco products are amended to regulate the smoking or vaping of any product in Village Parks and Recreation Areas.

Section 1. Be it enacted by the Board of Trustees of the Village of Tarrytown as follows:

Section 2. Chapter 221- 9 is repealed in its entirety and the following language is enacted in its place:

Former Chapter 221-9, language to be REPEALED:

§ 221-9. Smoking of tobacco products.

No person shall use any tobacco product in any park, ball field or playground located within the Village. For the purposes of this section, "ball field" shall be defined as any public property owned by the Village of Tarrytown which is to be used for sporting events such as but not limited to baseball, softball, soccer or football. For the purposes of this section, "playground" shall be defined as any public property owned by the Village of Tarrytown and designated primarily for the use and recreation of children.

New Chapter 221-9, language to be ADOPTED:

§ 221-9. Smoking and Vaping.

(a) "Smoking" means the burning of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco, cannabis or other product that may be smoked and such smoke inhaled for personal use or consumption as defined in section 222.00 of the NY Penal Law, or cannabinoid hemp as defined in section 90 of the Cannabis Law, or other related law.

(b) "Vaping" means the use of an electronic cigarette.

(c) No person shall engage in smoking or vaping of any product in any park, ball field or playground located within the Village. For the purposes of this section, "ball field" shall be defined as any public property owned by the Village of Tarrytown which is to be used for sporting events such as but not limited to baseball, softball, soccer or football. For the purposes of this section, "playground" shall be defined as any public property owned by the Village of Tarrytown and designated primarily for the use and recreation of children.

(d) Any violations of this provision shall be subject to a civil penalty in an amount not to exceed \$200.00.

Section 3. Chapter 221-11 is repealed in its entirety and the following language is enacted in its place:

Former Chapter 221-11, language to be REPEALED:

§ 221-11. Penalties for offenses.

Penalties shall be as provided in Chapter 1, General Provisions, Article II.

New Chapter 221-9, language to be ADOPTED:

§ 221-11. Penalties for offenses.

Except as provided in this Chapter (See Chapter 221-9), penalties shall be as provided in Chapter 1, General Provisions, Article II.

#### **Section 4: Severability**

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this local law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this local law.

#### **Section 5: Effective Date**

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.