

Local Law No. 2A of the year 2019.

Introduced by Councilor Armstrong on February 28, 2019 at a Regular Meeting of the Common Council.

Public Hearing to be held on Thursday, March 14, 2019 at 5:00pm in the Council Chambers, 41 City Hall Place, Plattsburgh, NY 12901.

A local law renaming, amending and restating in its entirety Chapter 241, Section 5 of the City Code of the City of Plattsburgh.

Be it enacted by the Common Council of the City of Plattsburgh as follows:

§ 241-5 REGULATING THE USE OF TOBACCO PRODUCTS UPON PUBLIC PROPERTY

1. **Definitions.** The term "Public Property" means public buildings and adjacent grounds, streets, sidewalks, parks, and other publicly owned property, including vehicles owned by the City of Plattsburgh.

The term "Tobacco Product" means cigarette, cigar, pipe tobacco, snuff, chewing tobacco, electronic nicotine delivery system (e-cigarettes, vaping, hookahs) in which tobacco or electronically delivered nicotine is the main ingredient that are intended for human consumption or use.

2. It shall be a violation for any person, including any person under the age of eighteen years, to use a tobacco product or electronic nicotine delivery system (e-cigarettes, vaping, hookahs) on public property.

3. Each instance of Smoking or Tobacco Product use in violation of this Law shall constitute a separate violation. An offense may be prosecuted by the issuance of an appearance ticket under §150.20 of the Criminal Procedure Law.

4. A violation of any provision of this Local Law shall constitute a violation, and upon conviction thereof, subject the violator to a fine not to exceed One Hundred Dollars (\$100).

5. Any peace officer or code enforcement official may enforce this Law. For the purpose of this Local Law, the term "enforcement officer" shall mean a police officer or code enforcement official.

This Local Law shall take effect upon approval by the Mayor and filing with the New York State Secretary of State.