

LOCAL LAW NO. 3 OF 2026

A LOCAL LAW AMENDING CHAPTER 321 OF THE CODE OF THE CITY OF PLATTSBURGH TO PROHIBIT THE USE OF SMOKING AND VAPING PRODUCTS ON CITY PROPERTY

Introduced by Mayor Hughes on **September 17, 2026** at a Regular meeting of the Common Council.

Public Hearing to be held on **Thursday, October 1, 2026 at 5:30pm** in the Council Chambers, 41 City Hall Place, Plattsburgh, NY 12901.

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

Section 1. Chapter Title.

Chapter 321 of the Code of the City of Plattsburgh shall be amended to read as follows:

CHAPTER 321

USE OF SMOKING AND VAPING PRODUCTS ON CITY PROPERTY

§321-1. Legislative Findings and Purpose.

The Common Council finds that protecting the public from exposure to secondhand smoke and aerosol, maintaining clean and attractive public facilities, reducing litter, protecting children, and promoting the health, safety, and welfare of residents and visitors are legitimate governmental interests.

The purpose of this chapter is to prohibit the use of smoking and vaping products on property owned, leased, operated, or controlled by the City of Plattsburgh regardless of the substance being consumed.

§321-2. Definitions.

For purposes of this chapter, the following terms shall have the meanings indicated:

CITY PROPERTY

Any real property, building, structure, park, playground, athletic field, recreational facility, trail, sidewalk, parking lot, municipal vehicle, or other property owned, leased, operated, managed, maintained, or controlled by the City of Plattsburgh.

SMOKING OR VAPING PRODUCT

Any product or device intended to deliver smoke, vapor, aerosol, or another inhaled substance, including but not limited to:

- A. Cigarettes;
- B. Cigars;
- C. Pipes;
- D. Hookahs;
- E. Tobacco products;
- F. Electronic cigarettes;
- G. Vape pens;
- H. Vaporizers;
- I. Cannabis or marijuana products;
- J. Cannabis concentrates;
- K. Hemp-derived inhalation products; and
- L. Any other product intended to be smoked, heated, burned, vaporized, or otherwise inhaled.

USE OF A SMOKING OR VAPING PRODUCT

To smoke, vape, inhale, exhale, burn, heat, activate, carry while lighted or activated, or otherwise consume a Smoking or Vaping Product.

§321-3. Prohibited Conduct.

No person shall use a Smoking or Vaping Product upon or within any City Property.

§321-4. Applicability.

This chapter applies to all City Property regardless of whether admission is free or paid and regardless of whether the property is open to the general public or being used pursuant to a permit, lease, license, reservation, or other authorization issued by the City.

§321-5. Exceptions.

Nothing contained in this chapter shall prohibit:

- A. Conduct expressly required or protected by federal or New York State law.
- B. Lawful ceremonial or religious uses when protected by law.

§321-6. Enforcement.

This chapter may be enforced by the Plattsburgh Police Department, Code Enforcement Officers, Park personnel authorized by the City, or any other person authorized by the Common Council or the Mayor pursuant to law.

§321-7. Penalties.

A. Each instance of use of a Smoking or Vaping Product in violation of this chapter shall constitute a separate violation. An offense may be prosecuted by the issuance of an appearance ticket pursuant to Criminal Procedure Law § 150.20.

B. A violation of any provision of this chapter shall constitute a violation, and upon conviction thereof, the violator shall be subject to a fine not exceeding \$100.

§321-8. Severability.

If any provision of this chapter or its application to any person or circumstance is held invalid by a court of competent jurisdiction, the remainder of the chapter shall not be affected.

§321-9. Repealer.

All local laws, ordinances, rules, regulations, or parts thereof inconsistent with this chapter are hereby repealed to the extent of such inconsistency.

Section 2. Existing Penalty Provisions.

To the extent the current Chapter 321 contains enforcement procedures or penalties not inconsistent with this local law, those provisions shall remain in effect.

Section 3. Effective Date.

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