

**INTRODUCTORY LOCAL LAW # ____ OF 2021
A LOCAL LAW CREATING CHAPTER 252 OF THE SCARSDALE VILLAGE CODE
ENTITLED “SMOKING”**

BE IT ENACTED by the Board of Trustees of the Village of Scarsdale as follows:

Section 1: Purpose and Intent: The Board of Trustees finds that it is necessary to provide a smoke-free environment for members of the public using Village facilities or land and for Village employees in accordance with section 1399-o of the Public Health Law of New York State, while helping to protect air quality.

Section 2: The Village Code of the Village of Scarsdale is hereby amended to add a new Chapter 252 entitled “Smoking” to read as follows:

“§ 252-1. Definition.

The words and phrases set forth below have the following meanings when used in this chapter:

SMOKING

The burning of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco, or cannabis or cannabinoid hemp as such terms are defined in section 3 of the New York State Cannabis Law, including the use of an electronic smoking device that delivers vapor which is inhaled by an individual user, and shall include any refill, cartridge and any other component of such a device, or any electronic nicotine delivery system (NDS).

§ 252-2. Restrictions.

A. The following shall be a violation of this chapter:

- (1)** Smoking within any building or structure, including any main entrance to such facilities, owned, and controlled by the Village of Scarsdale.
- (2)** Smoking anywhere within the confines of the Village of Scarsdale Swimming Pool Complex or on any playfield, playground, park, or parking lot owned or operated by the Village of Scarsdale.
- (3)** Smoking within any vehicle owned by the Village of Scarsdale.

(4) Smoking upon any street or sidewalk owned by the Village of Scarsdale and located within the Village Center Area District as defined in section 310-12 of this Code, or upon any street or sidewalk owned by the Village of Scarsdale and located within the Village's Business A, Business C, and Buffer Parking zones.

B. Smoking indoors in the Village of Scarsdale shall be governed by the Article 13-E of the New York State Public Health Law, which is also known as the Clean Indoor Air.

§ 252-3. Penalties for offenses.

Each violation of § 252-2 shall be a violation punishable by a fine of not more than \$100.00. The penalty provided in this section shall be in lieu of all other penalties prescribed in this Code.

§ 252-6. Other applicable laws.

This article shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws, rules or regulations.”

Section 3. Severability. The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any part of this local law which can be given effect without such valid part or parts.

Section 4: Effective Date. This Local Law shall take effect immediately upon filing with the Secretary of State.