

WHEREAS, the Town of Chemung wishes to enact a local law to prohibit the consumption of alcoholic beverages, smoking, vaping, and the use of tobacco and cannabis on Town properties for the betterment and welfare of the residents of the Town;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Chemung, County of Chemung, State of New York, hereby schedules a public hearing for Local Law No. 2 as set forth herein on _____, 2021, at 7:00 p.m., or as soon thereafter as can be heard, at the Town of Chemung Town Hall located at 48 Rotary Rd Ext, Chemung, NY 14825, and said Local Law is as follows:

PROPOSED LOCAL LAW NO. OF THE YEAR 2021

A LOCAL LAW ENTITLED LOCAL LAW NO. OF THE YEAR 2021, TO PROHIBIT CONSUMPTION OF ALCOHOLIC BEVERAGES, SMOKING, VAPING, AND USE OF TOBACCO AND CANNABIS PRODUCTS ON TOWN PROPERTY.

Section 1. Purpose. The Town Board wishes to prohibit the consumption of alcoholic beverages, smoking, vaping, and the use of tobacco and cannabis within any Town structure or building on all Town property, including but not limited to parks and green areas.

Section 2. Definitions.

- A. Alcoholic beverages shall mean and include alcohol, liquor, wine, beer, spirits, cider, and every liquid, solid, powder, or crystal, patented or not, containing alcohol, spirits, wine or beer, whether or not brewed, fermented, or distilled, and capable of being consumed by a person.
- B. Alcohol shall mean ethyl alcohol, hydrated oxide of ethyl or spirit of wine from whatsoever source or whatever processes produced.
- C. Smoking shall mean the burning of a lighted cigarette, cigar, pipe, or any other matter or substance which contains tobacco or cannabis as defined in Section

222.00 of the Penal Law or cannabinoid hemp as defined in Section 3 of the Cannabis Law.

- D. Vaping shall mean the use of an electronic cigarette or similar device.
- E. Tobacco products shall mean any substance containing tobacco.
- F. Cannabis shall be defined by New York State Penal Law Section 222.00.

Section 3. General Prohibition.

Consumption of alcoholic beverages, smoking, vaping, use of tobacco and cannabis and all associated products are prohibited within all Town facilities and structures and on all Town property, including but not limited to vehicles, parks and green areas.

Section 4. Penalties.

For every violation of this local law, the person violating such law shall be subject to a fine of not more than \$250.00 and/or 15 days in jail for each offense.

Section 5. Severability.

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law, or the application thereof to any person 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 directly involved in the controversy in which such judgment or order shall be rendered.

Section 6. Effective Date.

This local law shall take effect immediately upon adoption, publication, and filing with the New York State Secretary of State

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEMUNG.