



VILLAGE OF DOBBS FERRY BOARD OF TRUSTEES AGENDA

MEETING DATE: JUNE 22, 2021
AGENDA ITEM SECTION: MATTERS REQUIRING ACTION
AGENDA ITEM NO. : 10
AGENDA ITEM: DISCUSSION OF PROPOSED EXPANSION OF VILLAGE'S SMOKING PROHIBITIONS AND CONSIDER A RESOLUTION TO SET A PUBLIC HEARING ON JULY 13, 2021 AT 6:30 P.M. ON AN INTRODUCTORY LOCAL LAW TO AMEND CHAPTER 112 ARTICLE III
ITEM BACKUP DOCUMENTATION: <ul style="list-style-type: none">1. DRAFT RESOLUTION2. LEGAL NOTICE3. INTRODUCTORY LOCAL LAW

RESOLVED, that the Board of Trustees hereby sets the date for a public hearing on July 13, 2021 at 6:30 p.m., or as soon thereafter as the matter may be heard, to consider an Introductory Local Law amend Chapter 112 Article III of the Dobbs Ferry Code to expand smoking prohibitions to all Village properties and facilities.



VILLAGE OF DOBBS FERRY

112 Main Street
Dobbs Ferry, New York 10522
TEL: (914) 231-8500 • FAX: (914) 693-3470

PLEASE TAKE NOTICE that the Dobbs Ferry Village Board of Trustees will conduct a public hearing on Tuesday, July 13, 2021 at 6:30 p.m., or as soon thereafter as the matter may be heard, to receive public comment on an Introductory Local Law which proposes revisions to Article III Chapter 112 of the Village Code to amend prohibitions on smoking in and around public property and facilities.

It is anticipated that the hearing will be conducted virtually and streamed live, because this method (i) meets the Village goal of protecting public health and safety; (ii) complies with NYS legal requirements, and (iii) conforms with the Governor's Executive Orders related to the ongoing COVID-19 Health Emergency. If in-person participation at Village Hall, 112 Main Street will meet the above criteria at the scheduled time of the hearing, then the public will be notified accordingly.

Interested parties may follow any of the following instructions to be heard:

For virtual participation, the web-based videoconferencing service (Zoom) can be accessed by typing "join.zoom.us" on your web browser and entering the Webinar ID 861 5028 5812, Passcode: 289013, or by following link:

<https://zoom.us/j/205957953?pwd=aU5YNHJVYkxub2lWN0RzQUZoVzROUT09>

For participation by Telephone: dial 1 929 205 6099 during the hearing; or to provide written comments, please forward in advance to the Village Clerk, 112 Main Street or by e-mail LDreaper@dobbsferry.com.

Further details on the proposed local law and instructions for participation may be found online at the Village of Dobbs Ferry website, www.dobbsferry.com

BY ORDER OF THE BOARD OF TRUSTEES

Dated: June 16, 2021

Elizabeth Dreaper
Village Clerk

INTRODUCTORY LOCAL LAW 2021

“An Amendment to the Village of Dobbs Ferry Code to Amend Chapter 112 to Expand and Clarify the Village's Smoking Prohibitions in Article III”

A LOCAL LAW to expand and clarify the smoking prohibitions of Chapter 112.

BE IT ENACTED by the Board of Trustees of the Village of Dobbs Ferry, as follows:

Section 1. Chapter 112, Article III of the Code of Dobbs Ferry is hereby amended as follows, with new matter underlined and deleted matter ~~struck~~ and in [brackets]:

§ 112-14. Findings and declaration of policy.

In furtherance of the goals to promote the overall health, safety and welfare of the public and to encourage the mutually respectful enjoyment of public area, as further defined herein, the Board of Trustees declares an intent enact local smoking prohibitions which (i) are more stringent than those mandated by the Clean Air Act, Public Health Law Article 13-E, and (ii) are in keeping with the power specifically reserved to local municipalities in NYS Public Health Law as currently referenced in Section 1399-r.

~~The Board of Trustees declares that the intent and purpose of this article is to preserve and improve the public's health by improving the air quality in public park areas. This Board hereby finds that the effects of secondary smoke generated by the smoking of cigars, cigarettes, pipes and similar articles poses a threat to the health, safety and well-being of the Village's residents who do not smoke.~~

§ 112-15. Definitions.

For the purposes of this article, the following terms shall have the meanings respectively ascribed to them in this section:

PUBLIC [PARK] AREA

Includes every [park and playground area] property within the Village of Dobbs Ferry that is owned and/or controlled by the Village [which may lawfully be used by the general public] including, but not limited to, all public: (i) parks; (ii) recreation areas such as playgrounds, athletic fields, spectator areas or bleachers, picnic areas, trails and walkways; (iii) parking lots or structures; (iv) easements; (v) rights of way; (vi) streets; and (vii) sidewalks.

SMOKING

Includes the inhaling, exhaling or burning of any tobacco [products], weed, or other plant-based products, and other natural or synthetic substances, in any manner or in any form including the use of an electronic delivery method such as vaping.

§ 112-16. Prohibition.

It shall be unlawful for any person to smoke or carry lighted, ignited, burning or similarly activated tobacco, weed, or other plant-based products and other natural or synthetic substances in any Public ~~[park]~~ Area within the Village. All such lighted items must be extinguished prior to entrance onto such Public Area and shall be properly disposed of in a receptacle and not discarded on the ground.

§ 112-17. Posting of signs.

SMOKING IS PROHIBITED or NO SMOKING signs, with or without using the international no-smoking symbol [—] consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it [~~— shall~~] may be ~~[prominently and conspicuously]~~ posted in every place where this article prohibits smoking. However, the lack of such posting shall not affect the authority of the Village to enforce this Article.

§ 112-18. Penalties for offenses.

Each violation of §112-16 shall be a violation punishable by a fine of not more than \$100. The penalty provided in this section shall be in lieu of all other penalties prescribed in this Code.

§ 112-19. 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 2. Except as otherwise provided herein, all other provisions of Chapter 112 shall remain the same.

Section 3. This Local Law shall take effect immediately upon filing with Secretary of State.