



VILLAGE OF DOBBS FERRY BOARD OF TRUSTEES AGENDA

MEETING DATE: AUGUST 10, 2021
AGENDA ITEM SECTION: PUBLIC HEARINGS
AGENDA ITEM NO. : 1
AGENDA ITEM: CONTINUATION OF PUBLIC HEARING TO CONSIDER AN INTRODUCTORY LOCAL LAW TO AMEND VILLAGE CODE CHAPTER 112 ARTICLE III. (PROPOSED EXPANSION OF THE VILLAGE'S SMOKING PROHIBITIONS)
ITEM BACKUP DOCUMENTATION: 1. INTRODUCTORY LOCAL LAW TO AMEND CHAPTER 112 ARTICLE III

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1. INTRODUCTORY LOCAL LAW TO AMEND CHAPTER 112
ARTICLE III

INTRODUCTORY LOCAL LAW 2021

“An Amendment to the Village of Dobbs Ferry Code Chapter 112 “Alcoholic Beverages and Smoking” to Clarify the Smoking Prohibitions in Article III”

A LOCAL LAW to 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 the interest of public health, the Board of Trustees declares that the purpose of this article is to minimize negative impacts of secondary smoke on air quality in outdoor public settings. Research indicates that detrimental health effects of secondary smoke pose a threat to health, safety and well-being in general, especially the health and well-being of young and vulnerable members of the public. Research also confirms that in outdoor settings, the threat is a function of the proximity to the source. Notwithstanding the numerous national, state and county public health laws and regulations that already restrict or prohibit smoking in locations within the Village, the Board desires to establish restrictions specific to those outdoor public areas owned by or under the control of the Village

In furtherance of the goals to promote the overall health, safety and welfare of the public and to encourage the mutually respectful enjoyment of outdoor public areas, the Board of Trustees declares an intent to enact local smoking restrictions (i) to supplement existing restrictions already mandated by and enforceable under federal, state and county regulation derived from the Clean Air Act, Public Health Law Article 13-E, and (ii) that emanate from the power specifically reserved to local municipalities in NYS Public Health Law as 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] specifically, public: (i) parks; (ii) recreation areas including playgrounds, athletic fields and courts, spectator areas or bleachers, and picnic areas; (iii) parking lots or structures; and (iv) areas within 12 feet from the above areas when in use by members of the public.

SMOKING

Includes the inhaling, exhaling or burning of any tobacco [products], weed, or other plant-based products, and other similar 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, including signs depicting 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] the Public Areas [place] where this article prohibits S[s]moking. However, based upon the

importance of preserving public health and the need to increase the distance between the source of secondary smoke and the young and vulnerable members of the public, the absence of signage 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.