

**TOWN OF NORTH HEMPSTEAD  
LOCAL LAW NO. \_\_ OF 2021**

**A LOCAL LAW AMENDING CHAPTER 39 OF  
THE TOWN CODE ENTITLED “REGULATION OF TOWN PARKS, TOWN  
GARDENS AND TOWN DOCKS”.**

**Section 1. Legislative Intent**

The Town Board of the Town of North Hempstead finds that it is in the best interest of the Town of North Hempstead to make amendments to Chapter 39 of the Town Code entitled “Regulation of Town Parks, Town Gardens and Town Docks” in order to protect the public from involuntary exposure to tobacco and cannabis smoke and vapor at all Town parks and facilities, Town gardens and Town docks.

**Section 2.**

Chapter 39 of the Town Code is hereby amended as follows:

Article I General Provisions

§ 39-2 Definitions.

**CANNABIS**

**All parts of the plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin.**

COMMISSIONER

The Commissioner of Parks and Recreation of the Town of North Hempstead or his designee.

DEPUTY COMMISSIONER IN CHARGE OF GARDENS

The Deputy Commissioner in charge of gardens of the Town of North Hempstead or his designee.

**ELECTRONIC CIGARETTE**

**An electronic device that delivers vapor for inhalation. Electronic cigarette shall include any refill, cartridge, and any other component of an electronic cigarette. Electronic cigarette shall not include any product approved by the food and drug administration for sale as a drug or medical device.**

GARDENS

Includes all botanic gardens or bird sanctuaries and other gardens under the jurisdiction of the Commissioner or Deputy Commissioner in charge of gardens, and such other appurtenances as the Commissioner or Deputy Commissioner in charge of gardens shall utilize, whether the same is now or hereafter owned or acquired by the Town of North Hempstead in fee or otherwise, including all land under and space above the surface of the

ground.

#### PARK or PARKS

Includes all Town and special district parks, playgrounds, athletic fields, swimming pools, beaches, boardwalks and other recreation areas under the jurisdiction of the Commissioner, gardens as defined in this chapter and such other appurtenances as the Commissioner shall utilize, whether the same is now or hereafter owned or acquired by the Town of North Hempstead in fee or otherwise, including all land under and space above the surface of the ground.

#### RESIDENT

A resident of the Town of North Hempstead is a person who resides in the Town of North Hempstead and has so resided for the previous three months.

#### **SMOKING**

**Inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe, or any other lighted tobacco product, cannabis, or any other lighted substance intended for inhalation.**

#### TOWN DOCK

A wharf, pier or platform built on the shore or out from the shore, providing access to navigable waters of the Town of North Hempstead, which is owned or operated and maintained by the Town of North Hempstead and designated by the Commissioner as a "Town dock."

#### **TOBACCO PRODUCT**

**Any product made or derived from tobacco or which contains nicotine marketed or sold for human consumption, whether consumption occurs through inhalation, or oral or dermal absorption, including cigarettes, cigars, chewing tobacco, powdered tobacco, bidis, gutka, other tobacco products, or nicotine water. "Tobacco product" does not include drugs, devices, or combination products authorized for sale by the state or U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.**

#### **VAPING**

**The use of an electronic cigarette or e-cigarette.**

#### **§ 39-16.1 Smoking and vaping prohibited.**

**No person shall smoke or vape within any Park, Garden, or Town Dock.**

Article V Penalties for Offenses; Severability

§ 39-39 Penalties for offenses.

**A.** Any person or persons, association or corporation committing an offense against this chapter, **other than § 39-16.1**, or any regulation promulgated thereunder, or any section or provision thereof, is guilty of a violation punishable by a fine not to exceed \$250 or

imprisonment for a period not to exceed 15 days for each such offense, or by both such fine and imprisonment.

**B. Any person who shall violate § 39-16.1 shall be subject to a civil penalty not exceeding \$25.**

§ 39-40 Severability.

If any clause, sentence, paragraph, section, word or part of this chapter is adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect, impair or invalidate the remainder of this chapter but shall be confined in its operation to the clause, sentence, paragraph, section or part of this chapter directly involved in the controversy in which the judgment was rendered

**Section 3. Effective Date.**

This Local Law shall take effect upon filing with the Secretary of State.