

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

**A LOCAL LAW AMENDING CHAPTER 57 OF
THE TOWN CODE ENTITLED “TOWN FACILITIES”.**

BE IT ENACTED by the Town Board of the Town of North Hempstead as follows:

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 57 of the Town Code entitled “Town Facilities” in order to protect the public from involuntary exposure to tobacco and cannabis smoke and vapor on Town-owned property.

Section 2.

Chapter 57 of the Town Code is hereby amended as follows:

Article I Parking and Operation of Vehicles.

§ 57-1 Legislative findings of intent.

It is hereby declared and found to be the intention of the Town Board of the Town of North Hempstead that the regulation of town facilities is necessary to ensure the orderly maintenance and use of the same by the residents of the town.

§ 57-2 [~~Parking and operation of vehicles.~~]

[~~A.~~] Definitions.

As used herein and unless otherwise expressly stated or unless the context or subject matter otherwise requires, the following terms shall have the meanings indicated:

PARKING METER ZONES

Those parking spaces of the town parking facilities wherein parking shall be regulated and controlled by parking meters.

PARKING SPACE

An area within a parking field designated for the parking of a single vehicle by lines painted on or otherwise durably marked upon the curb or the surface of the field.

PARK, PARKING, or PARKED

The stopping of a vehicle and leaving such vehicle unattended by a person capable of operating it.

PERSON

Any individual, firm, partnership, association, corporation or any other entity.

STAND, STANDING or LEFT STANDING

The stopping of a vehicle when such vehicle shall be occupied by a person capable of operating it.

STOP, STOPPED or STOPPING

The bringing or coming of a vehicle from motion to rest or halting or causing the same to cease from motion.

TOWN PROPERTY

All property owned or leased by the town, including but not limited to the town dock, town beaches and parks, Department of Public Works facilities and the Town Halls, together with all of the driveways, parking areas and grounds surrounding the same.

~~[B-]~~ **§ 57-3.** Speed limit. No person shall operate any vehicle within any town property at a speed in excess of fifteen (15) miles per hour.

~~[C-]~~ **§ 57-4.** Parking, standing and stopping.

~~[1]~~**A**) No person shall park, stand or stop a vehicle at any place within town property except those places where parking, standing or stopping shall be permitted or designated by resolution of the Town Board.

~~[2]~~**B**) The Town Board may by resolution designate areas where parking, standing or stopping shall be restricted to vehicles operated by town officials or personnel or others having official business or rendering special services at the particular town installation.

~~[3]~~**C**) The Supervisor or his agent is hereby authorized to provide for the removal, by any person or agent designated by the Town Board, of any vehicle to a garage, automobile pound or such other appropriate place of safety if such vehicle is parked so as to obstruct traffic and is unattended, or is parked and unattended, at any place within town property, except those vehicles parked in areas where parking shall be permitted as designated by order of the Town Board. The owner or other person lawfully entitled to the possession of such vehicle may be charged with the reasonable cost for removal and storage, payable before the vehicle is released.

~~[D-]~~ **§ 57-5.** Movement of traffic. The Town Board shall by order prescribe the direction in which vehicles shall proceed and the places where vehicles shall stop, turn or otherwise maneuver within town property.

~~[E-]~~ **§ 57-6.** Signs and markings. The Town Board shall cause such appropriate signs to be erected and pavement markings to be made or other devices installed as shall be deemed necessary for the enforcement of this local law or any order authorized herein. Such signs, markings or devices shall be furnished, installed and maintained by the town department charged with the general maintenance of town property.

~~[F-]~~ **§ 57-7.** Observance of signs, markings and orders.

~~(1)~~**A**) Persons operating vehicles within town property shall at all time observe and obey the directions, orders and instructions appearing upon or conveyed by signs, pavement markings or other devices relating to the parking, standing or stopping of vehicles or the direction in which vehicles shall be operated or the places or manner in which vehicles shall be stopped, turned or otherwise maneuvered.

~~(2)~~**B**) Persons operating vehicles within town property shall at all times comply with the orders of any peace officer engaged in the direction of traffic whether the same be given orally or by hand signal.

~~[G-]~~ **§ 57-8.** Parking in parking meter zones.

~~(1)~~**A**) The Town Board shall designate by resolution those parking spaces in the parking lots of town facilities which shall be designated as parking meter zones. The Town Board shall also designate by resolution the number, location, time limitations and conditions of parking within said parking meter zones.

~~(2)~~**B**) Manner of parking; deposit of coins. When any vehicle shall be parked next to or adjacent to a parking meter, the owner or operator of the vehicle shall park within the area designated by the curb or marking lines as indicated for parallel or diagonal parking, which meter spaces shall be so marked that vehicles will be required to park solely within the space designated and controlled by the appropriate meter, and so that no vehicle will be required to park in violation of this subsection, and upon entering the parking space shall immediately deposit in said meter a coin or coins of the United States, as indicated by the instructions on the parking meter, at rates established by the Town Board. It shall be unlawful for any person to fail to park within the designated area, or fail or neglect to so deposit the proper coin or coins.

~~(3)~~**C**) Deposit of coins not required when time is remaining on the meter. Nothing in this subsection shall prevent the owner or operator of a vehicle from parking his vehicle in a space without depositing a coin, where it appears that the maximum legal parking limit has not run since the deposit of the previous coin.

~~(4)~~**D**) Overtime parking. Upon the deposit of coins in a parking meter pursuant to this

subsection, a parking meter space may be then used by a vehicle during the legal parking limit provided by this Code and other ordinances of the town, and the vehicle shall be considered as unlawfully parked if it remains in said space beyond the legal parking limit or when the parking meter displays a signal showing illegal parking.

(~~5~~)**E**) Liability of vehicle owner. It shall be unlawful for any person to cause or permit any vehicle registered in his name to be unlawfully parked in violation of this subsection.

(~~6~~)**F**) Deposit of slugs. It shall be unlawful to deposit or cause to be deposited in any parking meter any slug, device or metallic substitute for a coin of the United States.

(~~7~~)**G**) Damaging or defacing meters. It shall be unlawful for any person to deface, injure, tamper with, open, willfully break or destroy a parking meter.

(~~8~~)**H**) Enforcement. It shall be the duty of each traffic patrolman, or such other officer as shall be so instructed by the Police Department, in his beat or district, to take the number of any meter at which any vehicle is overparked, as provided in this subsection, and the state vehicle tag number of such vehicle, and make complaint therefor in the District Court, together with the length of time during which the vehicle is parked in violation of any of the provisions of this subsection, as well as any other facts, a knowledge of which is necessary to a thorough understanding of the circumstances attending such violations.

(~~9~~)**I**) Penalty for violation of subsection. Any person who shall violate or permit or allow anyone to violate any of the provisions of this [~~subsection of § 57-2~~] **Article I** shall be punished by a fine or penalty not to exceed twenty-five dollars (\$25.).

§ 57-9. (Reserved)

§ 57-10. (Reserved)

Article II Smoking Prohibited.

§ 57-11 Legislative findings of 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 57 of the Town Code entitled “Town Facilities” in order to protect the public from involuntary exposure to tobacco and cannabis smoke and vapor on Town-owned property.

§ 57-12. Definitions.

As used herein and unless otherwise expressly stated or unless the context or subject matter otherwise requires, the following terms shall have the meanings indicated:

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.

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.

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.

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.

TOWN PROPERTY

All property owned or leased by the town, including but not limited to the town dock, town beaches and parks, Department of Public Works facilities and the Town Halls, together with all of the driveways, parking areas and grounds surrounding the same.

VAPING

The use of an electronic cigarette or e-cigarette.

§ 57-13. Smoking and vaping prohibited.

No person shall smoke or vape on Town property.

§ 57-14. Penalty for violation of subsection.

Any person who shall violate any of the provisions of this Article II shall be subject to a civil penalty not exceeding \$25.

§ 57-15. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this article or in its application to the person or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 3. Effective Date.

This Local Law shall be effective upon filing with the Secretary of State.