

Local Law No. ____ of 2021

**A LOCAL LAW AMENDING CHAPTER 249
OF THE CODE OF THE CITY OF HUDSON CONCERNING
SMOKING IN CITY PARKS AND FACILITIES**

Section 1. Title

This local law shall be known as Local Law No. ____ for the year 2021.

Section 2. Legislative Findings, Intent and Purpose.

Chapter 249 of the Hudson City Code was originally adopted in 1990 and most recently amended in 2012 to prohibit smoking in City buildings and in city parks. In 2017, New York State adopted the Clean Indoor Air Act which generally imposed a ban on indoor smoking in all locations including public buildings and private places of employment. The Clean Indoor Air Act rendered most of Chapter 249 out-of-date. However, the Clean Indoor Air Act generally does not regulate outdoor smoking. The purpose of this law is to remove provisions of Chapter 249 rendered obsolete by the Clean Indoor Air Act and strengthen those provisions prohibiting smoking in city parks by updating the definition of “smoking” and adding a definition for “tobacco products”.

Section 3. Statement of Authority

This local law is authorized by the Municipal Home Rule Law (chapter 36-a of the Consolidated Laws of the State of New York) and the General City Law (chapter 21 of the Consolidated Laws of the State of New York).

Section 4. Amendment to the Code of the City of Hudson

Chapter 249 of the Code of the City of Hudson is amended by DELETING the entire text of the Chapter and REPLACING it with the following:

§ 249-1. Definitions.

As used in this Chapter, the following terms will be defined as follows:

SMOKING – means inhaling, exhaling, burning, vaping or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco, nicotine, or plant product, including cannabis, intended for inhalation, in any manner or in any form.

TOBACCO PRODUCTS - means all manufactured products containing tobacco or nicotine, including cigarettes, cigars, pipe tobacco, chew, e-cigarettes and all other vaping products and nicotine delivery systems and devices.

PARK – means all municipally-owned or operated outdoor public recreational spaces including, but not limited to, Oakdale Park, Promenade Hill Park, Henry Hudson Waterfront Park and all playgrounds and pocket parks.

§ 249-2. Smoking Prohibited in All City Parks.

Smoking is prohibited within the property limits of all City owned or operated parks.

§ 249-3. Posting of Provisions.

Signs reading “No Smoking or Vaping” and/or utilizing international “no smoking” and “no vaping” symbols shall be prominently posted at all City owned or operated parks.

§ 249-4. Violations.

It shall be a violation of this chapter for any person to smoke in any city park where smoking is restricted pursuant to § 249-2 of this chapter.

§ 249-5. Penalties for offenses.

Any person who commits a violation of this chapter shall be punishable by imprisonment for term not exceeding 15 days or by a fine not exceeding \$250, or by both such fine and imprisonment.

Section 5. Severability.

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined to its operation in said clause, sentence, paragraph, section or part of this Local Law.

Section 6. Effective Date.

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

Introduced _____

Approved _____

Seconded _____

By _____

Mayor