

## CHAPTER 65

Local Law No. 7 of 2023  
Village of Palmyra, County of Wayne

### **LOCAL LAW NO. 7 OF 2023, LOCAL LAW PROHIBITING USE OF TOBACCO, E-CIGARETTES, AND MARIJUANA UPON REAL PROPERTY OWNED OR LEASED BY THE VILLAGE OF PALMYRA, WITHIN VILLAGE OWNED VEHICLES OR PRIVATELY OWNED VEHICLES USED FOR A VILLAGE PURPOSE, AND WITHIN 25 FEET OF THE ENTRYWAYS OF VILLAGE BUILDINGS**

Be it enacted by the Board of Trustees of the Village of Palmyra as follows:

#### **Section 1. Title**

This Local Law shall be referred to as the "Local Law Prohibiting Use of Tobacco, E-Cigarettes, and Marijuana upon Real Property Owned or Leased by the Village of Palmyra, Within Village Owned Vehicles or Privately Owned Vehicles Used for a Village Purpose, and Within 25 Feet of the Entryways of Village Buildings."

#### **Section 2. Purpose and Intent**

The Village Board of the Village of Palmyra, Wayne County, State of New York, is vested by the State of New York to regulate and control land use within the Village of Palmyra and to protect the health, safety and welfare of its residents. The Board finds that:

- (I) Tobacco and marijuana use on real property owned or leased by the Village should be prohibited in order to:
  - A. Protect the public health, safety and general welfare by eliminating exposure to secondhand tobacco or marijuana smoke and residue;
  - B. Acknowledge the need of nonsmokers, especially children, to breathe smoke-free air; recognizing the danger to public health which secondhand smoke causes including increasing the risk of exposed individuals of heart disease, cancer, emphysema, stroke chronic bronchitis, and asthma;
  - C. Recognize that the need to breathe air free of the disease-causing toxins in secondhand smoke should have priority over the desire and convenience of smoking on real property owned or leased by the Village;
  - D. Recognize the right and benefit to municipal residents and visitors to be free from unwelcome secondhand smoke while on real property owned or leased by the Village;
  - E. Encourage the cessation of tobacco use by all persons, to promote longevity and reduce disease and its cost to society;
- (II) E-cigarette use should be prohibited on Village owned or leased property because:
  - A. Preliminary studies of e-cigarettes demonstrate that many brands contain toxic chemicals and carcinogens;

B. Most E-cigarettes contain nicotine which is a highly addictive and known neurotoxin. Moreover, the extremely high level of nicotine in some brands could place users at risk of overdosing and young children at risk of accidental poisoning;

C. The long-term health effects of e-cigarette use are currently unknown as are the effects on health of “secondhand” e-cigarette vapor inhalation. Preliminary studies, however, suggest that the vapor may negatively affect the lungs and pulmonary system of users and individuals exposed to emitted vapor.

D. E-cigarettes are not currently regulated by the Food and Drug Administration and are not approved as a smoking cessation device. E-Cigarettes, which are often available in a variety of flavor such as cherry, bubblegum, chocolate and vanilla, may encourage the use of these devices by adolescents and others not inclined to use traditional tobacco products and ultimately lead them into a lifetime of nicotine addiction;

E. When consumed in public places where traditional tobacco products are banned, the use of e-cigarettes causes fear, stress, and confusion among patrons and workers alike. E-cigarettes also seriously compromise the county’s current public health laws governing indoor smoking bans and create an enforcement “nightmare” by forcing officials to distinguish between e-cigarettes and traditional nicotine delivery devices.

### **Section 3. Definitions**

As used in this Local Law

USE OF TOBACCO or TOBACCO USE shall mean the burning of a lighted cigar, cigarette, pipe, or any other matter of substance which contains tobacco, and chewing, holding in the mouth, and/or expectorating of chewing tobacco, or any other matter of substance which contains tobacco;

USE OF MARIJUANA or MARIJUANA USE shall mean the burning of a lighted pipe, joint, or any other matter of substance which contains marijuana.

E-CIGARETTE shall mean any electronic device composed of a mouthpiece, heating element, battery, and electronic circuit that provide a vapor of liquid nicotine and/or other substances mixed with propylene glycol to the user as he or she simulates smoking. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, e-pipes, or under any other product name;

SMOKING shall mean to inhale or exhale the smoke or vapor of burning tobacco, marijuana or tobacco substitute and also to carry burning tobacco, marijuana or tobacco substitute in the form of a cigarette, cigar, joint or any other smoke producing product or device including pipes as well as e-cigarettes.

### **Section 4. Use Prohibited.**

Tobacco, marijuana, and/or E-cigarette use shall be prohibited:

A. Upon all real property owned or leased by the Village of Palmyra;

B. Within all Village-owned vehicles or within private vehicles when being used for a Village purpose except that a driver may smoke in a privately-owned vehicle being used for a Village purpose if the driver is sole occupant of the vehicle; and

C. Within 25feet of the entryways of all Village-owned or Village- leased buildings located within the Village of Palmyra, except as provided in Section 5 of this Local Law.

#### **Section 5. Exceptions, Use Permitted.**

The provisions of this Local Law shall not apply to:

A. A privately owned motor vehicle located on Village property, not engaged in Village service, and only when said vehicle's doors and windows are completely closed;

B. Roadways and rights of way located within the Village road system.

C. Public sidewalks, provided that such sidewalk is more than 25feet from the entryways of Village-owned or Village- leased buildings located within the Village of Palmyra.

#### **Section 6. Posting of Signs.**

NO SMOKING" signs, using international symbols (where possible) shall be prominently and conspicuously posted upon the entrance to all real property where smoking is regulated by this Local Law. Said signs shall be protected from tampering, damage, removal or concealment.

#### **Section 7. Penalties for offenses.**

A. Smoking shall be unlawful in any area where smoking is prohibited by the provisions of this Local Law.

B. Any person who violates any provision of this Local Law shall be guilty of a violation, punishable by a civil penalty not to exceed two hundred \$200.00 for a first offense nor to exceed one thousand (\$1,000.00) for a second or subsequent offense.

C. Each violation of this Local Law shall constitute a separate and distinct offense.

#### **Section 8. Enforcement**

This chapter shall be enforced by the Village of Palmyra Code Enforcement Officer, Building/Zoning Officer, or by state, county and local police officers.

In addition to section 7 above, the Village Board shall have such other remedies as are provided by law to enforce the provisions of this chapter, including but not limited to, injunctive relief and/or revocation of any special use permits.

#### **Section 9. Severability.**

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law, or the application thereof to any person, firm, or corporation or circumstance, is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law, or in its application to the person, individual, firm, or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 10. Effective Date**

This Local Law shall take effect immediately when it is filed in the Office of the Secretary of State in accordance with section 27 of the Municipal Home Rule Law.