

Local Law No. 4 of 2021

A Local Law Adding a New Chapter 114
(Non-Smoking Areas) to the Village Code

Section 1. Because second-hand smoke generated by the burning of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco or cannabis or cannabinoid hemp and the discharge caused by vaping with an electronic cigarette can be annoying to others in the vicinity and potentially hazardous to their health, the Board of Trustees hereby finds and determines that a prohibition on smoking in certain public areas owned by the Village of Quogue is necessary and appropriate for the health and welfare of the inhabitants of the Village, and such a prohibition is authorized by Section 1399-r(3) of the New York Public Health Law.

Section 2. The Village Code is hereby amended by adding a new Chapter 114 (Non-Smoking Areas) to read in its entirety as follows:

CHAPTER 114

NON-SMOKING AREAS

§ 114-1. **Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

“Cannabinoid hemp” means any hemp and any product processed or derived from hemp that is used for human consumption.

“Cannabis” means 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” or “e-cigarette” means an electronic device that delivers vapor which is inhaled by an individual user, and shall include any refill, cartridge and any other component of such a device.

“Smoking” means the burning of a lighted cigar, cigarette, pipe or any other matter or substance that contains tobacco or cannabis or cannabinoid hemp.

“Vaping” means the use of an electronic cigarette.

“Village” means the Incorporated Village of Quogue.

§ 114-2. **Smoking and Vaping Prohibited in certain Village-owned and controlled areas.**

Smoking and Vaping by any person shall be prohibited in the following Village-owned and controlled areas:

- A. Village-owned properties and sidewalks bordering on the west side of Jessup Avenue from and including the Quogue Village Police Department at 115 Jessup Avenue and extending in a southerly direction to the southern border of the Village Green adjacent to 44 Quogue Street,
- B. The sidewalk on the east side of Jessup Avenue between Midland Street and Quogue Street,
- C. The sidewalk on the north side of Quogue Street from 44 Quogue Street to 52 Quogue Street,
- D. The sidewalk on the southerly side of Midland Street,
- E. The pond property on the northeast corner of Jessup Avenue and Midland Street and the adjacent property at 114 Jessup Avenue,
- F. The Quogue Wildlife Refuge, the entrance of which is at 5 Old Country Road,
- G. The Quogue Village Dock Recreational Area, located at the southern end of Quogo Neck Lane,
- H. The Quogue Village Beach, located at 170 and 172 Dune Road, and
- I. The boardwalk located on the northerly side of Dune Road approximately opposite number 194 Dune Road.

§ 114-3. Penalties for offenses.

Any person Smoking or Vaping at any place where it is prohibited by this Chapter shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine of \$100 for the first offense under this Chapter and not exceeding \$500 for the second and each subsequent offense.

Section 3. The provisions of this local law are intended to supplement but not to modify or impair in any manner the provisions of Article 13E of the New York Public Health Law

Section 4. The appropriate Village departments shall prominently post and maintain the signage required by Section 1399-p (1) of the New York Public Health Law.

Section 5. This local law shall take effect upon filing with the Secretary of State.