

Town of LaFayette Local Law No. 4 of the year 2021.

A local law prohibiting the smoking and vaping of cannabis products at all Town of LaFayette-owned properties.

Be it enacted by the Town Board of the Town of LaFayette as follows:

**Section 1. Overview**

The New York State Legislature has passed, and the Governor has signed the “Marijuana Tax and Reform Act” legalizing the recreational use and sale of cannabis products in New York State. While the smoking and vaping of cannabis products is generally prohibited in most indoor spaces pursuant to the Clean Indoor Air Act, the smoking or vaping of cannabis products in outdoor spaces remains unregulated.

**Section 2. Legislative Intent**

It is the intent of this local law to prohibit the smoking and vaping of cannabis products at all Town-owned properties including but not limited to Town-owned buildings, sidewalks, parking lots, parks, preserves, playgrounds or athletic facilities.

**Section 3.** Chapter 142 of the Code of the Town of LaFayette entitled “Drug-Free School Zones” is hereby amended as follows:

- A. The title of the chapter shall now read “Drug-Free Zones”
- B. Existing sections 142-1 through 142-4 shall be part of a new Article I entitled “Drug-Free School Zones”
- C. A new Article II shall be added entitled “Prohibition against the Smoking or Vaping of Cannabis Products on Town-Owned Properties”
- D. The following new sections shall be added as part of Article II:
  - a. 142-5 Prohibition against the Smoking or Vaping of Cannabis Products on Town-Owned Properties.

No person shall smoke or vape cannabis or concentrated cannabis as those terms are defined by § 222.00 of the New York State Penal Law on any Town-owned property including but not limited to Town-owned buildings, sidewalks, parking lots, parks, preserves, playgrounds, athletic facilities, or any other Town-owned open spaces.

- b. 142-6 Penalties.

A violation of section 142-5 of this chapter shall be punishable by a civil penalty not exceeding \$25 or an amount of community service not exceeding twenty hours.

**Section 4. 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 this 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 5. Enacting authority.**

This Local Law is authorized by and enacted pursuant to the New York State Constitution, the New York Municipal Home Rule Law, Public Health Law section 1399-r, Penal Law section 222.10, and the Town Law of the State of New York.

**Section 6. SEQR**

It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act and its implementing regulations, that the adoption of this local law is a "Type II" Action within the meaning of Section 617.5(c)(20) and (27) of 6 N.Y.C.R.R., and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

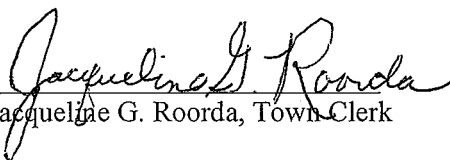
**Section 7. Effective date**

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

**(Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as Local Law No. 4 of 2021 of the Town of LaFayette was duly passed by the Town Board on August 10, 2021, in accordance with the applicable provisions of law.

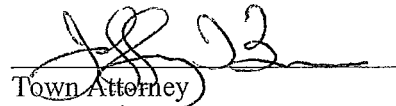
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in the above paragraph.

  
Jacqueline G. Roorda, Town Clerk

Date: August 10, 2021

STATE OF NEW YORK  
COUNTY OF ONONDAGA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

  
Town Attorney