NEW YORK STATE | Department of State
Corporations, State Records & UCC

New York State
Department of State
DIVISION OF CORPORATIONS,
STATE RECORDS AND
UNIFORM COMMERCIAL CODE
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Albany, NY 12231-0001
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Local Law Filing

Pursuant to Municipal Home Rule Law §27

Local Law Number ascribed by the legislative body of the local government listed below:

__2_____ of the year 20 _26____

Local Law Title: A Local Law amending Chapter 321 of the Code of the City of Plattsburgh to prohibit the use of smoking and vaping products on City Property.

Be it enacted by the Common Council **of the**
(Name of Legislative Body)

☐ **County** ☒ **City** ☐ **Town** ☐ **Village**
(Select one)

of Plattsburgh **as follows on the attached pages:**
(Name of Local Government)

For Office Use Only

Department of State Local Law Index Number: _____ of the year 20 ____

(The local law number assigned by the Department of State for indexing purposes may be different from the local law number ascribed by the legislative body of the local government.)

Section 1. Chapter Title.

Chapter 321 of the Code of the City of Plattsburgh shall be amended to read as follows:

CHAPTER 321

USE OF SMOKING AND VAPING PRODUCTS ON CITY PROPERTY

§321-1. Legislative Findings and Purpose.

The Common Council finds that protecting the public from exposure to secondhand smoke and aerosol, maintaining clean and attractive public facilities, reducing litter, protecting children, and promoting the health, safety, and welfare of residents and visitors are legitimate governmental interests.

The purpose of this chapter is to prohibit the use of smoking and vaping products on property owned, leased, operated, or controlled by the City of Plattsburgh regardless of the substance being consumed.

§321-2. Definitions.

For purposes of this chapter, the following terms shall have the meanings indicated:

CITY PROPERTY

Any real property, building, structure, park, playground, athletic field, recreational facility, trail, sidewalk, parking lot, municipal vehicle, or other property owned, leased, operated, managed, maintained, or controlled by the City of Plattsburgh.

SMOKING OR VAPING PRODUCT

Any product or device intended to deliver smoke, vapor, aerosol, or another inhaled substance, including but not limited to:

A. Cigarettes;

B. Cigars;

C. Pipes;

D. Hookahs;

E. Tobacco products;

F. Electronic cigarettes;

G. Vape pens;

H. Vaporizers;

I. Cannabis or marijuana products;

J. Cannabis concentrates;

K. Hemp-derived inhalation products; and

L. Any other product intended to be smoked, heated, burned, vaporized, or otherwise inhaled.

USE OF A SMOKING OR VAPING PRODUCT

To smoke, vape, inhale, exhale, burn, heat, activate, carry while lighted or activated, or otherwise consume a Smoking or Vaping Product.

§321-3. Prohibited Conduct.

No person shall use a Smoking or Vaping Product upon or within any City Property.

§321-4. Applicability.

This chapter applies to all City Property regardless of whether admission is free or paid and regardless of whether the property is open to the general public or being used pursuant to a permit, lease, license, reservation, or other authorization issued by the City.

§321-5. Exceptions.

Nothing contained in this chapter shall prohibit:

A. Conduct expressly required or protected by federal or New York State law.

B. Lawful ceremonial or religious uses when protected by law.

§321-6. Enforcement.

This chapter may be enforced by the Plattsburgh Police Department, Code Enforcement Officers, Park personnel authorized by the City, or any other person authorized by the Common Council or the Mayor pursuant to law.

§321-7. Penalties.

A. Each instance of use of a Smoking or Vaping Product in violation of this chapter shall constitute a separate violation. An offense may be prosecuted by the issuance of an appearance ticket pursuant to Criminal Procedure Law § 150.20.

B. A violation of any provision of this chapter shall constitute a violation, and upon conviction thereof, the violator shall be subject to a fine not exceeding $100.

§321-8. Severability.

If any provision of this chapter or its application to any person or circumstance is held

invalid by a court of competent jurisdiction, the remainder of the chapter shall not be affected.

§321-9. Repealer.

All local laws, ordinances, rules, regulations, or parts thereof inconsistent with this chapter are hereby repealed to the extent of such inconsistency.

Section 2. Existing Penalty Provisions.

To the extent the current Chapter 321 contains enforcement procedures or penalties not inconsistent with this local law, those provisions shall remain in effect.

Section 3. Effective Date.

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

Local Law Filing

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

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

I hereby certify that the local law annexed hereto ascribed as local law number _____ of 20_____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20_____ in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, ascribed as local law number 2 of 20 26 of the (~~County~~)(City)(~~Town)(Village)~~ of Plattsburgh was duly passed by the Common Council on November 5 20 26 and was
(Name of Legislative Body)
(approved)(~~not approved)(repassed after disapproval~~) by the Mayor
(Elective Chief Executive Officer)*
on November 5 2026 in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20_____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20_____ and was
(Name of Legislative Body)
(approved)(not approved)(repassed after disapproval) by the _____ on
(Elective Chief Executive Officer)*
_____ 20_____.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20 _____ in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20_____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20_____ and was
(Name of Legislative Body)
(approved)(not approved)(repassed after disapproval) by the _____ on
(Elective Chief Executive Officer)*
_____ 20_____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20_____ in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

Local Law Filing

5. **(City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20_____ of the City of _____ having submitted to referendum pursuant to the provisions of Section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20_____ became operative.

6. **(County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed thereto, ascribed as local law number _____ of 20_____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20_____ pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

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 paragraph 2 above.

Sylvia Pomatti

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

11/05/2026

(Date)