

Draft Local Law
City of Glen Cove
Chapter 80: Public Use of Marijuana

§ 80-1 Legislative Intent.

As permitted by New York State Public Health Law section 1399-R, the purpose of this chapter is to expand upon the New York State laws and regulations prohibiting the smoking or vaping of cannabis/marijuana as they apply within the jurisdiction of the City of Glen Cove.

§ 80-2 Definitions.

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

CANNABIS/MARIJUANA.

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.

Marijuana means any product containing cannabis or its derivatives, whether natural or synthetic, capable of being smoked or vaporized, and intended for human consumption.

OUTDOOR PUBLIC PLACE

Any public highway, street, roadway, walkway, right of way, alley, sidewalk, parking garage, lot or area, park, playground, beach, recreational area, outdoor area common to or adjoining a public building, schoolyard, playing field, athletic field, outdoor ticket vending area, waiting and boarding area of any transportation facility, restaurant outdoor dining areas or any other outdoor area, facility or ground, whether vacant or improved, open to the public within the jurisdictional limits of the City of Glen Cove.

SMOKE/SMOKING

The possession and inhaling of any burning or heated cannabis or marijuana product, including but not limited to cigarettes, cigars, pipes, hookahs, electronic cigarettes (vapes) or other similar devices containing a cannabis or marijuana product.

VAPE/VAPING

The use of an electronic cigarette or similar device to inhale a cannabis or marijuana product.

ELECTRONIC CIGARETTE OR E-CIGARETTE

An electronic device that delivers vapor which is inhaled by an individual user, and shall include any refill, cartridge or any other component of such a device.

§ 80-3 Prohibitions.

No person shall smoke or vape any marijuana or cannabis product in any outdoor public place within the jurisdictional limits of the city.

§ 80-4 Exceptions.

The foregoing prohibitions shall not apply to marijuana and cannabis products consumed in:

- A. Any outdoor area of a private residence or private property not open to the public and where such consumption is otherwise lawful.

- B. Any public event or location where such use is explicitly authorized by license or permit under the laws and regulations of the State of New York and the City of Glen Cove.

§ 80-5 Enforcement.

The Glen Cove Police Department shall have the authority to enforce the provisions of this chapter and to issue summonses to alleged violators returnable for hearing in the Glen Cove City Court.

§ 80-6 Penalties for Offenses.

- A. Any person violating any provision of this chapter shall be liable to a civil penalty of **up to \$100** for a first offense or up to five hours community service.
- B. Any person committing a second or subsequent offense within a 12-month period shall be liable to a civil penalty of up to \$250 or up to ten hours community service.
- C. All violations of this chapter shall be treated as civil violations; no imprisonment shall attach under this section.