

LOCAL LAW NO. 2 OF 2023

A LOCAL LAW TO UPDATE AND AMEND CHAPTER 33 OF THE TOWN CODE OF THE TOWN OF CHESTER TO PROHIBIT THE USE OF CANNABIS ON PUBLIC PROPERTY

Be it enacted by the Town of Chester in the County of Orange, as follows:

Section 1. Purpose and Intent

It is the intent and purpose of this Local Law to update and amend Chapter 33 of the Town Code of the Town of Chester, entitled “Alcoholic Beverages”, to add provisions which prohibit the use and consumption of cannabis on public property located in the Town of Chester. It is the finding of the Town Board of the Town of Chester that the use of cannabis by persons on public lands is detrimental to the health, safety and welfare of the residents of the Town of Chester in that such public use contributes to the creation of nuisances and otherwise impedes upon the welfare of Town residents. The Town of Chester enacts this local law an exercise of its police power to promote the general health, safety and welfare of the residents of the Town of Chester.

Section 2. Amend and Replace Chapter 33, Entitled, “Alcoholic Beverages”, to Read:

Chapter 33. Alcoholic Beverages and Cannabis

Section 3. Amend and Replace §33-4, Entitled, “Exemptions”, to Read:

§33-4. Penalties for Use.

A violation of this Article shall constitute an offense punishable by a fine not exceeding \$50 for each violation.

Section 4. Remove §33-5, Entitled, “Penalties for Use”, in Entirety.

Section 5. Add Article II, to Read:

Article II. Use of Cannabis on Public Property.

§33-5. Legislative Findings.

The Town Board of the Town of Chester finds that the use of cannabis on public property owned by the Town of Chester is detrimental to the health, safety and welfare of the citizens of the Town of Chester, causes unsightly and unsanitary conditions and creates a public nuisance.

§33-6. Definitions.

CANNABIS

As used in this Article, the definitions of “Cannabis,” “Cannabis Products,” and “Cannabis-Infused Products,” shall have the meanings as defined in the New York State Marijuana Regulation and Taxation Act.

PUBLIC PROPERTY

As used in this Article, Public Property shall mean any highway, street, sidewalk, park, playground, municipal-owned building or public parking lot.

§33-7. Prohibited Acts.

- A. No person shall use, smoke, ingest or consume any Cannabis, Cannabis Products or Cannabis-Infused Products on any Public Property within the Town of Chester.
- B. No person shall sell, transfer, purchase or obtain any Cannabis, Cannabis Products or Cannabis-Infused Products on any Public Property within the Town of Chester.

§33-8. Presumption of Use.

It shall be presumed that any person who openly possesses any unpackaged Cannabis, Cannabis Products or Cannabis-Infused Products while on Public Property is using said products.

§33-9. Penalties for Offenses.

Each violation of this Article shall constitute an offense punishable by a civil penalty of up to \$200, at the discretion of the Town of Chester Justice Court.

Section 6. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, 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 7. Effective date.

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