
BE IT ENACTED by the Town Board of the Town of Greenburgh:

§ 1. Title.
This law is entitled “A local law amending Section 285-36 of the Code of the Town of Greenburgh, entitled “Supplementary use regulations.”

§ 2. Legislative Findings and Intent.
The Town Board of the Town of Greenburgh finds it in the best interest of the Town to amend Section 285-36 of the Code of the Town of Greenburgh to regulate the commercial sale, storage, possession and display of Electronic Nicotine Delivery Systems.

§ 3. Amendments to Chapter 285-5:
Section 285-5 of the Code of the Town of Greenburgh is hereby amended as follows (deleted text in strikeout; new text underlined):

**ELECTRONIC NICOTINE DELIVERY SYSTEM (ENDS)**
Noncombustible tobacco products that use an electronic or other power source to heat eliquids, tobacco, or other material derived from tobacco to create an aerosol, including but not limited to vapes, vaporizers, vape pens, hookah pens, electronic cigarettes, and epipes.
§ 4. Amendments to Chapter 285-36(U):

Section 285-36(U) of the Code of the Town of Greenburgh is hereby amended as follows (deleted text in strikeout; new text underlined):


(1) As a primary use within a multi-use building or as a primary use on a site within a free standing building, the commercial sale, transfer and/or delivery of ENDS and/or ENDS components and parts is permitted in the GI General Industrial & LI Light Industrial districts provided that such use meets the following requirements:

(a) Location
The commercial sale, transfer and/or delivery of ENDS and/or ENDS components and/or parts shall not be located within 1,000 feet of any public or private school, playground, park, or library. Such distance shall be measured from the nearest point of the portion of the building or structure engaged in the commercial sale, delivery and/or transfer of ENDS and/or ENDS components and/or parts to the nearest point of the lot line of the property with a public or private school, playground, park or library.

(b) Storage when open for business.
   (i) No ENDS or ENDS components or parts shall be stored, exhibited, or displayed in windows of the premises.

   (ii) All ENDS or ENDS components and parts shall not be accessible to the public without assistance of authorized personnel.
(2) As an accessory use in permitted retail establishments, the commercial sale, transfer and/or delivery of ENDS and/or ENDS components and parts is permitted provided that such use meets the following requirements:

(a) Location
The commercial sale, transfer and/or delivery of ENDS and/or ENDS components and/or parts shall not be located within 1,000 feet of any public or private school, playground, park, or library. Such distance shall be measured from the nearest point of the portion of the building or structure engaged in the commercial sale, delivery and/or transfer of ENDS and/or ENDS components and/or parts to the nearest point of the lot line of the property with a public or private school, playground, park or library.

(a) Storage when open for business.
(i) No ENDS or ENDS components or parts shall be stored, exhibited, or displayed in windows of the premises.

(ii) All ENDS or ENDS components and parts shall not be accessible to the public without assistance of authorized personnel.

§ 5. Supersession:
Pursuant to New York Municipal Home Rule Law Section 22, this law is intended to supersede any other inconsistent provision of law.

§ 6. Severability:
If any clause, sentence, paragraph, subdivision, section or part of this law or the application to any person or circumstance shall be adjudged 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, section or part of this law, or its application to the person or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

§ 7. Effective Date:
This law shall take effect immediately upon filing with the Secretary of State.