

TOWN OF WARWICK
INTRODUCTORY LOCAL LAW No. 5
AMENDING THE CODE OF THE TOWN OF WARWICK

A Local Law No. 5 amending Chapter 116 of the Code of the Town of Warwick in relation to prohibiting smoking or consuming any product including tobacco and cannabis, as more fully set forth below:

Be it enacted by the Town Board of the Town of Warwick, Orange County, New York, as follows:

Section 1 –TOWN CODE AMENDED:

The Town of Warwick Town Code, Chapter 116, is hereby amended as follows:

Section 2: Definitions

The following definitions is added to Section 116-3:

Cannabis

Includes both plant-form Marihuana, as well as the oil or separated resin of the Cannabis plant, whether purified or raw, or any mixture or preparation containing Tetrahydrocannabinols (THC) of 0.03% or more.

Section 3: Replace section 116-4 “Prohibited Activities” with the following:

§ 116-4 Prohibited activities.

It shall be a violation of this chapter for any person to:

A.

Consume any alcoholic beverage or smoke, including cannabis, on any public lands within the Town of Warwick;

B.

Have in his possession any open container containing any alcoholic beverage or consumable cannabis on any public lands within the Town;

C.

Have within his possession, for the purpose of consumption on public lands, by either himself or another person, any open container containing an alcoholic beverage or consumable cannabis on any public lands within the Town;

D.

Congregate with others upon any public lands within the Town of Warwick;

E.

Remain in doorways or stairways adjacent to any public lands within the Town of Warwick or loiter about such public places; or

F.

Refuse to move on when ordered to do so by a police officer or move on and congregate or loiter in another area or return to the same area.

Section 4: Replace section 116-5 “Exceptions” with the following:

§ 116-5 Exceptions.

The foregoing prohibitions shall not apply:

A.

Within the geographical and time limits of a fair, picnic or any other community gathering for which special permission has been granted by the Town; or

B.

To the transportation of an unsealed, but not opened, container across public lands of the Town, from one point to another, with no intent to consume the contents of such opened containers, for those who can legally possess such beverage, pursuant to § 65-c of the Alcoholic and Beverage Control Law and section 131 of the Marijuana Regulation and Taxation Act of the State of New York, while on public lands.

Section 5: Replace section 116-6 “Applicability” with the following:

§ 116-6 Applicability.

This chapter shall apply to all persons on the public lands in the Town, except as provided for in § **116-5** above, and shall not apply to any person drinking an alcoholic beverage or consuming cannabis while operating a motor vehicle upon any public highway within the Town in violation of § 1227 of the Vehicle and Traffic Laws of the State of New York.

Section 6: Effective Date

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

