

Intro. Res. No. 1604-2011

Laid on Table 6/21/2011

Introduced by Legislators Romaine, Cooper, Muratore, Browning, Montano, Kennedy and Gregory

**RESOLUTION NO. 645 -2011, ADOPTING LOCAL LAW
NO. 40 -2011, A LOCAL LAW TO BAN THE SALE OF FUEL
GEL IN SUFFOLK COUNTY ("MICHAEL'S LAW")**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on June 21, 2011, a proposed local law entitled, "**A LOCAL LAW TO BAN THE SALE OF FUEL GEL IN SUFFOLK COUNTY ("MICHAEL'S LAW")**," now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 40 -2011, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO BAN THE SALE OF FUEL GEL IN SUFFOLK
COUNTY ("MICHAEL'S LAW")**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
SUFFOLK**, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that Suffolk County residents enjoy recreating and relaxing outdoors during the warm weather months.

This Legislature also finds and determines that some County residents have purchased outdoor fire pits, fireplaces, and firepots to provide warmth and light when enjoying their patios or yards.

This Legislature further finds and determines that many of these products can use alcohol-based fuel in a pourable gelatinous form, commonly known as fuel gel.

This Legislature finds that the properties of fuel gel are such that, as the amount of gel remaining decreases, it becomes difficult to determine if the substance is still burning. There is no wick in these products; the entire surface of the gel burns.

This Legislature determines that several accidents have occurred recently, including two in New York, where containers holding fuel gel have exploded as people attempt to refill a holder that appears to be unlit.

This Legislature also finds that these accidents have caused serious, life-threatening injuries.

This Legislature further finds that Michael Hubbard is a 14 year old resident of Riverhead who was severely injured on May 28, 2011 when a relative attempted to refill a firepot with fuel gel. The firepot and the container of fuel gel that was being used to refill it both exploded, covering Michael in burning fuel gel. Michael remains hospitalized, fighting for his life with severe burns and related organ failure.

This Legislature also determines that fuel gel is difficult to remove from any surface, including human skin, increasing the risk of injury and the severity of such injuries.

This Legislature further determines that fuel gel is also difficult to extinguish. Conventional methods of fire extinguishing, such as smothering the fire or rolling on the floor or ground, are not as effective on fires involving fuel gel, as the burning gel simply sticks to any surface it contacts and ignites it.

This Legislature finds that the properties of fuel gels make them a serious risk to the health and safety of the residents of Suffolk County. Such products should be banned from sale in the County as a means of protecting the health, safety and welfare of all County residents.

Therefore, the purpose of this law is to ban the sale of fuel gel in the County of Suffolk.

Section 2. Definitions.

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

“FUEL GEL” shall mean any semi-solid, pourable gelatinous material containing ethyl alcohol manufactured for use in fire pits, fireplaces, firepots or other similar products.

“PERSON” shall mean any natural person, individual, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint stock association, or other entity or business of any kind.

Section 3. Prohibition.

No person shall sell or offer for sale fuel gel in the County of Suffolk.

Section 4. Penalties.

Violation of this law shall be punishable by a civil fine of up to five hundred dollars (\$500) for a first violation, with subsequent violations punishable by a fine of up to one thousand dollars (\$1,000).

Section 5. Enforcement.

This law shall be enforced by the Department of Consumer Affairs.

Section 6. Authority to Promulgate Rules and Regulations.

The Commissioner of the Suffolk County Department of Consumer Affairs is hereby authorized and empowered to promulgate such rules and regulations as he or she deems necessary to implement this law.

Section 7. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 8. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, 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 in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 9. SEQRA Determination.

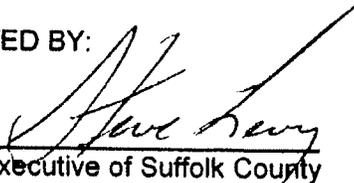
This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 10. Effective Date.

This law shall take effect on the ninetieth (90th) day immediately subsequent to filing in the Office of the Secretary of State.

DATED: August 16, 2011

APPROVED BY:



County Executive of Suffolk County

Date: **SEP 09 2011**
After a public hearing duly held on August 30, 2011
Filed with the Secretary of State on September 26, 2011

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY



This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on August 16, 2011 and that the same is a true and correct transcript of said resolution and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

Tim Laube

Clerk of the Legislature

Intro. Res. 1604

Res. No. 645

August 16, 2011

Motion:
Romaine, Schneiderman, Browning, Muratore, Anker
 Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:
 Romaine, Schneiderman, Browning, Muratore, Anker
 Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:
 Romaine, Schneiderman, Browning, Muratore, Anker
 Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Thomas MURATORE					
6	Sarah S. ANKER					
7	Jack EDDINGTON					
9	Ricardo MONTANO					
10	Thomas CILMI					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
14	Wayne R. HORSLEY					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	Jon COOPER					
5	Vivian VILORIA-FISHER, D.P.O.					
8	William J. LINDSAY, P.O.					
	Totals	18				

MOTION

Approve

Table: _____

Send To Committee _____

Table Subject To Call _____

Lay On The Table _____

Discharge _____

Take Out of Order _____

Reconsider _____

Waive Rule _____

Override Veto _____

Close _____

Recess _____

APPROVED FAILED _____

No Motion _____ No Second _____

RESOLUTION DECLARED

ADOPTED

NOT ADOPTED _____

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call _____ Voice Vote