

Intro. Res. No. 1521-2012
Introduced by Legislators Spencer, Schneiderman, Calarco and Hahn

Laid on Table 5/8/2012

**RESOLUTION NO. 567 -2012, ADOPTING LOCAL LAW
NO. 44 -2012, A LOCAL LAW TO PROHIBIT SMOKING IN
COUNTY PARKS AND BEACHES**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on May 8, 2012, a proposed local law entitled, "**A LOCAL LAW TO PROHIBIT SMOKING IN COUNTY PARKS AND BEACHES**;" now, therefore be it

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

LOCAL LAW NO. 44 -2012, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO PROHIBIT SMOKING IN COUNTY PARKS AND
BEACHES**

**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 the County of Suffolk was one of the first municipalities in the nation to prohibit smoking in certain indoor areas open to the public.

This Legislature also finds and determines that the County has placed restrictions on smoking because the effects of secondhand smoke pose a serious threat to the health, safety and welfare of citizens who do not smoke.

This Legislature further finds and determines that the dangers of secondhand smoke are not limited to indoor smoking.

This Legislature finds that the County owns a number of parks which provide residents with easy access to the beauty of nature and recreational opportunities.

This Legislature determines that many smokers discard their cigarettes on the ground when smoking outside, leaving unsightly litter which detracts from other residents' enjoyment of County parks and beaches and creates an environmental hazard as toxins from the cigarettes break down and absorb into the surrounding land and water.

This Legislature further finds that in 2011, New York City banned smoking at all City-owned parks and beaches.

This Legislature also determines that the County of Suffolk should ban smoking at all County-owned and/or operated parks and beaches in order to provide County residents with the highest levels of protection from secondhand smoke and to preserve the cleanliness of County parklands.

Therefore, the purpose of this law is to prohibit smoking in any Suffolk County park or beach.

Section 2. Amendments.

Chapter 643 of the SUFFOLK COUNTY CODE is hereby amended as follows:

Chapter 643. PARKS AND PARK FACILITIES

ARTICLE I. Rules and Regulations.

§ 643-4. Prohibited acts.

A. No person in a County park shall:

(25) Smoke in any area outside of the park's designated parking areas. This restriction shall not apply to any golf course or campground owned and/or operated by the County of Suffolk.

Section 3. Applicability.

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

Section 4. 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 5. 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.

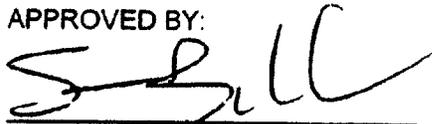
Section 6. Effective Date.

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

[] Brackets denote deletion of existing language
___ Underlining denotes addition of new language

DATED: June 19, 2012

APPROVED BY:



County Executive of Suffolk County

Date: 7-19-2012

After a public hearing duly held on July 3, 2012
Filed with the Secretary of State on August 17, 2012

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 June 19, 2012 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.

1521

Res. No.

567

June 19, 2012

Motion:

Romaine, Schneiderman, Browning, Muratore, Anker
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

Co-Sponsors:

Romaine, Schneiderman, Browning, Muratore, Anker
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

Second:

Romaine, Schneiderman, Browning, Muratore, Anker
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

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

MOTION
<input checked="" type="checkbox"/> 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 <input checked="" type="checkbox"/> FAILED ___
No Motion ___ No Second ___

RESOLUTION DECLARED
<input checked="" type="checkbox"/> ADOPTED
___ NOT ADOPTED

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call Voice Vote ___