

WITHDRAWN AS OF 4/17/2015

Intro. Res. No. 1152-2015
Introduced by Presiding Officer Gregory

Laid on Table 3/3/2015

**RESOLUTION NO. -2015, ADOPTING LOCAL LAW
NO. -2015, A LOCAL LAW TO AUTHORIZE THE SALE AND
USE OF SAFE SPARKLING DEVICES**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on _____, 2015, a proposed local law entitled, "**A LOCAL LAW TO AUTHORIZE THE SALE AND USE OF SAFE SPARKLING DEVICES**" now, therefore be it

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

LOCAL LAW NO. -2015, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO AUTHORIZE THE SALE AND USE OF SAFE
SPARKLING DEVICES**

**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 New York Legislature approved, and the Governor of New York signed into law, Chapter 477 of the 2014 Laws of the State of New York.

This Legislature finds that Chapter 477 places new restrictions on dangerous fireworks but also authorizes local governments to enact legislation that permits the sale and use of sparklers or "sparkling devices" within their jurisdictions.

This Legislature also determines that the National Fire Protection Association adopted a recommended safety code (NFPA 1124) for the manufacture, transportation, storage and retail sale of fireworks; a local law permitting the sale of sparklers, as authorized by Chapter 477, would be compliant with these safety standards.

This Legislature concludes that legalizing access to safe sparkling devices will allow County residents to enhance their enjoyment of certain important holidays and, also benefit Suffolk County businesses.

Therefore, the purpose of this law is to legalize the sale and use of sparkling devices in Suffolk County, within the parameters established by the State of New York.

Section 2. Definitions.

As defined in this law, the following term shall have the meaning indicated:

"Sparkling Devices" – as defined in subparagraph (vi) of paragraph (a) of subdivision one of Section 270.00 of NEW YORK PENAL LAW.

Section 3. Election to Exclude “Sparkling Devices” from the Definition of “Fireworks” and “Dangerous Fireworks”.

As authorized by Chapter 477 of the 2014 Laws of the State of New York, the County of Suffolk hereby elects to exempt “sparkling devices” from the definitions of “fireworks” and “dangerous fireworks” set forth in Section 270.00 of NEW YORK PENAL LAW.

Section 4. Sale Permitted.

The sale of sparkling devices is hereby permitted within the County of Suffolk subject to the following restrictions:

- 1) Sales will only be permitted on or between June 1st through July 5th and December 26th and January 2nd of each calendar year.
- 2) All distributors, manufacturers and retailers must be licensed through the New York Department of State.
- 3) Only those 18 years of age or older may purchase said products.

Section 5. Applicability.

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

Section 6. 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 7. 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 8. Effective Date.

This law shall take effect immediately upon its filing in the Office of the Secretary of State.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: