

**RESOLUTION NO. 992 -2016, ADOPTING LOCAL LAW
NO. 34 -2016, A LOCAL LAW TO ENHANCE ENFORCEMENT
OF SMOKING RESTRICTIONS AT MULTIPLE DWELLING
BUILDINGS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on September 7, 2016, a proposed local law entitled, "**A LOCAL LAW TO ENHANCE ENFORCEMENT OF SMOKING RESTRICTIONS AT MULTIPLE DWELLING BUILDINGS**"; now, therefore be it

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

LOCAL LAW NO. 34 -2016, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO ENHANCE ENFORCEMENT OF SMOKING
RESTRICTIONS AT MULTIPLE DWELLING BUILDINGS**

**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 enacted Local Law No. 37-2015 to prohibit smoking in common areas of multiple dwelling buildings and in close proximity to the entrances of such buildings.

This Legislature further finds that the Department of Health Services has recommended several amendments to Local Law No. 37-2015, which will allow the Department to enforce the law more effectively.

Therefore, the purpose of this local law is to prohibit smoking within fifty (50) feet of any multiple dwelling building and to amend the definition of "common areas" so it is slightly less restrictive.

Section 2. Amendments.

Chapter 754 of the SUFFOLK COUNTY CODE is hereby amended as follows:

**CHAPTER 754.
SMOKING**

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§ 754-2. Definitions.

As used in this chapter, the following term shall have the meaning indicated:

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Common Areas

Every enclosed or unenclosed area of a multiple-dwelling building that residents of more than one unit are entitled to enter or use, including but not limited to halls, pathways, lobbies, courtyards, elevators, stairs, community rooms, playgrounds, gym facilities, swimming pools, [parking garages, parking lots, grassy or landscaped areas,] restrooms, laundry rooms, cooking area, eating areas and meeting rooms.

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§ 754-3. Limitations and restrictions.

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- U. Smoking is prohibited in common areas of multiple-dwelling buildings and within [a fifty-foot radius of all entrances and exits of such buildings and within 50 feet of any ventilation intake that serves an enclosed area] fifty feet of a multiple-dwelling building.

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Section 3. Applicability.

This law shall apply to all 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 will take effect within sixty (60) days after its filing in the Office of the Secretary of State.

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

DATED: November 22, 2016

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: December 14, 2016

After a public hearing duly held on December 5, 2016
Filed with the Secretary of State on December 28, 2016