

**RESOLUTION NO. 1119 -2010, ADOPTING LOCAL LAW
NO. 7 -2011, A LOCAL LAW TO REDUCE MINORS' ACCESS
TO SPRAY PAINT**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on August 17, 2010, a proposed local law entitled, "**A LOCAL LAW TO REDUCE MINORS' ACCESS TO SPRAY PAINT**"; now, therefore be it

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

LOCAL LAW NO. 7 -2011, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO REDUCE MINORS' ACCESS TO SPRAY PAINT

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 graffiti is a chronic problem in Suffolk County, damaging both public and private property.

This Legislature also finds and determines that graffiti is frequently made by minors using cans of aerosol spray paint.

This Legislature further finds and determines that, while Suffolk County prohibits the sale of aerosol spray paint cans to minors, young people still manage to obtain aerosol products.

This Legislature finds that aerosol spray paint cans are frequently found on unattended open shelves in many retail stores throughout the County, leaving these products vulnerable to shoplifting.

This Legislature determines that requiring retailers to maintain all aerosol spray paint cans in line of sight, under surveillance, or in a locked case or behind a sales counter will prevent shoplifting and reduce minors' access to the products.

This Legislature also finds that such requirements will also aid in the enforcement of the County's existing age restrictions for the purchase of spray paint.

Therefore, the purpose of this law is to require that all retailers in Suffolk County conform to prudent theft prevention display standards.

Section 2. Amendments.

Chapter 392 of the SUFFOLK COUNTY CODE is hereby amended as follows:

Chapter 392, PROPERTY, DEFACEMENT OF

§ 392-4. Display of Spray Paint.

All persons who sell or offer for sale aerosol spray paint cans shall display these items in line of sight of a normally occupied work station, either directly or by surveillance equipment, during the regular course of business; within a locked case; behind a service counter or otherwise stored in a manner which restricts general public access to the aerosol spray paint cans without employee assistance.

§392-[4] 5. Penalties.

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 immediately upon filing in the Office of the Secretary of State.

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

DATED: December 7, 2010

EFFECTIVE PURSUANT TO SECTION 2-15(D) OF THE SUFFOLK COUNTY CHARTER,
RETURNED BY THE COUNTY EXECUTIVE UNSIGNED JANUARY 7, 2011

After a public hearing duly held on December 20, 2010
Filed with the Secretary of State on January 20, 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 December 7, 2010 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.

1863

Res. No. 1119

December 7, 2010

Motion:

Romaine, Schneiderman, Browning, Muratore, Losquadro
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:

Romaine, Schneiderman, Browning, Muratore, Losquadro
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:

Romaine, Schneiderman, Browning, Muratore, Losquadro
Eddington, Montano, Cilmi, Lindsay, Vilorio-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	Daniel P. LOSQUADRO			/		
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		17	1	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