

Intro. Res. No. 2017-2018
Introduced by Legislators McCaffrey, Sunderman, Calarco and Anker

Laid on Table 11/7/2018

**RESOLUTION NO. 1173 -2018, ADOPTING LOCAL LAW
NO. 8 -2019, A LOCAL LAW TO PROHIBIT SMOKING IN
COUNTY BUS SHELTERS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on November 7, 2018 a proposed local law entitled, "**A LOCAL LAW TO PROHIBIT SMOKING IN COUNTY BUS SHELTERS**"; now, therefore be it

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

LOCAL LAW NO. 8 -2019, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO PROHIBIT SMOKING IN COUNTY BUS
SHELTERS**

**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 adopt a law restricting smoking in certain indoor areas, including health care facilities, places of public assembly and movie theaters.

This Legislature further finds that since the County's smoking law was initially enacted in 1984, public awareness of the health risks posed by second-hand smoke has grown and the County's law has been expanded to provide stronger protections for Suffolk County residents.

This Legislature finds that a number of persons who utilize Suffolk County Transit's bus system have complained that they are exposed to second-hand smoke when they are waiting in a bus shelter for their bus to arrive.

This Legislature determines that many local governments across the country have banned smoking in bus shelters.

This Legislature concludes that banning smoking at bus shelters will not only protect the health and welfare of County bus riders but reduce the incidence of littering at County bus stops.

Therefore, the purpose of this local law is to ban smoking inside County bus shelters.

Section 2. Amendment.

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

Chapter 754: Smoking

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§ 754-2. Definitions.

BAR or TAVERN

Any indoor area open to the public devoted to the sale and service of alcoholic beverages for on-premises consumption regardless of the quantity of food served to patrons for on-premises consumption.

BUS SHELTER

A structure constructed at a bus stop serviced by Suffolk County Transit, which provides seating and/or protection against the elements for the convenience of waiting passengers.

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§ 754-3. Limitations and restrictions.

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V. Smoking is prohibited in bus shelters.

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Section 3. Applicability.

This law shall apply to 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 will take effect ninety (90) days after its filing in the Office of the Secretary of State.

___ Underlining denotes addition of new language.

DATED: December 18, 2018

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: January 9, 2019

After a public hearing duly held on January 3, 2019
Filed with the Secretary of State on January 25, 2019