

STRICKEN AS OF 10/6/2021

Intro. Res. No. 1642-2020
Introduced by Legislator Cilmi

Laid on Table 7/21/2020

**RESOLUTION NO. -2021, ADOPTING LOCAL LAW
NO. -2021, A LOCAL LAW TO UPDATE THE COUNTY'S
SMOKING REGULATIONS IN MULTIPLE DWELLING UNITS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on July 21, 2020, a proposed local law entitled, "**A LOCAL LAW TO UPDATE THE COUNTY'S SMOKING REGULATIONS IN MULTIPLE DWELLING UNITS**"; now, therefore be it

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

LOCAL LAW NO. -2021, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO UPDATE THE COUNTY'S SMOKING
REGULATIONS IN MULTIPLE DWELLING UNITS**

**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 Suffolk County strives to protect the health, safety, and welfare of its residents.

This Legislature also finds and determines that studies have confirmed inhaling second-hand smoke is proven to be harmful to one's health.

This Legislature further finds and determines that the County enacted Local Law No. 37-2015, codified in Chapter 754 of the SUFFOLK COUNTY CODE, to prohibit smoking in common areas of multiple-dwelling buildings and in close proximity to the entrances of such buildings.

This Legislature finds that the County enacted Local Law No. 34-2016 to prohibit smoking within fifty (50) feet of a multiple-dwelling building.

This Legislature determines that in its current form, residents may smoke on their balconies or patios under the current language of the law.

This Legislature also finds that smoking on balconies and patios located near the building's external air intake ventilation often pulls second-hand smoke directly into the building's fresh air supply.

This Legislature further finds that the language of this law should be changed in order to prevent non-smoking residents from inhaling the second-hand smoke emitted from individuals smoking on their balconies or patios, while providing greater clarity on where smoking is allowed.

Therefore, the purpose of this law is to amend Chapter 754 of the SUFFOLK COUNTY CODE to prohibit smoking on balconies and patios that are near the external air intake vents of a multiple dwelling unit.

Section 2. Amendments.

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

CHAPTER 754. SMOKING

* * * *

§ 754-2. Definitions.

* * * *

MULTIPLE-DWELLING BUILDING - Any property containing [10 or more] 4 or more attached dwelling units, including, but not limited to, apartment buildings, condominium complexes, senior and assisted-living facilities, other home owners' associations governing attached residences, and long-term health-care facilities.

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§ 754-3. Limitations and restrictions.

* * * *

U. Smoking is prohibited in common areas of multiple-dwelling buildings, [and] within 50 feet of a multiple-dwelling building[.], and within 50 feet of any outdoor ventilation intake, including but not limited to ventilation intakes located on balconies, patios, or any exterior portion of an individual unit which is within the 50-foot radius.

* * * *

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)(26) 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 routine or continuing administration and management not including new programs or major reordering of priorities that may affect the environment. 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 its filing in the Office of the Secretary of State.

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

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: