

**RESOLUTION NO. 527-2021, ADOPTING LOCAL LAW
NO. 20-2021, A LOCAL LAW TO CLARIFY SMOKING
RESTRICTIONS AT COUNTY PARKS AND PARK FACILITIES**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on May 11, 2021, a proposed local law entitled, "**A LOCAL LAW TO CLARIFY SMOKING RESTRICTIONS AT COUNTY PARKS AND PARK FACILITIES**"; now, therefore be it

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

LOCAL LAW NO. 20-2021, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO CLARIFY SMOKING RESTRICTIONS AT
COUNTY PARKS AND PARK FACILITIES**

**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 owns, operates and maintains thousands of acres of parkland for the benefit of County residents and visitors.

This Legislature also finds and determines that presently, Chapter 643 limits the locations where individuals can smoke in County parks. However, this chapter does not include a definition of smoke or smoking.

This Legislature further finds and determines that other portions of the Suffolk County Code address the issue of smoking and include definitions, but are not expressly applicable to County park properties.

This Legislature finds that in the advent of electronic cigarettes and the recent legalization of marijuana in New York State, the law should be updated to include a definition for smoking which is consistent with other portions of the Suffolk County Code and includes all necessary activities to protect the health and safety of visitors to County park properties.

Therefore, the purpose of this law is to amend Chapter 643 of the SUFFOLK COUNTY CODE to include a definition of smoke or smoking in County parks to clarify for visitors to parks properties the activities being regulated.

Section 2. Amendments.

Chapter 643 of the SUFFOLK COUNTY CODE is hereby amended as follows:

Chapter 643. Parks and Park Facilities.

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Article I. Rules and Regulations.

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§ 643-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

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PERSON – Any person, firm, partnership, association, corporation, company or organization of any kind.

SMOKE OR SMOKING – The combustion of any cigar, cigarette, tobacco, marijuana or any similar article or any other combustible substance in any manner or in any form or the heating or ignition of an e-cigarette which creates a vapor.

STIMULANT DRINK – A beverage that contains 75 or more milligrams of caffeine per eight fluid ounces and generally includes a combination of other supplements such as methylxanthines, B vitamins, herbal ingredients and other ingredients which are advertised as being specifically designed to provide or improve energy.

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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), (27) and (33) 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 in that the action constitutes 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: June 22, 2021

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: July 19, 2021

After a public hearing duly held on July 8, 2021
Filed with the Secretary of State on July 29, 2021