

Adopting Introductory Local Law No. 3 Of 2008 (A Local Law Prohibiting Smoking Upon All Real Property Owned Or Leased By The County Of Ulster), Hereinafter Known As Local Law Number 9 Of 2008

The Health Services Committee (Chairman R.S. Parete and Legislators Briggs, Stoeckeler, Terpening, Petit, Roberti and Ronk) offers the following:

WHEREAS, Resolution No. 232 dated July 9, 2008, set the date for Public Hearing on Introductory Local Law No. 3 Of 2008 (A Local Law Prohibiting Smoking Upon All Real Property Owned Or Leased By The County Of Ulster), to be held on Wednesday, August 6, 2008 at 6:00 PM in the Legislative Chambers, Ulster County Office Building, 244 Fair Street, Kingston, New York, and

WHEREAS, said Public Hearing was held on Wednesday, August 6, 2008 at 6:00 PM, Ulster County Office Building, Kingston, New York, and

WHEREAS, said Public Hearing was duly advertised in the official newspapers of the County of Ulster together with a supplemental newspaper of the County of Ulster and posted on the signboard maintained by the Clerk of the Legislature situated in the Ulster County Office Building, and

WHEREAS, all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, and

WHEREAS, based upon the examination of the Ulster County Legislature, and pursuant to Part 617 of the implementary regulations pertaining to Article 8 of the State Environmental Quality Review Act (SEQRA), it has been determined that the adoption of this proposed Local Law constitutes a Type II action as defined under 6 NYCRR 617.5(c)(20) and (27) and does not require any determination or procedure under SEQRA, and

WHEREAS, the Laws and Rules Committee has met and reviewed said request with a majority of the members voting approval.

RESOLVED, that the Introductory Local Law herein is hereby adopted by the Ulster County Legislature, and hereinafter known as Local Law Number 9 of 2008,

Resolution No. 331 November 12, 2008

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and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 21 NOES: 10
(NOES: Legislators Fabiano, Gerentine, Hansut, Harris, Maloney, Noonan, Petit, Roberts, Ronk and Terrizzi)
(Absent: Legislators Aiello and Kraft)

Legislator R.S. Parete motioned, seconded by Legislator R.A. Parete to amend the Local Law striking out the following as indicated in Section 1.:

SECTION 1: FINDINGS.

~~The Legislature of the County of Ulster finds that effective January 1, 2009, smoking shall be prohibited within 50 feet of all building entrances upon all real property owned or leased by the County of Ulster, except on the Ulster County Community College Campus, where smoking shall be prohibited within 200 feet of all building entrances; and, thereafter, effective January 1, 2010, smoking shall be prohibited upon all real property owned or leased by the County of Ulster in order to:,~~

and striking out the following as indicated in Section 3:

SECTION 3: REGULATION AND PROHIBITION OF SMOKING UPON COUNTY-OWNED AND LEASED REAL PROPERTY.

“Smoking” shall mean inhaling of, exhaling of, burning of, or carrying of any lighted cigar, cigarette, pipe, weed, or other plant in any manner or any form.

~~Effective January 1, 2009, smoking shall be prohibited within 50 feet of all building entrances upon all real property owned or leased by the County of Ulster, except on the Ulster County Community College Campus, where smoking shall be prohibited within 200 feet of all building entrances; and, thereafter, effective January 1, 2010, smoking shall be prohibited upon all real property owned or leased by the County of Ulster.~~

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Smoking shall be prohibited upon all real property owned or leased by the County of Ulster as set forth herein, except when located within a moving motor vehicle which is in the process of exiting or entering real property owned or leased by the County of Ulster;

and adding the following to Section 9: and become operative on June 1, 2009.

SECTION 9. EFFECTIVE DATE.

This Local Law shall take effect upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law **and become operative on June 1, 2009.**

MOTION ADOPTED BY THE FOLLOWING VOTE:

AYES: 19 NOES: 12
(NOES: Legislators Cummings, Fabiano, Felicello,
Gerentine, Hansut, Harris, Maloney, Noonan, Petit,
Roberts, Ronk and Terrizzi)
(Absent: Legislators Aiello and Kraft)

FINANCIAL IMPACT:

\$300.00 – APPROXIMATE ADVERTISING COSTS