

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one:)

of STEUBEN

Local Law No. FOUR of the year 20¹⁵

A local law Allowing for Common, Safe Items to be Excluded from the Dangerous Fireworks Definition
(Insert Title)
as Permitted by New York State Penal Law, Section 405.00(5)(b).

Be it enacted by the LEGISLATURE of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of STEUBEN as follows:

Section 1. Legislative Intent.

A. Whereas on November 21, 2014 Governor Cuomo signed into law Chapter 477 of the Laws of 2014 (S.7888/A.10141).

B. Whereas the law includes strong home rule authority, only allowing for certain fireworks to be sold and used in municipalities that affirmatively enact a local law authorizing such action.

C. In keeping with Chapter 477 of the Laws of 2014, and Penal Law Section 405.00, this Legislature further finds and determines that "Sparkling Devices" should be exempted from the definitions of "fireworks" and "dangerous fireworks" in section 270.00 of the Penal Law, within Steuben County.

D. This Legislature finds that allowing the exemption of Sparkling Devices from the definitions of "fireworks" and "dangerous fireworks" contained in the Penal Law will benefit County residents and businesses.

E. The National Fire Protection Association adopted a recommended safety code (NFPA 1124) for the manufacture, transportation, storage and retail sales of fireworks.

F. Whereas this local law and State Chapter 477 of the Laws of 2014 are compliant with the safety standards established in NFPA 1124.

G. This Legislature recognizes that pursuant to section 392-j of the Penal Law, section 156-h of the Executive Law and section 270.00 of the Penal Law, that the sale and use of "sparkling devices" is permitted with the following restrictions:

1) Sales will only be permitted on or between June 1st through July 5th and December 26th and January 2nd of each calendar year.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

- 2) All distributors, manufacturers, and retailers must comply with any and all state laws and regulations regarding registration requirements.
- 3) Only those 18 years of age or older may purchase said products.

Section 2. Definitions.

“Sparkling Devices” shall be defined as defined in subparagraph (vi) of paragraph (a) of subdivision one of section 270.00 of the Penal Law.

Section 3. Sparkling Devices Exempt.

Pursuant to the authorization of paragraph (b) of subdivision five of section 405.00 of the Penal Law, the Steuben County Legislature hereby exempts Sparkling Devices from the definitions of “fireworks and “dangerous fireworks” contained in section 270.00 of the Penal Law.

Section 4. Separability.

If any part of or provisions of this law, or the application thereof to any person or circumstance, shall be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part of or provision of, or application directly involved in the controversy in which such the remainder of this law, or the application thereof to other persons or circumstances.

Section 5. Effective Date.

This law shall take effect immediately upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. Four of 2015 of the (County)(City)(Town)(Village) of Steuben was duly passed by the Legislature on May 18 2015, in accordance with the applicable provisions of law.

~~**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) _____ (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted _____ (Elective Chief Executive Officer*) on _____ 20____, in accordance with the applicable provisions of law.~~

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) _____ (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. _____ (Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

~~**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) _____ (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.~~

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

~~5. (City local law concerning Charter revision proposed by petition.)~~

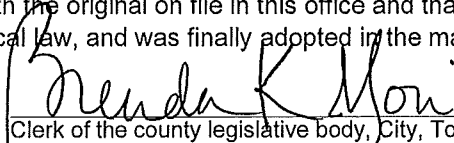
~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.~~

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph ¹_____ above.


Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 5/27/15

(Seal)