

By Legislators Hasman and Blankley

Intro No. 73

LOCAL LAW NO. 5 OF 2023
(As Amended by Motion No. 21 of 2023)

ENACTING A LOCAL LAW AMENDING CHAPTER 323 OF THE MONROE COUNTY CODE

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. Section 323-29 of the Monroe County Code is hereby amended to read as follows:

§ 323-29 Controlled substances and Vaping

- A. No person shall use, carry, transport or sell within a park any marijuana, narcotic drug, hallucinogen or controlled substance as defined in § 220.00, or drug paraphernalia as defined in § 220.50 of the New York State Penal Law. Violations of this section will be prosecuted in accordance with the New York State Penal Law. Violators will be subject to the penalties prescribed therein.
- B. No person shall use an electronic cigarette, as that term is defined in New York State Public Health Law § 1399-aa, within (1) one-hundred (100) feet of a county-operated lodge or shelter currently being rented and occupied within a park; or (2) one-hundred (100) feet of a county-operated playground, beach, aquatic area, concession area, garden, carousel, or zoo within a park. This provision shall not apply to County employees or employees contracted to work for the County within outdoor areas of a park that are: (1) not open to the public (e.g., park maintenance areas), and (2) designated by the County for such use.

Section 2. 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 3. This local law shall take effect in accordance with the provisions of the Municipal Home Rule Law and the Monroe County Charter.

Agenda/Charter Committee; February 27, 2023 - CV: 5-0
File No. 23-0031.LL

ADOPTION: Date: May 9, 2023

Vote: 22-7

(Legislators Brew, Allekofer, Colby, DiFlorio, Hebert, Keller and Morris Voted in the Negative.)

ACTION BY THE COUNTY EXECUTIVE

APPROVED:  VETOED: _____

SIGNATURE: _____ DATE: 5/26/2023

EFFECTIVE DATE OF LOCAL LAW: 5/26/2023

Deleted language is ~~stricken~~
Added language is underlined