

(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~~ of ERIE
~~Town~~
~~Village~~

Local Law No. 1 of the year 19 93

A local law in regard to the prohibition of cigarettes through vending machines
(Insert Title) in Erie County

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

County
~~City~~ of ERIE
~~Town~~ as follows:
~~Village~~

Section 1. **Legislative findings.** This legislature finds that cigarette smoking is harmful to the citizens of this county. It is further found that cigarettes are addictive, and that once a person begins smoking it is difficult, and often impossible, to break the addiction. It is further found that minors are frequently encouraged to smoke by peer pressure and the influence of advertising, and that, even though sale of tobacco in any form to a person under eighteen years of age is a class B misdemeanor in New York State, minors have easy access to cigarettes through purchases made at unattended vending machines.

Section 2. **Legislative purpose.** It is the purpose of this legislature to prevent the sale of cigarettes from vending machines and to aid local police agencies in the enforcement of the state prohibition against sale of tobacco to minors by preventing the sale of cigarettes through vending machines within Erie County.

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

Section 3. **Prohibited sale of cigarettes through vending machines.** No person, corporation, partnership or other legal entity of whatever nature shall permit the sale of cigarettes through vending machines except in business establishments licensed by the New York State Liquor Authority for the sale of alcoholic beverages.

Section 4. **Enforcement.** This law shall be enforced by: (a) the Erie County Department of Health through the administrative enforcement procedures contained in the Erie County Sanitary Code; or (b) any governmental or police agency or department authorized to secure compliance of the law by an action in any court of competent jurisdiction for an injunction to prevent the violation or threatened violation thereof.

A civil action in the name of the governmental agency may be commenced to recover a civil penalty in the amounts prescribed by this law.

Section 5. **Penalties.** A first violation of this local law shall be a violation punishable by a fine not to exceed one hundred dollars. A second or subsequent violation of this local law shall be a violation punishable by a fine not to exceed two hundred and fifty dollars, or imprisonment for no more than ten days, or both such fine and imprisonment.

Section 6. **Effective date.** This local law shall be effective immediately.

(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. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, in accordance with the applicable provisions of law (Name of Legislative Body)~~

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. 1 of 19 93 of the (County)(City)(Town)(Village) of ERIE was duly passed by the ERIE COUNTY LEGISLATURE on MAY 6 19 93, and was (approved)(not disapproved)(repassed after disapproval) by the ERIE COUNTY EXECUTIVE and was deemed duly adopted on JUNE 9 19 93, in accordance with the applicable provisions of law. (Elective Chief Executive Officer*)

~~3. (Final adoption by referendum.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. 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 _____ 19____, in accordance with the applicable provisions of law. (Elective Chief Executive Officer*)~~

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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law. (Elective Chief Executive Officer*)~~

*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 chairman 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 19____ 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 _____ 19____, 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 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____ 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 of 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 2, above.

[Handwritten Signature]

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

(Seal)

Date: JUNE 16, 1993

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF _____

ERIE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

[Handwritten Signature]

Signature

ERIE COUNTY ATTORNEY

Title

County

~~City~~

of _____

ERIE

~~Town~~

~~Village~~

Date: JUNE 16, 1993