

Livingston County Board of Supervisors  
Geneseo, New York



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**LIVINGSTON COUNTY BOARD OF SUPERVISORS**

**ADOPTION OF LOCAL LAW**

**LOCAL LAW NO. 2 – 2025 AMENDING AND RESTATING LOCAL LAW NO. 2-2008 PROHIBITING SMOKING UPON ALL REAL PROPERTY OWNED OR LEASED BY THE COUNTY OF LIVINGSTON**

Be it enacted by the Livingston County Board of Supervisors as follows:

That Local Law No. 2-2008 is hereby amended and restated as follows:

**Section 1: Findings**

The Livingston County Board of Supervisors finds that smoking on real property owned or leased by Livingston County should be prohibited in order to:

1. Protect the public health, safety and general welfare by eliminating exposure to secondhand smoke.
2. Acknowledge the need of nonsmokers, especially children, to breathe smoke-free and vape-free air, recognizing the danger to public health which secondhand smoke causes.
3. Recognize that the need to breathe air free of the disease-causing toxins in secondhand smoke should have priority over the desire and convenience of smoking on real property owned or leased by Livingston County.
4. Recognize the right and benefit to municipal residents and visitors to be free from unwelcome secondhand smoke while on real property owned or leased by Livingston County.

**Section 2: Application of Local Law to County-Owned and Leased Real Property**

All real property owned or leased by Livingston County shall be subject to the provisions of this Local Law. The term “real property” shall include real estate, lands and any structures, buildings or facilities located upon said real estate and lands. The term “real property” shall not include roadways and right of ways located within the county road system established under section 115 of the New York State Highway Law.

**Section 3: Regulation of Smoking upon County-Owned and Leased Real Property**

“Smoking” shall mean inhaling of, exhaling or, burning of, or carrying of any lighted cigar, cigarette, pipe, weed, electronic cigarette, vape or other plant in any manner or in any form. Smoking shall be prohibited upon all real property owned or leased by Livingston County, except when located within a moving motor vehicle which is in the process of exiting or entering real property owned or leased by Livingston County.

**Section 4: Posting of Signs**

**SMOKING IS PROHIBITED**, or **NO SMOKING** signs, using the international **NO SMOKING** symbol - consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it, shall be prominently and conspicuously posted upon the entrance to all real property where smoking is regulated by this Local Law. **NO SMOKING** signs shall be protected from tampering, damage, removal or concealment.

**Section 5: Enforcement**

1. For the purpose of this Local Law the term “enforcement officer” shall mean the Livingston County Board of Health, or its designee. The enforcement officer may cause to have issued and served upon the person complained against a written notice, together with a copy of the complaint made against him/her, which shall specify the provisions of this Local Law such person is said to have violated and a statement of the manner in which that person is said to have violated it and shall require the person so complained against to answer the charges of such complaint at a public hearing before the Board of Health, or its designated hearing officer, at a time not less than fifteen (15) days after the date of service of notice.

The Board of Health may serve, together with a copy of the complaint, a stipulation offer to the person complained against. The stipulation offer shall allow the person complained against to enter into a stipulation under the terms and conditions as set forth in the stipulation offer. The

# Livingston County Board of Supervisors Geneseo, New York



person complained against shall have the option of entering into the stipulation or proceeding with a formal hearing.

2. If the enforcement officer determines after a hearing that a violation of this Local Law has occurred, a civil penalty may be imposed by the enforcement officer pursuant to Section 6 of this Local Law. Nothing herein shall be construed to prohibit an enforcement officer from commencing a proceeding for injunctive relief to compel compliance with this Local Law.
3. Any person who desires to register a complaint under this Local Law may do so with any appropriate enforcement officer.
4. The decision of any hearing officer shall be reviewable pursuant to Article seventy-eight of the Civil Practice Law and Rules.
5. The enforcement officer, subsequent to any appeal having been finally determined, may bring
6. an action to recover the civil penalty provided in Section 6 of this Local Law.

## **Section 6: Violations and Penalties**

1. It shall be unlawful for any person to smoke or vape in any area where smoking is prohibited by the provisions of this Local Law.
2. Any person who violates any provision of this Local Law shall be guilty of a violation, punishable by a civil penalty not to exceed one thousand dollars (\$1,000.00).

## **Section 7: Other Applicable Laws**

This Local Law shall not be interpreted or construed to permit smoking or vaping where it is otherwise restricted by other applicable laws.

## **Section 8: Severability**

If any provision, clause, sentence, or paragraph of this Local Law or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this Local Law which can be given effect without the valid provision or application, and to this end the provisions of this Local Law are declared to be severable.

## **Section 9: Effective Date**

This Local Law shall take effect immediately upon its filing with the Office of the Secretary of State.

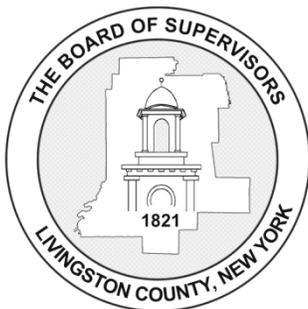
Dated at Geneseo, New York

May 14, 2025 (Introduced)

May 28, 2025 (Adopted)

Michele R. Rees, CBLC, IIMC-CMC

Clerk of the Board



*This is to Certify that I, the undersigned, Clerk of the Board of Supervisors of the County of Livingston, have compared the foregoing copy of resolution with the original resolution now on file in this office and which was duly adopted by the Board of Supervisors of said County on the 28<sup>th</sup> day of May, 2025 and that the same is a true and correct transcript of said resolution and of the whole thereof.*

*In Witness Whereof I have hereunto set my hand and the official seal of the Board of Supervisors of the County of Livingston, this 28<sup>th</sup> day of May, 2025.*

Handwritten signature of Michele R. Rees in cursive.

*Michele R. Rees, Clerk of the Board*