

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
162 WASHINGTON AVENUE, ALBANY, NY 12231

(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~~

of Livingston .....

Local Law No. 3 of the year 19 97

A local law Prohibiting Self-Service Sale of Tobacco Products  
(Insert Title)

Be it enacted by the Board of Supervisors of the  
(Name of Legislative Body)

County

~~City~~

~~Town~~

~~Village~~

of Livingston ..... as follows:

See next page.

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

**Section 1. LEGISLATIVE FINDINGS:**

A recent survey of underage smokers in Livingston County found that 13% of regular smokers and 15 % of occasional smokers in the 9th grade admitted to shoplifting cigarettes in the past 30 days, and 46% of those regular smokers and 56% of those occasional smokers reported they had no difficulty purchasing tobacco. Despite well-publicized checks conducted by the County over the past 3 years, over 23% of the tobacco vendors checked in the summer of 1996 were cited for illegal sales to minors. The U.S. Surgeon General has reported that more than 3 million American adolescents are current smokers.

The County Legislature hereby finds that placement of tobacco products in self-service displays and open store shelves enables shoplifting to occur, and that the use of vending machines allows for the illegal purchase of tobacco products by minors. To prevent these problems, tobacco products should be placed behind store counters or otherwise stored or displayed in a secure location accessible only to vendors and their employees, and vending machines should be placed only in areas inaccessible to persons under the age of 18.

**Section 2. PLACEMENT OF TOBACCO PRODUCTS:**

No vendor shall display or store products containing tobacco in a manner which allows direct access to the product by the customer prior to purchase. No vendor shall allow vending machines containing tobacco products in any location accessible to persons under the age of 18. The local law shall not apply to tobacco businesses, as defined in Article 13-E of the New York State Public Health Law.

**Section 3. ENFORCEMENT HEARINGS AND PENALTIES:**

Enforcement hearings and penalties for violations of this local law shall be pursuant to the Livingston County Sanitary Code, upon adoption by the Board of Health of the provisions of this local law.

**Section 4. EFFECTIVE DATE:**

This local law shall become effective sixty (60) days after it is filed with the Secretary of State.

Dated at Geneseo, New York  
September 10, 1997 (Introduced)  
September 24, 1997 (Adopted)

(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. .....<sup>3</sup>..... of 19..97  
of the (County)(City)(Town)(Village) of Livingston was duly passed by the  
Board of Supervisors on September 24 19 97, 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. .... of 19.....  
of the (County)(City)(Town)(Village) of ..... was duly passed by the  
(Name of Legislative Body) on ..... 19 ... , and was (approved)(not approved)(repassed after  
disapproval) by the ..... and was deemed duly adopted on ..... 19.... ,  
(Elective Chief Executive Officer\*)  
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 19.....  
of the (County)(City)(Town)(Village) of ..... was duly passed by the  
(Name of Legislative Body) on ..... 19.... , and was (approved)(not approved)(repassed after  
disapproval) by the ..... on ..... 19.... . Such local law was submitted  
(Elective Chief Executive Officer\*)  
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.

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  
(Name of Legislative Body) on ..... 19.... , and was (approved)(not approved)(repassed after  
disapproval) by the ..... on ..... 19 ... . Such local law was subject to  
(Elective Chief Executive Officer\*)  
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 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 19\_\_\_\_  
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 cit-  
ies 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 in-  
dicated in paragraph \_\_\_\_\_, above.

*Virginia Adams*

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

(Seal)

Date: September 26, 1997

(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 Livingston

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.

*[Signature]*  
\_\_\_\_\_  
Signature

County Attorney  
\_\_\_\_\_  
Title

County  
~~CITY~~ of Livingston  
~~TOWN~~  
~~Village~~

Date: September 26, 1997