

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 WASHINGTON

FILED
STATE RECORDS

MAR 31 2015

DEPARTMENT OF STATE

Local Law No. 2 of the year 2015

A local law ALLOWING FOR COMMON, SAFE ITEMS TO BE EXCLUDED FROM THE DANGEROUS

(Insert Title)

FIREWORKS DEFINITION AS PERMITTED BY NEW YORK STATE PENAL LAW

SECTION 405 (b)

Be it enacted by the BOARD OF SUPERVISORS of the
(Name of Legislative Body)

County City Town Village

(Select one.)

of WASHINGTON

as follows:

SEE LOCAL LAW TEXT ATTACHED

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

(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. 2 of 20¹⁵ of the (County)(City)(Town)(Village) of WASHINGTON was duly passed by the BOARD OF SUPERVISORS on MARCH 20, 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) (repassed after disapproval) by the _____ and was deemed duly adopted 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) (repassed after disapproval) by the _____ on _____ 20____.

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) (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.)

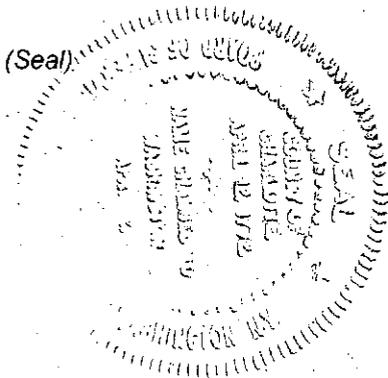
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, 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.

Sandra J. Huffer, Deputy
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 3/26/15



Resolution No. 75 March 20, 2015

By Supervisors Campbell, LaPointe, Brown, Henke, Suprenant, Pitts, Haff

TITLE: To Adopt Introductory Local Law "A" of 2015

WHEREAS, Introductory Local Law "A" of 2015 allows for common, safe items to be excluded from the dangerous fireworks definition as permitted by New York State Penal Law Section 405(b), and

WHEREAS, pursuant to Resolution No. 38 adopted February 20, 2015, the Board of Supervisors scheduled and conducted a public hearing on Introductory Local Law "A" of 2015 in the Supervisors' Chambers, County Office Building B, Fort Edward, New York on the 20th day of March, 2015 at which time all interested parties were given the opportunity to speak; now therefore be it

RESOLVED, that the Board of Supervisors of the County of Washington, New York does hereby enact Introductory Local Law "A" of 2015 effective immediately upon filing in the Office of the Secretary of State.

BUDGET IMPACT STATEMENT: None.

STATE OF NEW YORK)
County of Washington) ss.:

This is to certify that I, the undersigned, Clerk of the Board of Supervisors of the County of Washington have compared the foregoing copy of resolution with the original resolution now on file in the office and which was passed by the Board of Supervisors of said County on the 20th day of March, 2015, a majority of all the members elected to the Board voting in favor thereof, and that the same is a correct and true transcript of such original resolution and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official seal of the Board of Supervisors, this 20th day of March, 2015.

Debra R. Prehoda

Clerk of the Board of Supervisors



LOCAL LAW NO. 2 OF 2015
COUNTY OF WASHINGTON, NEW YORK

By Supervisors Campbell, LaPointe, Brown, Henke, Suprenant, Pitts, Haff

A LOCAL LAW ALLOWING FOR COMMON, SAFE ITEMS TO BE EXCLUDED FROM THE DANGEROUS FIREWORKS DEFINITION AS PERMITTED BY NEW YORK STATE PENAL LAW SECTION 405(b)

BE IT ENACTED by the Washington County Board of Supervisors of the County of Washington as follows:

SECTION 1. LEGISLATIVE INTENT

A. On November-21, 2014 Governor Cuomo signed into Law Chapter 477 of the Laws of 2014 (S7888/A10141); and

B. In keeping with this legislation, the Washington County Board of Supervisors desires to allow the sale and use of certain devices as allowed by law

SECTION 2. DEFINITIONS

A. "Sparkling Devices," as used in this Section, includes:

(1) Sparkling devices which are ground-based or hand-held devices that produce a shower of white, gold, or colored sparks as their primary pyrotechnic effect. Additional effects may include a colored flame, an audible crackling effect, an audible whistle effect, and smoke. These devices do not rise into the air, do not fire inserts or projectiles into the air, and do not explode or produce a report (an audible crackling-type effect is not considered to be a report). Ground-based or hand-held devices that produce a cloud of smoke as their sole pyrotechnic effect are also included in this category. Types of devices in this category include:

(2) Cylindrical fountain: cylindrical tube containing not more than seventy-five grams of pyrotechnic composition that may be contained in a different shaped exterior such as a square, rectangle, cylinder or other 34 shape but the interior tubes are cylindrical in shape. Upon ignition, a shower of colored sparks, and sometimes a whistling effect or smoke, is produced. This device may be provided with a spike for insertion into the ground (spike fountain), a wood or plastic base for placing on the ground (base fountain), or a wood or cardboard handle to be hand held (handle fountain). When more than one tube is mounted on a common base, total pyrotechnic composition may not exceed two hundred grams, and when tubes are securely attached to a base and the tubes are separated from each other on the base by a distance of at least half an inch (12.7 43 millimeters), a maximum total weight of five hundred grams of pyrotechnic composition shall be allowed.

(3) Cone fountain: cardboard or heavy paper cone containing not more than fifty grams of pyrotechnic composition. The effect is the same as that of a cylindrical fountain. When more than one cone is mounted on a common base, total pyrotechnic composition may not exceed two hundred grams, as is outlined in this subparagraph.

(4) Wooden sparkler/dipped stick: these devices consist of a wood dowel that has been coated with pyrotechnic composition. Upon ignition of the tip of the device,

a shower of sparks is produced. Sparklers may contain up to one hundred grams of pyrotechnic composition per item.

(5) Novelties which do not require approval from the United States Department of Transportation and are not regulated as explosives, provided that they are manufactured and packaged as described below:

(A) Party Popper: small devices with paper or plastic exteriors that are actuated by means of friction (A string or trigger is typically pulled to actuate the device). They frequently resemble champagne bottles or toy pistols in shape. Upon activation, the device expels flame-resistant paper streamers, confetti, or other novelties and produces a small report. Devices may contain not more than sixteen 7 milligrams (0.25 Grains) of explosive composition, which is limited to potassium chlorate and red phosphorus. These devices must be packaged in an inner packaging which contains a maximum of seventy-two devices.

(B) Snapper: small, paper-wrapped devices containing not more than one milligram of silver fulminate coated on small bits of sand or gravel. When dropped, the device explodes, producing a small report. Snappers must be in inner packages not to exceed fifty devices each, and the inner packages must contain sawdust or a similar, impact-absorbing material.

SECTION 3. SALES ALLOWED

SALES OF SPARKLING DEVICES IN Washington County

A. Sales of sparkling devices as defined herein shall be lawful only for business registered by the state under section one hundred fifty-six-h of the New York State Executive Law between June first and July fifth or from December twenty-sixth through January second of each year.

SECTION 4. SEVERABILITY

If any section, subdivision, paragraph, subparagraph, clause, or item of this title is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 5. EFFECTIVE DATE

This act shall take effect immediately upon filing in the Office of the Secretary of State.