

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.

Village of Minoa

Local Law No. Four (4) of the year 2024.

A local law enacting a new Chapter 131 entitled “Smoke Shops and Tobacco Retailers.”

Be it enacted by the Village Board of Trustees of the Village of Minoa, as follows:

Section 1. PURPOSE AND INTENT

In accordance with New York State Public Health Law § 1399-ii, the Village of Minoa intends to limit the further concentration of smoke shops and tobacco retailers within the Village. The regulations herein are intended to further the goals of New York State's tobacco use prevention and control program, due to the known adverse impacts of tobacco and nicotine use. In furtherance of the state's goals, the Village finds that:

- A. Smoke shop and tobacco retailer density is associated with higher rates of tobacco use in both youth and adult populations; and
- B. Adolescent brains are vulnerable to the effects of nicotine and to nicotine dependency; and
- C. Tobacco use leads to preventable death and disease in New York State; thus.
- D. The restriction of increasing smoke shop and tobacco retailer density will reduce the availability of nicotine products to residents, and in particular young residents, thus reducing risk to the public's health, safety, and wellbeing.

Section 2. Chapter 131 of the Code of the Village of Minoa is enacted as follows:

CHAPTER 131 SMOKE SHOPS & TOBACCO RETAILERS

Article I. Title; Purpose; Definitions

Section 131-1. Title.

This Chapter 131 shall be known as the “Smoke Shops and Tobacco Retailers Local Law” of the Village of Minoa.

Section 131-2 Purpose.

In accordance with New York State Public Health Law § 1399-ii, the Village of Minoa intends to limit the further concentration of smoke shops and tobacco retailers within the Village. The regulations herein are intended to further the goals of New York State's tobacco use prevention and control program, due to the known adverse impacts of tobacco and nicotine use. In furtherance of the state's goals, the Village finds that:

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- C. Tobacco use leads to preventable death and disease in New York State; thus.
- D. The restriction of increasing smoke shop and tobacco retailer density will reduce the availability of nicotine products to residents, and in particular young residents, thus reducing risk to the public's health, safety, and wellbeing.

Section 131-3 Consistency with New York State Laws, Rules and Regulations.

- A. All Smoke Shops and Tobacco Retailers within the Village shall comply with the applicable NYS laws, rules, and regulations in addition to those contained herein.
- B. Where the regulations of this Section may be in conflict with a state law, rule, or regulation the more restrictive shall apply, unless such local regulation is otherwise preempted by state law.

Section 131-4 Definitions.

In this Chapter, Smoke Shop and/or Tobacco Retailer shall mean a sole proprietorship, corporation, limited-liability company, partnership or other enterprise in which the primary activity is the sale, manufacture or promotion of tobacco, tobacco products and accessories, either at wholesale or retail, and in which the sale, manufacture or promotion of other products is merely incidental.

ARTICLE II – REGULATIONS

Section 131-5 Permit Required.

- A. All smoke shops and tobacco retailers within the Village of Minoa after the effective date of this Chapter must obtain a special use permit and site plan approval in accordance with Village Code.
- B. A special use permit for a smoke shop or tobacco retailer shall be valid for a period of 24 months from the date of issue and must be renewed prior to expiration for the property to continue to be used for such purposes.
- C. The renewal of a permit for existing Smoke Shops or Tobacco Retailers with no changed conditions shall be reviewed and approved by the Code Enforcement Officer or Mayor.
- D. The renewal of a permit for existing smoke shops or tobacco retailers with changed conditions shall be reviewed and approved by the Village Board of Trustees.
- E. A special use permit issued for a smoke shop or tobacco retailer is not transferable to a new owner. The new owner of the Smoke Shop or Tobacco Retailer must file a new application in accordance with the terms of this chapter if such property is to continue to be used as a smoke shop or tobacco retail operation.
- F. After three verified complaints and/or violations of this Chapter or any violation of relevant federal or state laws, a special permit shall be revoked by the Village Board of Trustees. Appeals may be made to the Village Zoning Board of Appeals.

Section 131-6 Requirements; Prohibited Activities

- A. It is unlawful for a smoke shop and tobacco retailer to knowingly allow or permit a minor, not accompanied by his or her parent or legal guardian, to enter or remain within any smoke shop and tobacco store.
- B. Smoke Shops and Tobacco Retailers shall post clear signage stating that minors may not enter the premises unless accompanied by a parent or legal guardian. Said signage shall be placed in a conspicuous location near each public entrance to the smoke shop and tobacco retail operation. It shall be unlawful for smoke shop and tobacco retailers to fail to display and maintain, or fail to cause to be displayed or maintained, said signage.

C. Exterior attention-getting devices, including but not limited to LED signs, flashing lights, rope lighting, flags, and banners, shall be prohibited. Attention-getting devices located within the building shall not be readily visible from the public right-of-way.

D. All Smoke Shops and Tobacco Retailers must comply with the sign regulations contained in the Village Code.

E. Business hours shall be permitted to occur between the hours of 8:00 a.m. and 8:00 p.m.

Section 131-7 Location.

Smoke Shops and Tobacco Retailers may be eligible for a special use permit in, and only in, any zoning district of the Code of the Village of Minoa that allows for retail establishments or retail sales and service uses, provided that:

A. Any part of the property line of the smoke shop or tobacco retailer is not located within 1,500 feet from the nearest point of the property line of one or more existing licensed smoke shop or tobacco retailer; and

B. Any part of the property line of the Smoke Shop or Tobacco Retailer is not located within 1,500 feet from the nearest point of the property line of a school, playground, child-care facility, public library, place of worship, or municipal park.

Section 131-8 Existing Smoke Shops and Tobacco Locations.

A. Smoke Shops and Tobacco Retailers that are legally existing on the effective date of this Chapter may continue to operate as legal nonconforming uses and shall not be required to obtain a special use permit.

B. Any significant change (as determined by the Village Code Officer) of the legal nonconforming use, or change in ownership of either the business or the property owner shall require the owner or agent to obtain a new special use permit.

C. Any nonconforming sign or attention-getting device, the appraised value of which is less than \$300, shall be removed or altered to comply with the provisions of this chapter not later than one year after the effective date of this Chapter.

Section 131-9. Violation of this Chapter. Violation of any of the provisions of this Chapter shall be a violation punishable with a civil penalty of \$250 for each violation. Each day that a violation occurs or is permitted to exist by the Applicant or Provider constitutes a separate offense.

Section 131-10. Illegality/Severability.

If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstances is adjudged invalid, illegal or unconstitutional by any court of competent jurisdiction, such order or judgment shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances. Further, in adjudging such invalid, illegal or unconstitutional provision, the court shall attempt to modify same to a provision which is not invalid, illegal or unconstitutional and which best achieves the intent of the invalid provision.

Section 131-11. Effective Date.

This Local Law shall take effect immediately upon its filing in the office of the Secretary of State.

I hereby certify that the local law annexed hereto, designated as Local Law No. 4 of 2024 of the Village of Minoa was duly passed by the Board of Trustees of the Village of Minoa on June 3rd, 2024 in accordance with the applicable provisions of law.

(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 one (1) above.



Lisa DeVona, Village Clerk

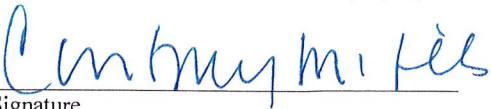
Date: 6/11/2024

(Seal)

(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 ONONDAGA

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
Courtney M. Hills

Attorney for the Village

Title

~~County~~

City of Minoa

~~Town~~ Village

Date:



*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a countywide 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.