

TITLE XIII: GENERAL OFFENSES

Chapter

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CHAPTER 130: MINORS AND CONSUMPTION OF ALCOHOL AND/OR ILLEGAL DRUGS

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to the public health, safety and welfare of the residents of Warren County, often leading to alcohol abuse by minors, vandalism, physical altercations, accidental injuries, and excessive noise disturbances requiring the intervention of local law enforcement as well as the commission of violent crimes such as sexual offenses and serious assaults. This Local Law will serve to deter the consumption of alcoholic beverages and/or illegal drugs by minors by holding those persons responsible who permit the consumption of alcoholic beverages or illegal drugs by minors at residences or private premises in their control.
(Local Law 13 of 2007, passed 11-30-2007)

§ 130.01 TITLE.

This law shall be entitled “A Local Law Prohibiting the Consumption of Alcoholic Beverages and/or Illegal Drugs by Minors on Private Premises in Warren County”.
(Local Law 13 of 2007, passed 11-30-2007)

§ 130.02 PURPOSE/INTENT.

The New York State Legislature has acted to proscribe the unlawful giving, selling and possessing of alcoholic beverages and/or illegal drugs in relation to minors. [N.Y. Penal Law § 30.00(1)] However, the legislature has not regulated the situation where a person over the age of 16 knowingly permits the consumption of alcohol by a minor in his or her home, or in premises under his or her control. The purpose of this law is to protect the public interest, welfare, health and safety of our citizens by prohibiting the consumption of alcoholic beverages or illegal drugs by persons under the age of 21 at or on private premises located in the County and giving law enforcement a viable recourse against anyone who permits such conduct. The underage consumption of alcoholic beverages, whether at a social gathering or involving only one minor individual, poses an immediate threat

§ 130.03 DEFINITIONS.

Whenever used in this law, unless a different meaning is stated in a definition applicable to only a portion of this law, the following terms will have meanings as set forth below:

ALCOHOLIC BEVERAGE. Any liquor, wine, beer, spirits, cider or other liquid, or solid, patented or not, composed of, or containing alcohol or spirits, whether or not brewed, fermented or distilled, and capable of being consumed by a person, except that confectionary containing alcohol as provided by N. Y. Agric. & Mkts. Law § 200(12) shall not be regarded as an **ALCOHOLIC BEVERAGE** within the meaning of this section.

CONTROL. The direct and immediate authority and ability to regulate, direct or dominate private property, including, but not limited to the control exercised by tenants, lessees, owners and/or landlords who have notice of underage drinking on their property.

ILLEGAL DRUGS. Means and includes any substance listed in N.Y. Pub. Health Law § 3306 and not prescribed by a physician.

KNOWINGLY. Aware of, or having reason to be aware of.

MINOR. Any person under the age of 21 as pertains to the consumption of alcohol or illegal drugs.

RESIDENCE or PRIVATE PREMISES. Any home, apartment, condominium, co-operative unit or other dwelling unit of any kind, including yards and open areas adjacent thereto.

SOCIAL GATHERING. A party or gathering at a residence or other private property of two or more persons, at least one of whom is not related by blood to the others in attendance and is a minor.
(Local Law 13 of 2007, passed 11-30-2007)

§ 130.04 PROHIBITION.

It shall be unlawful for any person over the age of 16 who owns, rents, or otherwise controls a private residence, to knowingly host, permit or allow a gathering at which he allows the consumption of alcoholic beverages or illegal drugs by any minor on such premises or fails to take reasonable corrective action upon learning of the possession or consumption of alcoholic beverages or illegal drugs by any minor on such premises. Reasonable corrective action shall include, but not be limited to:

(A) Verifying the age of the persons attending the social gathering by inspecting drivers' licenses or other government-issued identification cards;

(B) Making a prompt demand that such minor either forfeit the alcoholic beverages or illegal drugs and refrain from the consumption of such or depart from the premises;

(C) If such minor does not comply with such request, either promptly reporting such underage consumption of alcohol:

(1) To the local law enforcement agency; or

(2) To any other person having a greater degree of authority over the conduct of such minor.
(Local Law 13 of 2007, passed 11-30-2007)

§ 130.05 EXCEPTIONS.

The provisions of this section shall not apply to:

(A) The possession or consumption of an alcoholic beverage by persons lawfully permitted to do so pursuant to N.Y. Alco. Bev. Cont. Law § 65-c, or any applicable law; or

(B) The possession or consumption of a drug for which the individual has a current, valid prescription or as otherwise permitted by any other applicable law; or

(C) The possession or consumption of alcohol or alcoholic beverages by a minor for legitimate religious purposes.
(Local Law 13 of 2007, passed 11-30-2007)

§ 130.06 EFFECT ON OTHER LAWS.

The provisions of § 130.04 of this Local Law shall not in any way affect the application of any other law, where appropriate, including, but not limited to, N.Y. Penal Law § 260.10 (endangering the welfare of a minor) and N.Y. Penal Law § 260.20(2) (unlawfully dealing with a child).
(Local Law 13 of 2007, passed 11-30-2007)

§ 130.99 PENALTY.

A violation of § 130.04 of this Local Law shall constitute an unclassified misdemeanor. Each offense shall be punishable as follows:

(A) *First offense:* Any person who violates § 130.04 of this Local Law shall be punished by a fine

of \$250, or imprisonment for a period not exceeding 15 days or a combination of both, where such violation constitutes the person's first offense in violation of this provision. In addition, for each offense, successful completion of a court-approved alcohol and drug awareness program is required.

(B) *Second offense:* Any person who violates § 130.04 of this Local Law shall be punished by a fine of \$500 or imprisonment of 20 days minimum or a combination of such fine and imprisonment as shall be ordered by the court, where such violation constitutes the person's second offense in violation of this provision. In addition, for each offense, successful completion of a court-approved alcohol and drug awareness program is required.

(C) *Third and subsequent offenses:* Any person who violates § 130.04 of this Local Law shall be punished by either a fine of \$1,000, a term of imprisonment not to exceed one year, or both a fine of \$1,000 and a term of imprisonment not to exceed one year, where such violation constitutes the person's third offense in violation of this provision. In addition, for each offense, successful completion of a court-approved alcohol and drug awareness program is required.

(Local Law 13 of 2007, passed 11-30-2007)

CHAPTER 131: SALE AND/OR USE OF SYNTHETIC CANNABINOIDS

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indicated that individuals using synthetic cannabinoids may develop chemical dependencies, demonstrate addictive behavior and suffer withdrawal symptoms when they stop using these chemicals. Due to the imminent threat the use of such synthetic marijuana or synthetic cannabinoids has to public safety, the Federal Drug Enforcement Administration employed its emergency powers in March of 2011 to render five of these substances illegal for sale by designating them as Schedule I controlled substances. This action was for one year, with an extension until August 29, 2012. Accordingly, the Board of Supervisors finds and determines that for the protection of the safety, health, comfort, and general welfare of Warren County citizens, the protection of their property, the preservation of peace and good order, and suppression of vice, the County must take action to respond to this threat in the absence of any permanent laws or regulations enacted by the State of New York and/or the United States government.

(Local Law 6 of 2012, passed 5-18-2012)

§ 131.01 TITLE.

This Local Law shall be known as “A Local Law Prohibiting the Sale and/or Use of Synthetic Cannabinoids in Warren County”.
(Local Law 6 of 2012, passed 5-18-2012)

§ 131.02 DECLARATION OF LEGISLATIVE FINDINGS/INTENT/PURPOSE.

The Warren County Board of Supervisors finds and determines that a series of products have become available in the United States and in Warren County that contain chemicals, called synthetic cannabinoids, that produce effects similar to marijuana when ingested or inhaled. The Board of Supervisors finds that products containing synthetic cannabinoids are particularly attractive to teenagers and young adults. In addition, the Federal Drug Enforcement Administration has determined that the consumption of synthetic cannabinoids can have or contribute to adverse health effects such as extreme agitation, anxiety, nausea, vomiting, tachycardia, elevated blood pressure, tremors, seizures, hallucinations, paranoid behavior and loss of consciousness. Studies have also

§ 131.03 ENACTMENT AUTHORITY.

This Local Law is adopted pursuant to authority provided in N.Y. Mun. Home Rule Law § 10.
(Local Law 6 of 2012, passed 5-18-2012)

§ 131.04 DEFINITIONS.

For the purpose of this Local Law, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

LOOSE LEAF INCENSE. Includes loose potpourri, loose herbal incense, herbal smoking blends, or similarly dried or compacted, leafy

substances sold or marketed, directly or indirectly, as a relaxation, smoking, or herbal enhancement product. Herbal dietary supplements or remedies and United States Food and Drug Administration approved herbal teas or products are not included as **LOOSE LEAF INCENSE** under this section.

SELL. To sell, exchange, give, or dispose of to another or offer or agree to do the same by electronic means or otherwise.

SYNTHETIC CANNABINOIDS.

(1) (a) Have common street names including, but not limited to, Blaze, Blueberry Haze, Dank, Demon Passion Smoke, Genie, Hawaiian Hybrid, K2, Magma, Ninja, Nitro, Ono Budz, Panama Red Ball, Posh, Puff, Sativah Herbal Smoke, Skunk, Spice, Ultra Chronic and Voodoo Spice.

(b) These products are a mixture of herbal/spice plant products sprayed with potent psychotropic drugs, often contaminated with unidentified toxic substances which contribute to various adverse health effects, as well as causing hallucinogenic effects similar to the effects of PCP, and

(2) Means any chemical compound this is chemically synthesized, such as a substance that is a cannabinoid receptor type 1 (CB1 receptor) agonist as demonstrated by binding studies and functional assays within the following structural classes:

(a) 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent.

(b) 3-(1-naphthoyl)indole or 3-(1-naphthyl)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent.

(c) 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the indole ring to

any extent, whether or not substituted on the naphthoyl ring to any extent.

(d) 1-(1-naphthylmethyl)indene by substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring.

(e) 3-phenylacetylindole or 3-benzoylindole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent; and includes—

1. 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol(CP-47,497);

2. 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol or CP-47,497 C8-homolog);

3. 1-pentyl-3-(1-naphthoyl)indole (JWH-018 and AM678);

4. 1-butyl-3-(1-naphthoyl)indole (JWH-073);

5. 1-hexyl-3-(1-naphthoyl)indole (JWH-019);

6. 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200);

7. 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250);

8. 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH-081);

9. 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122);

10. 1-pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398);

11. 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM2201);

12. 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM694);

13. 1-pentyl-3-[(4-methoxybenzoyl)indole (SR-19 and RCS-4);

14. 1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (SR-18 and RCS-8); and

15. 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203), or

(f) Is a chemical isomer, salt, or salt of an isomer of a compound that has been demonstrated to have binding activity at one or more cannabinoid receptors.
(Local Law 6 of 2012, passed 5-18-2012)

§ 131.05 PROHIBITIONS.

(A) No person, firm, corporation, partnership, association, limited liability company or other entity shall sell, offer for sale, deliver, knowingly possess, smoke, inhale, ingest, consume or be under the influence of any product containing any material, compound, mixture, or preparation which contains any quantity of synthetic cannabinoids as that term is defined herein in the County of Warren.

(B) No person, firm, corporation, partnership, association, limited liability company or other entity shall sell or offer for sale loose leaf incense, as that term is defined herein, in the County of Warren except as follows:

(1) Every package of loose leaf incense sold shall contain the warning label that reads as follows: "This product is not meant to be inhaled or ingested. The side effects of ingestion or inhalation are unknown."

(2) All packages of loose leaf incense shall be labeled with each ingredient present in the product, including but not limited to all chemicals and additives contained therein.
(Local Law 6 of 2012, passed 5-18-2012)

§ 131.06 EXCEPTIONS.

The provisions of this law shall not apply to nonprescription over-the-counter drugs approved or regulated by the Federal Food and Drug Administration.
(Local Law 6 of 2012, passed 5-18-2012)

§ 131.07 ENFORCEMENT.

This law shall apply to all actions occurring on or after the effective date of this chapter. This law may be enforced by any law enforcement agency having jurisdiction to act in the County of Warren, by either the arrest of or the issuance of a summons to a party violating the provisions of this law and requiring his/her appearance before a court of competent jurisdiction.
(Local Law 6 of 2012, passed 5-18-2012)

§ 131.99 PENALTY.

Any person who knowingly violates the provisions of this law shall be guilty of an unclassified misdemeanor punishable and liable to be fined up to \$1,000 and/or up to one year's imprisonment or any other sentence allowable pursuant to N.Y. Crim. Proc. Law.
(Local Law 6 of 2012, passed 5-18-2012)

CHAPTER 132: RESIDENCY AND EMPLOYMENT RESTRICTIONS FOR SEX OFFENDERS

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- 132.99 Penalty

SEX OFFENDER. A person who has been convicted of a sexual offense against a minor and has received a level two or three designation, as defined under N.Y. Correct. Law Article 6-C. (Local Law 7 of 2006, passed 7-14-2006; Local Law 8 of 2006, passed 9-15-2006)

§ 132.03 LEGISLATIVE INTENT AND PURPOSES.

The intent and purpose of this Local Law is to include penalties and correct certain inconsistencies set forth in Local Law 7 of 2006, entitled “A Local Law Establishing Residency and Employment Requirements for Sex Offenders Who Have Committed Criminal Offenses Against Minors”. The initial purpose of this law set forth in Local Law 7 of 2006 is adopted in its entirety and is as follows:

(A) The Warren County Board of Supervisors finds and determines that due to the recidivism rate among convicted sex offenders following their release, there exists a heightened potential for reoccurrence of their crimes when they reside or have employment where children are likely to regularly congregate, such as public or non-public elementary, middle and/or high schools, child-care facilities, public parks, playgrounds, public or private youth centers or public swimming areas;

(B) It is essential to assure residents of the County that the County government continues to make every effort to protect children from sex offenders;

(C) The Warren County Board of Supervisors further finds and determines that it is in the best interests of the citizens of the County to establish residency and employment restrictions for sex

§ 132.01 TITLE.

This law shall be entitled “A Local Law Establishing Residency and Employment Restrictions for Sex Offenders Who Have Committed Criminal Offenses Against Minors”. (Local Law 7 of 2006, passed 7-14-2006; Local Law 8 of 2006, passed 9-15-2006)

§ 132.02 DEFINITIONS.

For the purpose of this Local Law, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CHILD CARE FACILITY. Licensed and/or registered nursery, preschool, child day care centers, group family day care homes and family day care homes, as defined by the N.Y. Soc. Serv. Law;

EMPLOYMENT. Performing work of any kind, whether or not for financial gain.

RESIDENCE. The place where a person sleeps, which may include more than one location, and may be mobile or transitory.

offenders who have committed criminal sexual offenses against minors; and

(D) Accordingly, the purpose of this Local Law is to prohibit sex offenders from residing or having employment within 1,000 feet of areas and facilities that would provide them easy access to potential victims.

(Local Law 7 of 2006, passed 7-14-2006; Local Law 8 of 2006, passed 9-15-2006)

§ 132.04 RESTRICTIONS.

A sex offender, as herein defined, shall not reside or have employment within 1,000 feet of the real property comprising a public or non-public elementary or secondary school or child care facilities, public parks, playgrounds, public or private youth centers or public swimming areas.

(Local Law 7 of 2006, passed 7-14-2006; Local Law 8 of 2006, passed 9-15-2006)

§ 132.05 EXCEPTIONS.

A sex offender, as herein defined, residing or being employed within 1,000 feet of the real property comprising of a public or non-public elementary, middle and/or high schools, child care facilities, public parks, playgrounds, public or private youth centers or public swimming areas, does not commit a violation of this Local Law if any of the following apply:

(A) The sex offender is serving a sentence at a jail, prison, juvenile facility or other correctional institution or facility;

(B) The sex offender has established a residence or been employed at that location prior to the effective date of this Local Law or a public or non-public elementary, middle and/or high schools, child-care facilities, public parks, playgrounds, public or private youth centers or public swimming areas, is newly located on or after the effective date of this Local Law; and

(C) The sex offender is a minor or ward under a guardianship.

(Local Law 7 of 2006, passed 7-14-2006; Local Law 8 of 2006, passed 9-15-2006)

§ 132.06 PREVIOUSLY ENACTED LOCAL LAWS AFFECTED, CHANGED AND/OR SUPERCEDED.

Insofar as the provisions of this Local Law are inconsistent with the provisions of any previously-enacted Local Law or Resolution of the Board of Supervisors, this Local Law shall be controlling.

(Local Law 8 of 2006, passed 9-15-2006)

§ 132.99 PENALTY.

Any violation of the provisions of this Local Law shall be punishable as a misdemeanor.

(Local Law 7 of 2006, passed 7-14-2006; Local Law 8 of 2006, passed 9-15-2006)

CHAPTER 133: FIREWORKS; SPARKLING DEVICES EXCLUDED

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- 133.03 Sale and use of sparkling devices
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§ 133.03 SALE AND USE OF SPARKLING DEVICES.

The sale and use of sparkling devices as defined and prescribed herein is permitted with the following restrictions:

(A) Sales will only be permitted on or between June 1 and July 5 or from December 26 through January 2 of each year.

(B) All distributors, manufacturers and retailers must be licensed through the New York State Office of Fire Prevention and Control or other agency so designated by New York State, and shall comply with all applicable New York State laws and regulations regarding license and registration requirements.

(C) Only those 18 years of age or older may purchase said products.

(D) Upon any sale allowed and regulated by this Local Law the seller must give to the purchaser or include with the packaged and sold items a safety brochure that includes safety instructions applicable to the items sold in the particular transaction then occurring. Posting or making such instructions available at the point of sale shall not satisfy the requirements of this division (D).

(Local Law 3 of 2015, passed 4-17-2015; Local Law 2 of 2016, passed 5-20-2016)

§ 133.04 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

§ 133.01 TITLE.

This Local Law shall be titled “A Local Law Allowing for Common, Safe Items to be Excluded from the Dangerous Fireworks Definition as Permitted by N.Y. Penal Law § 405.00(5)(b).”
(Local Law 3 of 2015, passed 4-17-2015)

§ 133.02 PURPOSE.

Chapter 477 of the Laws of 2014 (S.7888/A10141) amended the State Penal Law, the Executive Law and the General Business Law placing further restrictions on dangerous fireworks while at the same time recognizing that certain fireworks should not be labeled dangerous when they pose little to no danger to the public and by labeling them dangerous only restricts business and personal enjoyment. The state legislation allows for certain fireworks to be sold and used in municipalities that affirmatively enact a local law authorizing such action. In keeping with Chapter 477 of the Laws of 2014, and N.Y. Penal Law § 405.00, the Warren County Board of Supervisors finds and determines that “sparkling devices” may be sold and enjoyed, only in the manner described below, within Warren County. The Warren County Board of Supervisors finds that allowing our residents the use of safe “sparkling devices” will benefit them and our local businesses.
(Local Law 3 of 2015, passed 4-17-2015)

SPARKLING DEVICES. 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:

(1) **CONE FOUNTAIN.** Cardboard or heavy paper cone containing not more than 50 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 200 grams, as is outlined in this subparagraph.

(2) **CYLINDRICAL FOUNTAIN.** Cylindrical tube containing not more than 75 grams of pyrotechnic composition that may be contained in a different shaped exterior such as a square, rectangle, cylinder or other 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 200 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 one-half an inch (12.7 millimeters), a maximum total weight of 500 grams of pyrotechnic composition shall be allowed.

(3) **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 16 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 72 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 50 devices each, and the inner packages must contain sawdust or a similar, impact-absorbing material.

(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 100 grams of pyrotechnic composition per item.
(Local Law 3 of 2015, passed 4-17-2015)

§ 133.05 NONCOMPLIANCE.

As provided for in Chapter 477 of the Laws of 2014 of the State of New York, the failure to comply with the provisions of §§ 133.03 and/or 133.04 hereof shall be deemed an offense as set forth in N.Y. Penal Law § 270.00(2).
(Local Law 3 of 2015, passed 4-17-2015)

§ 133.06 EFFECT ON OTHER LAWS.

This subchapter shall not supersede or render inapplicable any local law, ordinance, policy or requirement of any municipality in Warren County.
(Local Law 3 of 2016, passed 5-20-2016)

