

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 ROCHESTER

FILED
STATE RECORDS

FEB 29 2024

Local Law No. 7 of the year 2024

DEPARTMENT OF STATE

A local law MODIFYING THE ABATEMENT OF NUISANCES LAW WITH REGARD TO CANNABIS
(Insert Title)
OFFENSES, AS AMENDED

Be it enacted by the Council of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of ROCHESTER

as follows:

*** SEE 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. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, 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. 7 of 20²⁴ of the (County)(City)(Town)(Village) of Rochester was duly passed by the City Council on August 16 20²², and was (approved)(not approved) ~~(repassed after disapproval)~~ by the Mayor and was deemed duly adopted (Elective Chief Executive Officer*) on September 19 20²², 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____. (Elective Chief Executive Officer*)

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, 2 above.

Angel L. Washington

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 2-23-24





City of Rochester

City Clerk's Office

Certified Local Law

Rochester, N.Y., _____
TO WHOM IT MAY CONCERN

I hereby certify that the following is a true copy of a local law which was duly passed by the Council of the City of Rochester on **August 16, 2022** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **September 19, 2022** in accordance with the applicable provisions of law.

Local Law No. 2024-7

Local Law modifying the Abatement of Nuisances law with regard to cannabis offenses, as amended

BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, (hereinafter, the City Charter) is hereby further amended in Section 10-12, Abatement of nuisances, by modifying subsections B(1) and (2) thereof to read as follows:

(1) The following violations shall be assigned a point value of 10 points:

(a) Article 265 of the Penal Law — Firearms and Other Dangerous Weapons.

(b) Section 47-5 of the Code of the City of Rochester — Firearms, shotguns, rifles and other dangerous weapons.

(c) Sections and subsections 220.06(1), 220.16(1), 220.16(2), 220.16(3), 220.16(4), 220.16(5), 220.16(6), 220.16(7), 220.28, 220.31, 220.34, 220.39, 220.41, 220.43, 220.44 and 220.65 of the Penal Law — Offenses Involving the Sale or Intent to Sell Controlled Substances.

~~(d) Sections 221.35, 221.40, 221.45, 221.50 and 221.55 of the Penal Law — Offenses Involving the Sale of Marihuana~~ Offenses involving the sale of cannabis pursuant to Penal Law §§ 222.50 (a class A misdemeanor), 222.55 (a class E felony), 222.60 (a class D felony), and 222.65 (a class C felony).

(2) The following violations shall be assigned a point value of six points:

(a) Sections and subsections 220.03, 220.06(2), (3), (4), (5), (6), (7), and (8), 220.09, 220.16(8), (9), (10), (11), (12), and (13), 220.18, 220.21, 220.25, 220.45, 220.46, 220.50, 220.55, 220.60, 220.70, 220.71, 220.72, 220.73, 220.74, 220.75 and 220.76 of the Penal Law — Controlled Substance Offenses Not Involving the Sale or Intent to Sell.

~~(b) Sections 221.20, 221.25 and 221.30 of the Penal Law — Marihuana Offenses Not Involving Sale~~ Offense[s] involving the possession of cannabis pursuant to Penal Law §§ 222.35 (a class E felony) and] 222.40 (a class D felony), and violation-level sales offenses pursuant to Penal Law § 222.45.

(c) Article 225 of the Penal Law — Gambling Offenses.

(d) Article 230 of the Penal Law — Prostitution Offenses.

(e) Sections and subsections 165.15(4), (6), (7), and (8), 165.40, 165.45, 165.50, 165.52, 165.54, 165.71, 165.72, and 165.73 of the Penal Law — Criminal Possession of Stolen Property.

(f) The Alcoholic Beverage Control Law.

(g) Sections 260.20 and 260.21 of the Penal Law — Unlawfully Dealing with a Child.

(h) Possession, use, sale or offer for sale of any alcoholic beverage in violation of Article 18 of the Tax Law, or of any cigarette or tobacco products in violation or Article 20 of the Tax Law.

(i) Article 178 of the Penal Law — Criminal Diversion of Prescription Medications and Prescriptions.

(j) Section 147 of the Social Services Law — Food stamp program fraud.

(k) Section 3383 of the Public Health Law — Imitation controlled substances.

(l) Operating a premises without the requisite business permit in violation of § 90-33 of the City's Municipal Code.

(m) Sections 240.36 and 240.37 of the Penal Law — Loitering in the First Degree and Loitering for the Purpose of Engaging in a Prostitution Offense.

(n) Section 2024 of Title 7 of the United States Code — Supplemental Nutrition Assistance Program.

(o) Suffering or permitting the premises to become disorderly, including suffering or permitting fighting.

(p) Chapter 75 of the City's Municipal Code — Noise.

(q) Chapter 29 of the City's Municipal Code — Amusements.

(r) Chapter 66 of the City's Municipal Code — Junkyard Operators, Junk Dealers and Scrap Processors.

(s) Sections of the New York State Uniform Fire Prevention and Building Code and Chapter 54 of the City's Municipal Code, as applied to places of assembly and other nonresidential structures and uses, concerning occupancy requirements, capacity of means of egress and fire protection systems.

(t) Chapter 569, Article 7 (Service Food Establishments) and Article 8 (Food and Food Establishments) of the Laws of the County of Monroe — Sanitary Code.

Section 2. This local law shall take effect immediately upon filing in the Office of the Secretary of State as provided by Section 27 of the New York State Municipal Home Rule Law.

Strikeout indicates deleted text, new text is underlined, brackets indicate deletion of new text depicted on original draft

Adopted by the following vote:

Ayes - President Meléndez, Councilmembers Gruber, Harris, Lightfoot, Patterson, Peo, Smith - 7.

Nays - Vice President Lupien, Councilmember Martin - 2.

Attest Hayel Washington
City Clerk