

INCOPORATED VILLAGE OF VALEY STREAM

LOCAL LAW 4 – 2023

A LOCAL LAW ADOPTING CHAPTER 20 OF THE CODE OF THE INCORPORATED VILLAGE OF VALLEY STREAM ENTITLED “SMOKING, CANNABIS AND CBD” TO REGULATE THE SALE AND DISTRIBUTION OF THESE PRODUCTS WITH RESPECT TO INDIVIDUALS UNDER 21 YEARS OF AGE.

BE IT ENACTED by the Board of Trustees of the Incorporated Village of Valley Stream as follow:

SECTION 1. Chapter 20, entitled “**SMOKING, CANNABIS AND CBD**” is to include the following:

ARTICLE I Sale of Tobacco Products, Liquid Nicotine, and Electronic Cigarettes

§ 20-1. Legislative intent and purpose.

This Village Board hereby finds and determines that the sale of tobacco and related products to individuals under 21 years of age should be prohibited in the Village of Valley Stream in order to:

- A. Further the goals of New York State's tobacco use prevention and control program, as identified in New York State Public Health Law § 1399-ii;
- B. Respond to the fact that tobacco is the leading cause of preventable death and disease in New York State;
- C. Respond to findings made by the Institute of Medicine, which prepared a report at the request of the U.S. Food and Drug Administration entitled "Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products," concluding and suggesting that:
 - (1) Adolescent brains are uniquely vulnerable to the effects of nicotine;
 - (2) A younger age of initiation is strongly associated with greater nicotine dependence and is also associated with greater intensity and persistence of smoking beyond adolescence and into adulthood;
 - (3) Almost one in five high school seniors is a current cigarette smoker;
 - (4) Underage users rely primarily on social sources, such as friends and family, to acquire tobacco, and most of these sources are likely to be between 18 and 20 years old;
 - (5) Raising the minimum legal age to 21 will mean that those who can legally obtain tobacco are less likely to be in the same social networks as high school students;
 - (6) Delaying initiation rates will likely decrease the prevalence of tobacco users in the United States population; and

- (7) Raising the minimum legal age will likely immediately improve the health of adolescents and young adults by reducing the number who suffer with adverse physiological effects.
- D. Respond to findings that most (nearly 90%) of those addicted to tobacco start using tobacco before 21 years of age;
- E. Respond to the growing rates of electronic cigarette use among youth, which exposes users to unhealthy levels of nicotine and other unknown harmful chemicals;
- F. Reduce the exposure of our youth to disease-causing toxins in secondhand smoke and in chemicals emitted from electronic cigarettes, liquid nicotine, shisha, herbal cigarettes, and other age-restricted products as defined herein;
- G. Prevent exposure of youth, who are particularly susceptible to addiction, to the chemically addictive effects of tobacco and related products, in an effort to improve public wellness and reduce health insurance expenditures;
- H. Protect young Village residents from the unregulated and unknown effects of electronic cigarettes, herbal cigarettes, and other age-restricted products;
- I. Act in furtherance of a 2016 report from the Centers for Disease Control and Prevention, which recommended that states and communities work to limit where and how e-cigarettes are sold;
- J. Respond to findings made by the Centers for Disease Control and Prevention that e-cigarette use among teens tripled between 2013 and 2014, and from 2011 to 2015, the use of e-cigarettes increased nearly 10 times for high schoolers. E-cigarettes are now the primary form of tobacco use amongst teens. Furthermore, after e-cigarettes and cigarettes, the Centers for Disease Control and Prevention reports that hookah tobacco is the third most popular form of tobacco used by middle schoolers;
- K. Respond to findings made by the Centers for Disease Control and Prevention, which prepared a report entitled "Tobacco Use Among Middle and High School Students — United States, 2011-2015" concluding that:
- (1) Electronic nicotine delivery system (ENDS) use among teens has surged in recent years and now stands at 16% among high school students. ENDS are the most commonly used tobacco product among high school students; and
 - (2) In 2015, 8.6% of high school students were current cigar smokers 11.5% of boys and 5.6% of girls. High school boys smoke cigars at a higher rate than cigarettes.
- L. Respond to findings that e-cigarettes and similar devices pose health hazards and may contribute to youth smoking and reduced cessation, regardless of nicotine content, since the devices contain or produce chemicals other than nicotine known to be toxic, carcinogenic and causative of respiratory and heart distress. E-cigarettes and similar devices look identical whether they contain nicotine or not, and as a result, their use not only normalizes e-cigarette use, but also renormalizes tobacco addiction and use of tobacco products like combustible cigarettes; and

- M. Protect young Village residents from smokeless tobacco products, which according to the Centers for Disease Control and Prevention are known to cause lung, larynx, esophageal, and oral and pancreatic cancers. According to the National Institute on Drug Abuse, a dip of smokeless tobacco typically contains three to five times more nicotine than a cigarette. Research shows that smokers have difficulty switching from cigarettes to smokeless tobacco resulting in many users becoming dual users of both cigarettes and smokeless products.

§ 20-2. Definitions.

- A. Unless otherwise expressly stated, the following terms shall, for the purpose of this code, have the meanings indicated in this section. Words used in the present tense include the future; words used in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular. Where terms are not defined in this code, then the words as defined in New York State Public Health Law Article 13-F shall prevail, and if the term is not defined in either, then the word as defined in the most current edition of Webster's Dictionary shall prevail.

- B. For the purpose of this article, the terms used herein are defined as follows:

ACCESSORY —

- (1) Any product that is intended or reasonably expected to be used with or for the human consumption of a tobacco product; does not contain tobacco and is not made or derived from tobacco; and meets either of the following:
 - (a) Is not intended or reasonably expected to affect or alter the performance, composition, constituents, or characteristics of a tobacco product; or
 - (b) Is intended or reasonably expected to affect or maintain the performance, composition, constituents, or characteristics of a tobacco product, but solely controls moisture and/ or temperature of a stored tobacco product or solely provides an external heat source to initiate, but not maintain combustion of a tobacco product.
- (2) "Accessory" includes, but is not limited to, carrying cases, lanyards and holsters.

AGE-RESTRICTED PRODUCTS —

- (1) Tobacco products, shisha, herbal cigarettes, electronic aerosol delivery systems, and smoking paraphernalia; and
- (2) All other products prohibited from being sold to minors by New York State Public Health Law Article 13-F, as the same may be amended from time to time.

COMPONENT or PART — Any software or assembly of materials intended or reasonably expected to alter or affect the tobacco product's performance, composition, constituents, or characteristics; or to be used with or for the human consumption of a tobacco product. "Component" or "part" excludes anything that is an accessory of a tobacco product, and includes, but is not limited to, e-liquids, cartridges, certain batteries, heating coils, programmable software and flavorings for electronic aerosol delivery systems.

ELECTRONIC AEROSOL DELIVERY SYSTEM — An electronic device that, when activated, produces an aerosol that may be inhaled, whether or not such aerosol contains nicotine. "Electronic aerosol delivery system" includes any component or part but not accessory, and any liquid or other substance to be aerosolized, whether or not separately sold. "Electronic aerosol delivery system" does not include drugs, devices, or combination products authorized for sale by the state or U.S. Food and Drug Administration, as those terms are defined in the federal Food, Drug and Cosmetic Act.¹

ENFORCEMENT OFFICER — Any police officer, building official, code enforcement officer, inspector, county health inspector or other employee of the Village of Valley Stream authorized to enforce this code.

SHISHA — Any product made primarily of tobacco or other leaf or herbs, or any combination thereof, smoked or intended to be smoked in a hookah or water pipe.

SMOKING PARAPHERNALIA — Any pipe, water pipe, hookah, rolling papers, vaporizer or any other device, equipment or apparatus designed for the inhalation of tobacco.

TOBACCO PRODUCT — Any product made or derived from tobacco or which contains nicotine marketed or sold for human consumption, whether consumption occurs through inhalation, or oral or dermal absorption, including cigarettes, cigars, chewing tobacco, powdered tobacco, bidis, gutka, other tobacco products, or nicotine water. "Tobacco product" does not include drugs, devices, or combination products authorized for sale by the state or U.S. Food and Drug Administration, as those terms are defined in the federal Food, Drug and Cosmetic Act.

Village — The Incorporated Village of Valley Stream.

§ 20-3. Prohibited acts.

- A. No person shall sell or permit the sale of age-restricted products to any person under the age of 21.
- B. The identification requirements contained in New York State Public Health Law Article 13-F, § 1399-cc(3), as the same may be amended from time to time, are hereby incorporated into this chapter by reference, except that the age to be proven by such identification shall be 21.
- C. Age-restricted products may not be sold in vending machines located in the Village.
- D. No person operating a place of business wherein age-restricted products are sold or offered for sale shall sell, permit to be sold, offer for sale or display for sale any age-restricted product in any manner, unless such age-restricted product is stored for sale behind a counter in an area accessible only to the personnel of such business or in a locked container; provided, however, that such restriction shall not apply to tobacco businesses as defined in Subdivision 8 of § 1399-aa of New York State Public Health Law Article 13-F, as the same may be amended from time to time, and to places to which admission is restricted to persons 21 years of age or older.

¹. Editor's Note: See 21 U.S.C. § 301 et seq.

- E. Further prohibition. There are well-documented dangers posed to children from vaping and the use of e-cigarettes, as documented in this chapter and the authorities cited either herein or by other competent publications. There is a manifest and overriding public interest in keeping vaping or e-cigarette products away from places where children are most likely to congregate. Therefore, it is henceforth a prohibited act in violation of this section for any business establishment in the Village to sell at retail any "electronic aerosol delivery system" or "component" or "part" thereof as those terms are defined in this chapter, if any part of the building in which the business is situated shall be located less than 1,000 linear feet from any property improved with a school for children who are less than 21 years of age, or from any public park or playground, regardless of whether such school, park or playground is located in the Village. All business establishments which are currently offering at retail any "electronic aerosol delivery system" or "component" or "part" thereof as those terms are defined in this chapter, and are located within 1,000 linear feet of a school, park or playground as described hereinabove shall fully cease and desist from doing so upon a date not later than October 13, 2023 or else they shall be committing a prohibited act, in violation of this section.

§ 20-4. Posting of signs required.

- A. No person shall sell or permit the sale of an age-restricted product in the Village unless a notice is posted in a conspicuous place at the location where the age-restricted product is sold.
- B. The sign shall provide notice, which shall state: "SALE OF CIGARETTES, CIGARS, CHEWING TOBACCO, POWDERED TOBACCO, SHISHA, BIDIS, GUTKA OR OTHER TOBACCO PRODUCTS, HERBAL CIGARETTES, LIQUID NICOTINE, ELECTRONIC CIGARETTES, ROLLING PAPERS, OR SMOKING PARAPHERNALIA TO PERSONS UNDER 21 YEARS OF AGE IS PROHIBITED BY LOCAL LAW."
- C. Such sign shall be printed on a white card in red letters at least 1/2 inch in height. Signs shall be protected from tampering, damage, removal or concealment.
- D. Commencing on October 13, 2023, all business establishments selling age-restricted products at retail shall post a conspicuous sign at all points of purchase within the establishment, stating:

VAPE WARNING “ WARNING: VAPE PRODUCTS CONTAIN NICOTINE.
NICOTINE IS AN ADDICTIVE CHEMICAL.” – U.S. Food and Drug Administration
“VAPING CAN BE HAZARDOUS TO YOUR HEALTH.” – U.S. Surgeon General Posted
by order of the Village of Valley Stream

- E. Samples of such sign, showing the mandatory color, size of lettering, placement of words, and overall appearance of the sign, shall be available for reference to all such business establishments at the Village Clerk's office and published on the Village's website within seven days after the adoption of this subsection. Signs shall be protected from tampering, damage, removal or concealment.

§ 20-5. Enforcement; complaint; notice; hearing.

- A. The enforcement officer is charged with ensuring compliance with this article.
- B. The enforcement officer shall be authorized to serve official notices of violation of this article.

C. For a violation of this article:

- (1) The enforcement officer may issue and serve upon the person complained against a written hearing notice, together with a complaint. Service of such notice shall be deemed complete upon personal delivery or, if delivered by certified first-class mail, after three days in Nassau County or its adjoining counties, or five days for other locations;
- (2) The complaint shall specify the provision(s) of this article of which such person is alleged to be in violation, accompanied by a statement of the manner in which that person is alleged to have violated it, and shall require the person so complained against to answer the charges of such complaint at a public hearing before the Village Justice or his or her designee at a specified location, date, and time, not fewer than 15 days after the date of service of the notice;
 - (3) Notwithstanding the above, the Village Justice or his or her designee may, in his or her discretion, offer a proposed stipulation to the person complained against, in which case the person complained against will have the option of executing the proposed stipulation within any time frame specified, or proceeding with a formal hearing;
 - (4) When the Village Justice or his or her designee determines, after a hearing, that a violation of this article has occurred, a civil penalty may be imposed by the hearing officer pursuant to §20-6 of this chapter;
 - (5) Nothing herein shall be construed as prohibiting the Village Attorney or his or her designee from commencing a proceeding for injunctive relief to compel compliance with this article;
 - (6) Any person who desires to register a complaint under this article may do so through the enforcement officer;
 - (7) The decision of the Village Justice or his or her designee shall be reviewable pursuant to Article 78 of the Civil Practice Law and Rules; and
 - (8) The Village Attorney or his or her designee, subsequent to any appeal having been finally determined, may bring an action in a court of proper jurisdiction to recover the civil penalty

§ 20-6. Penalties for offenses.

Violation of any provision of this article shall be punishable by a civil penalty in an amount determined by the Village Justice, or his or her designee, within the parameters of the minimum and maximum penalties set forth in New York State Public Health Law § 1399-ee(2), as the same may be amended from time to time. Additionally, violation of any provision of this article by the owner, lessee, or other person or entity operating the business shall be punishable by issuance of appearance tickets, returnable in the Village Justice Court. The Village Clerk's office and the Department of Buildings shall have concurrent authority to issue such appearance tickets. The fine for such violation(s) shall be a minimum of \$250 to a maximum of \$1,000 per occurrence, and each day that the violation shall exist shall be considered a separate violation. Concurrently, the Village of Valley Stream shall have jurisdiction to maintain an action in any court of competent jurisdiction to enjoin such violation and/or to obtain any other form of equitable relief which as to such court appears just and proper for the purpose of eliminating the violation(s).

§ 20-7. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this article or the application thereof to any person, individual, corporation, firm, partnership, or business shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this article, or in its specific application.

ARTICLE II Advertising of Age-Restricted Products

§ 20-8. Legislative findings.

- A. The Board of Trustees of The Village of Valley Stream finds that restricting the exposure of minors to advertising regarding age-restricted products is constitutional when achieved through reasonable, targeted limitations on such advertising in the vicinity of schools and other locations where it is well established that children tend to congregate. It is the intention of the Board of Trustees to enhance and augment compliance with and enforcement of federal, state and local laws prohibiting the sale or distribution of tobacco products to minors, and to protect such minors against such illegal sales.
- B. The Centers for Disease Control and Prevention has reported that, while the rate of adult smoking of tobacco products has decreased nationwide by 50% between 1971 and 1993, the rate of smoking among all high school students has increased by 26% during the years 1991 through 1996, and in 2000 stood at the highest rate since 1981. It is further noted that this dramatic increase has occurred contrary to and at variance with the laws of all 50 states prohibiting sale and distribution of tobacco products to minors, and the pledge of all tobacco product manufacturers to adhere to a voluntary industry code prohibiting advertising of such products in a manner appealing to minors.
- C. In 1991, a study of the Journal of the American Medical Association concluded that ". . . cigarette advertising encourages youth to smoke and should be banned." In 1994, a report of the National Institute of Medicine stated that ". . . the substantial convergent evidence that advertising and promotion increase tobacco use by youth is impressive and ... provides a strong basis for legal regulation." In 1995, a report of the Federal Centers for Disease Control and Prevention found that ". . . cigarette marketing practices appeared to be the most likely to account for [the] increase in teen smoking initiation rates."
- D. In 1997, Liggett & Myers, Inc., a cigarette manufacturer, made the following acknowledgement in executing a settlement agreement with the Attorney Generals of 17 states, including the State of New York: ". . . Liggett acknowledges that the tobacco industry markets to 'youth,' which means those under 18 years of age. . ."
- E. Based upon the preponderance of the evidence that tobacco products are advertised and promoted to minors, and that the rate of use of tobacco products by minors has drastically increased contrary to legislation prohibiting the sale or distribution of such products to minors, the Board of Trustees of the Village of Valley Stream hereby finds and declares it to be in the best interests of minors residing and/or otherwise present within the Village to enact affirmative, reasonable and constitutionally permissible restrictions on the advertising of tobacco products.

- F. In enacting this legislation, it is the intent of the Board of Trustees to promote compliance with and enforcement of federal, state and local laws prohibiting sale or distribution of age-restricted products to minors, and therefore, in deference to the protections afforded by the First Amendment to the Constitution of the United States, this legislation has been narrowly crafted to place reasonable time, place and manner restrictions on such advertising in those locations where it is well established that minors tend to congregate, while not imposing restrictions on such advertising clearly directed at adults.
- G. In August 2016, the Food and Drug Administration issued new rules clarifying its own definition of "tobacco products" as any product made or derived from tobacco that is intended for consumption, including any component, part, or accessory of a tobacco product. As nearly all the nicotine currently used in electronic cigarette devices is derived from tobacco leaves, the Food and Drug Administration has imposed federal minimum age standards on electronic cigarette products and devices.
- H. The Centers for Disease Control and Prevention has reported that nicotine use is harmful, especially to adolescents. Nicotine exposure at a young age may cause lasting harm to brain development, promote addiction, and lead to sustained tobacco use. The Centers for Disease Control has unequivocally provided that there is no safe nicotine delivery for a child or teen.
- I. According to the Centers for Disease Control and Prevention, e-cigarette use among teens tripled between 2013 and 2014, and from 2011 to 2015, the use of e-cigarettes increased nearly 10 times for high schoolers. E-cigarettes are now the primary form of tobacco use amongst teens. Furthermore, after e-cigarettes and cigarettes, the Centers for Disease Control and Prevention reports that hookah tobacco is the third most-used form of tobacco used by middle schoolers.
- J. In a 2016 report, the Centers for Disease Control and Prevention recommended that states and communities work to limit where and how e-cigarettes are sold, and reduce ad exposure.
- K. Georgiana Bostean, Ph.D., et al, "E-Cigarette Use Among Students and E-Cigarette Specialty Retailed Presence Near Schools," Health Place, 2016 November; 42: 129-136, reprinted in the United States Department of Health and Human Services' HHS Public Access, concluded e-cigarette specialty retailers clustered around schools may be an environmental influence on student e-cigarette experimentation.
- L. Stanford University's Researching into the Impact of Tobacco Advertising maintains a web repository of promotional activities of the tobacco industry, and catalogued 669 vape advertisements that are aimed at youth.
- M. This Board further finds that e-cigarette manufacturers have marketed their products to appeal to and attract young people and these products are commonly referred to as "training wheels" for traditional cigarettes.
- N. Therefore, the purpose of this article is to restrict advertising of age-restricted products in any outdoor area within 1,000 feet of any school, park, playground, duly licensed child day-care center, or AHRC schools and facilities for developmentally disabled children and adults, or within the interior of any building or structure which is within 1,000 feet of any school, park, playground, or duly licensed child day-care center, when such advertisement is within five feet of any exterior window or any door which is used for entry or egress to the building or structure by the public; except that such advertisements may be placed or

maintained in the interior of any such premises where they are parallel to said windows or entryways and face inward or are affixed to a wall panel or similar fixture that is perpendicular to said windows or entryways.

§ 20-9. Definitions.

For purposes of this section, the following terms shall have the meanings indicated herein, unless specifically indicated otherwise:

ADVERTISEMENT — Any written word, picture, logo, symbol, motto, selling message, poster, placard, sign, photograph, device, graphic display or visual image of any kind, recognizable color or pattern of colors or any other indicia of product identification identical or similar to, or identifiable with, those used for any brand of age-restricted product as defined in this article, or any combination thereof, the purpose or effect of which is to promote the use, sale or distribution of an age-restricted product through such means as, but not limited to, the identification of a brand of an age-restricted product, a trademark of an age-restricted product or a trade name associated exclusively with an age-restricted product.

CHILD DAY-CARE CENTER — Includes the following:

- A. Any child-care arrangement, public, private or parochial child-care center, school-age child-care program, day nursery school, kindergarten, play school or other similar school or service operating pursuant to authorization, license or permit of New York State.
- B. Any facility that provides child-care services as defined in § 410-p of the New York State Social Services Law.
- C. Any child day-care center as defined in § 390 of the New York State Social Services Law.

PARK — Includes active and passive public lands designated for park purposes by the Village of Valley Stream, County of Nassau, State of New York, United States of America or any other subdivision of government.

SCHOOL — Includes buildings, structures, premises or places, together with the grounds thereof, which are used primarily for public or private educational facilities as recognized and defined by the New York State Department of Education, including but not limited to preschools, kindergartens, nursery, elementary, primary, intermediate, junior high, middle, secondary, high, vocational, special, college, and university.

§ 20-10. Restrictions.

It shall be unlawful for any person to place, cause to be placed, maintain or cause to be maintained any advertisement for an age-restricted product, as defined in this article, that is more than five inches by eight inches in size, and in any colors besides black, white, and grayscale, in the following manners:

- A. In any outdoor area within 1,000 feet, in any direction, of any school, park, playground, duly licensed child day-care center, or AHRC schools and facilities for developmentally disabled children and adults.
- B. In the interior of a building or structure which is within 1,000 feet, in any direction, of any school, park, playground, duly licensed child day-care center, or AHRC schools and facilities for developmentally disabled children and adults when such advertisement is

within five feet of any exterior window or any door which is used for entry or egress to the building or structure by the public, except that such advertisement(s) may be placed or maintained in the interior of any such premises where they are parallel to said windows or entryways and face inward or are affixed to a wall panel or similar fixture that is perpendicular to said windows or entryways.

§ 20-11. Exceptions.

- A. Nothing in this section shall prevent an age-restricted product manufacturer, distributor or retailer from placing, causing to be placed, maintaining or causing to be maintained, its corporate or other business name on a building or structure, in any location, where such building or structure or a portion thereof is owned, operated, or leased by them as their principal place of business; provided, however, that said corporate or other business name is properly registered or filed in the United States and/or is duly authorized to do business in New York State and said corporate or business name does not include any advertisement, as defined in this article, of an age-restricted product.
- B. Nothing contained in this section shall be construed to authorize the placement of any age-restricted product advertisement, as defined in this article, in a location where such placement is otherwise prohibited by the Code of the Village of Valley Stream or other applicable law.

§ 20-12. Compliance.

The owner, operator, and/or lessee of any location or premises containing age-restricted product advertisements shall have 30 days from the effective date of this article to remove any noncompliant age restricted product advertisements.

§ 20-13. Civil proceedings.

In addition to any other remedy provided by law, the Village may bring any civil and/or injunction proceeding necessary to enforce and/or enjoin noncompliance with this article.

§ 20-14. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this article or the application thereof to any person, individual, corporation, firm, partnership, or business shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this article, or in its specific application.

§ 20-15. through § 20-20. (Reserved)

ARTICLE III Cannabis, Cannabinoids and CBD

§ 20-21. Sale of certain products prohibited.

No person, entity, or organization, shall sell, offer to sell, advertise for sale, provide, distribute, or otherwise make available to any person any product or item containing Delta-8 Tetrahydrocannabinol.

§ 20-22. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this article or the application thereof to any person, individual, corporation, firm, partnership, or business shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this article, or in its specific application.

SECTION 2: Full Force and Effect.

Except as hereinabove repealed and/or amended, the remainder of Chapter 99 shall remain in full force and effect.

SECTION 3: Repealer.

All ordinances, local laws or resolutions, or parts of ordinances, local laws or resolutions of the Incorporated Village of Valley Stream inconsistent with the provisions of this local law are hereby repealed, provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this local law shall be in addition to other legislation regulating and governing the subject matter covered by this local law.

SECTION 4: When Effective.

The foregoing provisions shall take effect immediately upon filing with the Secretary of State.