



Judiciary & Public Safety Committee

Committee Meeting

60 Central Ave.
Cortland, NY 13045
<http://www.cortland-co.org>

~ Agenda ~

Thursday, October 14, 2021

9:00 AM

Board Room

WebEx Meeting Information

<https://cortlandny.webex.com/cortlandny/j.php?MTID=m1d259cf8e53253a02d7eb40164d6532a>

Thursday, Oct 14, 2021 9:00 am | 1 hour | (UTC-04:00) Eastern Time (US & Canada)

Meeting number: 2343 083 9714

Password: T32Mddiqhf2

Join by phone

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Access code: 234 308 39714

CALL TO ORDER

Attendee Name	Present	Absent	Late	Arrived
Committee Chair Sandra Price	☐	☐	☐	
Committee Member Christopher Newell	☐	☐	☐	
Committee Member Ronald J. Van Dee	☐	☐	☐	
Committee Vice-Chair Richard Stock	☐	☐	☐	
Committee Member Cathy Bischoff	☐	☐	☐	
Committee Member Susan Wilson	☐	☐	☐	
Committee Member Mitchel Eccleston	☐	☐	☐	

MINUTES

1. Judiciary & Public Safety Committee - Committee Meeting - Sep 9, 2021 9:00 AM

RESOLUTIONS

ON MOTION OF PRICE

AGENDA ITEM NO. 1

Abolish/Create Community Services Coordinator/Alternatives to Incarceration Officer - Probation Department

WHEREAS, the needs of the office will be better served by abolishing one (1) full-time Community Services Coordinator position and creating one (1) full-time Alternatives to Incarceration Officer in the Probation Department, AND

WHEREAS, the Judiciary & Public Safety Committee recommends the abolition and creation of these positions, NOW THEREFORE BE IT

RESOLVED, that one (1) position of Community Services Coordinator (Grade 12, \$18.4991-23.1828/hour, CSEA, competitive class, full-time 40 hours/week with benefits) be and hereby is abolished effective November 8, 2021 at midnight, AND BE IT FURTHER

RESOLVED, that one (1) position of Alternatives to Incarceration Officer (Grade 16, \$21.1408-26.4932/hour, CSEA, competitive class, full-time 40 hours/week with benefits) be created with permission to fill effective October 27, 2021 at 12:01 am.

ON MOTION OF PRICE**AGENDA ITEM NO. 2****Amend 2021 Budget/Authorize Agreement/Accept 2021 Statewide Interoperable Communications Grant - Department of Emergency Response and Communications**

WHEREAS, the New York State Department of Homeland Security and Emergency Services (NYS DHSES) has awarded the Cortland County Department of Emergency Response and Communications a Statewide Interoperable Communications Grant (SICG) in the amount of \$786,420, resulting in no new county costs, in support of interoperable communications, AND

WHEREAS, the fiscal period for this grant is January 1, 2021 to December 31, 2022, NOW THEREFORE BE IT

RESOLVED, that Cortland County Department of Emergency Response and Communications is hereby directed to expend the grant funds according to the stated grant guidance, AND BE IT FURTHER

RESOLVED, that the 2021 budget is amended as follows:

	Current	Change	Revised
INCREASE REVENUE BUDGET:			
A302043.43306.22IC DHSES Grant	\$0	\$786,420	\$786,420
INCREASE EXPENDITURE BUDGET:			
A30205.54048.22IC Program Specific materials	\$0	\$786,420	\$786,420

, AND BE IT FURTHER

RESOLVED, that the County Administrator, upon review and approval by the County Attorney or her designee and subject to appropriation of funding, be and hereby is authorized to sign the grant contract with the New York State Department of Homeland Security and Emergency Services at an amount not to exceed \$786,420, AND BE IT FURTHER

RESOLVED, the Director of Finance shall carryover all unused grant funds to the subsequent year(s) budget covered by the grant, per the approved grant agreement.

ON MOTION OF PRICE**AGENDA ITEM NO. 3****Authorize Agreement with Josie's Journey, Inc. for Canine Comfort Care Services - Child Advocacy Center**

WHEREAS, the Cortland County Child Advocacy Center believes there is a therapeutic value to providing clients with access to a trained canine to be utilized for comfort services, AND

WHEREAS, Josie's Journey, Inc. has agreed to contract with Cortland County to provide such services at a cost of \$50 per hour, AND

WHEREAS, the Judiciary and Public Safety Committee supports a contract with Josie's Journey, Inc. on a per diem basis, NOW THEREFORE BE IT

RESOLVED, that the County Administrator, upon review and approval by the County Attorney or designee, is hereby authorized to sign an agreement with Josie's Journey Inc. for canine comfort services for the term October 1, 2021 - September 30, 2022.

A Local Law Implementing a Demonstration Program Imposing Owner Liability for Failure of an Operator to Stop for a School Bus Displaying a Red Visual Signal and Stop-Arm

BE IT ENACTED BY THE BOARD OF COUNTY LEGISLATORS OF THE COUNTY OF CORTLAND, STATE OF NEW YORK, AS FOLLOWS:

SECTION 1. PURPOSE AND INTENT.

The Cortland County Legislature hereby finds and determines that New York State has authorized counties to implement a demonstration program or monitoring program which will allow Cortland County to install cameras on the exterior of school buses in participating school districts, and impose monetary liability on vehicles that fail to stop behind or in front of a school bus while the school bus stop signs are extended, including traffic traveling in both directions on divided highways.

The Cortland County Legislature also finds and determines that cars that fail to stop when a school bus operator engages the bus stop signs pose a threat to the safety of the children entering and exiting the bus.

The Cortland County Legislature further finds and determines that it is difficult to ticket drivers who disregard school bus stop signs without video evidence of the violation, as there are usually no members of law enforcement witnessing the violation.

The Cortland County Legislature determines that this school bus photo violation monitoring program will not only help to keep children safe when entering and exiting the school bus, but will also act as a deterrent to those who debate passing a school bus while the stop signs are engaged.

Therefore, the purpose of this law is to implement a demonstration program to impose monetary liability on the owner of a vehicle for failure of the operator to stop when a school bus has its stop signs extended in Cortland County through the installation and monitoring of external school bus cameras.

SECTION 2. DEFINITIONS.

For the purposes of this Local Law, the following terms shall have the following meanings:

- A. "County" shall mean the County of Cortland.
- B. "Manual on Uniform Traffic Control Devices" or "MUTCD" shall mean the manual and specifications for a uniform system of traffic control devices maintained by the Commissioner of the Department of Transportation pursuant to Section 1680 of the New York Vehicle Traffic Law.
- C. "Owner" shall have the meaning provided in Section 239 of the New York Vehicle and Traffic Law.
- D. "School Bus Photo Violation Monitoring System" shall mean a device that is capable of operating independently of an enforcement officer which is installed to work in conjunction with a school bus stop-arm and which automatically produces two or more photographs, two or more microphotographs, a videotape or other recorded images of a vehicle at the time it is used or operated in violation of subdivision (a) of Section 1174 of the New York Vehicle and Traffic Law.

SECTION 3. PROGRAM ESTABLISHED.

- A. There is hereby established, pursuant to Section 1174-a of the New York State Vehicle and

Traffic Law, a demonstration program imposing monetary liability on Owners of vehicles for failure of the operators thereof to comply with Section 1174 of the New York State Vehicle and Traffic Law when meeting a school bus marked and equipped as provided in subdivisions 20 and 21-c of Section 375 of the New York State Vehicle and Traffic Law in Cortland County.

- B. Under such demonstration program the County is hereby authorized to install and operate School Bus Photo Violation Monitoring Systems which may be stationary or mobile, and which may be installed, pursuant to an agreement with a school district within the County on school buses owned and/or operated by such school district. Provided, however, that:
 - I. No stationary School Bus Photo Violation Monitoring System shall be installed or operated by the County, except on roadways under the jurisdiction of the County; and
 - II. No mobile School Bus Photo Violation Monitoring System shall be installed or operated on any such school buses unless the County and such school district enter into an agreement for such installation and operation.
- C. To carry out the demonstration program, the County, acting by and through the County Administrator, is authorized to enter into agreements with school districts for the installation, maintenance and use of School Bus Photo Violation Monitoring Systems, for the proper handling and custody of photographs, microphotographs, videotapes, other recorded images and data produced by such systems, and for the forwarding of such photographs, microphotographs, videotapes, other recorded images and data to the County, subject to the provisions of this section and Section 1174-a of the New York Vehicle and Traffic Law and approval of the Board of County Legislators.
- D. Nothing in this Local Law shall be construed to prevent the County or school district at any time from withdrawing from or terminating an agreement for the installation, maintenance and use of School Bus Photo Violation Monitoring Systems, provided however, that the County or the school district shall provide no less than thirty days' required notice to the other for such withdrawal, if any, prior to such withdrawal.
- E. Cost of Program and Reports Relating Thereto.
 - I. The total cost to the school district of the installation, maintenance and use of School Bus Photo Violation Monitoring Systems pursuant to an agreement authorized by this Local Law shall be borne entirely by the County.
 - II. Any participating school district, acting by and through the Superintendent of Schools of such district, or his or her designee shall provide any report required of the district, pursuant to Section 1174-a of the Vehicle and Traffic Law, to the State or any official thereof.
 - III. To the extent that the County shall be required to issue any report to the State or any official thereof as a result of the adoption of this Local Law and/or Section 1174-a of the Vehicle and Traffic Law, the Cortland County Sheriff's Office shall cause the same to be prepared pursuant to this Local or applicable State law.
- (a) Pursuant to Section 1174-a (a)(3)(i) of the Vehicle and Traffic Law, any school district participating in the demonstration program shall be prohibited from accessing any photographs, microphotographs, videotapes, other recorded images and data from School Bus Photo Violation Monitoring Systems but shall provide, pursuant to the agreement with the County, as provided in this Local Law, for the proper handling and custody of such photographs, microphotographs, videotapes, other recorded images and data produced by such systems, and for the forwarding of such photographs, microphotographs, videotapes, other recorded images and data to the County

for the purpose of determining whether a motor vehicle was operated in violation of subdivision of Section 1174 of the New York Vehicle and Traffic Law and imposing monetary liability on the Owner of such motor vehicle therefor.

- (b) The agreements between the County and the school district shall provide that photographs, microphotographs, videotapes other recorded images and data produced by School Bus Photo Violation Monitoring Systems shall be destroyed (i) ninety days after the date of the alleged imposition of liability if a notice of liability is not issued for such alleged imposition of liability pursuant to this Local Law; or (ii) upon final disposition of a notice of liability issued pursuant to this Local Law.
- F. The County shall adopt and enforce measures to protect the privacy of drivers, passengers, pedestrians and cyclists whose identity and identifying information may be captured by a school bus photo monitoring device. Such measures shall include:
 - I. Utilization of necessary technologies to ensure, to the extent practicable, that photographs produced by such School Bus Photo Violation Monitoring Systems shall not include images that identify the driver, the passengers, the contents of the vehicle, pedestrians and cyclists, provided, however, that no notice of liability issued pursuant to this section shall be dismissed solely because a photograph or photographs allow for the identification of the contents of a vehicle, provided that the County has made a reasonable effort to comply with the provisions of this paragraph; and
 - II. A prohibition of the use or dissemination of vehicles' license plate information and other information and images captured by School Bus Photo Violation Monitoring Systems except: (a) as required to establish liability under this section or collect payment of penalties; (b) as required by court order; or (c) as otherwise required by law; and
 - III. Oversight procedures to ensure compliance with the privacy protection measures required herein.
- G. The County, acting by and through the Commissioner of the Department of Public Works (DPW) shall also undertake the installation of signage in conformance with standards established in the MUTCD. Such signage shall be installed at each roadway entrance of the jurisdictional boundaries of the County giving notice that School Bus Photo Violation Monitoring Systems are used to enforce restrictions on vehicles violating Section 1174 of the New York Vehicle and Traffic Law. For the purposes of this paragraph, the term "roadway" shall not include state expressway routes or state interstate routes but shall include controlled-access highway exit ramps that enter the boundaries of the County.

SECTION 4. PENALTIES.

An Owner liable for a violation of subdivision (a) of Section 1174 of the New York Vehicle and Traffic Law pursuant to this Local Law shall be liable for monetary penalties in accordance with the following schedule of fines and penalties:

- A. Two hundred fifty dollars (\$250.00) for a first violation;
- B. Two hundred seventy-five dollars (\$275.00) for a second violation committed within eighteen (18) months of the first violation;
- C. Three hundred dollars (\$300.00) for a third violation or subsequent violation all of which were committed within eighteen (18) months from the first violation; and

- D. An additional penalty of twenty-five dollars (\$25.00) for each violation for the failure to respond to a notice of liability within the prescribed time period.

SECTION 5. NOTICE OF LIABILITY.

- A. A notice of liability shall be sent as provided by New York State Law by first class mail to each person alleged to be liable as an Owner for a violation of subdivision (a) of Section 1174 of the New York Vehicle and Traffic Law. Personal delivery on the Owner shall not be required. A manual or automatic record of mailing prepared in the ordinary course of business shall be prima facie evidence of the facts contained therein. To the extent that New York State Law does not preclude the County from causing such mailing to be made, the County shall undertake or cause to be undertaken such mailing.
- B. A notice of liability shall contain the name and address of the person alleged to be liable as an Owner for a violation of subdivision (a) of Section 1174 of the New York Vehicle and Traffic Law, the registration number of the vehicle involved in such violation, the location where such violation took place, the date and time of such violation and the identification number of the camera which recorded the violation or other document locator number.
- C. A notice of liability shall contain information advising the person charged of the manner and the time in which he or she may contest the liability alleged in the notice. Such notice of liability shall also contain a warning to advise the persons charged that failure to contest in the manner and time provided shall be deemed an admission of liability and that a default judgment may be entered thereon.
- D. The notice of liability may contain such other information as the entity causing such notice of liability to be mailed deems appropriate to communicate the law, the adjudicatory process if the addressee of the notice wishes to contest the notice of liability.

SECTION 6. OWNER LIABILITY.

- A. The Owner of a vehicle shall be liable for a penalty imposed pursuant to this Local Law if such vehicle was used or operated with the permission of the Owner, express or implied, in violation of subdivision (a) of Section 1174 of the New York Vehicle and Traffic Law and such violation is evidenced by information obtained from a School Bus Photo Violation Monitoring System; provided however that no Owner of a vehicle shall be liable for a penalty imposed pursuant to this Local Law where the operator of such vehicle has been convicted of the underlying violation of subdivision (a) of Section 1174 of the New York State Vehicle and Traffic Law. For purpose of this Section and this Local Law, there shall be a presumption that such vehicle was used and operated with the consent of the Owner at the time it was used and operated in violation of subdivision (a) of Section 1174 of the New York Vehicle and Traffic Law.
- B. If the Owner receives a notice of liability pursuant to this Local Law for any time period during which the vehicle was reported to the police as having been stolen, it shall be a valid defense to an allegation of liability for a violation of subdivision (a) of Section 1174 of the New York Vehicle and Traffic Law pursuant to this Local Law that the vehicle had been reported to the police as stolen prior to the time the violation occurred and had not been recovered by such time. For purposes of asserting the defense provided by this subdivision, it shall be sufficient that a certified copy of the police report on the stolen vehicle be sent or delivered to a court of competent jurisdiction or parking violations bureau having jurisdiction where any contested notice of liability would otherwise be determined.
- C. An Owner who is a lessor of a vehicle to which a notice of liability was issued pursuant to

this Local Law shall not be liable for the violation of subdivision (a) of Section 1174 of the New York Vehicle and Traffic Law, provided that he or she complies with the provisions of Section 1174-a of the New York Vehicle and Traffic Law and otherwise sends to the Court of competent jurisdiction or other adjudicatory bureau or agency of competent jurisdiction, a copy of the rental, lease or other such contract document covering such vehicle on the date of the violation, with the name and address of the lessee clearly legible, within thirty-seven (37) days after receiving notice from the agency or entity which caused such notice of liability to be issued, together with the information contained in the original notice of liability. Failure to send such information within thirty seven (37) day time period shall render the Owner liable for the penalty prescribed by this Local Law. Where the lessor complies with the provisions of this paragraph, the lessee of such vehicle for purposes of this Section, shall be deemed to be the Owner of such vehicle on the date of such violation for the purposes of this Section, shall be subject to liability for the violation of subdivision (a) of Section 1174 of the New York Vehicle and Traffic Law pursuant to this Local Law and shall be sent a notice of liability pursuant to Section 4 of this Local Law.

- D. A certificate, sworn to or affirmed by a technician employed by the County, or a facsimile thereof, upon inspection of photographs, microphotographs, videotapes, other recorded images produced by a School Bus Photo Violation Monitoring System, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotapes, or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation.
- E. It shall be a defense to any prosecution for or allegation of a violation of subdivision (a) of Section 1174 of the New York Vehicle and Traffic Law pursuant to this Local Law that such school bus stop-arms were malfunctioning at the time of the alleged violation.
- F. An imposition of liability under this Local Law shall not be deemed a conviction and shall not be made part of the operating record of the person upon whom such liability is imposed nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.
- G. All fines and penalties collected pursuant to this law shall be deposited with the County Treasurer.
- H. For the purpose of informing and educating Owners for motor vehicles in this County during the first thirty-day (30) period in which a School Bus Photo Violation Monitoring System is in operation pursuant to the provisions of this Local Law, all Owners of motor vehicles who would otherwise be held liable for failure of operators thereof to comply with Section 1174 of the New York Vehicle and Traffic Law when meeting a school bus marked and equipped as provided in subdivisions 20-21-c of Section 375 of such Law, shall be issued a written warning in lieu of a notice of liability.

SECTION 7. ADJUDICATION OF LIABILITY.

Liability pursuant to the demonstration program established hereunder shall be imposed upon Owners by the Court of competent jurisdiction in Oneida County or in another other manner pursuant to the New York State General Municipal or Vehicle and Traffic Law(s).

SECTION 8. ACTION FOR INDEMNIFICATION.

If the Owner held liable for a violation of subdivision (a) of Section 1174 of the New York Vehicle and Traffic Law pursuant to this Local Law was not the operator of the vehicle at the time of the violation, the Owner may maintain an action for indemnification against the operator.

SECTION 9. REPORTING REQUIREMENTS.

- A. The County, acting by and through the Cortland County Sheriff's Office, shall develop and cause to be submitted an annual report on the results of the use of a School Bus Photo Violation Monitoring System to the Governor, the president of the Senate and the speaker of the Assembly on or before June 1 of each year in which the demonstration program is operable. Such report shall include any information required by Section 1174- a (m) of the New York Vehicle and Traffic Law to be included as a result of the enactment of this Local Law.
- B. Pursuant to the requirements of Section 1174-a of the New York State Vehicle and Traffic Law, courts, bureaus, and agencies conducting adjudications as a result of this Local Law shall report at least annually to the County on the quality of the adjudication process and its results including the total number of hearings scheduled, re-scheduled, and held; the total number of persons scheduled for such hearings; the total number of cases where fines were paid on or before the hearing date; and the total number of default judgments entered.
- C. The County, acting by and through the Cortland County Sheriff's Office, shall annually provide a copy of the annual report submitted pursuant to subsections A and B of this Section, to each Local Law enforcement agency having jurisdiction to enforce violations of the vehicle and traffic law or any ordinance, rule or regulation relating to traffic adopted pursuant to such law on roadways within the County.

SECTION 10. APPLICABILITY.

This Local Law shall apply to all actions in school districts that have agreements with the County for any school year commencing on or after September 1st, 2021.

SECTION 11. 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 circumstance 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 Local Law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

SECTION 12. EFFECTIVE DATE

This Local Law shall take effect on June 1, 2021.

ON MOTION OF PRICE

AGENDA ITEM NO. 5

Local Law "H" of 2021 - a Local Law to Proscribe as Unlawful the Sale and Possession Within the County of Cortland, New York, of Intoxicating Chemical Compounds or Dangerous Substances, that Are Mislabeled or Unlabeled, Whose Intended Purpose is to be Ingested, Inhaled or Injected, to Mimic the Effects of Controlled Substances or Marihuana and that Have No Other Legitimate Therapeutic Use or Purpose; "County of Cortland Synthetic Intoxicants and Dangerous Substances Law"

SECTION I: LEGISLATIVE INTENT

A. Findings

The County Legislature of the County of Cortland, New York, finds that the potential or actual harm to residents from certain intoxicating chemical compounds or dangerous

substances to be such that these chemical compounds or dangerous substances should be proscribed as unlawful.

B. Statement of Purpose

1. It is the purpose of this local law to promote public health, safety, and general welfare, and to minimize public and private injury to the citizens for the County of Cortland due to the permissive availability of certain intoxicating chemical compounds or dangerous substances; thus, requiring the prohibition of such chemical compounds or dangerous substances;
2. to protect human life and health; and,
3. to aid in the interdiction of such chemical compounds or dangerous substances along with other narcotics and illicit intoxicants, and to aid in the prosecution of such related offenses.

SECTION II: AUTHORITY

Municipal Home Rule Law, §§ 10 (2), (4) (b), and (4) (c); and Op Atty Gen 85-23,

SECTION III: LAW

- A. It shall be unlawful for any person, including a corporation or other entity, to manufacture, distribute, use, possess, purchase, attempt to purchase, sell, publicly display for sale, attempt to sell, give, trade, or barter any one or more of the following chemical compounds or substances, to include its salts, isomers, homologues, and salts of their isomers and homologues:

It shall be unlawful for any person to sell, possess, or use mislabeled or unlabeled dangerous substances whose intended purpose is to be ingested so as to mimic the effects of controlled substances and/or marijuana and that have no other legitimate, medical, or therapeutic purpose.

- (1) Salvia divinorum or salvinorum A; all parts of the plant presently classified botanically as salvia divinorum, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts derivative, mixture or preparation of such plant, its seeds or extracts,
- (2) (6aR, 10aR)-9-(hydroxymethyl)-6, 6dimethyl-3(2-methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo[c]chromen-1-ol, some trade or other name: HU- 210,
- (3) Naphthalen-1-yl-(1-pentylindol-3-yl) methanone (also known as 1 Pentyl- 3-(1-naphthoyl) indole, some trade or other name: JWH-018,
- (4) Naphthalen-1-yl-(1-butyindol-3-yl) methanone (also known as 1-Butyl-3- (1-naphthoyl) indole, some trade or other name: JWH-073,
- (5) 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl) phenol, some trade or other name: CP 47,497 and its C6, C7, C8, and C9 homologues,
- (6) 1-(3-[trifluoromethylphenyl]) piperazine, some trade or other name: TFMPP,

- (7) (R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3- de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone, some trade or other name: WIN 55,2-212,
- (8) 2-[(1R,2R,5R)-5-hydroxy-2-(3-hydroxypropyl) cyclohexyl]-5-(2-methyloctan-2-yl) phenol, some trade or other name: CP 55,940,
- (9) 6,6,9-trimethyl-3-(3-methyloctan-2-yl)-7,8,9,10-tetrahydrobenzo [c]chromen-1-ol, some trade or other name: Dimethylheptylpyran 1, 2- dimethylheptyl-[Δ]3THC, or DMHP, or A-40824, or EA-1476,
- (10) [(6S,6aR,9R,10aR)- 9-hydroxy- 6-methyl- 3-[(2R)-5-phenylpentan- 2- yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin- 1-yl] acetate, some trade or other name: Levonantradol, or CP 50,556-1,
- (11) -1-(4-methylphenyl)-2-methylaminopropan-1-one, some trade or other name: Mephedrone, 4-methylmethcathinone, 4-MMC or 4- methylephedrone,
- (12) any similar structural analogs that are intended to mimic the effects of intoxicating controlled substance.

B. Exceptions:

1. It is not an offense under subsection “A” of this section if the person was acting at the direction of an authorized agent of the County of Cortland to enforce or ensure compliance with this law prohibiting the sale or possession of the aforementioned chemical compounds or dangerous substances.
2. This section does not apply to any person who commits any act described in this section pursuant to the lawful direction or prescription of a licensed physician, dentist, or pharmacist authorized to direct or prescribe such act.
3. This section likewise does not apply to the inhalation of anesthesia for medical or dental purposes.

SECTION IV: PENALTIES

- A. Confiscation -- if any of the aforementioned intoxicating chemical compounds or dangerous substances are found in the possession of any person, such may be confiscated and destroyed by Law Enforcement Officials.
- B. Any person found to be in violation of this section will be guilty of a Class “B” misdemeanor and subject to a definite term of imprisonment not to exceed three (3) months, or a fine not to exceed five hundred (\$ 500), or both such definite term of imprisonment and fine. Each day during which violation of Section IV, subsection A of this act occurs shall constitute a separate offense.
- C. The County of Cortland shall have the authority to seek an injunction to compel the compliance by any business that fails or refuses to comply with this section.

SECTION V: CONSTRUCTION AND CONFLICT WITH OTHER LAWS

- A. This Local Law augments New York Penal Law, Articles 220 and 222 *et seq.*, and New York Public Health Law, §§ 3302 and 3306.

- B. In its interpretation and application, the provisions of this local law shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this local law are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standard, shall govern.

SECTION VI: SEVERABILITY

If any provision of this law is held invalid, such invalidity shall not affect the remaining provisions of this section, which shall remain effective less the invalid provision, and to this end, the provisions of this section are declared to be severable.

SECTION VII: EFFECTIVE DATE

This Local Law shall take effect upon filing in the Office of the New York State Secretary of State as provided by Municipal Home Rule Law, § 27.

MONTHLY REPORTS

1. Department of Emergency Response and Communications Monthly Reports
2. Probation Department Monthly Reports
3. Public Defender Monthly Report
4. Coroner Monthly Budget Report
5. District Attorney Monthly Statistics
6. Assigned Counsel Monthly Report

ADJOURNMENT