

Bond Case Briefs

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MUNICIPAL ORDINANCE - NEW YORK

NYC C.L.A.S.H. v. City of New York

Supreme Court, Appellate Division, First Department, New York - January 3, 2017 - N.Y.S.3d - 2017 WL 21505 - 2017 N.Y. Slip Op. 00042

Advocacy organization and individual brought action seeking declaration that city ordinance that imposed the same restrictions on the use of electronic cigarettes as on the use of conventional cigarettes was unconstitutional for violating the single subject rule of state constitution, state law, and city charter.

The Supreme Court, New York County, granted state's motion to dismiss. Plaintiffs appealed.

The Supreme Court, Appellate Division, held that:

- Constitution's one-subject rule was inapplicable to city ordinance, and
- Ordinance did not violate single subject rule in Municipal Home Rule Law or city charter.

State constitution's one-subject rule was inapplicable to city ordinance that imposed same restrictions on the use of electronic cigarettes on the use of conventional cigarettes, where rule applied only to bills passed by state legislature.

City ordinance imposing same restrictions on the use of electronic cigarettes as on the use of conventional cigarettes did not violate the single subject rule in Municipal Home Rule Law or city charter. Regulation of electronic cigarettes was only subject of bill with single purpose to amend existing smoking legislation, subject was clearly stated in bill's title and adequately apprised the city council and members of the public of its contents and purpose, and bill was and openly debated before city council.