

STRICKEN AS OF 6/7/2011

Intro. Res. No. 2219-2010

Laid on Table 12/7/2010

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. -2011, ADOPTING LOCAL LAW
NO. -2011, A LOCAL LAW REQUIRING STORE CLOSURE
ON THANKSGIVING DAY**

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on December 7, 2010, a proposed Local Law entitled "**A LOCAL LAW REQUIRING STORE CLOSURE ON THANKSGIVING DAY;**" and said local law in final form is the same as when presented and introduced; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. -2011, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW REQUIRING STORE CLOSURE ON THANKSGIVING
DAY**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY
OF SUFFOLK**, as follows:

Section 1. Legislative Intent.

The Legislature finds and determines that the County desires to promote the values that have become the basis for holidays such as Thanksgiving by recognizing the day as a time for contemplation, giving back to the community, rest and relaxation with friends and family.

The Legislature finds and determines that even employees who may wish to spend a holiday in contemplation, giving back to the community, or in rest and relaxation with friends and family will not be able to do so because they are compelled to work despite overwhelming sentiment that Thanksgiving Day should be set aside as a day off from work.

The Legislature finds and determines that small businesses feel the pressure of having to open and take time away from their families, or lose business to bigger box stores that are more routinely opening on the holiday.

Therefore, the purpose of this law is to require that stores in Suffolk County close, for at least part of the day, on Thanksgiving Day.

Section 2. Definitions.

"Commissioner" means the Commissioner of the Suffolk County Department of Consumer Affairs.

"Department" means the Suffolk County Department of Consumer Affairs.

A "store" is a retail business operation conducted within one building advertising as, and representing itself to the public to be, one business enterprise regardless of

internal departmentalization. All subleased departments of any store for the purpose of this section are considered to be operated by the store in which they are located. Contiguous stores owned by the same proprietor or operated by the same management for the purpose of this section are considered to be a single store.

Section 3. Restriction.

A store shall not be open to the public between the hours of noon and 5:00 P.M. on Thanksgiving Day.

Section 4. Exceptions.

This law shall not apply to:

- A.) Stores that have no more than 7,500 square feet of interior customer selling space, excluding back room storage, office and processing space;
- B.) Restaurants;
- C.) Pharmacies;
- D.) Farm stands; and
- E.) Stores in which no more than 5 full-time persons, including the proprietor, are employed in the usual and regular conduct of business.
- F.) Entertainment venues.

Section 4. Penalty.

Any person that violates any provisions of this law shall be subject to the imposition of a civil penalty by the Commissioner of the Department of a minimum of \$300.00, but not to exceed \$1,000.00 for a first violation, and a minimum of \$500.00, but not to exceed \$1,500.00 for each subsequent violation.

Section 5. Enforcement.

The provisions of this law shall be enforced by the Department.

Section 6. Hearing.

A.) A hearing held on any alleged violation or violations of the provisions of this chapter shall be scheduled on a date not less than ten days after notification of such hearing, in writing, to the manager of the store involved. The hearing shall be conducted by an officer or employee designated by the Commissioner for such purpose. The person conducting the hearing shall make a written determination. Such determination may be appealed to the Commissioner who, after due deliberation, shall issue an order accepting, modifying or rejecting such determination.

B.) Notice shall be served upon such manager, either personally or by certified mail, and shall contain a concise statement of the facts constituting the alleged violation or violations, as well as setting forth the date, time and place the hearing will be held.

C.) The store against whom the charges are pending has the right to be heard, call witnesses and produce evidence, be represented by counsel, or have counsel appear on its behalf.

D.) The Department is authorized to recover from the store any penalty imposed as the result of a finding of a violation of the provisions of this law.

E.) For the purpose of this law, the Commissioner, or any officer or employee designated by him or her, may administer oaths, take testimony, subpoena witnesses and compel the production of books, papers, records and documents pertinent to the subject of the investigation, pursuant to § C31-2B and C of the Suffolk County Charter.

Section 7. Applicability.

This law shall apply to store closings on Thanksgiving Day on or after the effective date of this law.

Section 8. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this 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 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 9. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 10. Effective Date.

This law shall take effect immediately upon filing in the Office of the Secretary of State.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: