

WITHDRAWN AS OF 7/29/2015
AMENDED COPY AS OF 7/20/2015

Intro. Res. No. 1118-2015

Laid on Table 2/3/2015

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. -2015, ADOPTING LOCAL LAW
NO. -2015, A LOCAL LAW AMENDING CHAPTER 563 OF
THE SUFFOLK COUNTY CODE TO MODIFY THE LAWS
RELATING TO HOME FURNISHINGS AND DEALERS IN
SECONDHAND ARTICLES**

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on February 3, 2015, a proposed local law entitled, "**A LOCAL LAW AMENDING CHAPTER 563 OF THE SUFFOLK COUNTY CODE TO MODIFY THE LAWS RELATING TO HOME FURNISHINGS AND DEALERS IN SECONDHAND ARTICLES**"; 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:

**A LOCAL LAW AMENDING CHAPTER 563 OF THE SUFFOLK
COUNTY CODE TO MODIFY THE LAWS RELATING TO HOME
FURNISHINGS AND DEALERS IN SECONDHAND ARTICLES**

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

Section 1. Legislative Intent.

This Legislature finds and determines that the provisions of Articles V and IX of Chapter 563 of the Suffolk County Code were enacted to provide the Office of Consumer Affairs with the means necessary to regulate businesses in these sectors of the market.

This Legislature further finds that information from consumers and persons in related industries has revealed gaps in application of these laws to businesses participating in related business sectors, which should be regulated.

Therefore, the purpose of this law is to amend Articles V and IX of the Suffolk County Code to clarify applicability of these consumer protection laws.

Section 2. Amendments.

I. Article V of Chapter 563 of the Suffolk County Code is hereby amended as follows:

Chapter 563

LICENSED OCCUPATIONS

Article V

Dealers in Secondhand Articles

§563-49 Definitions.

DEALER IN SECONDHAND ARTICLES

A. Any person corporation, partnership, collateral loan broker, as defined in Article 5 of the New York General Business Law, or other entity and its employees that, as a business, transacts more than five deals in the purchase of, sale of, or transaction for a collateral loan against any of the following used or secondhand articles within a twelve-month period:

(6) Electronic equipment or component parts thereof, including but not limited to [televisions, stereos, videocassette recorders, video games, computers, citizen band radios and cable television converters and descramblers] audio and video equipment and communication devices.

II. Article IX of Chapter 563 of the Suffolk County Code is hereby amended as follows:

**Article IX
Home Furnishings**

§563-105 Definitions.

For purposes of this article, the following terms shall have the meaning indicated:

[CARPETS

All carpets (fiber, sheet vinyl and linoleum), wall-to-wall and the like, which require installation and area rugs/carpets which are custom-made to order. It shall not be intended to mean pre-made area rugs/carpets that are delivered from available stock.]

FLOOR COVERINGS

Any new material applied over a floor structure, including carpets, linoleum, vinyl, wood, laminates, tile, stone, terrazzo, stainless chemical floor coatings, and the like which require installation. The term shall also include area rugs/carpets which are custom-made to order but shall not include pre-made rugs/carpets that are delivered from available stock.

FURNITURE

New [c]hairs, new tables, new cabinets (excluding kitchen cabinets), new desks, new sofas, new bedding, new chests, new lamps and lighting fixtures, and other new articles of personal

property similarly used to furnish a home. [The term does not include lamps and lighting fixtures].

HOME FURNISHINGS

New furniture [and carpets] and floor coverings, which have not been the subject of a previous retail sale.

SELLER

Any person, partnership, corporation or association engaged in the selling of home furnishings. The term "seller" shall not include any organizations formed for charitable purposes which accept donations of furniture and resell them to raise funds for purposes consistent with the formation of the organization.

§563-112 Penalties for offenses; suspension or revocation of licenses.

A. The Director shall have the power to impose a fine not to exceed [\\$500] \$750 per violation upon a licensee or to suspend or revoke a license or to deny an application for the renewal of a license for any one or more of the following causes:

- (1) Fraud, deceit, misrepresentation or bribery in securing a license.
- (2) The making of any false statement in an application for a license.
- (3) Violation of §§ 396-u and 396-t of the New York General Business Law or Chapter 387, Consumer Protection, of the Suffolk County Code or a violation of any provision of this article, any other appropriate article of this chapter or any rule or regulation promulgated thereunder.

Section 3. 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 effect, 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 judgment or order shall be rendered.

Section 4. SEQRA Determination.

This Legislature, being the State Environment 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/or (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 5. Effective Date.

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

[] Brackets denote deletions of material.

___ Underscore denotes the addition of new material

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: