

STRICKEN AS OF 4/5/2017

Intro. Res. No. 1887-2016
Introduced by Legislator Cilmi

Laid on Table 10/5/2016

**RESOLUTION NO. -2017, ADOPTING LOCAL LAW
NO. -2017, A LOCAL LAW TO CLARIFY ITEM PRICING
REQUIREMENTS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on _____, 2016, a proposed local law entitled, "**A LOCAL LAW TO CLARIFY ITEM PRICING REQUIREMENTS**" now, therefore be it

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

**LOCAL LAW NO. -2017, SUFFOLK COUNTY, NEW YORK
A LOCAL LAW TO CLARIFY ITEM PRICING REQUIREMENTS**

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

Section 1. Legislative Intent.

This Legislature hereby finds and determines that pursuant to local law, retail stores in Suffolk County are required to item price certain products, including food, paper goods, detergents, soaps, non-prescription drugs, health and beauty aids.

This Legislature further finds that Local Law No. 37-2008 authorized a program that allows retail stores to apply for a waiver from the County's item pricing requirements. To obtain such a waiver, a store must meet a number of requirements that ensure consumers obtain clear, accurate pricing information and pay the correct price for goods at checkout. Stores must also pay a waiver fee that ranges from \$500 to \$15,000, depending on the square footage of the store.

This Legislature determines that the Department of Labor, Licensing and Consumer Affairs has this year, for the first time, sought to enforce the County's item pricing law against hardware stores and paint stores.

This Legislature also finds that the County Legislature did not intend to cover hardware and paint stores when it enacted the item pricing law and the language of the existing statute does not appear to contemplate their inclusion within the law's ambit.

This Legislature concludes that the County's item pricing law should be amended to make clear that paint and hardware stores are not subject to the law's requirements.

Therefore, the purpose of this law is to amend Chapter 542 of the SUFFOLK COUNTY CODE to clarify that hardware and paint stores are not subject to the County's item pricing law.

Section 2. Amendments.

Chapter 542 of the SUFFOLK COUNTY CODE is hereby amended as follows:

**Chapter 542.
ITEM PRICING**

ARTICLE I. Requirements

§ 542.1-Definitions.

As used in this law, the following terms shall have the meanings indicated:

* * * *

RETAIL STORE – Any store, including stores whose primary sales product is merchandise of a general nature, selling stock-keeping units at retail. A store which is not open to the general public but is reserved for use by its members shall come within the provisions of this definition unless the members must pay a direct fee to the store to qualify for membership and the store is not required to collect sales tax on transactions with members. Pursuant to this section, a retail store shall not include any store which:

* * * *

D. Engages primarily in the sale of hardware, tools, yard and gardening implements, paint, stains, wallpaper and other items typically found in hardware and paint stores.

* * * *

STOCK KEEPING UNIT – Each group of items offered for sale of the same brand, name, quantity of contents, retail price and variety within the following categories:

* * * *

C. Household [D]detergents, soaps, cleaning agents and cleaning implements. Industrial cleaning products used for exterior cleaning are not subject to the provisions of this Article.

* * * *

§ 542-3. Exemptions.

* * * *

B. The provisions of this section may be subsequently modified or amended by order of the Director and subject to the approval of the Legislature, either by adding or deleting stock-keeping units from the list of exemptions or by further directing the manner in which the selling price of exempted stock-keeping units shall be posted.

* * * *

Section 3. Applicability.

This law shall apply to actions occurring on or after the effective date of this law.

Section 4. 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 5. 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), (21), 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 6. Effective Date.

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

[] Brackets denote deletion of existing language
___ Underlining denotes addition of new language

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: