

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

City of CLINTON

Town

Village

Local Law No. 2 of the year 2002

A local law CLINTON COUNTY LAW ON PRICING ACCURACY
(Insert Title)

Be it enacted by the LEGISLATURE of the
(Name of Legislative Body)

County

~~CITY~~ of CLINTON

~~TOWN~~

~~VILLAGE~~

as follows:

SECTION 1. Definitions.

- a. "Retail Store" shall mean a store that sells stock-keeping units directly to consumers and charges sales tax. For the purposes of this section the term "retail store" shall include those stores that use Universal Product Code (UPC) scanners or Price-Look-Up (PLU) codes in checkout systems or use manual pricing of items.
- b. "Pricing Accuracy Inspection" shall mean an inspection of a retail store for the purpose of ensuring that customers are charged the correct price for the items they purchase.
- c. "Price Charged" shall mean the price a customer is charged for an item. For prices determined by an automated checkout device, the price charged means the price on the receipt issued to the consumer, whether the item is scanned or actually purchased, the device is computing or recording while in training mode, or by using a hand-held device connected to a store's database.
- d. "Stock-Keeping Unit" shall mean each group of items offered for sale of the same brand, quantity or contents, retail price, and having different colors, flavors, or varieties.
- e. "Retail Price" shall mean the lowest advertised, quoted, posted, or marked price of a stock-keeping unit.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

SECTION 1. Definitions. (con't)

- f. "Overcharge" shall mean a price charged that is higher than the retail price.
- g. "Undercharge" shall mean a price charged that is lower than the retail price.
- h. "Large Overcharge" shall mean an error of twenty-five cents on any individual item up to two dollars and fifty cents and ten percent thereafter.

SECTION 2. Pricing Requirements. A retail store shall:

- a. Display the retail price of each stock-keeping unit offered for sale, either on each unit or on easy to read shelf tags, or signs, located directly above or below or immediately adjacent to every stock-keeping unit or group of stock-keeping units of the same brand, size and price.
- b. Assure that the price charged is equivalent to the retail price.
- c. If a UPC scanner system is used to determine the price charged, the retail store shall provide the Weights and Measures Official access to the checkout system in use at such retail store to verify the price charged for items included in a pricing accuracy inspection. Access shall be provided to the system either in normal operating mode, in training mode, or through a hand-held or other device tied to the store's database.

SECTION 3. Test Procedures and Accuracy Requirements.

- a. The Director of Weights and Measures shall use test procedures utilizing randomized sampling techniques. Such procedures shall be consistent with the examination procedure for price verification developed by the National Conference on Weights and Measures and published in National Institute of Standards and Technology Handbook One Hundred Thirty.
- b. A retail store shall be deemed in compliance if ninety-eight percent of the items in the sample selected are accurately priced. Both overcharges and undercharges are considered pricing errors in evaluating overall compliance.
- c. A Weights and Measures Official may conduct inspections of individual items in response to consumer complaints or as a follow-up on items ordered to be corrected in a previous inspection.

SECTION 4. Enforcement Procedures.

- a. The Weights and Measures Official shall issue a stop-removal order directing that any pricing error encountered in an inspection are corrected immediately by the retail store. If the correction cannot be made immediately, items subject to overcharges shall be removed from sale until correction is made.

b. Upon finding a violation of this section, the Director of Weights and Measures may cite civil penalties. In determining the amount of any civil penalty imposed, the magnitude of the errors, corrective action taken by the retail store, history of such prior conduct or other relevant information shall be considered. Penalties may only be cited for:

- (1) Overcharges found in a sample selected using the procedures pursuant to Section 3 of this law, when overcharges number more than two percent of the sample. Each such overcharge may be considered a separate violation.
- (2) A large overcharge found on an individual item.
- (3) An overcharge verified in response to a consumer complaint.
- (4) Overcharge found on follow-up inspections of items ordered corrected.
- (5) Failure to disclose the retail prices of a stock-keeping unit pursuant to Section 2, Paragraph a.

SECTION 5. Fees.

- a. The County Director of Weights & Measures shall have the authority to collect fees for the inspection of computer-assisted checkout systems.
- b. All fees shall be established by the Clinton County Legislature by resolution.
- c. All fees will be paid directly to the Clinton County Treasurer.

SECTION 6. Effective Date.

This local law shall take effect immediately upon filing with the New York Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of the (County)(City)(Town)(Village) of Clinton was duly passed by the County Legislature on July 10, 2002 in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____ in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____ in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.

William J. Bingel
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body
William J. Bingel, County Administrator

Date: July 10, 2002

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Clinton

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Dennis Curtin
Signature
Dennis Curtin

Title
County Attorney

County
~~City~~ of Clinton
~~Town~~
~~Village~~

Date: July 10, 2002