

LOCAL LAW NO. 6 OF 2008
COUNTY OF ROCKLAND
STATE OF NEW YORK
(Sponsor: Hon. Alden H. Wolfe)

Mr. Soskin offered the following Local Law which, was seconded by Mr. Pradhan and unanimously adopted.

A local law amending local law no. 13 of 2007 which amended article II of chapter 331 of the Rockland county code, pertaining to pricing of goods in Rockland county, and repealed article VII of chapter 331 of the Rockland county code, pertaining to electronic price scanning devices in Rockland county, and replaced it with a new article VII which is known as the "Rockland county item pricing law".

Be it enacted by the legislature of the county of Rockland as follows:

Section 1. Declaration of legislative intent.

The legislature of the county of Rockland intends to correct an omission in local law no. 13 of 2007 to include necessary information regarding stock keeping units.

Section 2. Amendment of article II of chapter 331 of the Rockland county code.

Article II of chapter 331, §331-32 of the Rockland county code is amended as follows:

§331-32 Definitions.

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

A. "Stock keeping unit" shall mean each group of items offered for sale of the same brand name, quantity of contents, retail price, and variety within the following categories:

1. Food, including all material, solid, liquid or mixed, whether simple or compound, used or intended for consumption by human beings or domestic animals normally kept as household pets, and all substances or ingredients to be added thereto for any purpose;
2. Napkins, facial tissues, toilet tissues, and any disposable wrapping or container for the storage, handling or serving of food; and
3. Detergents, soaps or other cleansing agents, and cleaning implements; and
4. Non-prescription drugs, feminine hygiene products and health and beauty aids.
5. All other items offered for sale not specified in §331-4.1(C) of article II of chapter 331 of the laws of Rockland county as exempted from the item pricing requirement of article II.

B. "Stock keeping item" shall mean each individual item of a stock-keeping unit offered for sale.

C. "Universal product coding" shall mean any system of coding which entails electronic pricing.

D. "Item price" shall mean the tag, stamp or mark affixed to a stock keeping item by an authorized person which sets forth, in clearly readable arabic numerals, the selling price.

E. "Computer-assisted checkout system" shall mean any electronic device, computer system or machine which determines the selling price of a stock keeping item by interpreting its universal product code, or by use of its price look-up function.

F. "Price look-up function" shall mean the capability of any checkout system to determine the selling price of a stock keeping item by way of the manual entry into the system of a code number assigned to that particular unit by the retail store or by way of the checkout operator's consultation of a file maintained at the point of sale.

G. "Inspector" shall mean the authorized government official and his agents or employees having jurisdiction to enforce the provisions of the local law. For the purpose of this local law, the inspector shall be the Rockland county director of weights and measures.

H. "Director" shall mean the Rockland county director of weights and measures, or the Director's designee(s).

I. "Retail store" shall mean a store 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:

1. has as its only full-time employee the owner thereof, or the parent, or the spouse or child of the owner, or in addition thereto, not more than two full-time employees; or
2. had county-wide annual gross sales of stock keeping units in a previous calendar year of less than three million dollars; or
3. engages primarily in the sale of food for consumption on the premises or in a specialty trade, which the director of weights and measures determines, by regulation, would be inappropriate for item pricing.

J. "Shelf label" shall mean the sign or tags placed by an authorized person at each point of display of a stock keeping unit, which clearly sets forth the retail price of the stock keeping items within that stock keeping unit.

Section 3. Separability.

If any part of this local law or the application thereof to any person or circumstances shall be it judged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the parts of the provision directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to any other persons or circumstances.

Section 4. Effective Date.

This local law shall take effect immediately upon filing in the office of the secretary of state pursuant to section 27 of the municipal home rule law.