

**County of Putnam  
Local Law #5 of 2013  
(Passed at the May 1, 2013 Regular Meeting)**

**APPROVAL/LOCAL LAW/AMEND SECTION 173-8/CODE OF PUTNAM COUNTY ENTITLED  
“ITEM PRICING”**

**A Local Law to Amend Section 173-8 of the Code of Putnam County entitled “Waiver of Item Pricing Requirements Based Upon Pricing Accuracy; Consumer Protections.”**

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

**Section 1. Section 173-8 of the Code of Putnam County entitled “Waiver of Item Pricing Requirements Based Upon Pricing Accuracy; Consumer Protections,” is hereby amended to read as follows:**

**Section 173-8. Waiver of Item Pricing Requirements Based Upon Pricing Accuracy;  
Consumer Protections.**

- A. Every retail store subject to this chapter may make application in writing for a waiver of the item pricing requirements as contained herein. The application shall be submitted to the Director of Consumer Affairs for the County of Putnam. A separate application shall be required for each retail store.**
- B. All written requests for an item pricing waiver shall include a biennial, non-refundable waiver application fee based upon the store’s square footage of retail area. Retail area, or retail square footage, means the area designated in a retail store to display and sell products, provide customer service and checkout. The retail area does not include storage area, back rooms, stock area, maintenance areas or other locations which are not intended to be accessible to consumers. Said waiver application fee shall be set by Resolution of the Legislature. A schedule of waiver application fees shall be furnished by the Department of Consumer Affairs upon request, or at the time of application for such waiver.**
- C. Waivers shall be valid for a period of two calendar years. Retail stores must reapply biennially for renewal. The waiver fee and inspection shall be required with each biennial renewal application, as is required for an original application. Late application(s) shall be subject to late fees as determined by the Department of Consumer Affairs.**
- D. Upon receipt of an application and fee as provided in subsections A and B of this section, the Director of Consumer Affairs shall cause to be conducted two scanner accuracy inspections of the store for which the application has been submitted. These inspections shall be conducted on two separate days and shall consist of a comparison of the shelf, sale and/or the advertised price of any stock keeping unit with the computer-assisted checkout system price. (In the event that any violations are**

detected, penalties shall be assessed as provided in Section 173-6, subsection F.) If, considering both inspections together, the number of stock keeping units found to be in violation does not exceed two percent of all stock keeping units inspected, the Director of Consumer Affairs shall grant the applicant a revocable waiver from item pricing requirements provided that the applicant has paid all outstanding penalties imposed in connection with this Local Law. Any store with a current waiver shall not be subject to the item pricing provisions set forth in Section 173-4.

During the second calendar year of the biennial waiver period, the Director of Consumer Affairs shall cause to be conducted one scanner accuracy inspection of the store which was approved for an item pricing waiver during the preceding year. If the store fails this inspection, the Director of Consumer Affairs shall give the store at least one week to correct any problems before coming back for another inspection. If the store fails this second inspection, the store shall lose the waiver and must reapply for the waiver pursuant to subsections A and B of this section.

E. In the event that the inspections provided for in subsection D herein discover total violations in excess of two percent of all stock keeping units inspected, the Director of Consumer Affairs shall not grant a waiver to the applicant. Such a store may reapply for a waiver by submitting another application with the required fee within five (5) business days after being notified of the failure. Stores which do not reapply must be in compliance with all the requirements of §173-4 within sixty (60) days from the date of failure, and may be subject to additional penalties.

F. Any retail store that obtains a biennial waiver from item pricing shall be required to:

- (1) Display easy-to-read and properly located shelf tags or signs on every stock keeping unit or group of stock keeping units of the same brand, size, and price. Shelf tags shall contain all pricing information required by section 214-h of the New York State Agriculture and Markets law, as such law is amended from time to time.
- (2) Post a notice for the consumer, in a conspicuous location, that the item pricing waiver has been granted. The notice shall indicate consumer rights with respect to the accurate pricing of items and price discrepancies.
- (3) Designate and make available the number of price check scanners set forth in the following table to enable consumers to confirm the price of a stock keeping item:

**RETAIL SQUARE FOOTAGE**  
Under 1,500 sq. ft.

**NUMBER OF SCANNERS**  
No price check scanners required. However, an item(s) shall be scanned for the price, upon consumer request.

Between 1,501 and 3,000 sq. ft.	1
Between 3,001 and 10,000 sq. ft.	2
Between 10,001 and 30,000 sq. ft.	3
Between 30,001 and 90,000 sq. ft.	4
Over 90,001 sq. ft.	5

- (4) Assist county inspectors with store inspections. The retail store may make store personnel or hand-held price scanners available to a county inspector to assist with price accuracy inspections. Inspections of retail stores may be unannounced, provided however, that the inspector shall notify the store upon arrival.
- (5) Item price certain stock keeping units that are too large or too heavy to be price scanned by the consumer in a reasonably simple manner. These stock keeping units shall include all items over six pounds of net weight.  
A retail store failing to comply with any of the requirements of this subsection F, after the County Sealer of Weights and Measures and/or the Consumer Affairs Director and their departmental designees who shall act as administration and enforcement officers for this chapter and any regulations promulgated hereunder has made such determination, shall be subject to a penalty in the amount of five-hundred (\$500) dollars per violation.

G. A biennial waiver shall be immediately revoked if a store falls below 98% accuracy on two consecutive pricing accuracy inspections. Failure to meet the scanning accuracy requirement or failure to pay the annual application fee shall subject the retail store to the item pricing requirements of this Local Law within ten days of the last inspection, and may subject it to additional penalties.

H. In the event that the Director of Consumer Affairs, or his/her designee, is unable to conduct inspections pursuant to subsection D of this section within thirty (30) days of receipt of a completed written waiver application, the Director of Consumer Affairs shall grant a temporary waiver pending completion of the inspections. If, upon completion, the item pricing inspections detect a violation rate in excess of two percent, the temporary waiver shall be immediately revoked and the item pricing provisions of this Local Law shall become immediately applicable.

**Section 2.**

This local law shall take effect immediately.