

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 Town Village
(Select one.)

of

FILED
STATE RECORDS

SEP 10 2019

DEPARTMENT OF STATE

Local Law No. 4 of the year 2019

A local law entitled The Erie County Consumer Protection Act of 2019 a LOCAL

(Insert Title)

LAW amending the Erie County Charter and Erie County Administrative Code, creating a Division of Consumer

Protection within the Department of Public Advocacy and transferring the Erie County Bureau of Weights and Measures

from the Department of Public Works to the newly created Division of Consumer Protection

Be it enacted by the Erie County Legislature of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of

Erie

as follows:

BE IT ENACTED BY THE COUNTY OF ERIE AS FOLLOWS:

Section 1. Legislative Intent

There are two intentions behind this local law.

The first, is to create a Division of Consumer Protection in the Department of Public Advocacy, headed by a Director of Consumer Protection, charged with the education, representation, and protection of consumers within the County of Erie.

The second, is to transfer the Erie County Division of Weights and Measures from the Department of Public Works and to place it as a bureau within the newly created Division of Consumer Protection in the Department of Public Advocacy in order to consolidate consumer protection services within one Department, thereby improving service, focus, and efficiency.

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

Section 2. Amending Existing Articles in the Erie County Charter

Erie County Local Law number one of nineteen hundred fifty-nine, as amended, constituting the Erie County Charter, is hereby amended to read as follows:

- a) Article 11, Section 1103 of the Erie County Charter is hereby amended to read as follows:

Section 1103. Divisions of the department. There shall be within the Department of Public Works the following divisions: Highways; Building and Grounds; and Fleet Services.

- b) Article 17 of the Erie County Charter is hereby amended to add new Section 1708 as follows:

Section 1701. Department of Public Advocacy.

1702. Division of Equal Employment Opportunity, Diversity and Inclusion.

1703. Advisory board to Division of Equal Employment Opportunity, Diversity and Inclusion.

1704. Division on the Status of Women.

1705. Advisory Commission to the Division on the Status of Women.

1706. Division for Persons with Disabilities.

1707. Advisory Board to Division for Persons with Disabilities.

1708. Division of Consumer Protection.

Section 1701. Department of Public Advocacy. There shall be a Department of Public Advocacy, the head of which shall be the Commissioner. The Commissioner of said Department shall be appointed from among the division directors by, and shall serve at the pleasure of, the County Executive, subject to approval of the County Legislature. The Commissioner of the Department shall:

1. Serve in the capacity of countywide public advocate for all residents of Erie County, overseeing the day-to-day operations of the Division of Equal Employment Opportunity, Division on the Status of Women, Division for the Disabled and the Division of Consumer Protection.
2. Report to the County Executive and the Legislature on an annual basis on all activities related to fulfilling the obligations of the Department of Public Advocacy.

Section 1708. There shall be a Division of Consumer Protection, the head of which shall be the Director.

1. Within the Division of Consumer Protection there shall be a Bureau of Weights and Measures. The Bureau shall be headed by the county sealer of weights and measures who shall have all the powers and duties of a county sealer of weights and measures as provided for by New York State Law and the Erie County Administrative Code.

Section 3. Amending Existing Articles in the Erie County Administrative Code

Eric County Local Law No. 1-1960, as amended, constituting the Eric County Administrative Code, is hereby amended to read as follows:

- a) Article 10 Section 10.05 of the Eric County Administrative Code is hereby deleted in its entirety including reference to such section in the Article 10 heading.
- b) Article 10 Section 10.06 of the Eric County Administrative Code is hereby renumbered to read Section 10.05 including reference to such section in the Article 10 heading.
- c) Article 17 of the Eric County Administrative Code is hereby amended to add new Section 11-F-04 as follows:

Section 11-F-04 Bureau of Weights and Measures.

- a. The bureau of weights and measures shall be headed by the county sealer of weights and measures. He or she shall possess all of the qualifications required for and shall have all the powers and duties of a county sealer of weights and measures now or hereafter granted or imposed by article sixteen of the agriculture and market law of the state of New York, by local law, by ordinance or resolution of the county legislature, by order or direction of the Commissioner of Public Advocacy, and by any applicable provision of any act of the legislature not inconsistent with the county charter.
- b. Wherever and whenever the county sealer of weights and measures is required by any state law to make a report to the county legislature, he or she shall, at the same time, file a copy thereof with the director of consumer protection.
- c. Notwithstanding the provisions of section one hundred eighty two of article sixteen of the agricultural and market law, the appointment of a county sealer of weights and measures shall be made by the Commissioner of Public Advocacy

Section 4. Effective Date

This Local Law shall take effect upon filing with the New York Secretary of State.

Section 5. Severability

If any clause, sentence, paragraph, subdivision, section or part of the Local 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 of 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 Local 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.

Sponsors:

Legislator April N.M. Baskin

Legislator John Bruso

Legislator Kevin Hardwick

Legislator Timothy Meyers

Legislator Howard Johnson

Legislator Thomas Loughran

(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. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, in accordance with the applicable provisions of law.

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. 4 of 20¹⁹ of the (County) _____ of Erie was duly passed by the Erie County Legislature on August 8 20¹⁹, and was (approved)(~~not approved~~) (repassed after disapproval) by the Erie County Executive (Elective Chief Executive Officer*) and was deemed duly adopted on September 5 20¹⁹, in accordance with the applicable provisions of law.

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.

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 _____ 20____, in accordance with the applicable provisions of law.

* 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 _____ 20 _____, 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, 2 above.

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 9/9/19

(Seal)

A Public Hearing was held on the foregoing **Local Law Intro. No. 8-1-2019** on **August 20, 2019** due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, MARK C. POLONCARZ, County Executive of Erie County, do hereby APPROVE and SIGN said Local Law this 5 day of September, 2019.


Mark C. Poloncarz

A Public Hearing was held on the foregoing **Local Law Intro. No. 8-1-2019** on **August 20, 2019** due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, MARK C. POLONCARZ, County Executive of Erie County, do hereby DISAPPROVE and VETO said Local Law this ___ day of _____, 20_____.

Mark C. Poloncarz