

Proposed Local Law No. 3 Of 2013

County Of Ulster

A Local Law Amending Local Law No. 5 of 1989 (A Local Law Requiring Regulations Regarding The Sale Of Motor Vehicle Fuels) To Establish Certain Consumer Protection Practices In Ulster County

BE IT ENACTED, by the Legislature of the County of Ulster, as follows:

SECTION 1. LEGISLATIVE INTENT AND FINDINGS.

The Ulster County Legislature hereby determines that is appropriate and necessary to amend Local Law Number 5 of 1989 to prevent misleading and deceptive trade practices with respect to the pricing of gasoline on signs at gasoline stations located within Ulster County that are not regulated by Article 16 of the New York State Agriculture and Markets Law.

SECTION 2. REGULATION.

Section 6 of Local Law Number 5 of 1989 is hereby amended to add a new subdivision “j” as follows:

- (j) Each operator who charges different prices for cash payments and credit or debit payments shall post such prices as follows:
- i. Currently existing permanent signs erected by the road that indicate a price per gallon shall state whether it is a cash price or credit/debit price.
 - ii. Newly installed or temporary signs erected by the road that indicate a price per gallon shall state both the cash price and the credit/debit price.
 - iii. Signs shall be installed at each gasoline pump or island that shall clearly and conspicuously display the price per gallon for both the cash price and the credit/debit price. Each sign shall be clearly visible to the members of the public. The letters on such sign shall be of contrasting color to the background and large enough so that it is easily read.

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SECTION 3. PENALTIES.

Subsection (b) of Section 7 of Local Law Number 5 of 1989 is hereby amended as follows:

(b) Any operator who violates:

- i. Section 6(a) or 6(b), or 6(c) or 6(d) shall be subject to a civil penalty and shall pay to Ulster County the amount of \$1,000.00 for each and every day of continuance of such violation. Violation shall be presumed to have begun on the last delivery of gasoline to that pump's storage tank.
- ii. Section 6(j) shall be subject to a civil penalty and shall pay to Ulster County the amount of \$1,000.00 for the first violation and up to \$5,000.00 for each violation thereafter.

SECTION 4. SEVERABILITY.

If any part or provision of this Local Law or the application thereof to any person or circumstances be adjudged invalid by any court of competent jurisdiction such judgment shall be confined in its operation to the part of the provision or application directly involved in the controversy in which 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 other persons or circumstances and the Ulster County Legislature hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

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SECTION 5. EFFECTIVE DATE.

This Local Law shall take effect one hundred and twenty (120) days after its adoption, however, operators shall have: 1) 30 days after the effective date to comply with this local law with respect to signs displayed at the gasoline pumps or islands; and 2) 90 days after the effective date to comply with this local law with respect to existing, permanent signs installed by the road and shall be able to apply for and be granted a 45-day extension in the event they cannot be in compliance within the 90 days.