

COUNTY OF ERIE

LOCAL LAW INTRO. NO. 8-1 - 2019

LOCAL LAW NO. _____ - 2019

The Erie County Consumer Protection Act of 2019

A LOCAL 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 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.

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, ~~and Weights and Measures~~.

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

Section 1701. Department ~~Office~~ of Public Advocacy.

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

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

Additions to the Erie County Charter and Code are reflected by underlining.

Deletions to the Erie County Charter and Code are reflected by ~~strikethroughs~~.

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 ~~Consumer Protection Committee~~ 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

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

- a) Article 10 Section 10.05 of the Erie 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 Erie 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 Erie County Administrative Code is hereby amended to add new Section 11-F-04 as follows:

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

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- 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
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