

LOCAL LAW TO BE ENACTED BY
THE ERIE COUNTY LEGISLATURE

IN THE

COUNTY OF ERIE

LOCAL LAW INTRO. – NO. 5-1 - 2020

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A local law requiring timely reports on county mandated business closures made pursuant to local or state regulations.

SECTION 1. Short title

This law shall be known as the Business Closure Reporting Act

SECTION 2. Legislative Intent

The use of government authority to close a business should not be taken lightly. It is the intent of this law to ensure that any decision made by a representative of Erie County Government resulting in the closure of a business is transparent, subject to reasonable public oversight, and consistent with rules, regulations, and laws promulgated to protect the public. To that end, it is the decision of this body to require the creation and publication of a “Report of Justification” detailing the County’s legal reasoning and justification for the closure.

SECTION 3. Requirement to Report Closures

Should any Erie County official, elected, appointed, or otherwise, use any power granted to them to close a place of business for any reason or any length of time, that official shall be responsible for delivering a Report of Justification to the Clerk of the Legislature within forty-eight (48) hours of the ordered closure via email or hardcopy. It shall be incumbent upon the Clerk to forward a copy of the Report to every member of the Erie County Legislature and ensure the Report is entered into the Legislature’s official record. If receipt of said Report occurs outside of operating hours of the Erie County Legislature, the Clerk shall forward the Report to every legislator and submit it to the legislative record as soon as practicable, but in any event no later than 10:00 am the next business day. A copy of the Report of Justification shall also be delivered to the owner(s) of the impacted business within the same timeframe via Certified US Mail, Return Receipt Requested.

The Report of Justification shall include:

- 1) A detailed written report that provides justification for the decision to order the closure, signed by the Erie County government official ordering the closure;
- 2) A copy of the official order or communication closing the place of business; and
- 3) Any and all evidence in the possession of Erie County government on which the closure was based.

The Report of Justification shall document the entire basis for ordering the closure. Any and all factors leading to the decision to order a business closure shall be included in the Report. Any information omitted from the Report cannot be used later to justify the Order of closure.

SECTION 4. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

SECTION 5. Severability

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

Sponsor: Legislator Lorigo

Co-Sponsors: Legislators Rath, Todaro, and Mills