

(Please Use this Form for Filing your 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~~ of NIAGARA
~~Town~~
~~Village~~

Local Law No. 2 of the year 19 80

A local law relating to the deceptive practices in the retail sale or offering for sale of ^(insert title) automotive fuel for private passenger vehicles in Niagara County.

Be it enacted by the NIAGARA COUNTY LEGISLATURE of the
(Name of Legislative Body)

County
~~City~~ of NIAGARA
~~Town~~
~~Village~~ as follows:

Be it enacted by the Legislature of the County of Niagara as follows:

1. Deceptive Practices

It shall be a deceptive practice in the retail sale or offering for sale of automotive fuels for private passenger vehicles, for any person (including any business entity) to:

- (a) Represent falsely that automotive fuel is not for sale;
- (b) Represent falsely that one or more fuel tanks is empty of fuel;
- (c) Display a price per gallon on the fuel pump indicator which differs from the price per gallon posted;
- (d) Represent falsely that there is limitation upon individual purchases;
- (e) Impose any limitation or condition upon the sale of fuel without conspicuously posting a sign at the point of delivery of the fuel, legibly setting forth all limitations and conditions;
- (f) Require the purchase of any other service or product as a condition to the purchase of fuel;
- (g) Require membership in any group, association or club as a condition to the purchase of fuel;
- (h) Sell only to prior customers, or to represent that sales are so restricted.

2. It shall not be a deceptive practice in the retail sale or offering for sale of automotive fuels, to limit the amount of fuel to be sold, except that the consumer must be offered a minimum of five gallons automotive fuel on request.

The consumer may choose to purchase less than five gallons of automotive fuel, but an offering of five gallons must be made to each and every consumer, while the retail establishment is open for the business of sale of automotive fuels.

No limitation shall be placed upon the amount of fuel sold to licensed taxi cabs, livery vehicles, vehicles customarily used for medical transport, vehicles customarily used for the transportation of the handicapped, and emergency vehicles.

3. Penalty

Any person who shall knowingly violate, knowingly conspire to violate, or shall knowingly cause the violation of any provision of this Local Law shall, for the first offense, be guilty of a violation and shall be subject to a fine fixed by the Court not exceeding \$250.00 and/or a term of imprisonment not exceeding fifteen days. For each succeeding offense, such person shall be guilty of a Class A misdemeanor and shall be subject to a fine fixed by the Court not exceeding \$1,000.00 and/or a term of imprisonment not exceeding one year.

4. This Local Law shall be effective throughout the County of Niagara, except that it shall not be effective within the area of any City or Village, or the area of any Town outside of any Village, during such time as such City, Village or Town is regulating the business regulated by the provisions of this Local Law in the aspects of operations herein prescribed.

5. Effective Date.

This Local Law is to take effect immediately.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein 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. 2 of 19 80.
County
of the ~~City~~ NIAGARA was duly passed by the NIAGARA COUNTY LEGISLATURE
~~Town~~ NIAGARA COUNTY LEGISLATURE
~~Village~~ (Name of Legislative Body)
on May 6, 19 80 in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer, * or repassage after disapproval.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19_____
County
of the ~~City~~ _____ was duly passed by the _____
~~Town~~ _____ (Name of Legislative Body)
~~Village~~
on _____ 19_____ and was approved _____ by the _____
not disapproved _____
repassed after disapproval _____ Elective Chief Executive Officer *
and was deemed duly adopted on _____ 19_____, 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 19_____
County
of the ~~City~~ _____ was duly passed by the _____
~~Town~~ _____ (Name of Legislative Body)
~~Village~~
on _____ 19_____ and was approved _____ by the _____
not disapproved _____
repassed after disapproval _____ Elective Chief Executive Officer *
on _____ 19_____. Such local law was submitted to the people by reason of a
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting
permissive _____
general
thereon at the special election held on _____ 19_____, in accordance with the appli-
annual
cable provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19_____
County
of the ~~City~~ _____ was duly passed by the _____ on _____
~~Town~~ _____ (Name of Legislative Body)
~~Village~~
_____ 19_____ and was approved _____ by the _____ on _____
not disapproved _____
repassed after disapproval _____ Elective Chief Executive Officer *
_____ 19_____. Such local law being subject to a permissive referendum and no
valid petition requesting such referendum having been filed, said local law was deemed duly adopted on
_____ 19_____, 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 chairman of the county legislative body, the mayor of a city or village or the supervisor of a town, where such officer is vested with 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 19..... of the City of..... having been submitted to referendum pursuant to the provisions of § 36 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 election held on 19..... 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 19..... of the County of, State of New York, having been submitted to the Electors at the General Election of November, 19, 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 of 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 1..... above.

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

WHITNEY E. BARNUM

Date: May 6, 1980

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF NIAGARA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

John V. Scorsone

Signature

NIAGARA COUNTY ATTORNEY

Title

Date: May 6, 1980

County
City of NIAGARA
Town
Village