

Introduced by Legislator Denenberg

Local Law No. 3 -2009

A LOCAL LAW in relation to providing prices of restaurant specials in the County of Nassau.

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF NASSAU, AS FOLLOWS:

Section 1. This law shall appear in the miscellaneous laws as title 70.

§ 2. Definitions.

“Commissioner” means the Commissioner of the Nassau County Office of Consumer Affairs.

“Person” means an individual, corporation, partnership, firm, company, joint venture, business entity or other like organization.

"Restaurant" means any public eating place, including but not limited to a restaurant, lunch counter, eating house, hotel, motel, buffet, saloon, barroom, inn, tavern, road house, place of public entertainment or any other place where prepared or cooked food is offered for sale to the public for consumption on the premises. When a hotel or other establishment operates more than one public eating place, each such place shall be deemed to be a separate public eating place. For purposes of this law, all other similar establishments operated for profit even though restricted to a certain age, or other distinctive group, are public eating places; provided, however, that religious, charitable or private camps shall not be included.

“Restaurant specials” means special offers of food, meals, desserts and drinks which do not appear on the menu or are not commonly offered by such an establishment.

§ 3. Notice to customers. Every restaurant shall provide written notice of the prices of all restaurant specials offered to its customers. Such notice shall be clearly visible and legible so that it can be easily viewed and understood by customers and provided in any one of the following forms:

- i. a sign listing the restaurant’s specials and their prices shall be placed on each table in the restaurant;
- ii. a written list of the restaurant’s specials and their prices shall be presented along with the restaurant’s regular menu; or
- iii. a prominently displayed posting in the restaurant, such as on a blackboard or whiteboard, listing the restaurant's specials and their prices.

#### § 4. Penalties

Any restaurant found to be in violation of any provision of this title shall be subject to a civil penalty of up to one hundred dollars for the first violation, and not more than two hundred fifty dollars for the second violation and each violation thereafter, which may be recovered following notice and an opportunity to be heard in a proceeding before the Commissioner.

§ 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 or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

§6. SEQRA Determination. This legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this action is an unlisted action under the provisions of Title 6 NYCRR Part 617, and that based on an evaluation of the environmental criteria set forth in §617.7(c) that are considered to be indicia of significant adverse environmental impacts, along with the recommendation of

the Nassau County Planning Commission acting in its advisory capacity to the legislature, that such action will not have significant adverse impacts on the environment, and that no additional environmental review or action is necessary.

§ 7. Effective date. This local law shall take effect thirty days after it shall have become a law.