Consumer Affairs

# Inspection Checklist: Air Conditioning and Open Doors

*Is your business a chain store with five or more locations in New York City?*

**Definition**: A **chain store** has five or more stores located within New York City that are engaged in the same type of business and conduct business under the same business name or operate under common ownership or management or have a franchise agreement with the same franchisor.

**Use this checklist to learn what our inspectors look for and help avoid violations. All businesses also must comply with the General Retail Inspection Checklist, which is included at the end for easy reference.**

**For your convenience, each Requirement includes the relevant section of law and/or rule, so you can refer to it for more information. The KEY below describes the legal citations and symbols used in this checklist.**

| **KEY** |
|---|
| **NYC Code:** NYC Administrative Code<br>**§:** Section |

| **Requirement** | | **Do you meet this requirement?** |
|---|---|---|
| **1** | You must keep store doors and windows shut when air conditioning is running.<br>**Tip:** This law applies to all stores regardless of size.<br>**Tip:** You CAN keep a **window** open ONLY to serve food or drinks to outdoor customers.<br>**Tip:** You CAN keep a **door** open ONLY:<br>• To send or receive shipments<br>• To serve food or drinks to customers at outdoor tables<br>• If the door connects indoor and outdoor seating | ☐ Yes |
| | **NYC Code §20-910(b)** | |

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| Requirement | | Do you meet this requirement? |
|---|---|---|
| 2 | If your business is a chain store, you must post DCA's open door or window complaint sign on at least one exterior door.<br><br>**Tip: Call 311** to order the Air Conditioning Law Sign (shown below) or download the sign at nyc.gov/BusinessToolbox.<br><br> <br><br><br>**Tip:** If your store has entrances on different streets, you must post the required sign on at least one exterior door at each street entrance. | ☐ Yes |
| | **NYC Code §20-910(f)** | |

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**Visit nyc.gov** and search "Business Toolbox"

**Contact 311**
(212) NEW-YORK
(Outside NYC)

*New York City businesses must comply with all relevant federal, State, and City laws and rules, which are available in DCA's Business Toolbox. Businesses are responsible for knowing and complying with current regulations that affect their business.*

NYC Consumer Affairs

# Inspection Checklist: General Retail

*Does your business sell goods or services?*

**Use this checklist to learn what our inspectors look for and help avoid violations. For your convenience, each Requirement includes the relevant section of law and/or rule, so you can refer to it for more information. The KEY below describes the legal citations and symbols used in this checklist.**

| KEY |
|---|
| **NYC Code:** NYC Administrative Code<br>**RCNY:** Rules of the City of New York<br>**§:** Section |

| | Requirement | Do you meet this requirement? |
|---|---|---|
| **Price Lists for Services** | | |
| **1** | A price list with the types of services and the prices of those services must be displayed.<br>**6 RCNY §5-70(a)** | ☐ Yes |
| **2** | The price list must be clearly posted or clearly displayed near the cash register and/or at the place(s) where orders are placed.<br>**6 RCNY §5-70(a)** | ☐ Yes |
| **3** | If the price list states a minimum charge (e.g., "from $…") or states a price "and up," it must state the reason for the different prices and include the range of prices.<br>**6 RCNY §5-70(a)** | ☐ Yes |
| **4** | If there is a sale or promotion, the pre-sale prices must also be posted for comparison.<br>**NYC Code §20-750(b)** | ☐ Yes |
| **5** | Prices for services cannot be based on gender.<br>**Tip:** Words like "men's," "women's," and "ladies'" cannot be used to describe the price; the difference must be described in a gender neutral way. (Example: Above the shoulder hair = $15; Below the shoulder hair = $30)<br>**Tip:** Instead of listing prices for shirts and blouses, the price must be described based on physical differences between the shirts. (Example: sequins, ruffles, fancy buttons)<br>**NYC Code §20-750(c)** | ☐ Yes |
| **Pricing for Goods** | | |
| **6** | All items offered for sale must have a clearly visible price.<br>**NYC Code §20-708** | ☐ Yes |
| **7** | For most items, the price must be attached to the item or on a sign where the item is displayed.<br>**NYC Code §20-708** | ☐ Yes |
| **8** | If your store's annual revenue is more than $2 million or you are a chain store, you must individually price most food products, as well as paper products, detergents, soaps, nonprescription drugs, and health and beauty aids.<br>**NYC Code §20-708.1(b)** | ☐ Yes |

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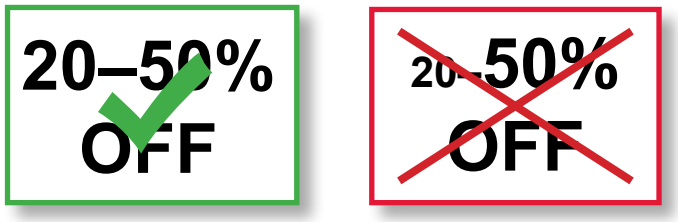
| Requirement | | Do you meet this requirement? |
|---|---|---|
| 9 | Milk; eggs; fresh produce; snack foods that are less than 5 ounces; frozen foods; jars of baby food; and items that are less than 3 cubic inches, under 3 ounces and under $1 do not have to be individually priced, but must have shelf prices. | ☐ Yes |
| | **NYC Code §20-708.1(b)** | |
| **Signs** | | |
| 10 | Sale signs that advertise a percent discount—example: 20-50% off—must state the minimum percent discount.<br>**Tip:** Both the minimum and maximum numbers must be of equal size.<br>  | ☐ Yes |
| | **6 RCNY §5-94(a)(1)** | |
| 11 | Sale signs cannot contain any of the following phrases:<br>• "Our list price"<br>• Below "manufacturer's wholesale cost"<br>• "Manufacturer's cost" | ☐ Yes |
| | **6 RCNY §5-101** | |
| 12 | Businesses that sell goods and services must post a refund policy.<br>**Tip:** A refund policy must be posted at each register, point of sale, or at each entrance.<br>**Tip:** Even if the policy is not to give refunds, a sign must be posted stating "No Refunds." | ☐ Yes |
| | **6 RCNY §5-37** | |
| 13 | The refund policy must state any and all conditions or limitations to getting a refund. For example:<br>• Businesses must disclose any fees charged for refunds, such as "restocking fees."<br>• If a business will not provide refunds for "as is" items, it must disclose that.<br>• Businesses must also disclose whether the refund will be in cash, credit, or store credit only.<br>• If proof of purchase is required for a refund, the sign must say so.<br>• A business that chooses not to offer refunds must post a sign that states, "No Refund," or words to that effect.<br>• The sign must state that a written copy of the store's refund policy is available on request. | ☐ Yes |
| | **6 RCNY §5-37** | |

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| Requirement | | Do you meet this requirement? |
|---|---|---|
| 14 | If there are limitations on using credit cards, such as minimum purchase amounts, the policy must be clearly posted at the point of sale or at each entrance. | ☐ Yes |
| | **6 RCNY §5-24(b)** | |
| **Receipts** | | |
| 15 | Receipts must be given to customers for purchases over $20 and upon request for purchases between $5 and $20.<br>**Tip:** This does not apply to food and drink that is meant to be consumed on the premises. | ☐ Yes |
| | **6 RCNY §5-32(b)(2)** | |
| 16 | The receipt must include each of the following:<br>• Date of purchase<br>• Amount paid for each item<br>• Total amount paid<br>• Separate statement of tax<br>• Name and address of store | ☐ Yes |
| | **6 RCNY §5-32(c)** | |
| 17 | Receipts for electronics that cost more than $100 must also include the make and model number of the item. | ☐ Yes |
| | **6 RCNY §5-32(c)(5)** | |
| **Price Accuracy** | | |
| 18 | When items are scanned, the price must match the lowest item price, shelf price, sale price, or advertised price. | ☐ Yes |
| | **NYC Code §20-708.1(d)** | |
| 19 | If no scanners are used, the price at checkout must still match the lowest item price, shelf price, sale price, or advertised price. | ☐ Yes |
| | **NYC Code §20-708.1(e)** | |
| 20 | Tax cannot be charged on tax-exempt items.<br>**Tip:** Check with the New York State Department of Taxation and Finance for a complete list of which items are exempt. | ☐ Yes |
| | **NYC Code §20-700** | |

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| Requirement | | Do you meet this requirement? |
|---|---|---|
| **Layaway Plans** | | |
| **21** | If layaway is offered, each of the following written disclosures must be provided to consumers prior to accepting any payments over $50 in 4 installments or more:<br>• Description of the item, including name, brand, color, and model number<br>• Total cost of the item including tax<br>• Charge to use layaway and any cancellation fee<br>• Duration of the layaway plan<br>• Payment schedule and any consequences of missed payments<br>• Refund policy<br>• Notice of whether or not the item won't be removed from inventory until a certain number of payments have been made<br>*Example 1*: NOTICE: NO MERCHANDISE WILL BE REMOVED FROM INVENTORY UNTIL X% OF THE PURCHASE PRICE HAS BEEN PAID.<br>*Example 2*: ATTENTION: YOUR SELECTION OF MERCHANDISE WILL NOT BE ORDERED UNTIL YOU HAVE MADE YOUR NEXT TO FINAL PAYMENT. | ☐ Yes |
| | **6 RCNY §5-23** | |
| **Expired Over-the-counter Medication** | | |
| **22** | It is illegal to sell over-the-counter medication after the expiration date on the label. | ☐ Yes |
| | **NYC Code §20-822(a)** | |

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