

**ULSTER COUNTY  
HEALTH DISTRICT**

**SANITARY CODE**



**COUNTY OF ULSTER  
DEPARTMENT OF HEALTH  
KINGSTON, NEW YORK**

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**Ulster County Sanitary Code**  
**ARTICLE I**  
**GENERAL DEFINITIONS, GENERAL PROVISIONS**

**1.1.0 Declaration of Policy**

It is hereby declared to be the health policy of the Ulster County Health District that the rules and regulations herein contained, together with any and all amendments thereto, shall constitute and comprise the Ulster County Sanitary Code and shall be known and may be cited as the Ulster County Sanitary Code. The purpose of this Article is to delineate definitions and general provisions which are applicable to the entire Ulster County Sanitary Code.

**1.2.0 Definitions**

Whenever used in this Code, unless otherwise expressly stated or unless the context or subject matter requires a different meaning, the following terms shall have the respective meanings hereinafter set forth or indicated:

**1.2.1 Board**

The term “**Board**” means the Board of Health of the Ulster County Health District.

**1.2.2 Code**

The term “**Code**” means the Ulster County Sanitary Code.

**1.2.3 Charter**

The term “**Charter**” means the Charter of the County of Ulster.

**1.2.4 Communicable Disease**

The term “**Communicable Disease**” means infectious, contagious or communicable disease as defined in the Public Health Law and New York State Sanitary Code.

**1.2.5 County**

The term “**County**” means the County of Ulster.

**1.2.6 Commissioner/Director**

The term “**Commissioner/Director**” means the Commissioner of Health or the Public Health Director of the Ulster County Health District.

**1.2.7 Department**

The term “**Department**” means the Department of Health of the Ulster County Health District.

**1.2.8 Health District**

The term “**Health District**” means the Ulster County Health District as established by the Ulster County Board of Supervisors, October 8, 1946.

**1.2.9 Local Health Officer**

The term “**Local Health Officer**” means the local health officer as defined in New York State Public Health Law.

**1.2.10 Permit**

The term “**Permit**” means a written license and authorization to carry on a specified activity or activities as regulated by this Code, the State Sanitary Code or the Public Health Law, and includes any written approval issued by the Commissioner/Director or his/her duly designated representative.

**1.2.11 Permittee**

The term “**Permittee**” means a person who holds a valid permit issued by the Commissioner/Director, the State Department of Health (NYSDOH), the State Department of Environmental Conservation (NYSDEC), the State Department of Agriculture and/or any other Federal, State or local regulatory.

**1.2.12 Person**

The term “**Person**” means any individual, firm, public or private corporation, association, partnership, institution, political subdivision, government agency, public body, joint stock association, trust, estate, or any other group of individuals or combination of the foregoing, or any other legal entity whatsoever and includes the plural as well as the singular.

**1.2.13 Public Place**

The term “**Public Place**” means any place or premises wherein the general public is or may be an invitee, regardless of whether or not such place is owned, maintained or operated by any private or government organization or agency.

**1.2.14 Municipality**

The term “**Municipality**” means a city, town, village or special district located within the County of Ulster.

**1.2.15 State**

The term “**State**” means the State of New York.

**1.2.16 State Sanitary Code**

The term “**State Sanitary Code**” means the rules and regulations promulgated by the Public Health Council of the State of New York and designated as the State Sanitary Code.

**1.3.0 Applicability: Legal Effect**

1.3.1 The provisions of this Code shall be in force throughout the Health District.

1.3.2 This Code shall be supplemental to the State Public Health Law, the State Sanitary Code and other State laws, and shall supersede all local ordinances heretofore or hereafter enacted or promulgated which are inconsistent with the provisions of this Code.

- 1.3.3 The provisions of this Code shall have the force and effect of law.
- 1.3.4 It shall be the duty of the Board, Commissioner/Director, his/her designee and each local health officer in the Health District, existing pursuant to law, to enforce every provision of this Code.
- 1.3.5 Nothing herein contained shall be construed to restrict the power of any town, city, village, or special district to adopt and enforce existing ordinances relating to health and sanitation, provided that such ordinances are not inconsistent with the provisions of the State Public Health Law and/or the State Sanitary Code.

**1.4.0 Legal Presumptions, Evidence, Reports as Evidence**

- 1.4.1 As provided by the State Public Health Law, certified copies of this Code shall be received in evidence in all courts and proceedings in the State.
- 1.4.2 As provided by the State Public Health Law, every rule, regulation, order and direction adopted by the Commissioner/Director shall state the date on which it takes effect. A copy thereof signed by the Commissioner/Director or his/her Designee shall be filed as a public record in the Department, in the State Department of Health and in the office of the Ulster County Clerk, and shall be published in such manner as the Commissioner/Director may from time to time determine.
- 1.4.3 As defined in State Public Health Law, the written reports of the State and local health officers, inspectors, investigators, nurses and other representative of the State and local health officers on questions of fact pertaining to, concerning or arising under and in connection with complaints, alleged violations, investigations, proceedings, actions, authority and orders, related to the enforcement of this Code, the State Public Health Law, the State Sanitary Code or any local health regulation shall be presumptive evidence of the facts so stated therein, and shall be received as such in all courts and places.

**1.5.0 Construction**

- 1.5.1 This Code is intended to be consistent with the applicable Federal and State Law and shall be construed, whenever necessary, to achieve such consistency.
- 1.5.2 This Code shall be liberally construed for the protection of health and safety in the Health District.

**1.6.0 Severability of Provisions**

In the event that any provision or portion of a provision of this Code is declared unconstitutional or invalid or the application thereof to any person or circumstance is held invalid, the applicability of such provision to other persons and circumstances and the constitutionality or validity of every other provision of this Code shall not be affected thereby.

**1.7.0 Saving Clause**

- 1.7.1 Nothing contained in this Code shall affect or impair any act done or right accruing, accrued or acquired, or any penalty, forfeiture or punishment incurred prior to the time when this act shall take effect, under or by virtue of the provision or provisions of law or the Code, as in force immediately prior to the time this Code shall take effect but the same may be asserted, enforced, prosecuted or inflicted, as fully and to the same extent as if this Code shall not have taken effect.

- 1.7.2 An act of the Commissioner/Director which adds or purports to add a new article, section, subdivision or other provision to this Code, as in force immediately prior to the time this Code shall take effect, shall be deemed and construed as having been added to such Code, as amended by this Code, and shall be given full effect according to its context as if the same had been added expressly and in terms of such Code, and shall be deemed and construed to have been inserted in such Code, in the appropriate respective position in regard to and as modifying the effect of the corresponding provision or provisions of such Code, as herein adopted and promulgated.
- 1.7.3 Reference in any law to an existing article, section, subdivision or other provision of the Code, as in force immediately prior to the time this Code shall take effect, shall be deemed and construed to refer to the corresponding article, section, subdivision or other provision of such law, as renumbered, modified or amended by this Code.
- 1.7.4 Reference in any general, special or local law, rule, regulation or public document to any provision or provisions of this Code, as in force immediately prior to the time this Code shall take effect, shall be deemed to be and construed as a reference to the corresponding provision or provisions of such Code, irrespective of whether such provision or provisions is or are contained in one (1) or more than one (1) article, section, subdivision or other part thereof.

**1.8.0 The Board of Health, Officers, Meetings**

- 1.8.1 The Board shall meet regularly one (1) day of each month or as otherwise determined by the Board.
- 1.8.2 The Chairperson or other presiding officer of the Board may call special meetings thereof when, in the Chairperson's judgment, the protection, preservation or improvement of the public health of the Health District or any part thereof requires it.
- 1.8.3 A majority of the membership of the Board shall constitute a quorum at any regular or special meeting of the Board.
- 1.8.4 The Board shall annually elect a Chairperson from among its members who shall serve as presiding officer of the Board.
- 1.8.5 The Board shall annually elect a Vice Chairperson from among its member who shall serve as presiding officer of the Board in the absence of the Chairperson.
- 1.8.6 The Board shall elect a secretary from among its members who shall record the proceedings of all meetings of the Board and shall have the power of certification of officially adopted Board proceedings and to carry on the correspondence of the Board.

**1.9.0 The Board of Health: General Powers**

- 1.9.1 As provided in the Charter and Administrative Code, the Board shall exercise all the powers and perform duties of local boards of health as provided for under State law including Public Health Law of the State of New York, except as otherwise provided in the Charter. The Board shall advise the Commissioner/Director, the County Executive and the Legislature in matters relating to the Department. The members of the Board shall further have the power to inspect and review all facilities and programs of the Department, with or without notice to the Commissioner/Director and, as it regards as necessary and desirable, may report and make recommendations to the County Executive, the County Legislature and Commissioner/Director. All such reports shall be public records, posted on the website of the County government and made available for inspection at the offices of the Commissioner/Director and the County Executive at all

reasonable times. The Board shall also advise and consult with respect to all capital projects necessary for the Department. The Board shall have and exercise such other and related duties required by the Legislature or the County Executive.

- 1.9.2 The Board is hereby authorized and empowered to make and promulgate all reasonable rules and regulations necessary to enforce the provisions of this Code.

#### **1.10.0 The Commissioner/Director: Quasijudicial Powers**

As provided by the State Public Health Law and herein, the Commissioner/Director may:

- 1.10.1 Issue subpoenas.
- 1.10.2 Compel the attendance of witnesses.
- 1.10.3 Administer oaths to witnesses and compel them to testify.
- 1.10.4 Designate any person to issue subpoenas.
- 1.10.5 With the approval of the Board, designate any person or persons to conduct a formal hearing or hearings for the purpose of taking testimony and reporting findings of fact, conclusions and recommendations as a hearing officer or hearing officers for such purpose, concerning any investigation, inquiry, study, or violations of the State Public Health Law, State Sanitary Code or this Code.
- 1.10.6 Issue warrants to any peace officer of any municipality in the Health District to apprehend and remove such person or persons as cannot otherwise be subjected to its orders or regulations.
- 1.10.7 Issue warrants to the Sheriff of the County to bring to its aid the power of the County whenever it shall be necessary to do so.
- 1.10.8 Prescribe and impose civil penalties for the violation of, or failure to comply with, any provision of this Code or the provisions of the State Sanitary Code as may be provided in State Public Health Law or State Sanitary Code for a single violation or failure or omission to act.
- 1.10.9 Make, without publication thereof, such orders and regulations for the suppression of nuisances and concerning all other matters in his/her judgment detrimental to the public health in special or individual cases, not of general application, and serve copies thereof upon the owner or occupant of any premises whereon such nuisances or other matters may exist or upon which may exist the cause of other nuisances to other premises, or cause the same to be conspicuously posted thereon.
- 1.10.10 Maintain actions in any court of competent jurisdiction to restrain, by injunction, violators of his/her orders, rules and regulations, the State Sanitary Code, this Code, or otherwise to enforce such orders and regulations.

#### **1.11.0 The Commissioner/Director: General Powers**

- 1.11.1 As provided by the Public Health Law, the Commissioner/Director shall:
  - 1.11.1.1 Make an annual sanitary survey and maintain sanitary supervision over the territory within the Health District.

- 1.11.1.2 Make a sanitary inspection periodically of all places of public assemblage and report thereon to those responsible for the maintenance of such places of public assemblage.
  - 1.11.1.3 Promote the spread of information as to the cause, nature and prevention of prevalent diseases and the preservation and improvement of health.
  - 1.11.1.4 Take such steps as may be necessary to secure prompt and full reports by physicians of reportable diseases.
  - 1.11.1.5 Take such steps as may be necessary to secure prompt and complete registration of births and deaths.
  - 1.11.1.6 Attend conferences called by the State Commissioner of Health or his/her authorized representatives.
  - 1.11.1.7 Enforce within the Health District the provisions of the State Public Health Law, State Sanitary Code and this Code.
- 1.11.2 Whenever the Commissioner/Director is empowered to or charged with the responsibility to do or perform an act, he/she may deputize any officer or employee in the Department to do or perform the act in his/her place and stead.

#### **1.12.0 Fees and Permits**

- 1.12.1 All application for permits, or written approval herein required, shall be made upon forms prescribed and furnished by the State Commissioner of Health, or the Commissioner/Director, and shall be signed by the applicant, who shall be the person or authorized agent thereof responsible for conformance to the conditions or the permit or approval applied for. Such applications shall contain such data and information, and be accompanied by such plans, as may be required by the Commissioner/Director. A permit issued to a particular person, or for a designated place, purpose, or vehicle, shall not be valid for use by any other person, or for any other place, purpose, or vehicle than that designated therein. Such permits or written approvals may contain general and specific conditions and every person who shall have obtained a permit or written approval, as herein required, shall conform to the conditions prescribed in said permit or written approval, and to the provisions of the Code. Each such permit shall expire as stated on the permit, and may be renewed by the Commissioner/Director, suspended for cause by the Commissioner/Director, or revoked by the Commissioner/Director after due notice and hearing.
- 1.12.2 The Commissioner/Director, subject to approval of the Board, may establish a schedule of, and impose fees for, the consideration of applications for the issuance of any required licenses, approvals, or permits consistent with the cost of examination and field inspections.
- 1.12.2.1 The Commissioner/Director in his/her discretion may refund, in whole or in part, any fees accompanying applications where no approval or permit is subsequently issued.
  - 1.12.2.2 The Commissioner/Director may also establish and charge reasonable fees for the filing in his/her office of required reports, plans or necessary documents.
- 1.12.3 Notwithstanding any other provision of this Code to the contrary, the Commissioner/Director shall not issue or renew any permit required under this Code to any person who has an outstanding fee and/or unpaid civil penalty imposed by the

Commissioner/Director pursuant to provisions of State Public Health Law, State Sanitary Code or this Code.

**1.13.0 Inspections: In General**

- 1.13.1 The Commissioner/Director or his/her designee may inspect any premises, matter or thing within its jurisdiction, including but not limited to any premises where an activity regulated by the State Sanitary Code or this Code is carried on.
- 1.13.2 The Commissioner/Director or his/her designee may inspect any record required to be kept pursuant to the State Sanitary Code or this Code, within its jurisdiction.

**1.14.0 Inspections: Interference**

- 1.14.1 No person shall interfere with, obstruct or refuse to allow the Commissioner/Director or his/her designee to enter upon and inspect any premises, place or thing within the jurisdiction of the Department, in the discharge of his/her official duties or Department business.
- 1.14.2 No person shall interfere with, obstruct or refuse to allow the examination of any occupant of any premises, place or thing by the Commissioner/Director or his/her designee, in the discharge of his/her official duties.
- 1.14.3 No person shall molest or resist the Commissioner/Director or his/her designee in the discharge of his/her official duties.

**1.15.0 Inspections: Taking Samples**

The Commissioner/Director or his/her designee may take and remove any substance or thing or any necessary part or portion thereof from any premises or place as a sample for investigation or evidence when, in the opinion of such representative, such substance or thing may be dangerous or detrimental to the public health.

**1.16.0 Notices: Posting, Destroying**

- 1.16.1 Notices shall be in the English language; provided, however, if the Department is of the opinion that the person or persons to whom a required warning, notice or instructional sign is addressed may not understand the English language, the Department may require that such warning, notice or sign shall appear legibly both in English and other designated foreign language.
- 1.16.2 No person shall remove, mutilate, conceal, obstruct or tear down any notice or placard of the Department posted in or on any premises or public place without written permission of the Commissioner/Director or his/her designee.

**1.17.0 Preliminary Conference**

- 1.17.1 The Commissioner/Director or his/her designee may investigate any application, complaint, circumstances or alleged violation of the State Sanitary Code or this Code and regulations by conducting a preliminary conference pertaining thereto.
- 1.17.2 **Conference**
  - 1.17.2.1 Such conference shall be set down for a day certain, and shall be on due and adequate notice to the person or persons concerned.

1.17.2.2 The notice of conference shall set forth the time and place of the conference; the name of the person or persons concerned; the purpose of the hearing; and general specifications with reference to the particular provisions of the State Public Health Law, State Sanitary Code, this Code or other health law or rule or regulation involved, if any.

**1.17.3 Conduct of Conference**

1.17.3.1 On the return day of the conference, the Commissioner/Director or his/her designee shall note the names and addresses of the persons appearing at such conference and shall thereafter proceed with the business of the conference.

1.17.3.2 Oaths shall not be administered at any conference conducted pursuant to this Section, nor shall testimony be taken at such hearing in any formal manner or be recorded verbatim as is customary in formal legal proceedings.

1.17.4 Nothing herein contained shall preclude the Department from taking any action which it may deem appropriate or advisable in the circumstances, other than conducting such conference.

1.17.5 The person who conducted the conference shall make and file a report with the Commissioner/Director.

1.17.6 Subsequent to the preliminary conference, the person conducting such hearing may:

1.17.6.1 Enter into a stipulation with person(s) concerned, which shall become a final order.

1.17.6.2 Set the matter down for a formal hearing.

1.17.6.3 Direct that any other action shall be taken as authorized by law or this Code.

**1.18.0 Formal Hearings**

1.18.1 The Commissioner/Director or his/her designee may cause to be held a formal hearing on any application, complaint, circumstances or alleged violation of the health laws and regulations under jurisdiction of the Department.

**1.18.2 Notice of Hearing**

1.18.2.1 Such formal hearing shall be set down for a day certain, and shall be on due and adequate notice to the person or persons concerned.

1.18.2.2 The notice of the hearing shall set forth:

1.18.2.2.1 The time and place of the hearing.

1.18.2.2.2 The purpose of the hearing.

1.18.2.2.3 Charges and violations complained of, if any, with specific reference to the provisions and sections of the State Public Health Law, State Sanitary Code and this Code involved.

1.18.2.2.4 The right to present evidence.

1.18.2.2.5 The right to examine and cross-examine witnesses.

1.18.2.2.6 The right to be represented by counsel.

**1.18.3 Conduct of Hearing**

1.18.3.1 On the return day of the hearing, the hearing officer shall note the appearances of the persons attending the hearing.

1.18.3.2 Witnesses shall be sworn in and testimony shall be recorded.

1.18.3.3 The copy of the audio or digital recording of the hearing shall be provided within a reasonable time after the conclusion of the hearing, if requested by either the hearing officer, the respondent or representative of the Department. Commissioner/Director may employ the use of a Court stenographer or transcriptionist. The cost of same shall be borne by the Department. If respondent requests a stenographer or a transcriptionist, the cost shall be solely that of the respondent, unless otherwise agreed upon by the parties.

1.18.4 The hearing officer shall thereafter prepare findings of fact and conclusions and recommendations upon which the Board shall make a formal order, setting forth the determination, conditions, if any, to be complied with, and penalties, if any.

1.18.5 Nothing herein contained shall preclude the Department from taking any action other than the formal hearing herein provided for, as may be prescribed by law; nor shall the Department be precluded from taking such other action by virtue of the order made pursuant to this Section.

**1.18.6 Appearances**

At any hearing conducted pursuant to this Code, any party to the proceedings may appear personally and with counsel and shall be given the opportunity to produce evidence and witnesses and to cross-examine witnesses. At any formal hearing conducted pursuant to this Code, if a party shall appear without counsel, the hearing officer shall advise such party of his/her right to counsel, and that if he desires to proceed without counsel, that he may call witnesses, cross-examine witnesses and produce evidence in his/her behalf. Appearances shall be noted on the official record of hearings.

**1.18.7 Adjournments**

The hearing officer may grant adjournments upon request of any party to the proceedings, provided that an adjournment shall not be for an indefinite period of time but shall be set down for a day certain. If an adjournment is requested in advance of the hearing date, such request shall be submitted to the hearing officer in writing and shall specify the reason for such request. In considering an application for adjournment of a hearing, the hearing officer shall consider whether the purpose of the hearing will be affected or defeated by the granting of such adjournment.

**1.18.8 Subpoenas**

The Commissioner/Director or his/her designee for such purpose shall issue subpoenas or subpoenas duces tecum upon request of any party to the proceedings.

**1.18.9 Procedure**

The hearing officer shall not be bound by the rules of evidence in the conduct of a hearing, but the determination shall be founded upon sufficient legal evidence to sustain

it. Upon the conclusion of a hearing, the hearing officer shall make findings of fact, conclusions of law, and recommendations, and shall recommend dispositions to the Board. The Board shall take such action upon such findings of fact, conclusions of law, and recommendations as it deems proper, and shall execute an order carrying such findings and determinations into effect. The determination of the Board may include the assessment of civil penalties as provided by law or this Code. An order of suspension or revocation of any permit or license may contain such provisions as to renewal or reinstatement as the Board shall direct. The Board may direct a rehearing or require the taking of additional evidence and may rescind or affirm a prior determination after such rehearing. A copy of the audio or digital recording of the formal hearing shall be made available to all parties if requested, at a fee to be determined by the Commissioner/Director or the Board. Transcripts of the proceedings may be requested and purchased at the same rate per page as was paid by the County for transcription services.

#### **1.18.10 Post-hearing Procedures**

The Commissioner/Director shall cause to be served upon the respondents copies of findings of fact, conclusions and orders made as a result of a formal hearing by forwarding a copy to the respondent by certified mail, return receipt requested, to the respondent's last known residence or his/her actual or last known place of business.

#### **1.19.0 Service of Notice**

Unless otherwise expressly provided by law or by any other provisions of this Code, service of notice of hearings shall be made pursuant to the Civil Practice Law & Rules (CPLR) of the State of New York.

#### **1.20.0 Service by Other than Prescribed Method**

The Commissioner/Director, without notice, may order service of notice by any means reasonably determined to give notice to the person or entity if service, after due diligence, cannot be made in a prescribed method as set forth in the CPLR of the State of New York.

#### **1.21.0 Enforcement: Seizure, Embargo, Condemnation, Disposition**

##### **1.21.1 Materials Dangerous to Health.**

1.21.1.1 When, in the opinion of the Commissioner/Director, an article, substance or thing is unfit for human consumption or does not meet the requirements of the State Sanitary Code or this Code or otherwise constitutes a danger or is prejudicial to the public health, the Commissioner/Director or his/her designee may seize, embargo or condemn such material.

1.21.1.2 The Commissioner/Director or his/her designee may destroy, render harmless or otherwise dispose of all seized, embargoed or condemned material or may direct the owner or person in control thereof to do so.

1.21.1.3 When the Commissioner/Director or his/her designee determines that embargoed material consists in part of materials which are not in violation of the State Sanitary Code or this Code and which may be salvaged, or that embargoed materials or any part thereof can be brought into compliance with law, the Commissioner/Director or his/her designee shall permit the owner or person in control, unless, in the opinion of the Commissioner/Director, the protection of the public health otherwise requires, to separate salvageable portions or to bring such materials into compliance with the State Sanitary

Code or this Code at the place of embargo or other place acceptable to the Commissioner/Director.

- 1.21.1.4 When seized, embargoed or condemned material is disposed of by the Department otherwise than destruction, it shall be returned to the owner or person in control after it has been rendered harmless.
- 1.21.2 All activities carried out pursuant to this Section shall be done in a manner consistent with the maintenance of the public health, giving due regard to the property rights of the owner or person in control of the affected material.
- 1.21.3 Except where the protection of the public health requires immediate action, the Department shall not seize, embargo, condemn, destroy, render harmless or otherwise dispose of any material pursuant to Section 1.21.1 of this Code, until the owner or person in control is notified by an effective means of communication and is given opportunity to be heard.
- 1.21.4 Any article, substance or thing embargoed pursuant to the provisions of this Section shall be identified by the placing and physical attachment thereon of an identification tag or label which shall state the alleged nature and description of the article, substance or thing, the reason for embargo, the date of embargo and the signature of the representative of the Department effecting or causing such embargo.
- 1.21.5 No article, substance or thing embargoed pursuant to the provisions of this Section shall be used, removed, destroyed or otherwise disposed of while under such embargo except by and under the direction of the Department.

#### **1.22.0 Enforcement: Violations, Criminal Penalties**

As provided by the State Public Health Law, the provisions of the State Sanitary Code shall have the force and effect of law, and the non-compliance or non-conformance with any provision thereof shall constitute a violation punishable on conviction for a first offense by a fine not exceeding two hundred fifty and 00/100 (\$250.00) dollars or by imprisonment for not exceeding fifteen (15) days, or both; and for a second or subsequent offense by a fine not exceeding one thousand and 00/100 (\$1,000.00) dollars or by imprisonment for not exceeding fifteen (15) days, or both. As provided by the State Public Health Law, any non-compliance or non-conformance with any provision of this Code or of a rule or regulation duly made thereunder shall constitute a violation punishable on conviction for a first offense by a fine of not more than two hundred fifty and 00/100 (\$250.00) dollars or by imprisonment for not more than fifteen (15), days or both; and for a second or subsequent offense by a fine not exceeding one thousand and 00/100 (\$1,000.00) dollars or by imprisonment for not exceeding fifteen (15) days, or both.

#### **1.23.0 Enforcement: Violations, Civil Penalties**

- 1.23.1 Any person who violates, disobeys or disregards the terms of any lawful notice, order or regulation of the State Sanitary Code, this Code, or of the Commissioner/Director, shall be subject to the imposition of a civil penalty by the Commissioner/Director, not exceeding one thousand and 00/100 (\$1,000) dollars for each single violation or failure or omission to act.
- 1.23.2 The penalty provided for by this section may be sued for and recovered by the Commissioner/Director in any court of competent jurisdiction.
- 1.23.3 Nothing in this section contained shall be construed to alter or repeal any existing provision of law declaring such violations or any of them to be violations or misdemeanors or prescribing the penalty therefor.

1.23.4 Each day or a part of a day on which violation(s) or failure continues shall constitute a separate violation(s).

#### **1.24.0 Enforcement: Violations; Other than by Prosecution**

1.24.1 Non-compulsory methods of enforcement.

1.24.1.1 In lieu of enforcement of this Code by way of prosecution, recovery of civil penalties, revocation of permits, seizure, embargo and condemnation or other means, the Commissioner/Director or his/her designee, may seek to obtain the voluntary compliance with this Code by way of notice, warning or educational means.

1.24.1.2 This section shall not be construed to require that such non-compulsory methods must be employed or attempted before proceeding by way of compulsory or other legally prescribed procedures.

#### **1.25.0 Reconsideration**

Any aggrieved party, upon submission of a written application on a form prescribed by the Commissioner/Director and a non-refundable fee in the amount of twenty-five and 00/100 (\$25.00) dollars, may petition for reconsideration of any determination provided that the application for reconsideration and fee are submitted to the Commissioner/Director's Office within sixty (60) days of the date of the determination sought to be reconsidered. If the Board grants the aggrieved party application for reconsideration, the applicant shall be duly notified to appear before the Board at such time, date and place as he/she shall provide. The Board, upon reconsideration of any matter as provided herein, may affirm, reverse or modify any prior determination(s) in whole or part. Notwithstanding any other provision of this Code to the contrary, the determination by the Board which the aggrieved party sought to be reconsidered, shall be final and binding upon all parties until affirmed, reversed or modified by the Board as provided herein.

#### **1.26.0 Validity and Amendments**

##### **1.26.1 Unconstitutionality Clause**

In the event any section, paragraph, sentence, clause or phrase of this Code shall be declared unconstitutional or invalid for any reason, the remainder of this Code shall not be affected thereby.

##### **1.26.2 Provisions for Revision or Amendment**

This Code may be amended or revised by the Board at any regular meeting of the Board provided that a legal notice of intent is published in the County's official newspaper at least ten (10) days prior to such regular meeting of the Board. Such notice shall contain the nature of the proposed change(s) and advise that copies of such change(s) are available upon request in the office of the Department.

#### **1.27.0 Rescission**

Any provision of the County Sanitary Code previously adopted and inconsistent herewith is hereby repealed.

#### **1.28.0 Effective Date**

This Sanitary Code shall be effective as of May 1, 2016.

**Ulster County Sanitary Code**  
**ARTICLE II**  
**FOOD SERVICE ESTABLISHMENTS**

**2.1.0 Declaration of Policy**

It is hereby declared to be the policy of the Health District to assure that owners and operators of food service establishments operate their premises in such a way as to avoid imminent health hazards and to protect public health. Furthermore, Part 14 of the State Sanitary Code is adopted, in its application to the County by reference, as enacted and now or subsequently amended, with the same force and effect as though fully incorporated herein and set forth at length except as set forth herein.

**2.2.0 Definitions**

**2.2.1 Caterer**

The term “**Caterer**” means a person who prepares, furnishes, or prepares and furnishes food intended for individual portion service at the premises of the consumer whether such premises are temporary or permanent.

**2.2.2 Commissary**

The term “**Commissary**” means a place where food is stored, processed or packaged and prepared in individual portions for service at a food service establishment.

**2.2.3 Contamination**

The term “**Contamination**” means exposing food to filth, toxic substances, excessive manual contact during preparation or service, rodent or insect contact or infestation or any condition which permits introduction of pathogenic microorganisms or foreign matter.

**2.2.4 Food**

The term “**Food**” means any edible substance, ice, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption.

**2.2.5 Food Processing Establishment**

The term “**Food Processing Establishment**” means a commercial establishment operated under license, permit, or with the approval of an appropriate regulatory authority, where food is manufactured or packaged for human consumption at another establishment or place.

**2.2.6 Food Service Establishment**

The term “**Food Service Establishment**” means a place where food is prepared and intended for individual portion service and includes the site at which the individual portions are provided whether consumption occurs on or off the premises. The term excludes food processing establishments, retail food stores, private homes where food is prepared or served for family consumption, and food service operations where a distinct group mutually provides, prepares, serves, and consumes the food such as a “covered-dish supper” limited to a congregation, club or fraternal organization.

## **2.2.7 Food Vending Machine**

- 2.2.7.1 The term **“Food Vending Machine”** means a self-service device which when activated dispenses unit servings of food or beverage without requiring replenishing between vending operations.
- 2.2.7.2 The term **“Food Vending Machine Commissary”** means a place where food, containers or supplies are processed or packaged and prepared for use in Food Vending Machines.
- 2.2.7.3 The term **“Food Vending Operation”** means the place where food vending machines, machine servicing equipment, utensils, personnel, single service articles, tables, chairs, that part of the premises used in connection with the Food Vending Operation, and all other appurtenances required and used to operate and maintain the Food Vending Machines.
- 2.2.7.4 The term **“Controlled Location Vending Machine”** means a Food Vending Machine which dispenses only non-potentially hazardous food, can be serviced in a sanitary manner by an untrained person at the location, and is located where it is protected from environmental contamination, abuse and vandalism.

## **2.2.8 Frozen Desserts**

The term **“Frozen Desserts”** means ice cream, frozen custard, French ice cream, French custard ice cream, artificially sweetened ice cream, ice milk, artificially sweetened ice milk, fruit sherbet, non-fruit sherbet, water ices, non-fruit water ices, confection frozen without stirring, dairy confection frozen without stirring, manufactured dessert mix, frozen confection, melloreum frozen dessert, parevine, frozen yogurt, freezer made shakes, freezer made milk shakes, dietary frozen dessert, whipped cream confection and bisque tortoni, as all such products are commonly known, together with any mix used in making such frozen desserts, and any products which are similar in appearance, odor or taste to such products, or are prepared or frozen as frozen desserts are customarily prepared and frozen, whether made with dairy products or non-dairy products. Any operation producing chips or flakes of ice made from water with or without additives, served to the customer with or without flavorings added by the operator or consumer, is included as a retail frozen dessert within this definition. This operation is commonly known as a slush operation.

## **2.2.9 Imminent Health Hazard**

- 2.2.9.1 The term **“Imminent Health Hazard”** means any violation, combination of violations, condition or combination of conditions making it probable that the food or drink served to the public by the establishment or its continued operation can injure the health of the consumer or the public.

## **2.2.10 Mobile Food Service Establishment**

The term **“Mobile Food Service Establishment”** means a self-contained food service operation, located in a vehicle or a movable stand, self- or otherwise propelled, used to store, prepare, display or serve food intended for individual portion service.

## **2.2.11 Pushcart**

The term **“Pushcart”** means a cart or barrow, manually propelled, used to vend food intended for individual portion service.

### **2.2.12 Potentially Hazardous Food**

The term “**Potentially Hazardous Food**” means any food that consists in whole or in part of milk or milk products, eggs, poultry, fish, shellfish, edible crustacean, cooked potato, cooked rice or other ingredients, in a form capable of supporting: (1) rapid and progressive growth of infectious, or toxigenic microorganisms; or (2) the slower growth of *C. botulinum*. The term does not include foods with a water activity (Aw) value of 0.85 or less, or a hydrogen ion concentration (pH) level of 4.6 or below.

### **2.2.13 Sanitization**

The term “**Sanitization**” means the effective bactericidal treatment by heat or chemical means, acceptable to the permit-issuing official, which destroys pathogens on surfaces treated.

### **2.2.14 Temporary Food Service Establishment**

The term “**Temporary Food Service Establishment**” means a place where food is prepared or handled and served to the public, with or without charge, and which is operated at a fixed location in conjunction with a single event or celebration of not more than fourteen (14) consecutive operating days in duration.

## **2.3.0 Imminent Health Hazard**

Imminent Health Hazards include but are not limited to the following:

- 2.3.1 Any of the following five (5) violations are imminent health hazards against the public interest that require the permit-issuing official or his/her designated representative to order the establishment closed and all service of food stopped immediately, if not corrected at the time of the inspection while the permit-issuing official or representative of the permit-issuing official is on the premises:
  - 2.3.1.1 Food is present in the establishment from an unapproved or unknown source or that is or may be adulterated, contaminated or otherwise unfit for human consumption;
  - 2.3.1.2 Potentially Hazardous Food is held for a period longer than that necessary for preparation or service at a temperature greater than 45°F (7.2°C) or less than 140°F (60°C);
  - 2.3.1.3 Potentially Hazardous Food exposed to consumer or other contamination is served again;
  - 2.3.1.4 Toxic items are improperly labeled, stored or used; or
  - 2.3.1.5 Persons with disease or infection which can be transmitted by Food or drink are not restricted to prevent food contamination within the Food Service Establishment.
- 2.3.2 Any of the following three conditions are violations constituting Imminent Health Hazards that require the permit-issuing official or his/her designated representative to order the establishment closed and all service of Food stopped immediately:
  - 2.3.2.1 If the potable water supply within a Food Service Establishment is not in full conformance with the requirements of Part 5 of the State Sanitary Code, and if it

reasonably appears to the permit-issuing official or his/her designated representative that it can result in an Imminent Health Hazard, and if the operator does not use single-service items and bottled water from an approved source for all potable water uses, the establishment is to be ordered closed and all Food service to be stopped immediately;

- 2.3.2.2 If any cross-connection or other fault in the potable water system which may permit contamination of the potable water supply exists it is cause for an order for immediate closure and cessation of Food service if it reasonably appears to the permit-issuing official or his/her designated representative that it can result in an Imminent Health Hazard. In any case, all such cross-connections are to be corrected within a period of time set by the permit-issuing official, and in no case more than thirty (30) days from the date of the inspection. If uncorrected within that time, the permit shall be suspended, the establishment ordered closed and Food service stopped until all violations are corrected; or
- 2.3.2.3 If sewage or liquid waste is not disposed of in an approved and sanitary manner, the permit-issuing official or his designated representative is to order closure and immediate cessation of all Food service operations if such sewage or liquid waste contaminates any food, food storage area, food preparation area or area frequented by consumers or employees.

#### **2.4.0 Sanitization, General Requirements**

- 2.4.1 The following are acceptable methods of sanitizing:
  - 2.4.1.1 Immersion for at least one-half minute in clean, hot water at a temperature of at least 170°F (76.7°C);
  - 2.4.1.2 Immersion for at least one minute in a clean solution containing at least fifty (50) parts per million of available chlorine and at a temperature of at least 75°F (23.9°C);
  - 2.4.1.3 Immersion for at least one minute in a clean solution containing at least 12.5 parts per million of available iodine and having pH not higher than 5.0 and at a temperature of at least 75°F (23.9°C);
  - 2.4.1.4 Immersion in a clean solution containing any other chemical sanitizing agent acceptable to the permit-issuing official that will provide the equivalent bactericidal effect of a solution containing at least fifty (50) parts per million of available chlorine as hypochlorite at a temperature of at least 75°F (23.9°C) for one (1) minute;
  - 2.4.1.5 Treatment with culinary-quality steam in the case of equipment too large to sanitize by immersion, but in which steam can be confined; or
  - 2.4.1.6 Swabbing fixed equipment with a solution of at least twice the strength required for that sanitizing solution when used for immersion.
- 2.4.2 When hot water is used for sanitizing, the following is to be provided and used:
  - 2.4.2.1 A heating device or fixture installed in, on or under the sanitizing compartment of the sink, capable of maintaining the water at a temperature of at least 170°F (76.7°C);

- 2.4.2.2 A numerically scaled, indicating thermometer accurate to  $\pm 2^{\circ}\text{F}$  ( $1.1^{\circ}\text{C}$ ) convenient to the sink for frequent checks of water temperature; and
- 2.4.2.3 Dish baskets of such size and design to permit complete immersion of the tableware, kitchenware and equipment in the hot water.
- 2.4.3 Chemicals used for sanitizing are not to have concentrations which will leave toxic residues on surfaces treated. A test kit or other device is to be provided and used which accurately measures the parts per million concentration of the solution used, and the pH if the pH affects the performance of the chemical sanitizer.
- 2.4.4 Chemicals, heat or other process used for sanitizing is to produce an average plate count per utensil surface examined of not more than one hundred (100) colonies, and free from coliform organisms.

#### **2.5.0 Equipment & Utensil Washing Sink**

- 2.5.1 Notwithstanding any other provisions of this Section or Part 14 of the State Sanitary Code to the contrary, every Food Service Establishment constructed after the adoption of this Code, or any Food Service Establishment that completely renovates the Food preparation areas after the adoption of this code, shall have an approved stainless steel three (3) compartment sink with drainboards. The sinks must be sized so as to be able to submerge the largest piece of cooking equipment.
- 2.5.2 Every equipment and utensil washing sink and every hand washing facility is to be provided with running hot and cold potable water.

#### **2.6.0 Food Preparation Sink**

- 2.6.1 Minimum of one Food preparation sink is required for the preparation, processing, cooling and the thawing of Food or drink and shall not be used for any other purpose.
- 2.6.2 There is to be no direct connection between the sewage system and any drains originating from Food preparation sink(s).

#### **2.7.0 Caterer**

A Caterer is considered a Food Service Establishment operator and is required to operate in conformance with Part 14 of the State Sanitary Code and those requirements set forth in this Subsection. A Caterer shall only operate under permit issued by the County.

#### **2.8.0 Commissary**

A Commissary supplying Vending Machines, Mobile Food Service Establishments, or owned and operated by an owner operating the Food Service Establishment exclusively served by the Commissary is to be operated under permit and in accordance with this Subsection.

#### **2.9.0 Contamination**

Potentially Hazardous Foods held at temperatures between  $45^{\circ}\text{F}$  ( $7.2^{\circ}\text{C}$ ) and  $140^{\circ}\text{F}$  ( $60^{\circ}\text{C}$ ) either for a period of time exceeding that reasonably required for preparation or for more than two (2) hours, the allowed service time, are considered to be contaminated. Contaminated Food is considered adulterated.

### **2.10.0 Frozen Desserts**

Retail Frozen Desserts are to be manufactured from ingredients and are to be identified in conformance with the applicable requirements of Part 39 of the rules and regulations of the State Department of Agriculture and Markets (1 NYCRR Part 39).

### **2.11.0 Temporary Food Service Establishment**

Temporary Food Service Establishments shall only operate at a single location that is specifically set forth in the application and subsequent permit. Dates of operation shall be limited to those on the permit, and at no time shall operation under the permit exceed fourteen (14) consecutive days. Temporary Food Service Establishment permits shall be issued for no more than fourteen (14) total operating days.

### **2.12.0 Permit**

2.12.1 Only persons who comply with the requirements of Part 14 of the State Sanitary Code in addition to County requirements shall be entitled to receive and retain such permit.

2.12.2 It shall be unlawful for any person to operate a Part 14 regulated facility in the County unless such person possesses a valid permit issued by the Commissioner/Director, pursuant to this Section, to operate such Part 14 regulated facility.\*

2.12.2.1 A County issued permit is not required for the operation of a Food Vending Machine unless the vending machine dispenses potentially hazardous foods.

2.12.3 The permit shall be in effect for the date(s) specified on the permit.

2.12.4 Application for a permit shall be made at least five (5) days before the first day of intended operation on a form prescribed by the Commissioner/Director.

2.12.5 Application for renewal of permits shall be made at least five (5) days prior to expiration of the current permit on a form prescribed by the Commissioner/Director.

2.12.6 A permit may be suspended by the Commissioner/Director without notice upon violation by the permit holder of any of the requirements of Part 14 of the State Sanitary Code, when in his/her opinion there exists an Imminent Health Hazard.

2.12.7 A permit may be revoked after notice and an opportunity for a hearing has been provided by the Commissioner/Director upon serious, repeated or persistent violations of this Code or Part 14 of the State Sanitary Code.

### **2.13.0 Fee**

A fee shall be charged for each permit issued. This fee shall be paid by cash, check or money order made payable to the Ulster County Commissioner of Finance. Payment shall accompany the application for a permit.

**Ulster County Sanitary Code**  
**ARTICLE III**  
**OFFENSIVE MATERIAL**

**3.1.0 Declaration of Policy**

It is hereby declared to be the policy of the Health District to protect the public health and safety of Ulster County citizens from offensive materials through the regulation of their removal, transportation and disposal.

**3.2.0 Definition**

**3.2.1 Offensive Material**

The term “**Offensive Material**” as used in this Section shall mean any sewage, fecal matter, manure, offal, garbage, dead animals, meat wastes, pool waste water, any putrescible organic matter, the contents of sewage disposal systems (either liquid or solid state), or any substance or liquid dangerous or prejudicial to health, safety or general welfare, or gives rise to offensive odors as may be determined by the Commissioner/Director or his/her designee.

**3.3.0 Removal and Transportation**

No person shall remove or transport or permit the removal or transportation of any offensive material except in such a manner and in or by such conveyance as will prevent the creation of a health nuisance, or the loss or discharge of such material other than in an approved manner. All such material shall be so handled, covered, or treated so that it cannot escape or be accessible to rodents, or any other animal, flies, or other insects, or create a health nuisance. All vehicles and implements used in connection therewith shall be kept in an inoffensive and sanitary condition, and when not in use, shall be stored or kept as to not create a health nuisance.

**3.4.0 Disposal**

No person shall permit, deposit, store or hold any Offensive Material on any premises or place or in any building or structure unless such material is treated, screened, covered or placed as not to create a health nuisance. All containers for the storage of such material shall completely confine the material, shall be rodent, animal and insect-proof, and shall be kept covered at all times. Offensive Material shall not be buried or disposed of in any way which violates any regulation adopted for the protection of the public water supplies pursuant to the provisions of the State Public Health Law. Such material shall not be discharged into streams, ponds, or other bodies of water or onto the surface of the ground except with the written approval of the Commissioner/Director, or unless a permit is issued in accordance with the provisions of the New York State Environmental Conservation Law or any other applicable law.

**3.5.0 Need For Permit**

3.5.1 It shall be unlawful for any person to engage in the business of removing, collecting or transporting or disposing of offensive material within the Health District, regardless of the point of origin, without a permit issued by the Commissioner/Director for each vehicle.

3.5.2 No person shall remove or transport or permit the removal or transportation of any offensive material by any person engaged in the business of removing, collecting, or transporting or disposing of offensive material who has not obtained a permit from the Commissioner/Director for said activity as provided for by herein.

3.5.3 No person shall dispose of Offensive Material at a place other than that listed on their permit.

3.5.4 No person shall transport or dispose of any Offensive Material other than those listed on their permit.

### **3.6.0 Permit**

3.6.1 A permit for the removal, transportation and disposal of Offensive Material shall be granted only to applicants who comply with this Section.

3.6.2 Each permit, unless otherwise stated thereon, shall expire on April 30<sup>th</sup> immediately following the date of issuance.

3.6.3 Applications shall be made at least thirty (30) days before the intended first day of operation on a form prescribed by the Commissioner/Director.

3.6.4 The Commissioner/Director may suspend or revoke the permit as provided herein upon the violation of the provisions of this Section by the permit holder, his/her agent, servant and/or his/her employee after a hearing has been held pursuant to the provisions of this Code.

3.6.5 The Commissioner/Director may immediately suspend a permit when, in his/her opinion, there is a present danger to the public health and safety which requires immediate action provided that the permit holder is given a hearing as provided for by this Code, within fifteen (15) days of the date of the suspension.

3.6.6 When a permit has been granted by the Commissioner/Director, each truck, trailer or other conveyance used for the collection or transportation of Offensive Material shall be clearly marked on each side in letters not less than four (4) inches in height, with name, address, phone number, and Ulster County Department of Health permit number of such person/company operating such truck, trailer or other conveyance.

### **3.7.0 Disposal Exceptions**

3.7.1 Pool waste water that meets all of the following conditions may be discharged without written approval of the Commissioner/Director or the need for a permit:

3.7.1.1 Water that is disposed of less frequently than once a year.

3.7.1.2 Water that is held for ten (10) days prior to discharge to allow disinfectants to dissipate.

3.7.1.3 Water that is free of pollutants including but not limited to slimicides, biocides, algaecides, detergents and cleaners.

3.7.2 Routine backwashing of a pool filter system (the process of cleaning a filter by reversing the flow through it) does not need a permit or written permission of the Commissioner/Director.

3.7.3 State approved municipal transport vehicles used for the hauling of offensive materials do not need a permit or written permission of the Commissioner/Director.

**3.8.0 Fee**

A fee shall be charged for each permit issued. This fee shall be paid by cash, check or money order made payable to the Ulster County Commissioner of Finance. Payment shall accompany the application for a permit.

**3.9.0 Inspection of Vehicles**

Each person/company operating a truck, trailer or other conveyance shall, at the direction of the Commissioner/Director, present such truck, trailer or other conveyance at a place and time designated by the Commissioner/Director for inspection.

**Ulster County Sanitary Code**  
**ARTICLE IV**  
**PUBLIC DRINKING WATER SUPPLIES**

**4.1.0 Declaration of Policy**

It is hereby declared to be the health policy of the Health District to protect present and potential future sources of water supplies, and to work to ensure that all residents have access to water that is safe and sanitary for washing, bathing, drinking, culinary or food processing purposes. Furthermore, Part 5, Subpart 5-1 of the State Sanitary Code and included appendices (10 NYCRR Part 5) is adopted, in its application to the County by reference, as now promulgated or as subsequently amended, with the same force and effect as though fully incorporated herein and set forth at length.

**4.2.0 Definitions**

**4.2.1 Ground Water**

The term “**Ground Water**” means water below the land surface in a zone of saturation.

**4.2.2 Person**

The term “**Person**” shall mean and include any individual, firm, public or private corporation, municipality, political subdivision, association, trust, estate, agency, board, department or bureau of a municipality, partnership, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

**4.2.3 Potable Water**

The term “**Potable Water**” means water meeting the minimum standards for drinking water as prescribed for public water systems by Part 5 of the State Sanitary Code and the Federal Safe Drinking Water Act.

**4.2.4 Public Water System**

The term “**Public Water System**” means any water supply system meeting the definition contained in Part 5, Subpart 5-1 of the State Sanitary Code.

**4.2.5 Water System Structure**

The term “**Water System Structure**” means any portion of a water supply facility that comes into contact with the water, including but not limited to spring basins, collecting basins, reservoirs, wells, pumps, piping, tanks and valves.

**4.3.0 Freedom From Pollution**

No person shall provide, or make accessible for others, any water unless the source, treatment, quality, and distribution of such water shall be so maintained, and the supply so protected from pollution, as to deliver potable water which meets the requirements contained in Part 5-1 of the State Sanitary Code at all times.

4.3.1 The Commissioner/Director may make, or cause to be made, any investigation or study which, in his/her opinion, is necessary to determine the nature and extent of any contamination or pollution or potential contamination or pollution that may impact the quality of a potential source of potable water within the Health District. Such

contamination or pollution shall be defined as the presence of any constituent at a concentration in excess of health-based maximum contaminant levels or cleanup goals, guidelines or requirements in any one of the following documents:

- 4.3.1.1 Part 5-1 of the State Sanitary Code, as now promulgated or as subsequently amended.
- 4.3.1.2 New York State Department of Environmental Conservation (NYSDEC) Division of Water Technical and Operational Guidance Series (1.1.1), as now published or as subsequently revised.
- 4.3.1.3 NYSDEC Technical and Administrative Guidance Memorandum No. 4046, as now published or as subsequently revised.
- 4.3.1.4 NYSDEC Spill Technology and Remediation Series Memorandum No. 1, as now published or as subsequently revised.
- 4.3.2 It shall be the responsibility and obligation of any person who discharges, or causes or permits the discharge, of any toxic or hazardous material to the ground, ground water or surface water of the County to cease said discharge, to reclaim, recover, and/or properly dispose of the discharged toxic or hazardous material and any other substance contaminated there from, to repair any damages caused thereby, and to restore the environment to a condition which complies with the standards and guidelines contained within the documents listed in 4.3.1.1 through 4.3.1.4 of this Section.
- 4.3.3 All remedial actions conducted pursuant to Paragraph 4.3.2 of this Section may be subject to the review of the Commissioner/Director.
- 4.3.4 The Commissioner/Director may order the owner, operator, or any person in possession of any land, structure, or equipment and/or any person who causes or allows contamination or pollution, as defined in Paragraph 4.3.1 of this section, of any land, structure, or equipment, to take whatever action is necessary in the opinion of the Commissioner/Director to bring the land, structure or equipment into compliance with the standards and guidelines contained within the documents listed in 4.3.1.1 through 4.3.1.4. This includes but is not limited to the closure and decommissioning of any facility for which continued use represents a potential source of contamination or pollution, or a hazard or potential hazard to the general public, fire fighting personnel, property, plant or animal life, ground water quality, surface water quality, or which interferes with the healthful enjoyment of life and property throughout such areas of the Health District as may be affected thereby.
- 4.3.5 The Commissioner/Director may set additional standards for soil, ground water and surface water remediation as necessary to ensure the protection of potable water supplies within the Health District.
- 4.3.6 Nothing in this section shall be construed to require the Commissioner/Director to take regulatory or enforcement action if, in his/her opinion, sufficient and appropriate regulatory or enforcement actions are being taken by State or Federal authorities.

#### **4.4.0 Public Water System Sampling Requirements**

- 4.4.1 The Commissioner/Director may, at his/her discretion, require sampling and analysis of any water system to establish or verify that the water is potable. The cost of said sampling shall be borne by the water system owner.

- 4.4.2 All required analyses shall be conducted within the time frame specified by the Commissioner/Director, at the expense of the water system owner, by a State Department of Health Environmental Laboratory Approval Program (NYSDOHELAP) certified laboratory.
- 4.4.3 Sample collection shall be performed in accordance with Part 5, Subpart 5-1 of the State Sanitary Code.
  - 4.4.3.1 Surveillance sampling shall be conducted by the Department at intervals as prescribed by State Department of Health Technical Reference WSP 30 TR as amended.
  - 4.4.3.2 Water from all public water systems shall be sampled and analyzed as required by Part 5, Subpart 5-1 of the State Sanitary Code.
  - 4.4.3.3 Analytical results for public water systems shall be submitted to the Department.

#### **4.5.0 Corrective Actions for Water Systems**

The Commissioner/Director may order, at his/her discretion, treatment, decommissioning, posting, or restricted use of any water system or of any bottled or tanked water not meeting the requirements of this Code or of the State Sanitary Code.

#### **4.6.0 Connections and Interconnections**

- 4.6.1 No person shall establish or permit a cross connection between a potable water system or water course, and any apparatus, facility, piping, structure or vehicle containing sewage, non-potable water, or other substance injurious or potentially injurious to health, except where constructed with an appropriate cross connection control device approved by the State Department of Health (Technical Reference PWS-14, as amended).
- 4.6.2 Prior to installation of a cross connection control device, an Application for the Approval of a Backflow Prevention Device must be completed with layout drawing.
- 4.6.3 The application must be signed and sealed by a Professional Engineer licensed in the State of New York or New York State Registered Architect.
- 4.6.4 The completed package must be submitted, when appropriate, to the local water authority for sign off and then to the Department for review and approval.
- 4.6.5 Once approved, the device shall be installed and tested in accordance with Subpart 5-1.31 of the State Sanitary Code.

#### **4.7.0 Disinfection of Water System Structures**

No new or repaired water system structure, or any water system structure which may have become contaminated accidentally or otherwise, shall be placed in use before such structure has been effectively cleaned and disinfected in a manner approved by the Commissioner/Director. The owner of the water system structure shall be responsible for verifying successful disinfection by collection and analysis of a representative water sample in accordance with Part 5, Subpart 5-1 of the State Sanitary Code.

#### **4.8.0 Operator Requirements for Public Water Systems**

##### **Statement**

Owners of all community water systems and non-transient non-community water systems are required to place the direct supervision of their water system, including each treatment plant and/or distribution under the responsible charge of a water treatment operator holding a valid certification as required by Part 5, Subpart 5-4 of the State Sanitary Code. These requirements shall be used to amplify the standards of Subpart 5-1.71 of the State Sanitary Code, which requires that the supplier of water and the person or persons operating a water treatment plant or distribution system exercise due care and diligence in the operation, maintenance and supervision of the public water system to ensure compliance with Subpart 5-1 of the State Sanitary Code.

#### **4.9.0 Bottled Drinking Water**

The sale, offering for sale or delivery of bottled or bulk or distilled water for human consumption, food preparation or culinary purposes is prohibited unless the person bottling such water shall have first obtained a valid Certificate of Approval from the State and has met all requirements of Bottled and Bulk Water Standards, published by the New York state Department of Health (NYSDOH). Each bottle or container must bear a label with the NYSDOH Certificate Number. The delivery of such water and any equipment or appurtenances provided with the product must be so maintained as to provide safe and sanitary water to the consumer.

#### **4.10.0 Exemptions**

The Commissioner/Director may, upon receiving written application from any party subject to the requirements of this Section, grant an exemption from one or more specific provisions contained herein.

4.10.1 An exemption may be granted on the basis of a finding that:

4.10.1.1 Because of compelling factors, the regulated party is unable to comply with the provision or provisions; or

4.10.1.2 Granting the exemption will not result in an unreasonable risk to public health and safety.

4.10.2 An application for exemption must:

4.10.2.1 Identify the specific section or sections from which a waiver is sought; and

4.10.2.2 Provide the Commissioner/Director with sufficient evidence to justify the need for the waiver; and

4.10.2.3 Be accompanied by payment of an application fee as required by the Commissioner/Director.

4.10.3 Exemptions, if granted, will be issued with a mandatory compliance strategy to include but not be limited to the following:

4.10.3.1 A specific time within which to achieve compliance;

4.10.3.2 Control measures as the Commissioner/Director may require to ensure the public health; and

- 4.10.3.3 Appropriate modifications and/or improvements to the regulated system, facility, or operation as may be necessary to fully conform to the requirements of this Section.
- 4.10.4 The schedule prescribed by the Commissioner/Director pursuant to Paragraph 4.9.3.1 shall require full compliance with each provision no later than twelve (12) months after the issuance of the exemption.
- 4.10.5 All conditions of the compliance strategy mandated by Paragraph 4.9.3 shall be enforceable, on the application of the Commissioner/Director, by any court of competent jurisdiction, in the same manner as the provisions of this Section.

**Ulster County Sanitary Code**  
**ARTICLE V**  
**WATER WELL CONSTRUCTION**

**5.1.0 Declaration of Policy**

It is hereby declared to be the health policy of the Health District to assure that private or individual water wells, water well pumps and pumping equipment are properly constructed, operated, maintained, or abandoned and do not present a potential hazard to public health and safety. Furthermore, Part 5, Appendix 5-B of the State Sanitary Code is adopted, in its application to the County by reference, as enacted and now or subsequently amended, with the same force and effect as though fully incorporated herein and as set forth at length except as set forth herein.

**5.1.1 Scope**

Minimum requirements of this Article are hereby prescribed governing the location, construction and abandonment of all private and individual water wells.

All private and individual water supply systems shall consist of a drilled well constructed per Appendix 5B of the State Sanitary Code, "Standards for Water Wells" as amended from time to time, and drilled by a NYSDEC registered well driller.

For new construction only, the use of individually dug wells, point wells, cisterns or springs shall not be approved by the Commissioner / Director or his / her designee.

**5.2.0 Definitions**

**5.2.1 Abandoned Well**

The term "**Abandoned Well**" means a well whose use is permanently discontinued. A well shall be deemed abandoned if it is in such a state of disrepair that continued use for the purpose of obtaining a satisfactory ground water supply is impracticable.

**5.2.2 Confining Layer**

The term "**Confining Layer**" means a layer of natural earth materials having a low hydraulic conductivity that inhibits the movement of water into and out of an aquifer.

**5.2.3 Decommissioning**

The term "**Decommissioning**" means the permanent closure or sealing of any well.

**5.2.4 Ground Water**

The term "**Ground Water**" means water below the land surface in a zone of saturation.

**5.2.5 Individual Water Supply**

The term "**Individual Water Supply**" means a single system of piping, tanks and other facilities, together with a source of water supplying a single lot.

**5.2.6 Person**

The term “**Person**” shall mean and include any individual, firm, public or private corporation, municipality, political subdivision, association, trust, estate, agency, board, department or bureau of a municipality, partnership, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

**5.2.7 Potable Water**

The term “**Potable Water**” means water meeting the minimum standards for drinking water as prescribed for public water systems by Part 5 of the State Sanitary Code and the Federal Safe Drinking Water Act.

**5.2.8 Pump Contractor**

The term “**Pump Contractor**” means any Person engaged in the placement, protection and preparation for operation of pumps and pumping equipment, including all activities involved in making entrance to the well and establishing sanitary connections.

**5.2.9 Pumps and Pumping Equipment**

The term “**Pumps and Pumping Equipment**” means any equipment or materials used or intended for use in withdrawing or obtaining ground and/or surface water for any use; including, without limitation, pumps, piping, seals, tanks, and all associated fittings and controls.

**5.2.10 Specific Capacity**

The term “**Specific Capacity**” means the yield of a well per unit drawdown expressed either as gallons per minute per foot (gpm/ft) or as liters per minute per meter (lpm/m).

**5.2.11 Water Supply Well**

The term “**Water Supply Well**” means a well for which the intended or actual use is to access ground water.

**5.2.12 Well Drilling Contractor**

The term “**Well Drilling Contractor**” means any person, firm, corporation, or other entity engaged in the business of constructing wells.

**5.2.13 Water System Structure**

The term “**Water System Structure**” means any portion of a water supply facility that comes into contact with the water, including but not limited to spring basins, collecting basins, reservoirs, wells, pumps, piping, tanks and valves.

**5.2.14 Well**

The term “**Well**” means a hole or excavation larger than four (4) inches in diameter or a hole or excavation deeper than ten (10) feet in depth that is drilled, bored, cored, driven, jetted, dug or otherwise constructed for the purpose of removal of, emplacement of, investigation of, or exploration for: fluids, water, oil, gas, minerals, soil, or rock; or for the installation of an elevator shaft.

**5.2.15 Yield**

The term “**Yield**” means the quantity of water per unit of time which may flow or be pumped from a well, and is typically expressed using, gallons per minute (gpm).

### **5.3.0 Scope**

- 5.3.1 Minimum requirements are hereby prescribed governing the location, construction and decommissioning of wells. No person shall construct or decommission or cause to be constructed or decommissioned, any well, nor shall any person install or cause to be installed, any pump or pumping equipment contrary to this Section.
- 5.3.2 Any well, pump or other related equipment, whether temporary or permanent, shall also comply with all applicable federal, state and local standards, laws and regulations.
- 5.3.3 Distribution of water beyond the point of discharge from the storage or pressure tank, or beyond the point of discharge from the pump if no tank is employed, shall comply with all applicable federal, state and local standards, laws and regulations.

### **5.4.0 Construction Requirements**

- 5.4.1 The Commissioner/Director may require or allow a well to be constructed by a method other than as set forth in Paragraph 5.4.2 if special circumstances are encountered that would prevent adherence with standard construction requirements. Any such alternative construction methods must be approved in advance by the Commissioner/Director or his / her designee.
- 5.4.2 General Construction Requirements for all Water Supply Wells
  - 5.4.2.1 All well construction or repair activities shall be performed by, or under the constant on-site supervision of, an individual who is certified pursuant to New York State Environmental Conservation Law §15-1525 for the activities being performed. Proof of appropriate certification shall be available on the site of the well construction installation for inspection upon demand by the Commissioner/Director or his / her designee.
  - 5.4.2.2 All water added to any well during construction, alteration, repair or decommissioning, whether directly or as a mixture with other drilling or sealing materials, shall meet potable standards.
  - 5.4.2.3 All well drilling rigs, tools, pipe and other drilling equipment shall be maintained in a clean and operational state to prevent contamination to the well or work site.
  - 5.4.2.4 The Department may prohibit for use in construction or maintenance of any well, any material or equipment that may pose a significant hazard to public health, safe drinking water, ground water or surface water.
  - 5.4.2.5 Immediately following installation, a well must be secured by installing a cap until the pump is installed and/or the well is placed into service or until the well is properly decommissioned. The cap shall be threaded onto the casing, a friction type device that locks onto the outside of the casing, a blank sanitary well seal, or any other equivalent type of cap as may be approved by the Commissioner/Director.
  - 5.4.2.6 If the Commissioner/Director determines that any well water system, or any appurtenance thereto, is not being properly maintained, or has deteriorated to such an extent that contamination might enter the well or enter the ground water

or surface water or constitute a physical hazard, the Commissioner/Director may order work to be performed on the well or appurtenances thereto as is deemed necessary to prevent contamination of the ground water or mitigate the physical hazard. Costs for such work shall be the responsibility of the well owner.

5.4.2.7 Within 30 days of the completion of the water well construction a well log must be submitted to Ulster County Department of Health. Such well log shall specify the well location, depth and diameter, formations penetrated, casing length, extent and nature of grouting, well output tests and associated water levels, and any other information required by the Commissioner / Director.

### **5.5.0 Well Development and Redevelopment**

5.5.1 All well development or redevelopment activities shall be performed by, or under the constant on-site supervision of, an individual who is certified pursuant to New York State Environmental Conservation Law §15-1525 for the activities being performed. Proof of appropriate certification shall be available on the site of the well construction or pump installation for inspection upon demand by the Commissioner/Director.

5.5.2 If water extracted from any well is known or suspected to contain any constituents at concentrations exceeding NYSDEC Groundwater Cleanup criteria, it shall be retained in appropriate containers, and analyzed to determine the proper disposal in accordance with applicable federal, state and local laws, rules and regulations.

### **5.6.0 Abandonment of a water well**

5.6.1 Every abandoned well shall be sealed or closed so as to protect the aquifer from pollution and to prevent a hazard to life or property per the New York State Department of Health Fact Sheet 4 – Individual Water Supply Wells – Decommissioning Abandoned Wells.

### **5.6.0 Disinfection of Water System Structures**

No new or repaired water system structure, or any water system structure which may have become contaminated accidentally or otherwise, shall be placed in use before such structure has been effectively cleaned and disinfected in a manner approved by the Commissioner/Director. The owner of the water system structure shall be responsible for verifying successful disinfection by collection and analysis of a representative water sample in accordance with Part 5, Subpart 5-1 of the State Sanitary Code.

**Ulster County Sanitary Code**  
**ARTICLE VI**  
**WASTE FACILITIES AND DISPOSAL**

**6.1.0 Declaration of Policy**

It is hereby declared to be the health policy of the Health District to protect the quality of water supplies by assuring the proper installation of sewage disposal systems. Furthermore, Appendix 75-A of the State Sanitary Code and NYSDEC - Design Standards for Wastewater Treatment Works Intermediate Sized Sewerage, as amended, shall be incorporated in this Code by reference, with the same force and effect as though fully incorporated herein and set forth at length. In the event of a conflict between this Section and any provision of the above referenced standards, the more stringent provision shall apply.

This Section shall apply to the construction and use of a new individual residential, commercial, Community or public sewerage system designed to discharge sewage to the groundwaters of the County.

This Section of the Code shall apply to sewerage systems that are approved and issued a permit to construct by this Department.

**6.2.0 Definitions**

**6.2.1 Applicable Water Quality Standards and Effluent Standards and Limitations**

The term “**Applicable Water Quality Standards and Effluent Standards and Limitations**” means all State and Federal water quality standards and limitations to which a discharge is subject under the Federal Water Pollution Control Act, or under State law including but not limited to water quality standards, effluent limitations, standards of performance and pretreatment standards.

**6.2.2 Commercial Sewerage System**

The term “**Commercial Sewerage System**” means a system utilized for the collection and disposal of sewage, including the various devices for the treatment of such wastes, from a commercial establishment.

**6.2.3 Community Sewerage System**

The term “**Community Sewerage System**” means a system utilized for the collection and disposal of sewage, including the various devices for the treatment of such wastes, owned and operated by a person other than a municipality or sewerage works corporation and not an individual or public sewerage system.

**6.2.4 Individual Sewerage System**

The term “**Individual Sewerage System**” means a system of piping, tanks or other facilities for the on-site collection, treatment and disposal of sewage.

**6.2.5 Industrial Wastes**

The term “**Industrial Wastes**” means any liquid, gaseous, solid or waste substance or a combination thereof resulting from any process of industry, manufacturing, trade or business or from the development or recovery of any natural resources which may cause or might reasonably be expected to cause a nuisance, danger or hazard or pollution of the waters of the County and which is determined by the Commissioner/Director to be dangerous or prejudicial to public health and safety.

**6.2.6 Offensive Material**

The term “**Offensive Material**” means any sewage, fecal matter, manure, offal, garbage, dead animals, meat wastes, pool waste water, any putrescible organic matter, the contents of sewage disposal systems (either liquid or solid state), or any substance or liquid dangerous or prejudicial to health, safety or general welfare, or gives rise to offensive odors as may be determined by the Commissioner/Director or his/her designee.

**6.2.7 Other Wastes**

The term “**Other Wastes**” means shavings, bark, sand, lime, salt, ashes, petroleum products, tar, dye stuffs, acids, chemicals, and all other discarded matter not sewage, industrial wastes, or offensive material which is determined by the Commissioner/Director to be dangerous or prejudicial to public health and safety.

**6.2.8 Permittee**

The term “**Permittee**” means the holder of a State Pollutant Discharge Elimination System (SPDES) or Department permit.

**6.2.9 Point Source**

The term “**Point Source**” means any discernible, confined or discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, vessel or other floating craft, from which pollutants are or may be discharged.

**6.2.10 Pollution Hazard**

The term “**Pollution Hazard**” means a condition resulting from the entry of wastes into any of the waters of the County whereby:

6.2.10.1 The quality of such waters may be adversely affected in their use for bathing, drinking, culinary and other water supply uses; or

6.2.10.2 A situation determined by the Commissioner/Director to be prejudicial to the health and safety of the public is created.

**6.2.11 Public Sewerage System**

The term “**Public Sewerage System**” means the whole or any part of a system or facilities or means for the collection, treatment or modification or ultimate disposal of waterborne sewage, domestic wastes, trade wastes, industrial wastes, or offensive material, regardless of location, with respect to any building or structure or premises thereby served; and shall include but shall not be limited to facilities for the treatment, modification, or required control of harmful or deleterious substances.

**6.2.12 Reserve Area**

The term “**Reserve Area**” means the area on the site that is kept available for the future individual sewerage system, should the primary individual sewerage system fail. A 100% reserve area is required for all on-site sewage treatment systems.

#### **6.2.13 Sanitary Sewer**

The term “**Sanitary Sewer**” means a system of piping or other facilities used for the collection and transportation of wastes to a community, individual, commercial or public sewerage system under the control of the person owning or responsible for the community, individual, commercial or public sewerage system or jurisdiction of the Department.

#### **6.2.14 Sewage**

The term “**Sewage**” means water-carried human or animal wastes, human excreta, including laundry wastes from residences, buildings, industrial establishments or other places, together with such ground water infiltration and surface water as may be present and shall include any admixture with industrial wastes or other wastes.

#### **6.2.15 Sewerage System**

The term “**Sewerage System**” means any community, individual, commercial or public sewerage system.

#### **6.2.16 SPDES**

The term “**SPDES**” means New York State Pollutant Discharge Elimination System and all pertinent applications, forms, permits and reporting forms.

#### **6.2.17 Waters or Waters of the State**

The term “**Waters**” or “**Waters of the State**” shall be construed to include lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, and all the ground waters which are either wholly or in part within the County or which touch any part of the land within the County.

### **6.3.0 Sewerage system connections**

6.3.1 Sewage from any building or premises shall be discharged directly into a Sewerage System.

6.3.2 When a Public or Community Sewerage System becomes available and accessible, as shall be determined by the Commissioner/Director, any building or premises not connected to such Public or Community Sewerage System may be required to be connected to such Public or Community Sewerage System, and the use of any other Sewerage System or facility shall be discontinued and every tank or pit in such system shall be opened, emptied of any sewage and be completely filled with inert material so as to prevent accidents.

6.3.3 Where a Public or Community Sewerage System is available and accessible, the Commissioner/Director may order the owner of any property not connected to such Public or Community Sewerage System to connect to the Public or Community Sewerage System and to abandon any other existing but failing means of disposal of sewage, industrial wastes and offensive material.

#### **6.4.0 Application, Approval, and Permits**

- 6.4.1 No person shall make, install, construct, modify or place in operation or allow to be made, installed, constructed, modified or placed in operation, any Sewerage System with a flow of one thousand (1,000) gallons per day (gpd) or greater, or any part thereof, without first having obtained a SPDES permit from the appropriate government agency and a written approval of plans and specifications from the NYSDEC and/or the Commissioner/Director.
- 6.4.2 No person shall make, install, construct, modify or place in operation, or allow to be made, installed, constructed, modified or placed in operation, any Individual Residential or Commercial Sewerage System with a flow of less than one thousand (1,000) gpd or to construct such system to serve any new building or structure until a permit has been issued and approval granted by the Commissioner/Director.
- 6.4.3 No person shall make, install, construct, modify, place in operation or allow to be made, installed, constructed, modified, or placed in operation, a Sanitary Sewer under the jurisdiction of the Department without first having obtained written approval of plans from the Commissioner/Director.
- 6.4.4 All components of Sanitary Sewers and Sewerage Systems under the jurisdiction of the Department shall be maintained in an acceptable manner and operating condition in accordance with the design, construction and approval and any amendments and modifications thereof.
- 6.4.5 All Sewerage Systems with a flow of one thousand (1,000) gpd or greater under the jurisdiction of the Department shall be operated and maintained in accordance with required SPDES permits and any other approvals.
- 6.4.6 Application for a permit for any Sewerage System shall be made on forms prescribed by the Department and pursuant to the rules and regulations adopted by the Commissioner/Director. Applications shall be valid for a maximum of five (5) years after receipt by Department.
- 6.4.7 The provisions of this Section, as determined by the Commissioner/Director shall be applicable to any new building or structure for which any alteration, modification or change of use or method, purpose or intensity of operation is contemplated or effective.
- 6.4.8 Applicants for the permits for Individual Sewage Systems may be required to submit satisfactory evidence that there is not a Public or Community Sewerage System available and accessible to the building site to be served.
- 6.4.9 Applications for permits required by this Section shall be accompanied by engineering reports, plans and specifications and other information as the Department may require.
- 6.4.10 Plans and specifications for all Sewerage Systems shall be required to be prepared by a licensed Professional Engineer or other professional person licensed for such purpose. Sewerage Systems shall be designed, constructed and maintained in accordance with the Standards of the State Department of Health, NYCDEP and/or NYSDEC, as applicable, and all additional requirements of the Department.

- 6.4.11 Field contours shall be shown, using two (2) feet maximum interval in the location of the house or facility, Sewerage System and well. Contours elsewhere shall be a maximum of five (5) feet and the origin referenced. Under special circumstances and by prior approval by the Department, this requirement may be waived.
- 6.4.12 The Commissioner/Director shall require that a representative of the Department be present during the performance of tests conducted to determine the characteristics of the soil on the building site and the depth to ground water and rock.
- 6.4.13 Any permit issued to construct pursuant to this Article shall be valid for two (2) years after its issuance and may be renewed for two (2) years upon reapplication.
- 6.4.14 Field data shall be valid for up to five (5) years from the date of inspection at the discretion of the Commissioner/Director.
- 6.4.15 Plans developed for Sewerage Systems located within active or historical commercial agricultural lands shall be stamped with "Buyer Beware" and contain the following language: "land formerly used as a commercial agricultural site and may have had agricultural chemicals applied to it."
- 6.4.16 Should the property for which a permit is issued change ownership, the new property owner shall apply for a permit.

#### **6.5.0 Construction, Inspection and Compliance**

- 6.5.1 No Sewerage System shall be constructed otherwise than in accordance with the plans and specifications or amendments thereto filed with and approved by the Commissioner/Director.
- 6.5.2 After construction, installation, alteration or inspection of the Sewerage System has been completed, no portion of the system shall be backfilled or placed into operation until it is first inspected and approved by an authorized representative of the Department. The Commissioner/Director may require the system to be uncovered if backfilled without such authorization.
- 6.5.3 The final construction approval shall be issued upon receipt of a certification in writing by a licensed Professional Engineer, or other professional person licensed for such purposes, stating that the system has been installed under his/her direction and responsibility, and in accordance with the terms and conditions of the permit to construct, certificate of approval, or approved plans or any approved amendments thereto.
- 6.5.4 The property owner or his designated representative shall not use or permit the use of the system until the final construction inspection has been issued by the Commissioner/Director.
- 6.5.5 No Sanitary Sewer, or Sewerage System approved by the Department shall be placed in operation until a final construction approval has been issued by the Commissioner/Director.
- 6.5.6 A permit to construct all Sewerage Systems shall be subject to modification or change as may be directed in writing by the Commissioner/Director, due to conditions found prior to or during construction.
- 6.5.7 The Commissioner/Director may require all or part of the construction to cease until approval of the required modification or change has been obtained.

- 6.5.8 Whenever inspection indicates the construction of a Sewerage System to be otherwise than in accordance with this Section, or the conditions of any permit or approval of plans issued pursuant thereto or the Standards applicable to said construction, all work shall cease and verbal and/or written notice may be served upon any person connected with or working in or about the said system or any part thereof, or by registered or certified mail to the last recorded address of the person named in such permit to construct such system.
- 6.5.9 After the notice to cease construction of a Sewerage System as herein provided, no further work shall be done other than to remedy such violation and to proceed with work in compliance with the aforementioned requirements, provided that the Commissioner/Director determines that the work may properly proceed.
- 6.5.10 In the event that the remedial construction of a Sewerage System does not result in the removal of the violation or violations and further construction does not proceed in accordance with the terms and conditions of the original permit to construct or approved amendments thereto, the permit to construct the system shall terminate and be deemed null and void, and no further work shall be undertaken until a new permit to construct for such system shall have been obtained.

#### **6.6.0 Operation**

- 6.6.1 No person shall construct, operate or maintain any Sewerage System so as to expose or discharge the Sewage contents or other deleterious liquid or matter therefrom to any Waters of the State, to the atmosphere, or on the surface of the ground or into any storm sewer or drain or so as to cause a pollution hazard, unless an approval and/or permit for such discharge shall have been issued therefor in accordance with the provisions of this Section or other provisions of law.
- 6.6.2 Wastes, including storm water, other than Sewage or other wastewater for which a Sewerage System was designed, shall not be discharged into such Sewerage System.
- 6.6.3 When a Sewerage System is no longer to be used, it shall be abandoned and every tank or pit in such system shall be opened, emptied of any Sewage, and placed in a condition so that it will not cause a nuisance or health hazard, and so as to prevent accidents.

#### **6.7.0 Sewerage System, Approval Not a Guarantee**

- 6.7.1 The issuance of the final construction approval issued pursuant to the provisions of this Code with respect a Sewerage System shall not be construed as a guarantee by the Commissioner/Director or any representative, employee or agent of the Department that the system has been properly constructed or that it will function satisfactorily.

#### **6.8.0 Harmful or deleterious substances**

- 6.8.1 No person shall discharge or cause the discharge of, any harmful or deleterious substance to any Sanitary Sewer or Sewerage System so as to endanger the use of or the materials of construction of such sewer or system or so as to result in the stoppage of other failure of the Sewerage System or subsequent Sewage treatment, unless a permit and/or approval for such system or subsequent sewage treatment or a permit and/or approval for such discharge has been secured from the official agency having jurisdiction for such Sewerage System or Sewage treatment works and such discharge conforms to the terms of such permit.

#### **6.9.0 Construction of Article**

- 6.9.1 Nothing contained in this Section shall be construed to mean that the Department has approved the functional ability or adequacy of the system or systems approved pursuant to the provisions of this Section.
- 6.9.2 The Commissioner/Director may, on written application and after review, grant a waiver or variance from a specific provision of this Section. A variance or waiver may be subject to appropriate conditions. A variance may include a time schedule for compliance where such variance is in harmony with the general purpose and intent of this Section.

**6.10.0 Modification of Commissioner/Director's Order**

- 6.10.1 An order issued by the Commissioner/Director pursuant to this Section shall take effect within the period specified in the order.
- 6.10.2 The Commissioner/Director may postpone the effective date of an Order served pursuant to this Section, if such postponement will not result in an immediate danger to the public health; provided, however, that no postponement shall be granted unless the Commissioner/Director has determined that the construction, change in treatment or other control measures which may be required to ensure compliance with the Order cannot be completed within the time prescribed by the original effective date because of physical or engineering difficulties, the shortage of necessary materials or other reasons acceptable to the Department.

**Ulster County Sanitary Code**  
**ARTICLE VII**  
**REALTY SUBDIVISIONS**

**7.1.0 Declaration of policy**

It is hereby declared to be the policy of the Health District to promote healthful and safe environmental conditions within and adjacent to all types of realty subdivisions, to assist local municipal agencies to achieve healthful communities, and to ensure that the parcels are developed with proper installation of potable water supplies, sewerage and land drainage facilities. Part 74A (Approval of Realty Subdivisions) of the State Sanitary Code is adopted, in its application to the County by reference, as enacted and now or subsequently amended, with the same force and effect as though fully incorporated herein and set forth at length except as set forth herein.

**7.2.0 Definitions**

**7.2.1 Developer**

The term “**Developer**” means a person, partnership, corporation or other legal entity undertaking or participating in the establishment or creation of a subdivision.

**7.2.2 Dry Sewer**

The term “**Dry Sewer**” means a system of pipes constructed or proposed to be constructed and intended to collect and to carry or transport sewage to a treatment facility at such future time as a treatment facility and sewers connected thereto are constructed and available.

**7.2.3 Individual Sewerage System**

The term “**Individual Sewerage System**” means a system of piping, tanks and other facilities for the on-site collection, treatment and disposal of sewage.

**7.2.4 Individual Water Supply**

The term “**Individual Water Supply**” means a single system of piping, tanks and other facilities, together with a source of water supplying a single lot.

**7.2.5 Primary Individual Sewerage System**

The term “**Primary Individual Sewerage System**” means the system that will be utilized first for sewage disposal on the site.

**7.2.6 Public Sewerage System**

The term “**Public Sewerage System**” means the whole or any part of a system, facilities or means for the collection, treatment, modification, or ultimate disposal of water-bourne sewage, domestic wastes, trade wastes, industrial wastes or offensive materials regardless of location with respect to any building, structure, or premise thereby served; and shall include but shall not be limited to facilities for the treatment of modification or required control of harmful or deleterious substances..

### 7.2.7 Public Water System

The term “**Public Water System**” means a community, noncommunity or nontransient noncommunity water system which provides water to the public for human consumption through pipes or other constructed conveyances, if such system has at least five (5) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. Such term includes:

- (1) collection, treatment, storage and distribution facilities under control of the supplier of water of such system and used with such system; and
- (2) collection or pretreatment storage facilities not under such control which are used with such system.

As may be amended by Part 5, subpart 5-1 of the State Sanitary Code.

### 7.2.8 Realty Subdivision

The term “**Realty Subdivision**” means any tract of land which is hereafter divided into five (5) or more parcels along an existing or proposed street, highway, easement or right-of-way for sale or for rent as residential lots or residential building plots, regardless of whether the lots or plots to be sold or offered for sale or leased for any period of time are described by metes and bounds or by reference to a map or survey of the property or any other method of description and regardless of whether the lots or plots are contiguous. A tract of land shall constitute a subdivision upon the sale, rental or offer for sale or lease of the fifth residential lot or residential building plot therefrom within any consecutive three (3) year period and at that time the provisions of Section 1116 of the State Public Health Law shall apply to all such parcels which require approval of plans by the Department thereof, including the first four (4) parcels, regardless of whether said parcels have been sold, rented or offered for sale or lease singly or collectively. This definition is, and is intended to be, in conformity and compliance with Section 1115 of the State Public Health Law as presently written and as may be amended hereafter.

### 7.2.9 Reserve Area

The term “**Reserve Area**” is the area on the site that is kept available for the future individual sewerage system should the primary individual sewerage system fail. 100% reserve area must be provided.

### 7.2.10 Residential Lot

The term “**Residential Lot**” or “Residential Building Plot” means any parcel of land of five (5) acres or less, any point on the boundary line of which is less than one-half (½) mile from any point on the boundary line of another such lot in the same tract, unless any such lot may not legally be used for residential purposes. Without limiting the generality of the foregoing, the term “residential” shall include temporary, seasonal and permanent residential use. This definition is, and is intended to be, in conformity and compliance with Section 1115 of the State Public Health Law as presently written and as may be amended hereafter.

### 7.2.11 Sewage

The term “**Sewage**” means water-carried human or animal wastes, human excreta, and laundry wastes from residences, buildings, industrial establishments or other places, together with such ground water infiltration and surface water as may be present and shall include any admixture with industrial or other wastes.

### **7.2.12 Tract**

The term “**Tract**” means any body of land, including contiguous parcels of land, under one ownership or under common control of any group of persons acting in concert as part of a common scheme or plan.

### **7.2.13 Usable Area**

The term “**Usable Area**” means the general area required and suitable for the normal and reasonable development of each habitable building site in a realty subdivision to permit the provision of water supply and sewage facilities to serve the area for the proposed occupancy and shall include a protective area satisfactory to the Commissioner/Director on all sides of an individual sewerage system; provided, however, that a “usable area” shall not be deemed to include any other protective area between any Individual Sewerage System and any water supply source, line of drainage, watercourse, or other hazardous condition, or any area occupied by a building structure, lake, stream, pond or swamp, areas of exposed rock, or underlying rock or ground water not acceptable to the Commissioner/Director or marginal areas subject to flooding, or along streams or other bodies of water or any other condition not acceptable to the Commissioner/Director. In any case the usable area for an Individual Sewerage System shall not be less than the area required to accommodate the Primary Sewerage System and a one hundred percent (100%) reserve area. The size of the area for both the primary and reserve is to be based on the site soil characteristics as determined by field investigation. The usable area for individual sewage systems, primary and reserve, shall not be less than twelve thousand five hundred square feet per lot.

## **7.3.0 Approval of Subdivision Plan**

7.3.1 No person, partnership, corporation, developer or other legal entity shall engage in the development of a realty subdivision or sell, offer for sale, contract for sale of land therein, or lease land for such purpose or erect any permanent building thereon, without first:

7.3.1.1 Having obtained the approval of the Commissioner/Director for the proposed methods of providing water and sewage facilities, land drainage, and such other facilities as required by the provisions of this Section; and

7.3.1.2 Having filed the approved plan and any approved amendments thereto in the office of the Ulster County Clerk.

7.3.2 A plan submitted to the Department pursuant to this Section shall be of such form and size as to meet the requirements for filing by the Ulster County Clerk, and shall in all respects be legible with notes and specifications arranged in a logical order.

7.3.3 A plan submitted to the Department pursuant to this Section shall show methods applicable to the terrain, soils, lot area and geographical and municipal location for the provisions of adequate water supply and adequate disposition of sewage and land drainage. A general plan applicable to specific build shall be shown. Field contours shall be shown, using two (2) feet maximum interval in the location of the house or facility, sewerage system and well. Contours elsewhere shall be a maximum of five (5) feet and the origin referenced. Under special circumstances and by prior approval by the Department, this requirement may be waived. The Developer shall state on the face of the map that he/she had examined the various lots shown and that, in his/her opinion, a reasonable building site exists on each lot shown. The Developer may indicate that need for special fill or drainage on any individual plot. The Commissioner/Director may

require such contours, elevations, house locations, and description of facilities, location maps and descriptions of public or private facilities existing or proposed as he/she deems necessary. While the facilities for the land drainage must be shown on the drawings submitted to the Department, the Department does not approve said facilities.

- 7.3.4 The installation of any water supply and any sewage disposal facilities, public or private, shall be in accordance with the plans approved by the Department, the State Department of Health, the NYCDEP, the NYSDEC or approved revision or revisions thereof.
- 7.3.5 The approval of any Realty Subdivision plan under and pursuant to the provisions of the Public Health Law and this Code shall become effective only upon the filing of the approved plan in the office of the Ulster County Clerk within one (1) year of approval.
- 7.3.6 The approval by the Department of the proposed methods of providing water, sewage facilities and land drainage, shall be indicated by a stamp or endorsement on the face of the original tracing of the subdivision. While the facilities for land drainage must be shown on the drawings submitted to the Department, the Department does not approve said facilities.
- 7.3.7 The original tracing of the subdivision plan shall show on the face thereof the written consent of the owner of record approving the filing of the map.
- 7.3.8 If, in the judgment of the Commissioner/Director, the proposed method of providing potable water supply or sewage disposal would be or become inadequate, or endanger the public health by reason of unfavorable topography, drainage, soil, density of population, or any other sanitary or physical feature, the Commissioner/Director may refuse such approval. The determination of the Commissioner/Director in refusing such approvals shall be final. If a plan is disapproved by the Department, such plan shall be returned to the person who submitted the plan, with a summary of the reasons for disapproval.
- 7.3.9 At the time of submitting a plan of a Realty Subdivision for approval, as required by the State Public Health Law and the provisions of this Code, the appropriate applications and review fee shall be paid to the County.
- 7.3.10 The Department shall not review or approve any such Realty Subdivision map submitted for approval until the application and the required fee have been received.
- 7.3.11 If any plans submitted to the Department cannot be approved, all fees shall be retained by the County.
- 7.3.12 As a condition of approval, the Department may require the installation within a specified period, in accordance with the plans presented or approved revisions thereof, of the whole or any part of the water, sewage or land drainage facilities for said Realty Subdivision; or the Department may require that the land shall have been suitably improved and shall have adequate land drainage and usable areas for such installation before approval of the plan.
- 7.3.13 Plans and specifications for the construction of any proposed community water supply or community sewerage systems shall be submitted to and shall receive approval of the Department, the State Department of Health, the NYCDEP or the NYSDEC, prior to the approval of the plans for the Realty Subdivision to be served.

#### **7.4.0 Applicant to Furnish and File Plan**

- 7.4.1 An application for approval of plans for a Realty Subdivision or amendment of such plans shall be submitted to the Department on forms provided. A review fee established

in accordance with the policies and procedures of the Department shall be assessed for each lot and is payable at the time of original submission. The application shall be valid for a maximum of five (5) years after receipt by the Department.

- 7.4.2 Application for approval of plans for a Realty Subdivision or amendment thereof shall be accompanied by such maps, plans, reports, specifications and data as the Department may require.
- 7.4.3 Plans for a Realty Subdivision or amendment thereof submitted for approval pursuant to the provisions of this Section shall:
  - 7.4.3.1 Show the location of all existing easements, storm drainage systems and control structures, public water supply mains or public sewage collection mains, or both in such instances where such facilities exist or are to be provided; and
  - 7.4.3.2 Show the location of all Individual Water Supply Systems, or individual Sewerage Systems, or both in such instances where such facilities exist or are to be provided.
- 7.4.4 The Department may require a report and plans which may impact or affect the arrangements for sewage disposal and water supply covering the following environmental factors:
  - 7.4.4.1 The methods for grading to prevent changes in soil percolation capacity and to provide for adequate collection and drainage of surface water;
  - 7.4.4.2 The methods to prevent contravention of surface and ground water quality standards;
  - 7.4.4.3 The effect on the subdivision of environmental pollutants or hazards either on the property or from surrounding areas, resulting from such facilities, activities or conditions as industrial or commercial structures or operations, highways, solid waste disposal sites, swamps, quarries, sink holes, limestone deposits, gravel pits, airports, watercourses, agricultural uses, flood plains and unstable soil conditions;
  - 7.4.4.4 The potential effect of the subdivision on environmental factors in surrounding areas; and
  - 7.4.4.5 The potential for flooding of all or part of a proposed realty subdivision by a storm of one hundred (100) year frequency;
- 7.4.5 Plans for a Realty Subdivision or amendment thereof, submitted to the Department for approval pursuant to the provisions of this Section shall show, on the face thereof, the written consent of the owner of record of the property approving the filing of such plans in the office of the Ulster County Clerk.
- 7.4.6 The Department shall require test wells to be constructed on the site of a proposed Realty Subdivision, prior to approval, in order to assist in the determination of adequacy of the ground water supply for domestic use.
- 7.4.7 Plans and specifications for the construction of any proposed Public Water System or Public Sewerage System to serve a proposed realty subdivision shall be submitted to and shall receive approval of the Department and/or the State Department of Health, the NYCDEP or the NYSDEC, prior to the approval of the plans for the proposed realty subdivision to be served.

- 7.4.8 Plans and specifications for the arrangements for Individual Water Supply and Individual Sewerage Systems shall be in accordance with all local, state and federal standards, guidelines, policies and procedures, including but not limited to Appendix 75-A and Part 75, 10NYCRR, of the Administrative Rules and Regulations of the State of New York, and “Individual Wastewater Systems Design and Construction Standards” of the Department.
- 7.4.9 Realty Subdivisions located within an active or historic agricultural site require soil and water testing and a remediation plan as further described in the Department’s “*UCDOH Soil & Water testing Requirements for Realty Subdivisions and Other Lots for Residential Use Within Active or Historic Agricultural Properties.*” Remediation plans shall be prepared by a Professional Engineer licensed in the State of New York. All plans are subject to approval by the Commissioner/Director.

#### **7.5.0 Duration of Approval**

The Department approval of a proposed Realty Subdivision plan or amendment thereto shall be valid for a period of five (5) years from the date of approval. Following the expiration of said approval, the Developer or owner of the lot(s) may resubmit to the Commissioner/Director for consideration for re-approval and/or extension of approval. Resubmission or revised submission of plans, maps and/or associated documents shall be subject to compliance with the standards and requirements of the Department in effect at the time of the resubmission.

#### **7.6.0 Approved Plans, Compliance**

- 7.6.1 A Realty Subdivision shall be constructed in accordance with the plans duly approved by the Commissioner/Director and filed in the office of the Ulster County Clerk and in accordance with the conditions imposed thereon by the Department.
- 7.6.2 The installation of all water supply and sewerage systems shall be in accordance with State and local laws, ordinances, rules and regulations and shall be installed in accordance with plans or revisions thereof approved by the Commissioner/Director, and/or State Department of Health, and/or the NYDEC.

#### **7.7.0 Public Systems Required**

If a proposed Realty Subdivision is to be located in an area deemed inappropriate for the installation of Individual Water Supply Systems or Individual Sewerage Systems, or both, the Commissioner/Director may require installation of a Public Water System or Public Sewerage System, or both.

#### **7.8.0 Individual Water and Individual Sewerage**

- 7.8.1 Where it is proposed to provide Individual Water Supply and/or Individual Sewerage systems, each lot shall contain the required usable area for such facilities based upon the particular conditions as determined by appropriate soil investigations and design report acceptable to the Commissioner/Director. In any case the usable area for an Individual Sewerage System shall not be less than the area required to accommodate the primary Individual Sewerage System and a one hundred percent (100%) Reserve Area. The size of the area for both the primary and reserve is to be no less than 12,500 square feet.
- 7.8.2 A plan shall be required which shall indicate the required usable area for Individual Water Supply and/or individual sewage disposal for each lot and such other information as the Department may require.

- 7.8.3 An Individual Water Supply system shall consist of a drilled well and appurtenances which should have the capacity to provide an average yield of not less than five (5) gallons per minute of potable water or which shall otherwise meet the requirements of the Department and of Part 75, 10NYCRR, of the Administrative Rules and Regulations of the State.
- 7.8.4 The use of individually dug wells, point wells, cisterns or springs shall not be allowed by the Department.
- 7.8.5 As applied to Individual Sewerage Systems, the usable area for Individual Sewerage System shall contain suitable absorptive natural soils above ground water, rock and impervious materials.
- 7.8.6 The area intended for Individual Sewerage Systems shall be well drained by natural or approved artificial means.
- 7.8.7 The minimum usable area for Individual Water Supply and Individual Sewerage System specified in this Section is intended to apply to single-family occupancies.
- 7.8.8 The Department may require such usable area for Individual Water Supply and Individual Sewerage Systems as deemed necessary or adequate or for any other type of land usage indicated on the proposed Realty Subdivision plan or permitted under existing zoning laws, if any.
- 7.8.9 An Individual Sewerage System shall consist of a minimum of a septic tank followed by a subsurface leaching system designed with a capacity adequate for the wastewater calculated to be produced by all buildings and land usages.
- 7.8.10 The use of cesspools or holding tanks shall not be allowed.
- 7.8.11 Whenever a duly approved Public Water Supply or Public Sewerage System is available and accessible for any site or property within a Realty Subdivision, any prior general approval for construction of Individual Water Supply or Individual Sewerage System may be deemed null and void and further construction shall be served by individual connections to the Public Sewerage System or systems so provided.

#### **7.9.0 Public Water and Individual Sewerage Systems**

- 7.9.1 Where water is to be provided by provision of or the extension of a Public Water Supply System and sewage disposal is to be provided by an Individual Sewerage System on each lot, the usable area for sewerage system on each lot shall be based upon the particular conditions on each lot as determined by appropriate soil investigations and design report acceptable to the Department. In any case, the usable area for an Individual Sewerage System shall not be less than the area required to accommodate the primary Individual Sewerage System and a one hundred percent (100%) Reserve Area. The size of the area for both the primary and reserve is to be based on the site soil characteristics a determined by Departments field investigation.
- 7.9.2 A plan shall be required which shall indicate the required usable area for Individual Sewerage System for each lot and such other information as the Department may require.
- 7.9.3 Whenever a duly approved Public Water Supply or Public Sewerage System is available and accessible for any site or property within a Realty Subdivision, any prior general approval for construction of Individual Water Supply or Individual Sewerage System may be deemed null and void and further construction shall be served by individual connections to the public system or systems so provided.

### **7.10.0 Public Water and Public Sewerage Systems**

- 7.10.1 Where water and sewage services are to be provided by public water mains and public sanitary sewers, the required approval may be indicated by stamp or endorsement on the face of the original tracing of the proposed Realty Subdivision plan indicating that such approval is issued subject to the provision of such systems to serve every habitable building constructed therein.
- 7.10.2 Such systems shall thereafter be installed to serve every habitable structure in such proposed Realty Subdivision.
- 7.10.3 Where it is proposed to provide water supply or sewage facilities by connection to an existing Public Water Supply or Sewerage System, the applicant shall supply the Department with a certification, in writing, by the owner of the utility that such system or systems are adequate and will be furnished and maintained to serve the proposed Realty Subdivision.

### **7.11.0 Public Water Supply Standards**

Public Water Supply Systems shall be capable of delivering water meeting the provisions of Subpart 5-1 of the State Sanitary Code.

### **7.12.0 Water and Sewage, Joint Systems**

- 7.12.1 No lot shall be provided with a supply of water other than by an individual water supply system or an individual connection to a Public Water Supply System, nor shall plans for any other system or arrangement be approved.
- 7.12.2 No lot shall be provided with a method of sewage disposal other than an Individual Sewerage System or an individual connection to a Public Sewerage System, nor shall any other system or arrangement for sewage disposal be approved.

### **7.13.0 Water and Sewage, Existing and Proposed Improvement Districts**

- 7.13.1 Within the corporate limits of any city or village, or within any municipal water district or municipal sewer district or area, no plan for development of a proposed Realty Subdivision shall be approved except where the plan provides for the extension or extensions of such water or sanitary sewer systems to serve every lot in such realty Subdivision; however, Individual Sewerage and Individual Water Systems may be approved when the Department finds the extension of the public sanitary sewer or Public Water Supply System is not necessary and each such site contains the required usable area and is adequate for individual systems so long as such approval is not contrary to any local, state or federal rule, law or regulation.
- 7.13.2 Within the corporate limits of any city or village or within any municipal sewer district or area wherein public sewage is contemplated within five (5) years or less as determined by a resolution of the municipal governing board, interim Individual Sewerage Systems may be permitted by the Department; provided:
  - 7.13.2.1 That Dry Sewers designed, duly approved and properly installed in accordance with the municipal sewerage plan.
  - 7.13.2.2 That capped or plugged plumbing is installed to serve each lot and individual sewer connections may be required to be installed to each Dry Sewer; and,

7.13.2.3 That the soil is otherwise suitable for an individual sewerage system.

7.13.3 Whenever public water or sewage systems are proposed in a realty subdivision, the Department shall require the establishment or extension of a municipal service area or, as necessary, a transportation corporation to ensure the continued operation and maintenance of these facilities.

#### **7.14.0 Sale Before Construction**

7.14.1 Whenever lots are sold or offered for sale without the actual provision or construction of water supply or sewerage or land drainage systems having been installed, it shall be the responsibility of the seller to furnish each purchaser of such site at the time of the sale, a legible reproduction of the Realty Subdivision plan bearing approval and indicating the arrangements for water supply and sewage disposal approved by the Department.

7.14.2 All water supply and sewage disposal and land drainage systems shall be installed in accordance with the plans approved by the Department prior to the start of construction of any building on the property.

#### **7.15.0 Violations**

7.15.1 No person or Developer shall engage in the development of a Realty Subdivision without the approval from the Commissioner/Director or as provided herein or as otherwise required by any local, state, federal rule, law or regulation.

7.15.2 In addition to and independent of any other penalty, whenever the Commissioner/Director shall have knowledge of the development of a realty subdivision not in accordance with Section 7.15.1 above, the Commissioner/Director shall issue a written Notice of Violation and such notice shall be served personally or by certified or registered mail to the last known address of the person filing such map and to the owner or owners of record of lands within such realty subdivision, if known, and to the developer, if known, otherwise by posting conspicuously on the property and a duplicate of such notice shall be filed in any public office having jurisdiction with respect to the realty subdivision.

7.15.2.1 After delivery of such Notice as herein provided, the further development, sale, offer for sale, or contract for sale or rent of lots therein, and the extension or construction of water or sewage systems to serve any lots therein shall be prohibited; provided, however, that upon submission of evidence satisfactory to the Commissioner/Director that the further development of the Realty Subdivision and the extension or construction of water or Sewerage Systems to serve any lot therein will be continued in accordance with approved plans or approved amendments thereto; provided further, however, that the Commissioner/Director may authorize in writing the resumption of the development, extension or construction involved, on such conditions, including the correction of the violation, as the Commissioner/Director shall prescribe.

7.15.2.2 The violation shall not be vacated until such time as the Commissioner/Director is satisfied that the development, extension or construction involved is proceeding in accordance with the approved plans or amendments thereto.

7.15.2.3 The sale, offer for sale, or contract for sale or lease of lots of the Realty Subdivision shall not be permitted until the violation has been vacated in writing.

#### **7.16.0 Applicability of Local Laws**

- 7.16.1 Nothing contained in this Section shall be construed to abrogate the authority of any municipality or other duly constituted agency having by law authority to regulate or control realty subdivisions or any public facilities therein provided or proposed.
- 7.16.2 Nothing contained herein shall be construed to impair or abrogate the powers and functions of any State or County agency having jurisdiction as now or hereafter provided by law.

#### **7.17.0 Variances and Exceptions**

- 7.17.1 The Commissioner/Director may, upon written application, grant a variance from a specific provision of this Section, in a particular case, subject to appropriate conditions, where such variance is in harmony with the general purpose and intent of this Code.
- 7.17.2 The Commissioner/Director may impose more stringent requirements in a specific case when necessary to ensure an adequate and satisfactory water supply and sewage system for a proposed Realty Subdivision.
- 7.17.3 The owner of a single residential lot which is part of an unapproved Realty Subdivision may seek the remedy provided for in Section 1115-a of State Public Health Law.
- 7.17.4 When required and directed by a local municipality, the owner of a proposed development of less than five (5) lots may apply to the Commissioner/Director for approval of plans and a certificate of approval by compliance with the provisions of this Code applicable to a subdivision of five (5) or more lots.
- 7.17.5 When required and directed by a local municipality, the owner of a proposed development of five (5) lots or more, each lot being in excess of five (5) acres, may apply to the Commissioner/Director for approval of plans and a certificate of approval by compliance with the provisions of this Code.

**Ulster County Sanitary Code**  
**ARTICLE VIII**  
**HOUSING HYGIENE AND OCCUPANCY**

**8.1.0 Declaration of Policy**

There exist and may in the future exist, within the County of Ulster premises, dwellings, dwelling units, rooming units, or parts thereof, which by reason of their structure, equipment, sanitation, maintenance, use, or occupancy, affect or are likely to affect adversely the public health (including the physical, mental and social well-being of persons and families), safety, and general welfare. To correct and prevent the existence of such adverse condition, and to achieve and maintain such levels of residential environmental quality as will protect and promote public health, safety, and general welfare, the establishment and enforcement of minimum housing standards are required.

**8.2.0 Purposes**

It is hereby declared that the purpose of this Article is to protect, preserve and promote the physical and mental health and social well-being of the people, to minimize the incidence of communicable diseases, to regulate privately and publicly-owned dwellings for the purpose of maintaining adequate sanitation and public health, and to protect the safety of the people and to promote the general welfare by regulations which shall be applicable to all dwellings now in existence of hereafter constructed. It is hereby further declared that the purpose of the Article is to ensure that the quality of housing is adequate for protection of public health, safety and general welfare. The achievement of this purpose includes the establishment of minimum standards to basic equipment and facilities for healthful living, such as adequate water, waste disposal, bathroom facilities, heating, for safety from fire and accidents, for the use and location and amount of space for human occupancy, and for an adequate level of maintenance; setting forth the responsibilities of owners, operators and occupants of dwellings; and establishing the necessary provisions for administration and enforcement.

**8.3.0 Title**

This Article shall be known and may be cited as the Ulster County Housing Hygiene and Occupancy Code.

**8.4.0 Application and Scope**

8.4.1 The requirements of this Article shall apply to all Dwellings, Dwelling Units, Habitable Rooms and Rooming Houses within the jurisdiction of the Health District except those regulated under Parts 7 and 15 of the State Sanitary Code.

**8.4.2 Construction**

It is intended that the application of the provisions of this Article be consistent with the provisions of applicable Ulster County and local laws, codes, rules and regulations; in the event of a conflict between this Article and any Federal, State or Local law, rule or regulation the more stringent shall govern.

**8.4.3 Variance**

The Commissioner/Director may, on written application and after review, grant a variance from a specific provision of this Article in a specific case subject to appropriate conditions where such variance is in harmony with the general purpose and intent of this Article, and where there are practical difficulties or unnecessary hardship in carrying out the strict letter of its provision.

## **8.5.0 Dwelling Unfit for Human Habitation**

Whenever the Commissioner/Director finds that any Dwelling constitutes a serious hazard to the health or safety of the Occupant or to the public because it is dilapidated, unsanitary, vermin-infested or lacking in the facilities required by this Article, he/she shall designate such dwelling unfit for human habitation, order the Dwelling vacated, and shall cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: **“Use of this building for human habitation is prohibited and unlawful”**. If the Owner fails to comply with an order issued by the Commissioner/Director to bring the Dwelling into compliance with the requirements of this Article within a reasonable time, the Commissioner/Director may order such Dwelling to be removed or demolished as provided for by applicable Ulster County law and laws and regulations of the town, village, city or municipality having jurisdiction. The provisions of this section are applicable also to unoccupied Dwelling Units and the Owners thereof shall be chargeable with compliance.

## **8.6.0 Inspection and Enforcement**

### **8.6.1 Inspection**

8.6.1.1 The Commissioner/Director or his/her designee, may without fee or hindrance, make inspections to determine the condition of Dwellings, Dwelling Units, Rooming Houses, Rooming Units and the premises on which they are located, in order fulfill the purposes of this Article.

8.6.1.2 For the purpose of making such inspections, the inspector is hereby authorized to enter, examine and survey all Dwellings, Dwelling Units, Rooming Houses and Rooming Units and the premises on which they are located. Except for emergencies, or where authorized by other law, or for the convenience of the Occupant or Owner, such inspections shall be made between the hours of seven (7) a.m. and five (5) p.m.

8.6.1.3 The Owner, Operator and/or Occupant shall give the inspector free access to the Dwelling, Dwelling Units, Rooming House or Rooming Unit, and the premises on which they are located, for the purpose of such an inspection.

8.6.1.4 Evidence of a violation of this Article discovered during such inspection shall not be used against the violator in either a criminal or civil proceeding except under the following conditions:

8.6.1.4.1 written notice of said violation shall be left with or mailed to the person responsible for correction of such violation or, in the alternative such notice shall be posted in a conspicuous place upon the Dwelling, Dwelling Unit, Rooming House or Rooming Unit or the premises where the violation is discovered;

8.6.1.4.2 said written notice states a specific and reasonable time within which such violation shall be eliminated; and

8.6.1.4.3 at the end of such time the violation has not been eliminated.

### **8.6.2 Criminal Penalties**

Criminal penalties for violations of this Article shall be those provided for in Section 229 of the Public Health Law.

### **8.6.3 Civil Penalties**

Civil penalties for violations of this Article shall be those provided for in Sections 12 and 309 of the Public Health Law. Determinations with respect to violations and/or assessing of penalties shall be subject to review as provided in Article 78 of the CPLR.

#### **8.6.3.1. Decision - Warrant Required For Non-Emergency Inspection**

The Fourth Amendment bars warrantless, non-emergency, administrative inspection of private residential premises without the occupant's consent. Issuance of a warrant for such inspection, however need not be based upon reasonable cause to believe that a violation exists in the premises sought to be entered, but can be based merely upon the reasonableness of the need to conduct periodic, area-wide inspections.

### **8.7.0 Definitions**

Whenever the terms **“Dwelling”**, **“Dwelling Unit”**, **“Rooming House”**, **Rooming Unit”**, **“Premises”**, **“Structure”** are used in this Article, they shall be construed as though they were followed by the words **“or any part thereof”**. Words used in the singular include the plural, and the plural the singular, the masculine gender includes the feminine and the feminine the masculine.

#### **8.7.1 Accessory Structure**

The term **“Accessory Structure”** shall mean a detached structure or an attached structure located on or partially on any premises, which is not used or not intended to be used for living or sleeping by human occupants.

#### **8.7.2 Approved**

The term **“Approved”** shall mean approved by the Commissioner/Director.

#### **8.7.3 Central Heating System**

The term **“Central Heating System”** shall mean a single system supplying heat to one (1) or more Dwelling Units(s) or more than one (1) Rooming Unit(s).

#### **8.7.4 Conditions Conducive to Lead Poisoning**

The term **“Conditions Conducive to Lead Poisoning”** shall mean the presence of a paint or other similar surface-coating material in a condition accessible for ingestion or where peeling or chipping of the paint or other similar surface-coating material occurs or is likely to occur and which paint or other similar surface-coating material contains more than one-half of one percent (0.5%) of metallic lead, based on the total weight of the contained solids or dried paint film on interior walls, ceilings, doors, baseboards or window sills and frames or porches of any Dwelling.

#### **8.7.5 Dwelling**

The term **“Dwelling”** shall mean any building or structure which is wholly or partly used or intended to be used for living or sleeping in by human Occupants.

**8.7.6 Dwelling Unit**

The term “**Dwelling Unit**” shall mean any room or group of rooms located within a Dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

**8.7.7 Egress**

The term “**Egress**” shall mean a place or means of going safely to the outside of a dwelling or building.

**8.7.8 Extermination**

The term “**Extermination**” shall mean the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the local or Ulster County authority having such administrative authority.

**8.7.9 Garbage**

The term “**Garbage**” shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, serving, and non-consumption of food.

**8.7.10 Guest**

The term “**Guest**” shall mean any person who shares a Dwelling Unit in a non-permanent status for not more than thirty (30) days.

**8.7.11 Habitable Room**

The term “**Habitable Room**” shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, including bathrooms, excluding water closet compartments, laundries, furnace rooms, pantries, kitchenettes and utility rooms of less than fifty (50) square feet, foyers or communicating corridors, stairways, closets and storage spaces; and workshops, hobby and recreation areas in unsealed or uninsulated parts of structure below ground level or in attics.

**8.7.12 Heated Water**

The term “**Heated Water**” shall mean water heated to a temperature of not less than one hundred twenty (120) degrees Fahrenheit.

**8.7.13 Household**

The term “**Household**” shall mean a family and/or one (1) or more unrelated persons, who share the same Dwelling and use some or all of its cooking and eating facilities. It shall include servants and not more than two (2) roomers.

**8.7.14 Infestation**

The term “**Infestation**” shall mean the presence within or around a dwelling of any insects, rodents or other pests.

**8.7.15 Multiple Dwelling**

The term “**Multiple Dwelling**” shall mean any Dwelling containing more than two (2) Dwelling Units or more than four (4) roomers.

**8.7.16 Occupant**

The term “**Occupant**” shall mean any person, over one (1) year of age, living, sleeping, cooking, or eating in, or actually having possession of, a Dwelling Unit or a Rooming Unit; except that in Dwelling Units, a Guest will not be considered an Occupant.

**8.7.17 Operator**

The term “**Operator**” shall mean any person who has charge, care or control of a building, or part thereof, in which there are Dwelling Units or Rooming Units.

**8.7.18 Owner**

The term “**Owner**” shall mean any person who, alone or jointly or severally with others:

8.7.18.1 shall have legal title to any Dwelling or Dwelling Unit, with or without accompanying actual possession thereof, or

8.7.18.2 shall have charge, care, or control of any Dwelling or Dwelling Unit, as owner, lessee, mortgagee or vendee in possession, assignee of rents, or as a receiver; or an executor, administrator, trustee, or guardian of the estate of the Owner. Any agent for any of the above shall be bound to comply with the provisions of this Article to the same extent as if he were the Owner.

**8.7.19 Person**

The term “**Person**” shall mean and include any individual, firm, public or private corporation, municipality, political subdivision, association, trust, estate, agency, board, department or bureau of a municipality, partnership, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

**8.7.20 Plumbing**

The term “**Plumbing**” shall mean and include all of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines.

**8.7.21 Privacy**

The term “**Privacy**” shall mean the ability of a person or persons to carry out an activity without interruption or interference, either by sight or sound, by persons outside of the household.

**8.7.22 Premises**

The term “**Premises**” shall mean a platted lot or part thereof or unplatted lot or parcel or land or plot of land, whether or not it has erected thereon a Dwelling or non-dwelling structure and it includes any building, accessory structure or other structure thereon.

**8.7.23 Rat Harborage**

The term “**Rat Harborage**” shall mean any place where rats can live, nest or seek shelter.

**8.7.24 Rat Proofing**

The term “**Rat Proofing**” shall mean a form of construction which will prevent the ingress or egress of rats to or from a given space or building, or gaining access to food, water, or harborage. It consists of the closing and keeping closed of every opening in foundations, basements, cellars, exterior and interior walls, ground or first floors, roofs, sidewalk gratings, sidewalk openings and other places that may be reached and entered by rat climbing, burrowing or other methods, by the use of materials impervious to rat gnawing or by other methods approved by the Commissioner/Director.

**8.7.25 Refuse**

The term “**Refuse**” shall mean all putrescible and non-putrescible solids (except body wastes) including Garbage, Rubbish, ashes and dead animals.

**8.7.26 Refuse Container**

The term “**Refuse Container**” shall mean a watertight container that is constructed of metal, or other durable material impervious to rodents, that is capable of being serviced without creating unsanitary conditions, or such other containers approved by the Commissioner/Director. Openings into the container such as covers and doors shall be tight fitting.

**8.7.27 Rooming Unit**

The term “**Rooming Unit**” shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

**8.7.28 Rooming House**

The term “**Rooming House**” shall mean any dwelling or that part of any Dwelling containing one (1) or more Rooming Units, in which space is occupied by three (3) or more roomers who are not members of a family.

**8.7.29 Rubbish**

The term “**Rubbish**” shall mean non-putrescible solid wastes (excluding ashes) consisting of either or both:

8.7.29.1 combustible wastes such as paper, cardboard, rags, furniture, plastic containers, yard clippings, tree branches, leaves and wood; and

8.7.29.2 non-combustible wastes such as tin cans, glass, crockery and discarded appliances.

**8.7.31 Safety**

The term “**Safety**” shall mean the condition of being reasonably free from danger and hazards which may cause accidents or disease.

### **8.7.32 Supplied**

The term “**Supplied**” shall mean paid for, furnished, provided by or under control of the Owner or Operator.

### **8.8.0 Occupancy and Letting Responsibilities**

No Owner or other Person shall occupy or let to another person any vacant Dwelling or Dwelling Unit unless it and the Premises are clean, sanitary, fit for human occupancy, and comply with the requirements of this Article and all applicable laws.

### **8.9.0 Owner to Maintain in a Clean and Sanitary Condition**

Every Owner of a Dwelling containing two (2) or more Dwelling Units shall maintain in a clean and sanitary condition the shared or public areas of the Dwelling and Premises thereof.

### **8.10.0 Occupant to Maintain in a Clean and Sanitary Condition**

Every Occupant of a Dwelling or Dwelling Unit shall maintain in a clean and sanitary condition that part or those parts of the Dwelling, Dwelling Unit and Premises thereof that he/she occupies and controls.

### **8.11.0 Occupant to Dispose of Rubbish**

Every Occupant of a Dwelling or Dwelling Unit shall store or dispose of all his/her rubbish in a clean, sanitary and safe manner.

### **8.12.0 Occupant to Dispose of Garbage**

Every Occupant of a Dwelling or Dwelling Unit shall dispose of or store all his/her Garbage or any other organic waste which might provide food for insects or rodents, in a clean, sanitary and safe manner. Rodent-proof, insect-proof, watertight Refuse Containers shall be used for storage pending collection.

### **8.13.0 Containers to be Provided for Rubbish and Garbage**

Every Owner of a Dwelling containing two (2) or more Dwelling Units shall supply facilities or Refuse Containers for the sanitary and safe storage and/or disposal of Rubbish and Garbage. In single or two (2) family Dwellings, it shall be the responsibility of the Occupant to furnish such facilities or Refuse Containers.

### **8.14.0 Responsibility for Extermination**

Every Occupant of a Dwelling containing a single Dwelling Unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the Premises; and every Occupant of a Dwelling Unit in a Dwelling containing more than one (1) Dwelling Unit shall be responsible for such extermination whenever his/her Dwelling Unit is the only unit with an infestation. Notwithstanding the foregoing provisions of this section, whenever infestation is caused by failure of the Owner to maintain a Dwelling in a rat-proof or reasonable insect-proof condition, Extermination shall be the responsibility of the Owner. Whenever infestation exists in two (2) or more of the Dwelling Units in any Dwelling, or in the shared or public parts of any Dwelling containing two (2) or more Dwelling Units, Extermination thereof shall be the responsibility of the Owner.

**8.15.0 Minimum Standards for Basic Equipment and Facilities for Dwelling or Dwelling Unit Occupied or Let for Living, Sleeping, Cooking or Eating**

No person shall occupy as Owner, Occupant or let to another for occupancy, any Dwelling or Dwelling Unit, for the purposes of living, sleeping, cooking or eating therein, which does not comply with following requirements:

**8.15.1 Water Closet Requirements**

Flush water closets shall be connected to a water system that at all times provides an adequate amount of running water under pressure to cause the water closet to be operated properly and shall be connected to a sewer system which is approved by the Commissioner/Director.

**8.15.2 Lavatory Sink Requirements**

The lavatory sink shall be in good working condition and properly connected to a water supply system which is approved by the Commissioner/Director and which provides at all times an adequate amount of Heated and unheated, running water under pressure, and which is connected to a sewerage system approved by the Commissioner/Director.

**8.15.3 Bathtub or Shower Requirements**

The bathtub or shower may be in the same room as the flush water closet or in another room and shall be properly connected to a water supply system which is approved by the Commissioner/Director and which provides at all times an adequate amount of Heated and unheated running water under pressure, and which is connected to a sewerage system approved by the Commissioner/Director.

**8.16.0 Minimum Thermal Requirements for Occupying or Letting, for Living Purposes**

No person shall occupy as Owner, Occupant or let to another for occupancy, any Dwelling or Dwelling Unit, for the purpose of living therein, which does not comply with the following requirements:

**8.16.1 Heating Facilities**

Every dwelling shall have heating facilities which are properly installed, and are maintained in safe and good working condition, and are capable of safely and adequately heating all Habitable Rooms, bathrooms and water closet compartments in every Dwelling Unit as noted in 8.16.2 below.

**8.16.2 Minimum Temperature**

The Owner is responsible for furnishing the heat unless the rental agreement provides otherwise. Where the Owner furnishes the heat, the temperature shall be maintained at not less than sixty-eight (68) degrees Fahrenheit at a distance of eighteen (18) inches above floor level and three (3) feet from an outside wall.

**8.17.0 Space and Water Heaters**

Unvented flame space heaters and space heaters without back-draft diverter and automatic controls are prohibited; portable electric heaters, approved under the appropriate local or Ulster County electrical and/or fire prevention code are acceptable (where they meet the provisions of subdivision 8.16.1 of this section). Where there is no such local or Ulster County Code, portable

electric heaters meeting the standards of the National Electrical Code, as approved by the Underwriter Laboratories, Inc. and the Commissioner/Director are acceptable. Gas-fueled space or water heaters and accessories or controls shall be properly installed and be of a type approved by the American Gas Association and the Commissioner/Director.

#### **8.18.0 Maintenance and Installation Requirements for Dwelling or Dwelling Unit Occupied or Let for Living Purposes**

No person shall occupy as Owner, Occupant or let to another for occupancy, any Dwelling or Dwelling Unit, for the purpose of living therein, which does not comply with the following requirements:

##### **8.18.1 Prevent Entrance of Rodents**

Every window located at or near ground level used or intended to be used for ventilation, and every other opening located at or near ground level which might provide an entry for rodents, shall be supplied with adequate gauge screen or such other devices as will effectively prevent their entrance.

##### **8.18.2 Plumbing Fixtures and Water and Waste Pipes**

Every Plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition.

##### **8.18.3 Lead Poisoning**

Existing paint conditions conducive to lead poisoning shall be eliminated in accordance with procedures contained in Article 13, Title X of the Public Health Law and Subpart 67-2 of the State Sanitary Code.

#### **8.19.0 Water Supply - Residential**

##### **8.19.1 Water Quality**

The Owner of a property shall maintain a water supply to the property of sanitary quality and of a physical quality acceptable for domestic use.

##### **8.19.2 Water System Capacity**

The Owner of a residential property shall maintain for occupants a water system capable of delivering five (5) gallons per minute with a pressure of twenty (20) pounds per square inch at the corporation cock or the service connection.

##### **8.19.3 Cross-Connections and Interconnections**

The Owner shall keep the water distribution system free from cross-connection or interconnection with any waste system or unsatisfactory water source.

#### **8.20.0 Freedom From Pollution**

No Person shall provide, or make accessible for others, any water unless the source, treatment, quality, and distribution of such water shall be so maintained, and the supply so protected from pollution, as to deliver potable water which meets the requirements Part 5-1 of the State Sanitary Code at all times.

- 8.20.1 The Commissioner/Director may make, or cause to be made, any investigation or study which in his/her opinion, is necessary to determine the nature and extent of any contamination or pollution or potential contamination or pollution that may impact the quality of a potential source of potable water within the Health District. Such contamination or pollution shall be defined as the presence of any constituent at a concentration in excess of health-based maximum contaminant levels or cleanup goals, guidelines or requirements in any one (1) of the following documents.
- 8.20.1.1 Part 5-1 of the State Sanitary Code, as now promulgated or as subsequently amended.
- 8.20.1.2 NYSDEC Division of Water Technical and Operational Guidance Series (1.1.1), as now published or as subsequently revised.
- 8.20.1.3 NYSDEC Technical and Administrative Guidance Memorandum No. 4046, as now published or as subsequently revised
- 8.20.1.4 NYSDEC Spill Technology and Remediation Series Memorandum No. 1, as now published or as subsequently revised
- 8.20.2 It shall be the responsibility and obligation of any Person who discharges, or causes or permits the discharge of any toxic or hazardous material to the ground, ground water or surface water of the Health District to cease said discharge, to reclaim, recover, and/or properly dispose of the discharged toxic or hazardous material and any other substance contaminated therefrom, to repair any damages caused thereby, and to restore the environment to a condition which complies with the standards and guidelines contained within the documents listed in 8.20.1.1 through 8.20.1.4 of this Section.
- 8.20.3 All remedial actions conducted pursuant to Paragraph 8.20.2 of this Section may be subject to the review of the Commissioner/Director.
- 8.20.4 The Commissioner/Director may order the Owner, Operator, or any Person in possession of any land, structure, or equipment and/or any Person who causes or allows contamination or pollution, as defined in Paragraph 8.20.1 of this Section, of any land, structure, or equipment to take whatever action is necessary in the opinion of the Commissioner/Director to bring the land, structure or equipment into compliance with the standards and guidelines contained within the documents listed in 8.20.1.1 through 8.20.1.4. This includes but is not limited to the closure and decommissioning of any facility for which continued use represents a potential source of contamination or pollution, or a hazard or potential hazard to the general public, fire fighting personnel, property, plant or animal life, ground water quality, surface water quality, or which interferes with the healthful enjoyment of life and property throughout such areas of the Health District as may be affected thereby.
- 8.20.5 The Commissioner/Director may set additional standards for soil, ground water and surface water remediation as necessary to ensure the protection of potable water supplies within the Health District.
- 8.20.6 Nothing in this section shall be construed to require the Commissioner/Director to take regulatory or enforcement action if, in his/her opinion, sufficient and appropriate regulatory or enforcement actions are being taken by State or Federal authorities.

#### **8.21.0 Discontinuance of Services, Facilities, Equipment or Utilities**

No Owner, Operator, or Occupant shall cause or be responsible for causing any service, facility, equipment or utility which is required under this Article to be removed from or shut off from or

discontinued for any occupied Dwelling or Dwelling Unit let or occupied by him/her; except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is either not reasonably avoidable or is approved by the Commissioner/Director. In such cases, repairs shall be promptly made.

**Ulster County Sanitary Code**  
**ARTICLE IX**  
**MOBILE HOME PARKS**

**9.1.0 Declaration Of Policy**

It is hereby declared to be the health policy of the Ulster Health District to assure that the owners and operators of Mobile Home Parks operate their premises in such a manner as to avoid imminent health hazards.

Part 17 (Mobile Home Parks) of the State Sanitary Code is adopted by reference, as enacted and now or subsequently amended, in its application to Ulster County, with the same force and effect as though fully incorporated herein and set forth at length

**9.2 Definitions**

**9.2.1 Mobile Home Park**

The term “**Mobile Home Park**” shall mean a property consisting of a tract of land maintained by an operator for mobile homes and/or manufactured homes, and buildings or other structures that may be pertinent to their use, any part of which may be occupied by persons for residential purposes other than recreation, traveling, or vacationing, and who are provided services or facilities necessary for their use of the property.

**9.3 Permit**

9.3.1 It shall be unlawful for any person to operate a Mobile Home Park in Ulster County unless such person possesses a valid permit to operate a Mobile Home Park issued by the Commissioner/Director, pursuant to this Article.

9.3.2 Only persons who comply with Part 17 of the State Sanitary Code shall be entitled to receive and retain such permit.

9.3.3 The permit shall expire one (1) year after date of issuance and maybe renewed annually thereafter.

9.3.4 Application shall be made at least thirty (30) days before the first day of intended operation on a form prescribed by the Commissioner/Director.

9.3.5 Application for renewal of permits shall be made at least thirty (30) days prior to expiration of the current permit on a form prescribed by the Commissioner/Director.

9.3.6 A permit may be suspended by the Commissioner/Director without notice upon violation by the permit holder of any of the requirements of the New York State and Ulster County Sanitary Codes, or when, in his/her opinion, there exists an imminent hazard to public health.

9.3.7 A permit may be revoked after notice and an opportunity for a hearing has been provided by the Commissioner/Director upon serious, repeated or persistent violations of this Code or Part 15 of the State Sanitary Code.

**9.4.0 Fees**

A fee will be charged for each Mobile Home Park for which a permit is issued. This fee shall be paid by cash, check or money order made payable to the Commissioner of Finance of Ulster County. Payment shall accompany the application for the permit.

**Ulster County Sanitary Code**  
**ARTICLE X**  
**TEMPORARY RESIDENCES**

**10.1.0 Declaration Of Policy**

It is hereby declared to be the health policy of the Ulster Health District to assure that the owners and operators of Temporary Residences operate their premises in such a manner as to avoid imminent health hazards.

Part 7, Subpart 7-1 (Temporary Residences) of the State Sanitary Code is adopted by reference, as enacted and now or subsequently amended, in its application to Ulster County, with the same force and effect as though fully incorporated herein and set forth at length.

**10.2.0 Definitions**

**10.2.1 Temporary Residence**

The term “**Temporary Residence**” shall mean a tract or tracts of land and any hotel, motel, cabin colony, building, camping unit or other structures including worker housing that may be pertinent to its use, maintained primarily for overnight occupancy by persons who are provided at least some part or portion of the use of the facilities.

**10.3 Permit**

10.3.1 It shall be unlawful for any person to operate a Temporary Residence in Ulster County unless such person possesses a valid permit to operate a Temporary Residence issued by the Commissioner/Director, pursuant to this Article.

10.3.2 Only persons who comply with Subparts 7-1 of the State Sanitary Code shall be entitled to receive and retain such permit.

10.3.3 The permit shall expire one (1) year after date of issuance and maybe renewed annually thereafter.

10.2.4 Application shall be made, at least sixty (60) days before the first day of intended operation, on a form prescribed by the Commissioner/Director.

10.2.5 Application for renewal of permits shall be made at least sixty (60) days prior to expiration of the current permit on a form prescribed by the Commissioner/Director.

10.2.6 A permit may be suspended by the Commissioner/Director without notice upon violation by the permit holder of any of the requirements of the New York State and Ulster County Sanitary Codes, or when, in his/her opinion, there exists an imminent hazard to public health.

10.2.7 A permit may be revoked after notice and an opportunity for a hearing has been provided by the Commissioner/Director upon serious, repeated or persistent violations of this Code or Subpart 7-1 of the State Sanitary Code.

**10.3.0 Fees**

A fee will be charged for each Temporary Residence for which a permit is issued. This fee shall be paid by cash, check or money order made payable to the Commissioner of Finance of Ulster County. Payment shall accompany the application for the permit.

**Ulster County Sanitary Code**  
**ARTICLE XI**  
**MIGRANT FARMWORKER HOUSING**

**11.1.0 Declaration Of Policy**

It is hereby declared to be the health policy of the Ulster Health District to assure that the owners and operators of Migrant Farmworker Housing operate their premises in such a manner as to avoid imminent health hazards.

Part 15 (Migrant Farmworker Housing) of the State Sanitary Code is adopted by reference, as enacted and now or subsequently amended, in its application to Ulster County, with the same force and effect as though fully incorporated herein and set forth at length.

**11.2.0 Definitions**

**11.2.1 Farm Activities**

The term “**Farm Activities**” shall mean the activities carried out in connection with the production or processing of agricultural, horticultural, or fur industry products such as: fitting, planting, cultivating, harvesting, vining, sorting, grading, skinning, packing, storing, canning, freezing, dehydrating, bottling and preserving or treating by any method.

**11.2.3 Migrant Farmworker**

The term “**Migrant Farmworker**” shall mean an individual who is employed in Farm Activities of a seasonal or temporary nature.

**11.2.2 Migrant Farmworker Housing**

The term “**Migrant Labor Camp or Migrant Farmworker Housing**” shall mean a property which consists of a tract of land and all vehicles, mobile homes, buildings or other structures pertaining thereto, any part of which may be used or occupied by persons employed as migrant farmworkers including sleeping facilities, provided in whole or in part by the employer of such persons, owner, lessee, or operator thereof, with or without stipulated agreement as to the duration of their stay, whether or not they are supplied with meals but who are supplied with such utility services as are necessary for their habitation of such property.

**11.3 Permit**

11.3.1 It shall be unlawful for any person to operate Migrant Farmworker Housing in Ulster County unless such person possesses a valid permit to operate a Migrant Farmworker Housing facility issued by the Commissioner/Director, pursuant to this Article.

11.3.2 Only persons who comply with Part 15 of the State Sanitary Code shall be entitled to receive and retain such permit.

11.3.3 The permit shall expire one (1) year after date of issuance and maybe renewed annually thereafter.

11.3.4 Application shall be made at least thirty (30) days before the first day of intended operation on a form prescribed by the Commissioner/Director.

- 11.3.5 Application for renewal of permits shall be made at least thirty (30) days prior to expiration of the current permit on a form prescribed by the Commissioner/Director.
- 11.3.6 A permit may be suspended by the Commissioner/Director without notice upon violation by the permit holder of any of the requirements of the New York State and Ulster County Sanitary Codes, or when, in his/her opinion, there exists an imminent hazard to public health.
- 11.3.7 A permit may be revoked after notice and an opportunity for a hearing has been provided by the Commissioner/Director upon serious, repeated or persistent violations of this Code or Part 15 of the State Sanitary Code.

**11.4.0 Fees**

A fee will be charged for each Migrant Farmworker Housing facility for which a permit is issued. This fee shall be paid by cash, check or money order made payable to the Commissioner of Finance of Ulster County. Payment shall accompany the application for the permit.

**Ulster County Sanitary Code**  
**ARTICLE XII**  
**CHILDREN'S CAMPS**

**12.1.0 Declaration Of Policy**

It is hereby declared to be the health policy of the Ulster Health District to assure that the owners and operators of Children's Camps operate their premises in such a manner as to avoid imminent health hazards.

Part 7, Subpart 7-2 (Children's Camps) of the State Sanitary Code is adopted by reference, as enacted and now or subsequently amended, in its application to Ulster County, with the same force and effect as though fully incorporated herein and set forth at length.

It is also declared to be the health policy of the Ulster Health District to protect the public health and safety of the occupants of Children's Camps against public health hazards, and other conditions unhealthful or unsanitary to the operation and maintenance of such camps, and to promulgate those rules and regulations necessary to avoid imminent health hazards.

**12.2.0 Definitions**

**12.2.1 Children's Overnight Camp**

The term "**Children's Overnight Camp**" shall mean a property consisting of a tract of land and any tents, vehicles, buildings or other structures that may be pertinent to its use, any part of which may be occupied by persons under eighteen (18) years of age for the purpose of outdoor or indoor organized activities, and on which provisions are made for overnight occupancy of children.

**12.2.2 Non-passive recreational activities with significant risk of injury**

The term "**non-passive recreational activities with significant risk of injury**" shall include swimming, boating, contact sports, horseback riding, bicycling, hiking, rock climbing, challenge/rope course activities, shooting sports and other activities determined by the State Department of Health to be capable of causing traumatic brain injury, injury to the neck or spine, bone fractures or dislocations, lacerations requiring treatment to close, second or third degree burns to five percent (5%) or more of the body, loss of vision, or death, based on height, speed, water depth, physical contact with another participant or object, and/use of equipment associated with the activity.

**12.2.3 Summer Day Camp**

The term "**Summer Day Camp**" shall mean property consisting of a tract of land and any tents, vehicles, buildings, or other structures that may be pertinent to its use, any part of which may be occupied on a scheduled basis at any time between June 1 and September 15 in any year by children under sixteen (16) years of age, under general supervision, (primarily) for the purpose of indoor or outdoor organized group activities, involving two (2) or more activities of which at least one (1) is a non-passive recreational activity with significant risk of injury, as defined in subdivision 7-2.2(1) of the State Sanitary Code, for a period of less than twenty-four (24) hours on any day the property is so occupied, and/or which no provisions are made for overnight occupancy by such children.

#### **12.2.4 Traveling Summer Day Camp**

The term “**Traveling Summer Day Camp**” shall mean a summer day camp which regularly operates in a period between May 15 and September 15, and which regularly transports children under sixteen (16) years of age on a regular schedule to a facility, site or property including any tract of land, beach, park, stadium, building, tents or other structures pertinent to its use, and primarily for the purpose of organized group activity.

**12.2.5** Other definitions found in Subparts 7-2 of the New York State Sanitary Code and the Public Health Law and any subsequent revisions are adopted as part of this Article.

#### **12.3.0 First Aid Certifications**

Required certifications for current first aid, cardiopulmonary resuscitation (CPR), and lifeguard certifications must be valid and maintained on premises for the term of the permit period.

#### **12.4.0 Permit**

12.4.1 It shall be unlawful for any person to operate a Children’s Camp in Ulster County unless such person possesses a valid permit to operate a Children’s Camp issued by the Commissioner/Director, pursuant to this Article.

12.4.2 Only persons who comply with Subpart 7-2 of the New York State Sanitary Code shall be entitled to receive and retain such permit.

12.3.3 The permit shall expire one (1) year after date of issuance and maybe renewed annually thereafter.

12.3.4 Application shall be made, at least sixty (60) days before the first day of intended operation, on a form prescribed by the Commissioner/Director.

12.3.5 Application for renewal of permits shall be made at least sixty (60) days prior to expiration of the current permit on a form prescribed by the Commissioner/Director.

12.3.6 A permit may be suspended by the Commissioner/Director without notice upon violation by the permit holder of any of the requirements of the New York State and Ulster County Sanitary Codes, or when, in his/her opinion, there exists an imminent hazard to public health.

12.3.7 A permit may be revoked after notice and an opportunity for a hearing has been provided by the Commissioner/Director upon serious, repeated or persistent violations of this Code or Subpart 7-2 of the Sanitary Code.

#### **12.5.0 Fees**

A fee will be charged for each Children’s Camp for which a permit is issued. This fee shall be paid by cash, check or money order made payable to the Commissioner of Finance of Ulster County. Payment shall accompany the application for the permit. Municipal operations and organizations for charitable, philanthropic or religious purposes are exempt from this fee.

**Ulster County Sanitary Code  
ARTICLE XIII  
CAMPGROUNDS**

**13.1.0 Declaration Of Policy**

It is hereby declared to be the health policy of the Ulster Health District to assure that the owners and operators of Campgrounds operate their premises in such a manner as to avoid imminent health hazards.

Part 7, Subpart 7-3 (Campgrounds) of the State Sanitary Code is adopted by reference, as enacted and now or subsequently amended, in its application to Ulster County, with the same force and effect as though fully incorporated herein and set forth at length.

**13.2.0 Definitions**

**13.2.1 Campground**

The term “**Campground**” shall mean any parcel or tract of land including buildings or other structures, under the control of any person, where five (5) or more campsites are available for temporary or seasonal overnight occupancy.

**13.2.2 Camping Unit**

The term “**Camping Unit**” shall mean a tent, camping cabin, recreational vehicle or other type of portable shelter intended, designed or used for temporary human occupancy.

**13.2.3 Campsite**

The term “**Campsite**” shall mean a portion of a campground, with or without connections to water supply, electrical service or sewage systems, used by one (1) Camping Unit.

**13.3 Permit**

13.3.1 It shall be unlawful for any person to operate a Campground in Ulster County unless such person possesses a valid permit to operate a Campground issued by the Commissioner/Director, pursuant to this Article.

13.3.2 Only persons who comply with Subparts 7-3 of the State Sanitary Code shall be entitled to receive and retain such permit.

13.3.3 The permit shall expire one (1) year after date of issuance and maybe renewed annually thereafter.

13.3.4 Application shall be made at least thirty (30) days before the first day of intended operation on a form prescribed by the Commissioner/Director.

13.3.5 Application for renewal of permits shall be made at least thirty (30) days prior to expiration of the current permit on a form prescribed by the Commissioner/Director.

13.3.6 A permit may be suspended by the Commissioner/Director without notice upon violation by the permit holder of any of the requirements of the New York State and Ulster County Sanitary Codes, or when, in his/her opinion, there exists an imminent hazard to public health.

13.3.7 A permit may be revoked after notice and an opportunity for a hearing has been provided by the Commissioner/Director upon serious, repeated or persistent violations of this Code or Subpart 7-3 of the State Sanitary Code.

**13.4.0 Fees**

A fee will be charged for each Campground for which a permit is issued. This fee shall be paid by cash, check or money order made payable to the Commissioner of Finance of Ulster County. Payment shall accompany the application for the permit.

**Ulster County Sanitary Code**  
**ARTICLE XIV**  
**AGRICULTURAL FAIRGROUND**

**14.1.0 Declaration Of Policy**

It is hereby declared to be the health policy of the Ulster Health District to assure that the owners and operators of Agricultural Fairgrounds operate their premises in such a manner as to avoid imminent health hazards.

Part 7, Subpart 7-5 (Agricultural Fairgrounds) of the State Sanitary Code is adopted by reference, as enacted and now or subsequently amended, in its application to Ulster County, with the same force and effect as though fully incorporated herein and set forth at length.

**14.2.0 Definitions**

**14.2.1 Agricultural Fairground**

The term “**Agricultural Fairground**” means a property where a fair has been conducted, or is proposed to be conducted, in 2001 or any subsequent year by an agricultural society and/or other entities eligible in 2001, or any subsequent year, to receive premium reimbursement pursuant to Section 286 of the Agriculture and Markets Law, including the parcel or tract of land, buildings or other structures, campsites, and food service establishments, temporary or permanent, pertaining thereto.

**14.3.0 Permit**

- 14.3.1 It shall be unlawful for any person to operate an Agricultural Fairground in Ulster County unless such person possesses a valid permit to operate an Agricultural Fairground issued by the Commissioner/Director, pursuant to this Article.
- 14.3.2 Only persons who comply with Subparts 7-5 of the State Sanitary Code shall be entitled to receive and retain such permit.
- 14.3.3 The permit shall expire one (1) year after date of issuance and maybe renewed annually thereafter.
- 14.3.4 Application shall be made at least thirty (30) days before the first day of intended operation on a form prescribed by the Commissioner/Director.
- 14.3.5 Application for renewal of permits shall be made at least thirty (30) days prior to expiration of the current permit on a form prescribed by the Commissioner/Director.
- 14.3.6 A permit may be suspended by the Commissioner/Director without notice upon violation by the permit holder of any of the requirements of the New York State and Ulster County Sanitary Codes, or when, in his/her opinion, there exists an imminent hazard to public health.
- 14.3.7 A permit may be revoked after notice and an opportunity for a hearing has been provided by the Commissioner/Director upon serious, repeated or persistent violations of this Code or Subpart 7-5 of the State Sanitary Code.

#### **14.4.0 Fees**

A fee will be charged for each Agricultural Fairground for which a permit is issued. This fee shall be paid by cash, check or money order made payable to the Commissioner of Finance of Ulster County. Payment shall accompany the application for the permit.

**Ulster County Sanitary Code**  
**ARTICLE XV**  
**MASS GATHERINGS**

**15.1.0 Declaration Of Policy**

It is hereby declared to be the health policy of the Ulster Health District to assure that the owners and operators of Mass Gathering operate their premises in such a manner as to avoid imminent health hazards.

Part 7, Subpart 7-4 (Mass Gatherings) of the State Sanitary Code is adopted by reference, as enacted and now or subsequently amended, in its application to Ulster County, with the same force and effect as though fully incorporated herein and set forth at length.

**15.2.0 Definition**

**15.2.1 Mass Gathering**

The term “**Mass Gathering**” shall mean one which is likely to attract five thousand (5,000) people or more and continue for twenty-four (24) hours or more but shall not include a temporary residence under permit.

**15.3.0 Permit**

15.3.1 It shall be unlawful for any person to hold or promote, by advertising or otherwise, a Mass Gathering in Ulster County unless such person possesses a valid permit to operate a Mass Gathering issued by the Commissioner/Director, pursuant to this Article.

15.3.2 Only persons who comply with Subparts 7-4 of the State Sanitary Code shall be entitled to receive and retain such permit.

15.3.3 A separate permit shall be required for each mass gathering.

15.3.4 Application shall be made at least fifteen (15) days before the first day of advertising and at least sixty (60) days before the first day of intended operation on a form prescribed by the Commissioner/Director.

15.3.5 A permit may be suspended by the Commissioner/Director without notice upon violation by the permit holder of any of the requirements of the New York State and Ulster County Sanitary Codes, or when, in his/her opinion, there exists an imminent hazard to public health.

**15.4.0 Fees**

A fee will be charged for each Mass Gathering for which a permit is issued. This fee shall be paid by cash, check or money order made payable to the Commissioner of Finance of Ulster County. Payment shall accompany the application for the permit.

**Ulster County Sanitary Code**  
**ARTICLE XVI**  
**BATHING FACILITIES**

**16.1.0 Declaration Of Policy**

It is hereby declared to be the health policy of the Ulster Health District to assure that the owners and operators of Bathing Facilities operate their premises in such a manner as to avoid imminent health hazards. Furthermore, Part 6, Subpart 6-1 (Swimming Pools), Subpart 6-2 (Bathing Beaches), Subpart 6-3 (Recreational Aquatic Spray Grounds) of the State Sanitary Code are adopted by reference, as enacted and now or subsequently amended, in its application to Ulster County, with the same force and effect as though fully incorporated herein and set forth at length except as set forth herein.

The requirements of this Article shall not apply to a private swimming pool, bathing beach or other bathing facilities owned and/or maintained by an individual for use of his/her family and friends.

**16.2.0 Definitions**

**16.2.1 Bathing Beach**

The term “**Bathing Beach**” shall mean a bathing place, together with any buildings and appurtenances, and the water and land areas used in connection therewith, at a pond, lake, stream or other body of fresh or salt water which is used for bathing or swimming with the express or implied permission or consent of the owner or lessee of the premises or which is operated for a fee or any other consideration or which is openly advertised as a place for bathing or swimming.

**16.2.2 Bathing Facility**

The term “**Bathing Facility**” shall mean any swimming pool, bathing beach, wading pool, spa pool, white water slide, wave pool, special purpose pool, Recreational Aquatic Spray Ground, other aquatic amusement or movable bottom pool as those terms are defined in Part 6 of the State Sanitary Code.

**16.2.3 Recreational Aquatic Spray Grounds**

The term “**Recreational Aquatic Spray Grounds**,” also known as “Spray Grounds”, shall mean the buildings and appurtenances used in conjunction with a spray pad in which sprayed water is continually drained and collected in a treatment and recirculation system.

**16.2.4 Swimming Pool**

The term “**Swimming Pool**” shall mean a structure, together with buildings and appurtenances used in connection therewith, intended for bathing, swimming or diving purposes, made of concrete, masonry, metal, or other impervious material, located either indoors or outdoors.

**16.2.5** Other definitions found in Subparts 6-1, 6-2, 6-3 of the State Sanitary Code and the Public Health Law and any subsequent revisions are adopted as part of this Article.

### **16.3.0 Construction of Bathing Facilities**

- 16.3.1 Bathing Facilities shall be constructed, operated, and maintained in accordance with the provisions of Part 6 of the State Sanitary Code.
- 16.3.2 An application in the form of an Engineering Report for Swimming Pool Plans or Bathing Beach Plan shall be made for each proposed Bathing Facility. A fee will be charged for each proposed Bathing Facility.

### **16.4.0 Aquatic Supervisory Requirements**

When Certifications for CPR and/or lifeguard certifications are required these certifications must be valid and maintained on the premises for the term of the permit period.

### **16.5.0 Permit**

- 16.5.1 It shall be unlawful for any person to operate a Bathing Facility in Ulster County unless such person possesses a valid permit to operate a Bathing Facility issued by the Commissioner/Director, pursuant to this Article.
- 16.5.2 Only persons who comply with Subparts 6-1, 6-2, 6-3 of the State Sanitary Code shall be entitled to receive and retain such permit.
- 16.5.3 The permit shall expire one (1) year after date of issuance and maybe renewed annually thereafter.
- 16.5.4 Application shall be made at least thirty (30) days before the first day of intended operation on a form prescribed by the Commissioner/Director.
- 16.5.5 Application for renewal of permits shall be made at least thirty (30) days prior to expiration of the current permit on a form prescribed by the Commissioner/Director.
- 16.5.6 A permit may be suspended by the Commissioner/Director without notice upon violation by the permit holder of any of the requirements of the New York State and Ulster County Sanitary Codes, or when, in his/her opinion, there exists an imminent hazard to public health.
- 16.5.7 A permit may be revoked after notice and an opportunity for a hearing has been provided by the Commissioner/Director upon serious, repeated or persistent violations of this Code or Subparts 6-1, 6-2, 6-3 of the State Sanitary Code.

### **16.6.0 Fees**

A fee will be charged for each Bathing Facility for which a permit is issued. This fee shall be paid by cash, check or money order made payable to the Commissioner of Finance of Ulster County. Payment shall accompany the application for the permit.

**Ulster County Sanitary Code  
ARTICLE XVII  
COMMUNICABLE DISEASES**

**17.1.0 Declaration Of Policy**

It is hereby declared to be the health policy of the Health District to assure the safety and well being of the residents of Ulster County through the reduction and/or prevention of the spread of communicable diseases through education and mandatory reporting of suspected or confirmed cases.

**17.2.0 Definitions**

**17.2.1 Communicable Disease**

The term “**Communicable Disease**” shall mean an illness due to a specific infectious agent or its toxic products which arises through transmission of that agent or its products from a reservoir to a susceptible host either directly, as from an infected person or animal, or indirectly, through the agency of an intermediate plant or animal host, vector or inanimate environment.

**17.3.0 Reporting**

17.3.1 Reporting of suspected or confirmed Communicable Diseases is mandated under New York State Sanitary Code (10 NYCRR 2.10). The primary responsibility for reporting rests with the physician; moreover, laboratories Public Health Law (PHL) 2101, school nurses (10 NYCRR 2.12), day care center directors, nursing homes/hospitals (10 NYCRR 405.3d), and state institutions (10 NYCRR 2.10a) or other locations providing health care services (10 NYCRR 2.12) are also required to report the diseases listed.

17.3.2 Physicians, nurses, laboratory directors, infection control practitioners, health care facilities, state institutions and schools are required to report to the local health department where the patient resides. Reports should be made within twenty-four (24) hours of diagnosis:

17.3.2.1 phone diseases in bold type below

17.3.2.2 mail case report for all other diseases listed

**17.4.0 Designated Communicable Diseases**

The following is a list of the designated Communicable Diseases in the State Sanitary Code and are deemed reportable (10 NYCRR 2.10). Diseases listed in bold type warrant prompt action and should be reported immediately to the local health department by phone, followed by submission of the confidential case report form.

Amebiasis	<b>Measles</b>
<b>Animal bites for which Rabies prophylaxis is given</b>	<b>Melioidosis</b>
<b>Anthrax</b>	Meningitis (Aseptic or viral)
<b>Arboviral infection</b>	<b>Meningococcal</b>
Babesiosis	<b>Meningococemia</b>
<b>Botulism</b>	<b>Monkeypox</b>
<b>Brucellosis</b>	Mumps
Campylobacteriosis	Pertussis
Chancroid	<b>Plague</b>

Chlamydia trachomatis infection	<b>Poliomyelitis</b>
<b>Cholera</b>	Psittacosis
Cryptosporidiosis	Pregnant hepatitis B carrier
Cyclosporiasis	<b>Rabies</b>
<b>Diphtheria</b>	Rocky Mountain spotted fever
E. Coli O157:H7 infection	<b>Rubella</b> (including congenital rubella syndrome)
Ehrlichiosis/Anaplasmosis	Salmonellosis
<b>Encephalitis</b>	<b>Severe Acute Respiratory Syndrome (SARS)</b>
<b>Food borne illness</b>	Shigatoxin- producing E. Coli
Giardiasis	Shigellosis
<b>Glanders</b>	<b>Smallpox</b>
Gonococcal infection	Staphylococcus aureus (due to strain showing reduced susceptibility or resistance to vancomycin)
Haemophilus influenzae (invasive disease)	<b>Staphylococcal enterotoxin B poisoning</b>
<b>Haemophilus</b>	Streptococcal infection (invasive disease) Group A beta-hemolytic strep Group B strep Streptococcus pneumoniae
<b>Hantavirus disease</b>	<b>Syphilis, specify stage</b>
Hemolytic uremic syndrome	Tetanus
Hepatitis A	Toxic shock syndrome
<b>Hepatitis A in a food handler</b>	Transmissible spongiform encephalopathies
Hepatitis B, C (specify acute or chronic)	Trichinosis
Herpes infection, infants 60 days or younger	<b>Tuberculosis current (specify site)</b>
Hospital associated infections (as defined in sect. 2.2 10NYCCR)	<b>Tularemia</b>
Influenza, laboratory confirmed	<b>Typhoid</b>
Legionellosis	Vibriosis
Listeriosis	<b>Vaccinia disease</b>
Lyme disease	<b>Viral hemorrhagic fever</b>
Lymphogranuloma venereum	Yersiniosis
Malaria	

### 17.5.0 Emerging Diseases

In addition to the diseases listed, any unusual disease (defined as a newly apparent or emerging disease or syndrome that could possibly be caused by a transmissible infectious agent or microbial toxin) is reportable as designated by NYSDOH.

### 17.6.0 Outbreaks

While individual cases of some diseases (e.g., streptococcal sore throat, head lice, impetigo, scabies and pneumonia) are not reportable, a cluster or outbreak of cases of any communicable disease is a reportable event, as defined by NYSDOH.

### 17.7.0 HIV

Cases of Human Immunodeficiency Virus (HIV) infection, HIV-related illness and Acquired Immunodeficiency Syndrome (AIDS) are reportable to NYDOH Division of Epidemiology and not the Department.

**Ulster County Sanitary Code**  
**ARTICLE XVIII**  
**NUISANCES**

**18.1.0 Declaration of Policy**

It is hereby declared to be the health policy of the Ulster Health District to abate all nuisances detrimental to life and the public health of citizens in Ulster County.

**18.2.0 Commissioner/Director's Duty to Investigate**

The Commissioner/Director or his/her duly authorized representative shall receive and examine into all complaints made by any inhabitant of the Health District concerning nuisances, or causes of danger or injury to life and health in the health district, and may request such complaints to be made in writing.

**18.3.0 Investigation**

18.3.1 The Commissioner/Director or his/her duly authorized representative may enter upon or within any place or premises where nuisances or conditions dangerous to life and health, or which are the cause of nuisances existing elsewhere, are known or believed to exist, to inspect or examine same.

18.3.2 The owners, agents and occupants of any premises shall permit sanitary examinations and inspections to be made pursuant to the provisions of this Article and Title I of Article XIII of the Public Health Law.

18.3.3 The Commissioner/Director shall furnish the owners, agents and occupants of the premises on which such conditions exists with a written statement of the results and conclusions of an examination or inspection conducted pursuant to this Article.

**18.4.0 Abatement and Suppression**

18.4.1 The Commissioner/Director shall order the suppression and removal of all nuisances and conditions detrimental to life and health found to exist within the Health District.

18.4.2 The Commissioner/Director, or his/her designee, if the owner, agent or occupant of any premises whereon any nuisance or condition deemed to be detrimental to the public health exists or causes the existence of such nuisance or condition elsewhere fails to comply with any such order, enter upon the premises to remove or suppress such nuisance, condition, or matter to which said order relates.

18.4.3 The expenses of such removal and abatement shall be paid and may be collected in the manner prescribed in Public Health Law Sections 1306 and 1307.

**18.5.0 Animals**

18.5.1 **Keeping of Swine** – No swine shall be kept within any city of the Health District.

18.5.2 **Stable and Manure pits** – In any city, all stables, yards, and enclosures, where horses, mules and cattle are kept, shall be free from filth, and properly drained. All manure must be kept in tight bins, vaults or boxes and tightly covered; and from May 1<sup>st</sup> to November 1<sup>st</sup>, in addition, said bins, vaults, or boxes must be kept screened from flies.

18.5.3 **Keeping of chickens** – In any city, no chickens or other fowls shall be kept in any coop, building or enclosure within fifty (50) feet of an inhabited dwelling, and all pens, yards

and enclosures shall be kept in a clean and sanitary condition; and all accumulation of filth in and about the same shall be removed weekly.

- 18.5.4 **Dead Animals** – A dead domestic or farm animal shall be buried or disposed of in a sanitary manner by its owner within seventy-two (72) hours after its death or after its carcass has been discovered.

#### **18.6.0 Temporary Toilet Facilities on Construction**

Any builder, contractor, or other person, firm or corporation employing any person on the construction of any highway, building or structure shall provide or cause to be provided a temporary privy or privies, or other satisfactory toilet facilities at a convenient place upon the premises or readily accessible thereto and the same shall be properly enclosed, and the contents thereof shall be completely covered with clean inert material or otherwise effectively treated or removed immediately at the end of each shift or working day.

#### **18.7.0 Cleanliness of Public Toilets**

- 18.7.1 Every person, who shall provide a toilet for the use of employees, patrons or members or available to the public, shall maintain such toilet at all times in a clean, well lighted, ventilated and sanitary condition. The floor of any such toilet under and adjacent to a urinal fixture shall be impervious to moisture and properly drained. No towel, hair brush or comb shall be provided for common use in any such toilet or in a washroom, restroom or locker room adjacent thereto. The term “Common Use” shall mean use by more than one (1) person without effective disinfection.

- 18.7.2 The owner of a building or dwelling or his agent in charge thereof, wherein two (2) or more tenants from different dwelling units shall have common use of a toilet or privy, shall be responsible for the maintenance of such toilet or privy, in repair and in a clean and sanitary condition.

#### **18.8.0 Exposure of Sewage**

No person, either as the owner, lessee, or tenant of any property, dwelling, or building shall construct or maintain any privy, cesspool, sewage disposal system, pipe or drain so as to expose or discharge the sewage contents or other deleterious liquid or matter therefrom to the atmosphere or on the surface of the ground or into any storm sewer or drain, nor so as to endanger any source of supply of drinking water nor so as to discharge into any water course or body of water unless a permit for such discharge shall have been issued therefor by the State Commissioner of Environmental Conservation and such discharge shall be made in accordance with the requirements thereof.

#### **18.9.0 Enforcement**

Any non-compliance or non-conformance with an order issued by the Commissioner/Director pursuant to this Article shall constitute a violation of the provisions of the Sanitary Code and may be subject to the imposition of a civil penalty pursuant to Section 309 of the Public Health Law.

**Ulster County Sanitary Code**  
**ARTICLE XIX**  
**COMPULSORY ANTI-RABIES VACCINATION**

**19.1.0 Declaration Of Policy**

It is hereby declared to be the health policy of the Health District to assure that all dogs, cats and ferrets within the County of Ulster receive compulsory anti-rabies vaccination.

The provisions of this Section shall not be deemed to prevent the operation of any other provision of Law for the control or prevention of rabies.

**19.2.0 Definition**

**19.2.1 Dog**

The term “**Dog**” means all dogs within the County of Ulster, four (4) months of age or older.

**19.2.2 Cat**

The term “**Cat**” means all cats within the County of Ulster, four (4) months of age or older.

**19.2.3 Ferret**

The term “**Ferret**” means all ferrets within the County of Ulster, four (4) months of age or older.

**19.2.4 Owner**

The term “**Owner**” means any person keeping, harboring or having charge or control of, or permitting any dog, cat or domesticated ferret to remain on or be lodged or fed within such person’s house, yard or premises.

**19.3.0 Exemptions**

The provisions of this Article shall not apply to:

- 19.3.1 Dogs, Cats and/or Ferrets owned by a nonresident while passing through the County;
- 19.3.2 Dogs, Cats and/or Ferrets brought into the County for a period not exceeding fifteen (15) days if entered in any exhibition at any dog show therein and if confined and in immediate charge of the exhibitor;
- 19.3.3 Dogs, Cats and/or Ferrets actually confined to the premises of incorporated societies, devoted to the care or hospital treatment of lost, strayed or homeless animals;
- 19.3.4 Dogs, Cats and/or Ferrets confined to the premises of public or private hospitals devoted to the treatment of sick animals;
- 19.3.5 Dogs, Cats and/or Ferrets confined for the purposes of research to the premises of colleges or other educational or research institutions; or

19.3.6 Persons actually engaged in the business of breeding or raising Dogs, Cats and/or Ferrets for profit and are so licensed as a Class A dealer under the Federal Laboratory Animal Welfare Act.

**19.4.0 Administering Vaccination**

All such vaccinations shall be conducted under the auspices of the Department of Health, however, at the Owner's option, vaccinations may be performed by a duly licensed veterinarian.

**19.5.0 Proof of Vaccination**

The Owner of a Dog, Cat and/or Ferret which is vaccinated shall be given a signed statement stating the following information:

- 19.5.1 Name and address of the owner;
- 19.5.2 Date or dates of the vaccination;
- 19.5.3 Duration of the immunity;
- 19.5.4 Manner of injection;
- 19.5.5 Name of manufacturer;
- 19.5.6 Lot number; and
- 19.6.7 Expiration date of the vaccination.

**19.6.0 Enforcement Authority**

The Owner of a Dog, Cat and/or Ferret shall submit such dog or dogs, cat or cats and/or ferret or ferrets immediately for vaccination upon request by a:

- 19.6.1 Dog control officer;
- 19.6.2 Peace officer acting pursuant to his/her or her special duties;
- 19.6.3 Police officer; or
- 19.6.4 Health officer or representative of the Department.

**19.7.0 Submission of Proof of Immunization**

The Owner of a Dog, Cat and/or Ferret shall provide proof of rabies immunization to the Department upon the following events:

- 19.7.1 When the Dog, Cat and/or Ferret is reported to have bitten a person;
- 19.7.2 When the Dog, Cat and/or Ferret is reported to have bitten or been bitten by other domestic or wild warm-blooded animals; or
- 19.7.3 When a representative of the Department requests proof of rabies immunization.

## **19.8.0 Rabies Control**

- 19.8.1 It shall be the duty of every physician, and if no physician is in attendance, a person bitten by an animal having rabies or suspected of having rabies, of a species subject to rabies, to report to the Department his/her full name, age, address and telephone number and date of bite, and/or such report shall be made by whoever is caring for or has knowledge of such person.
- 19.8.2 If the person bitten is a child, it shall be the duty of the physician, parent or guardian of such child and whoever is caring for or has knowledge of such bite, to report to the Department the full name, age, address, and telephone number of the child who was and date of bite.
- 19.8.3 It shall be the duty of every person having knowledge of the existence of an animal apparently afflicted with rabies, to report immediately to the Department the existence of such animal, the place where seen, the Owner's name, address and telephone number, if known, and signs suggesting rabies.
- 19.8.4 An animal under restriction shall not be removed from the County prior to the conclusion of the prescribed isolation period, except with the written permission of the Commissioner/Director or his/her designee in writing and with written permission of the Local Health Officer or authority of the municipality to which the animal is proposed to be removed.
- 19.8.5 If the animal is to be removed to the City of New York or to another state or territory, the Commissioner/Director shall permit such removal only after securing the consent of the Commissioner of Health of the State of New York.
- 19.8.6 The removal of an animal pursuant to this Section shall be by private conveyance, in charge of the responsible person and conducted in such manner as to prevent the escape of the animal or its coming into contact with other animals or persons.

**Ulster County Sanitary Code  
ARTICLE XX  
MOSQUITO CONTROL**

**20.1.0 Declaration of Policy**

It is hereby declared to be the health policy of the Health District to enforce the suppression and abatement of all non-essential water sources in which mosquitoes may breed and to reduce mosquito-breeding potential, as this is detrimental to the life and public health of all citizens in Ulster County.

**20.2.0 Definitions**

**20.2.2 Catch Basin**

The term “**Catch Basin**” means an inlet to a storm drain system that typically includes a grate or curb inlet that permits stormwater to enter. It may also be known as a Storm Drain or Curb Inlet.

**20.2.3 Detention Basin**

The term “**Detention Basin**” means a structure that temporarily stores storm runoff so a controlled outflow can empty the area.

**20.2.4 Dry Well**

The term “**Dry Well**” means an underground structure that receives stormwater runoff and dissipates water into the ground.

**20.2.5 Essential Water**

The term “**Essential Water**” means any water that serves an intended purpose and may breed mosquitoes. Examples may include but are not limited to birdbaths, potting containers and horse watering troughs.

**20.2.6 Field Change**

The term “**Field Change**” means any change made during construction at variance to the approved plan. Elimination of structures such as liners, piping outlet structures or changes in elevation are not field changes.

**20.2.7 Level Spreader**

The term “**Level Spreader**” means a structure designed to uniformly distribute concentrated flow of stormwater over a large area.

**20.2.8 Non-Essential Water**

The term “**Non-Essential Water**” means any water that serves no intended purpose and may breed mosquitoes. Examples may include but not limited to water found in or on tires, wheelbarrows, buckets, swimming pool covers, poorly graded properties or ill-maintained rain gutters.

### **20.2.9 Receptacle**

The term “**Receptacle**” means any object capable of accumulating water in which mosquitoes may breed. Examples include but are not limited to wheelbarrows, buckets, and plastic containers.

### **20.2.10 Recharge Basin**

The term “**Recharge Basin**” means a basin or pit excavated to provide a means of allowing water to soak into the ground at rates exceeding those that would occur naturally.

### **20.2.11 Retention Basin**

The term “**Retention Basin**” means a structure that receives stormwater runoff and does not discharge directly to a surface water body.

### **20.2.12 Suppress**

The term “**suppress**” is the act of reducing mosquito-breeding potential by mechanical, biological or chemical means.

### **20.2.13 Stormwater Facility**

The term “**Stormwater Facility**” means any structure that is intended to receive stormwater runoff. This may include but is not limited to Detention Basins, Retention Basins, Recharge Basins, Catch Basins, Dry Wells, Level Spreaders and Underground Chambers.

### **20.2.14 Underground Chamber**

The term “**Underground Chamber**” means a structure located below grade that receives stormwater runoff and either discharges that water or permits water to infiltrate into surrounding soils.

## **20.3.0 Severability**

If any provision of this Article or its application to any person or circumstance is held to be invalid, the remainder of this Article and the application of that provision to other persons or circumstances will not be affected.

## **20.4.0 Powers of the Commissioner/Director**

- 20.4.1 The Commissioner/Director may make, or cause to be made, any investigation or study which, in his/her opinion, is necessary for enforcing this Article or controlling or reducing mosquito breeding potential within the Health District.
- 20.4.2 The Commissioner/Director may order the owner, agent or occupant, or any person in possession of any land, structure, or equipment to take whatever action is necessary in the opinion of the Commissioner/Director to bring the land, structure, or equipment into compliance with the provisions of this code.
- 20.4.3 The Commissioner/Director may set additional standards for the suppression of mosquito breeding which are necessary to carry out the purpose of this Article.

- 20.4.4 The Commissioner/Director or his/her designee may enter upon any premises to remove or suppress any non-essential water sources if the owner, agent or occupant fails to comply with any section of this Article.
- 20.4.5 The Commissioner/Director or his/her designee may take actions to suppress mosquito breeding, if the owner, agent or occupant fails to comply with any section of this Article.
- 20.4.6 The owner, agent or occupant, in the manner prescribed in Public Health Law Sections 1306 and 1307, shall pay any expense associated with Section 20.4.4 or 20.4.5 of this Article.

**20.5.0 Commissioner/Director's Duty to Investigate**

The Commissioner/Director or his/her designee shall receive and explore all complaints made by any inhabitant of the Health District concerning mosquito nuisances and may request such complaints to be made in writing.

- 20.5.1 The Commissioner/Director or his/her duly authorized representative may enter upon or within any place or premises, where Essential or Non-Essential Water sources exist or are believed to exist and in which mosquitoes may breed, to inspect or examine same.
- 20.5.2 The owner, agent, or occupant of any premises shall permit sanitary examinations and inspections to be made pursuant to the provisions of this Article, Article I of the Sanitary Code and Title 1 of Article XIII of the Public Health Law. Failure to permit sanitary inspections is a violation of this Article.
- 20.5.3 The Commissioner/Director shall furnish the owner, agent or occupant of the premises with a written statement of the results and conclusions of an examination or inspection conducted pursuant to this Article, upon request.

**20.6.0 Prohibitions**

It shall be unlawful and a violation of this Article for the owner, agent or occupant of any premises, within the Health District, to permit or allow the breeding of mosquitoes to exist in any Essential and Non-Essential Water sources on any place or premises.

**20.7.0 Enforcement**

Any person who violates any of the provisions of this Article, or any order issued by the Commissioner/Director, shall be liable for the civil, administrative and criminal penalties as set forth in Article I of the Ulster County Sanitary Code and Section 309 and 348 of the Public Health Law.

**20.8.0 Prevention and Control**

- 20.8.1 The owner, agent or occupant of a premise shall store receptacles capable of collecting non-essential water in an enclosed weather tight structure, or in a manner acceptable to this Department. Such receptacle shall be emptied of water prior to storage.
- 20.8.2 The owner, agent or occupant of a premise shall store tires capable of collecting non-essential water in an enclosed weather tight structure, or in a manner acceptable to this Department. Tires shall be emptied of water prior to storage.
- 20.8.3 The owner, agent or occupant of a premise shall maintain rain gutters or other water conveying devices in a manner that prevents standing water, which may provide mosquito-breeding habitat.

- 20.8.4 The owner, agent or occupant of a premise shall maintain all existing water drainage pipes, swales or devices clear of debris to facilitate water runoff, and to prevent standing water which may provide mosquito-breeding habitat.
- 20.8.5 The owner, agent or occupant of a premise shall grade the landscape of the premises in a manner that prevents Non-Essential Water from collecting on the ground surface. Depression, tire ruts, holes, or other areas that accumulate Non-Essential Water shall be filled or graded in a manner to eliminate standing water, which may provide mosquito-breeding habitat.
- 20.8.6 Between April 1 and October 31, the owner, agent or occupant of a premise shall maintain swimming and wading pools and any other objects with similar intent, and associated covering devices in a manner that prevents mosquito breeding. Acceptable methods may include but are not limited to, keeping free of accumulated water, active circulation and disinfection system, effectively treated with chemical or biological control agent(s) in accordance with DEC, and/or exclusion of adult mosquitoes.
- 20.8.7 All chemical or biological treatments performed to gain compliance with any section of this Article must include posting in a conspicuous location adjacent to the treatment area or in a Department approved location. Posting must include the following information: Date of application, applicator's name, telephone number, Material used, amount used and a copy of the label, if applicable.
- 20.8.8 The owner, agent or occupant shall take all necessary actions to prohibit mosquitoes from breeding in receptacles, whether containing Essential or Non-Essential Water, located on the premises. Actions include, but are not limited to daily removal or changing of water, chemical or biological larvicide, or other necessary actions.

**Ulster County Sanitary Code  
ARTICLE XXI  
SCHEDULE OF REQUIRED APPLICATIONS AND PERMITS**

<b>Required Application / Permit</b>
<b>Bathing Facility</b>
<b>Migrant Farm Worker Housing</b>
Capacity 1-9 persons
Capacity 10-25 persons
Capacity 26 + persons
<b>Temporary Residence / Campground</b>
<b>Seasonal</b>
Seasonal Operation 1-10 units / sites
Seasonal Operation 11-50 units / sites
Seasonal Operation 50 + units / sites
<b>Year Round</b>
Year Round Operation 1-10 units / sites
Year Round Operation 11-20 units / sites
Year Round Operation 21-100 units / sites
Year Round Operation 101 + units / sites
<b>Food Service</b>
<b>Mobile Food Service / Push Cart</b>
<b>Food Service Establishments</b>
Seating 0-25
Seating 26-75
Seating 76 +
<b>Caterers / Commissaries</b>
<b>Food Vending Machine Operation</b>
Seating 0-25
Seating 26 +
<b>Frozen Dessert Machine</b>
<b>Temporary Food Service Establishment</b>
<b>Offensive Material Removal, Transport, Disposal</b>
First truck
Each additional truck
<b>Children's Camps</b>
<b>Mobile Home Park</b>
Mobile Home Sites 1-4
Mobile Home Sites 5-10
Mobile Home Sites 11-25
Mobile Home Sites 26-99
Mobile Home Sites 100+
<b>Sewage Disposal System</b>
Daily Flow less than 1,000 gallons

Daily flow 1,000 – 10,000 gallons
Daily Flow greater than 10,000 gallons
<b>Bacteriological Water Sample</b>

<b>Plan Reviews</b>
<b>Realty Subdivision</b>
Lots 1-9
Lots 10+
Subdivision Lot Extension Approval
Modification of Engineered plans on file and approved.
<b>Swimming Pools</b>
Capacity less than 25,000 gallons
Capacity 25,000 – 50,000 gallons
Capacity greater than 50,000 gallons
<b>Public Water Supply</b>
Project Cost less than \$10,000
Project Cost \$10,000 - \$100,000
Project Cost greater than \$100,000

<b>Miscellaneous Fees</b>
Application / Permit Late Fee
Temporary Food Service Establishment Late Fee
Public Access to Records
Return Check Fee