

**Code
of the
County of
Ulster**

STATE OF NEW YORK

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County of Ulster

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CERTIFICATION

COUNTY OF ULSTER

Office of the Clerk of the Legislature

I, **Victoria A. Fabella**, Clerk of the Ulster County Legislature, hereby certify that the chapters contained in this volume are based upon the original legislation of a general and permanent nature of the County Legislature of the County of Ulster and that said legislation, as revised and codified, renumbered as to sections and rearranged into chapters, constitutes the Code of the County of Ulster, State of New York, as adopted by local law of the County Legislature on August 17, 2010.

Given under my hand and the Seal of the County of Ulster, State of New York, this _____ day of _____, at the offices of the County.

s/ **Victoria A. Fabella**

Clerk of the Legislature

PREFACE

The County of Ulster has, over the years, passed through a process of legislative change common to many American communities. While only a few simple laws were necessary at the time of the establishment of the County, subsequent growth, together with the complexity of modern life, has created the need for new and more detailed legislation for the proper function and government of the County. The recording of local law is an aspect of County history, and as the County develops and changes, review and revision of old laws and consideration of new laws, in the light of current trends, must keep pace. The orderly collection of these records is an important step in this ever-continuing process. Legislation must be more than mere chronological enactments reposing in the pages of old records. It must be available and logically arranged for convenient use and must be kept up-to-date. It was with thoughts such as these in mind that the County Legislature ordered the following codification of the County's legislation.

Contents of Code

The various chapters of the Code contain all currently effective legislation of a general and permanent nature enacted by the County Legislature of the County of Ulster, including revisions or amendments to existing legislation deemed necessary by the County Legislature in the course of the codification.

Organization of the Publication

This publication is divided into two major divisions. The first division includes the Charter and Administrative Code of the County. The second division includes all legislation of a general and permanent nature as Parts I and II. Part I, Administrative Legislation, contains County legislation of an administrative nature, such as that dealing with the administration of government, that establishing or regulating County departments and that affecting officers and employees of the County government and its departments. Part II, General Legislation, contains all other County legislation of a regulatory nature. Items of legislation in this part generally impose penalties for violation of their provisions, whereas those in Part I do not.

Table of Contents and Grouping of Legislation

The Table of Contents details the arrangement of material alphabetically by chapter as a means of identifying specific areas of legislation. Wherever two or more items of legislation have been combined by the editor into a single chapter, the use of article designations has preserved the identity of the individual enactments, and the titles of the articles are listed beneath the chapter title in order to facilitate location of the individual enactments.

PREFACE

Appendix

Certain forms of local legislation are not of a nature suitable for inclusion in the main body of the Code but are of such significance that their application is community-wide or their provisions are germane to the conduct of the County government. The Appendix of this publication is reserved for such legislation and for any other material that the County may wish to include.

Disposition List

The Disposition List is a chronological listing of legislation, indicating its inclusion in the publication or the reason for its exclusion. The Disposition List will be updated with each supplement to the Code to include the legislation reviewed with said supplement.

Index

The Index is a guide to information. Since it is likely that this publication will be used by persons without formal legal training, the Index has been formulated to enable such persons to locate a particular section quickly. Each section of each chapter has been indexed. The Index will be supplemented and revised from time to time as new legislation is added.

Instructions for Amending the Code

All changes to the Code, whether they are amendments, deletions or additions, should be adopted as amendments to the Code. In doing so, existing material that is not being substantively altered should not be renumbered.

Adding new sections. Where new sections are to be added to a chapter, they can be added at the end of the existing material (continuing the numbering sequence) or inserted between existing sections as decimal numbers (e.g., a new section between §§ 65-5 and 65-6 should be designated § 65-5.1).

Adding new chapters. New chapters should be added in the proper alphabetical sequence in the appropriate division or part (e.g., Part I, Administrative Legislation, or Part II, General Legislation), utilizing the reserved chapter numbers. New chapter titles should begin with the key word for the alphabetical listing (e.g., new legislation on abandoned vehicles should be titled "Vehicles, Abandoned" under "V" in the Table of Contents, and a new enactment on coin-operated amusement devices should be "Amusement Devices" or "Amusement Devices, Coin-Operated" under "A" in the Table of Contents). Where a reserved number is not available, an "A" chapter should be used (e.g., a new chapter to be included between Chapters 166 and 167 should be designated Chapter 166A).

Adding new articles. New articles may be inserted between existing articles in a chapter by the use of "A" articles (e.g., a new article to be included between Articles XVI and XVII should be designated Article XVIA). The section numbers would be as indicated above (e.g., if the new Article XVIA contains six sections and existing Article XVI ends with § 166-30 and Article XVII begins with § 166-31, Article XVIA should contain §§ 166-30.1 through 166-30.6).

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[**HISTORY: Adopted by the Ulster County Legislature 8-23-2006 by L.L. No. 2-2006, approved 11-7-2006. Amendments noted where applicable.**]

ARTICLE I
Ulster County and Its Government

§ C-1. **Title and purpose.**

- A. This Charter, together with any and all amendments to it, to be known and cited as the "Ulster County Charter," constitutes the government of Ulster County and provides for its form and functioning. Among other purposes, this Charter seeks to secure County home rule to the greatest extent possible; assure fair elections for County offices and accountability of the County's government to its people; separate the legislative and

executive functions and responsibilities in Ulster County government; achieve increased efficiency, economy, equity, effectiveness and responsibility in the operation of the County government; increase fiscal accountability; ensure flexibility in the structure of County government to allow easy adaptability to change; and foster intermunicipal agreements and cooperation.

- B. Except as otherwise provided, no function, facility, duty or power of any city, town, village, school district, or other district, or of any officer thereof, is or shall be transferred, altered, or impaired by this Charter.

§ C-2. County status, powers and duties.

Upon adoption of this Charter, Ulster County shall be and remain a municipal corporation under its same name and shall exercise all of the rights, privileges, functions and powers conferred upon it by this Charter, and any other applicable statute not inconsistent with such Charter. Ulster County shall be subject to all duties and obligations imposed upon it by existing or subsequent laws not inconsistent with the provisions of this Charter, including all powers necessarily incidental to or which may be fairly implied from the powers specifically conferred upon it.

§ C-3. Charter effect on state laws.

This Charter provides a form for and structure of County government in accordance with the provision of Article 4 of the Municipal Home Rule Law of the State of New York. All special laws relating to Ulster County and all general laws of the State of New York shall continue in full force and effect except to the extent that such laws have been repealed, amended, modified or superseded in their application to Ulster County by enactment and adoption of this Charter. Within the limits prescribed in Article 4 of the Municipal Home Rule Law, wherever and whenever any state law, general, special, or local in effect, conflicts or is inconsistent with this Charter, such law shall be deemed, to the extent of such conflict or inconsistency, to be superseded by this Charter insofar as the County of Ulster and its government are affected.

§ C-4. Charter effect on local laws and resolutions.

- A. All local laws and resolutions, heretofore adopted, which are contrary to or inconsistent with the provisions of this Charter are hereby repealed.
- B. All of the laws of the state relating to the towns, cities, villages or districts of the County of Ulster shall continue in full force and effect except to the extent that such laws have been repealed, amended, modified or superseded in their application to Ulster County by the enactment and adoption of this Charter.

§ C-5. Amendment or revision of Charter.

- A. Amendment through the Legislature. The County Executive, any Legislator, the Legislature collectively or any person may make recommendations at any time to the

County Legislature for amendments to the Charter. A proposed amendment or proposed amendments to this Charter may be adopted in the manner provided by the Municipal Home Rule Law.

- B. Amendment or revision by Commission. Within five years after the enactment of this Charter, and at least every 10 years thereafter, a Charter Revision Commission shall be appointed to review and make recommendations to the County Executive and Legislature on amendments, additions or revisions to this County Charter. The Commission shall consist of 11 qualified electors of Ulster County and representing the different geographic areas and reflective of the demographic diversity of the County, with five members appointed by the County Executive, three members to be appointed by the leader of the party in the Legislature with the most members, and three members by the leader of the party in the Legislature with the second most members. No appointee to this Commission shall be a County employee or elected official at the time he or she serves on this Commission.
- (1) The first meeting of the Commission members shall be convened by the County Executive in the second week after the deadline for its appointment for the purposes of electing a Chairman and receiving its charge. The Chairman of this Commission shall be elected at that meeting by a majority vote of the entire membership of the Commission.
 - (2) The Legislature shall provide such funds as are necessary for the Commission to conduct its business effectively. No member of the Charter Revision Commission shall receive any compensation, but each member shall be reimbursed by the County of Ulster for all actual and necessary expenses incurred in the course of the performance of his or her duties as a member of the Commission.
 - (3) The Commission shall call upon necessary expertise in the community and state, shall hold public hearings to gather citizen opinion on the strengths and weaknesses of the Charter and proposed improvements, and shall maximally publicize its work through the print and electronic media and the County website. The Commission shall issue a written report to the County Legislature and County Executive at the conclusion of its deliberations, but no later than one year from the date of its first meeting, containing its findings and recommendations, if any, for amendments or revisions of the Ulster County Charter to be placed by the County Legislature before the people of Ulster County for their consideration at the next scheduled general election at least 60 days after the report is delivered to the Clerk of the Legislature. The Commission shall be dissolved on the day following its report or one year and one day from the date of its first meeting.
 - (4) The Commission, by two-thirds vote of its members, may place directly before the voters for their approval at referendum proposals to amend or revise Charter provisions pertaining to the County in Article II or III of this Charter. These amendments or revisions must be filed with the Ulster County Board of Elections timely so as to allow a vote upon them at the next scheduled general election after the Commission reports. No later than one month before the scheduled referendum at which its adoption will be considered, the Commission must hold at least one public hearing on any Charter change proposed directly to the ballot. Amendments

or revisions proposed directly to the ballot by the Commission will be deemed adopted if approved by a majority of voters casting ballots on the question during the next scheduled general election. Notwithstanding other provisions of this Charter, if the Charter Commission proposes a matter for direct ballot consideration, the Commission will continue to function until the day after election day of the year of consideration of its proposal on the ballot.

§ C-6. Definitions.

Whenever used in this Charter, unless otherwise expressly stated, or unless the context or subject matter otherwise requires, the following terms shall have the meanings indicated:

ADMINISTRATIVE CODE — The Administrative Code, if any, which may be adopted by the County Legislature, and any amendments thereto.

ADMINISTRATIVE HEAD — The head of any administrative unit.

ADMINISTRATIVE UNIT — Any department, division, bureau, office, board or commission or other agency of County government, or any subordinate part of the foregoing.

AUTHORIZED AGENCY — Any agency authorized by this Charter, Administrative Code or applicable law, including, but not limited to, those authorized by the County Law, to receive and expend County funds for a County purpose.

CAPITAL PROGRAM — The plan of capital projects proposed to be undertaken during a five-year period, the estimated cost of such projects, and the proposed method of financing. It shall be arranged in such manner as to indicate the order of priority of each project, and to state for each project:

- A. A description of the proposed project and the estimated total cost;
- B. The proposed method of financing, indicating the amount proposed to be financed by direct budgetary appropriation of duly established reserve funds; the amount, if any, estimated to be received from the federal and/or state government; and the amount to be financed by the issuance of obligations, showing the proposed type or types of obligations, together with the period of probable usefulness for which they are proposed to be issued; and
- C. An estimate of the effect, if any, upon operating costs of the municipal corporation within each of the three fiscal years following completion of the project.

CAPITAL PROJECT —

- A. Any physical betterment or improvement, including furnishings, machinery, apparatus or equipment for such physical betterment or improvement when first constructed or acquired; or
- B. Any preliminary studies and surveys relating to any physical betterment or improvement; or
- C. Land or rights in land; or

D. Any combination of Subsection A, B or C.

CHARTER — This Ulster County Charter and all its amendments, if any.

CLERK — The Clerk of the County Legislature.

COUNTY — The County of Ulster.

COUNTY EXECUTIVE — The elective chief executive officer of the County, who shall govern according to those powers provided for in this Charter, or under any other provision of applicable law.

COUNTY LAW — The County Law of the State of New York.

COUNTY LEGISLATURE — The elective legislative, appropriating and policy-determining body of the County of Ulster. Whenever the term "County Board," Board of Supervisors," "County Governing Board" or "elective governing body of the County" is referred to in any law, it shall be deemed to mean and refer to the County Legislature.

DEPARTMENT — The administrative unit which is the primary level of County government.

DEPARTMENT HEAD — The administrative head of any department, and may also be referred to herein as a "commissioner" or "director."

DIVISION — The administrative unit which is the secondary level of County government.

ELECTION LAW — The Election Law of the State of New York.

EXECUTIVE LAW — The Executive Law of the State of New York.

GENERAL MUNICIPAL LAW — The General Municipal Law of the State of New York.

LOCAL LAW — A legislative act of the County Legislature adopted pursuant to the Municipal Home Rule Law, but shall not mean or include a resolution, ordinance or similar act of the County Legislature.

MUNICIPAL HOME RULE LAW — The Municipal Home Rule of the State of New York.

PUBLIC OFFICE — Any office of federal, state or local government whether elected or appointed.

PUBLIC OFFICERS LAW — The Public Officers Law of the State of New York.

REAL PROPERTY TAX LAW — The Real Property Tax Law of the State of New York.

SECRETARY OF STATE — The Secretary of State of the State of New York.

WHOLE NUMBER — The total number of persons which the County Legislature or other group of persons would have were there no vacancies and none of the persons disqualified from acting.

ARTICLE II
Legislative Branch

§ C-7. County Legislature.

Upon the adoption of this Charter, the elective legislative body of Ulster County shall be the County Legislature of the County of Ulster.

§ C-8. Members; term of office; election.

- A. Effective at the general election of 2011, the County of Ulster shall be divided into 23 legislative districts, from each of which shall be elected one person to be a member of the County Legislature. Such persons while holding office shall be known as "Legislators."
- B. The term of office of the members of the County Legislature shall be two years beginning on the first day of January next following their election at the general election held in every odd-numbered year.

§ C-9. Qualifications.

- A. Each member of the County Legislature shall, at the time of the Legislator's nomination and election and throughout the Legislator's term of office, be and remain a qualified elector and resident of the district from which the Legislator is elected, except that for an election immediately following the reapportionment of County legislative districts, the incumbent County Legislator representing a district redrawn in such reapportionment shall be eligible for nomination for election in either his or her district of residence or any newly drawn district which is contiguous to his or her district of residence, provided that the County Legislator shall become a resident of the district represented no later than one year after taking office.
- B. No County Legislator shall hold at the same time any other elective public office.

§ C-10. Commission on Reapportionment (Redistricting). [Amended 8-14-2012 by L.L. No. 9-2012']

- A. A Commission on Reapportionment shall be established pursuant to this section. It shall meet as soon as practicable after the availability of data from each decennial census to evaluate existing legislative districts pursuant to the process established herein and reapportion them as necessary to meet established standards in state and federal law for equal and fair representation of all people in Ulster County, keeping districts compact and contiguous while taking also into account existing town, city, village and election district boundaries, defining geographic features, and equal population within applicable law, but giving no consideration to providing advantage to one or another political party. This Commission shall consist of seven members who are County residents, are eligible to register to vote and are not currently, nor have been for the three years preceding the

1. Editor's Note: This local law was approved at referendum by a majority of the duly qualified voters 11-6-2012.

formation of the Commission, public officers, employees of New York State, Ulster County or any town, city or village in that County, or members or officers of any political committee. For the purposes of this statute, public officers shall not include notaries public.

- B. To establish a pool from which Commission members will be appointed, the County Executive shall, no later than June 1 of each year ending in "0," commence the process for widely soliciting interest in serving on the Commission through such means as direct mail and e-mail, contact with civic groups, public service announcements on radio and television and in daily and weekly newspapers, paid advertisement and announcement on the County website. The pool of candidates qualified to serve as members of the Commission shall be submitted to the County Legislature no later than September 1 of each year ending in "0."
- C. Initial appointments to the Commission on Reapportionment from the pool of interested parties gathered in this manner shall represent various geographic areas of the County and shall be made no later than October 1 of each year ending in "0," with two members appointed by the Legislature's majority leader and two members by the Legislature's minority leader.
- D.
- (1) The four appointed Commissioners shall select the additional three Commission members from the pool previously established no later than October 15 of each year ending in "0." In the event that all of the three additional Commission members are not appointed by the prescribed October 15 deadline, the appointment of the initial four members and additional members appointed by the four Commissioners will no longer have force and effect, and these members will no longer be eligible to serve on the Commission on Reapportionment.
 - (2) The majority and minority leaders will then make new appointments, other than any previously selected who could not agree on the selection of the three additional members, in the manner prescribed in Subsection C above no later than November 1 of each year ending in "0." The four newly appointed members will appoint three additional members as set forth above by November 15 of each year ending in "0." In the event that all of the three additional Commission members are not appointed by the prescribed November 15 deadline, the appointment of the initial four members and additional members appointed by the four Commissioners will no longer have force and effect, and these members will no longer be eligible to serve on the Commission on Reapportionment.
 - (3) The majority and minority leaders will then make new appointments, other than any previously selected who could not agree on the selection of the three additional members, in the manner prescribed in Subsection C above but no later than December 1 of each year ending in "0."
 - (4) In the event that these four Commission members fail to select all of the three additional members by December 15 of each year ending in "0," then by January 1 of each year ending in "1," the three additional members of the Commission shall be selected by a drawing of names from a receptacle containing the names of the

remaining members of the pool of interested parties that the four Commissioners have agreed by majority vote meet the criteria set forth in § C-10A of this Charter. The four newly appointed members shall verify that the receptacle contains the names of all remaining members of the pool of interested parties. The County Clerk shall draw three names from the receptacle containing the names of all of the remaining interested parties. If the four newly appointed members determine that any one of the three additional members together with the four appointed members thus selected do not represent the criteria set forth in § C-10A of this Charter, the process shall be repeated with respect to the number of additional members to be appointed. The rejected members shall not be placed back in the receptacle. This process shall be repeated until a majority of the four members determine that the three additional members together with the four appointed members represent the criteria set forth in § C-10A of this Charter. The three names thus selected shall constitute the three additional members of the Commission on Reapportionment.

- E. The Commission shall meet no later than 15 days after it is fully appointed. The Commission shall elect a Chairperson at its first meeting by a majority vote of the entire membership of the Commission.
- F. Powers and duties of the Commission; hearings; submissions and approval of the plan.
 - (1) Following each decennial census, the Commission shall prepare a plan to divide the County into 23 single member districts as set forth in § C-8 of this Charter for the election of County Legislators. The plan shall be solely limited to the designation of creating district boundary lines delineating each of the 23 legislative districts. The Commission shall have no power or authority to increase or decrease the number of legislative districts as that power and authority shall vest solely with the power and authority granted to the Ulster County Legislature, Ulster County Executive and the electorate pursuant to the Ulster County Charter and § 23 of Municipal Home Rule Law. In preparing the plan, the Commission shall be guided by the criteria set forth in § C-10A of the County Charter.
 - (2) Each of the 23 single member legislative districts shall be created, taking into consideration § C-10 of this Charter based upon population.
 - (3) The Commission shall hold one or more public hearings on or prior to May 20 of each year ending in "1" and shall make its draft plan available to the public for inspection and comment not less than 10 days before such public hearing.
 - (4) The Commission shall prepare and adopt, by majority vote, a final plan for reapportionment and submit its plan to the Clerk of the Legislature on or before June 1 of each year ending in "1" unless the Legislature shall adopt a resolution extending the deadline for a period of up to 15 days if the necessary census data has not been supplied in a timely fashion and the Commission requests such extension. Such plan shall be able to be subjected to a permissive referendum, as if it were a local law, provided the New York State Legislature shall have enacted legislation and the Governor shall have signed into law such legislation or such legislation is otherwise caused to become law.

- (5) If the Commission on Reapportionment's plan is not subjected to a permissive referendum or is approved at referendum, it shall have the force and effect of law and shall be deemed the reapportionment plan of the County Legislature commencing with the general election in the year ending in "3." If the Commission on Reapportionment's plan is subjected to a permissive referendum and is defeated or otherwise not enacted in such permissive referendum, such plan shall not take effect, and a new Commission on Reapportionment shall be established, and such persons on the Commission shall meet all criteria as the prior Commission. The County Executive shall undertake the same or substantially similar procedures as were utilized in the formation of the Commission on Reapportionment in the prior year to solicit volunteers for the pool who will be considered for the Commission on Reapportionment. Such pool of candidates shall be established by December 15 of the year ending in "1." The majority leader and minority leader in office as of January 10 in a year ending in "2" shall pick two persons each from the pool of candidates to serve on the Commission by January 15 in a year ending in "2." The four appointed Commissioners shall select the additional three Commission members from the pool previously established no later than February 1 of each year ending in "2." In the event that all of the three additional Commission members are not appointed by the prescribed February 1st deadline, the appointment of the initial four members and any additional members appointed by the four Commissioners will no longer have force and effect, and these members will no longer be eligible to serve on the Commission on Reapportionment.
- (6) The majority and minority leaders will then make new appointments, other than any previously selected who could not agree on the selection of the three additional members, in the manner prescribed in Subsection C above no later than February 10 of each year ending in "2." The four newly appointed members will appoint three additional members as set forth above by February 20 of each year ending in "2." In the event that all of the three additional Commission members are not appointed by the prescribed February 20 deadline, the three additional members of the Commission shall be selected by a drawing of names from a receptacle containing the names of the remaining members of the pool of interested parties that the four Commissioners have agreed by majority vote meet the criteria set forth in § C-10A of this Charter by February 25 of each year ending in "2."
- (7) The four newly appointed members shall verify that the receptacle contains the names of all remaining members of the pool of interested parties. The County Clerk shall draw three names from the receptacle containing the names of all of the remaining interested parties. If the four newly appointed members determine that any one of the three additional members together with the four appointed members thus selected do not represent the criteria set forth in § C-10A of this Charter, the process shall be repeated with respect to the number of additional members to be appointed. The rejected members shall not be placed back in the receptacle. This process shall be repeated until a majority of the four members determine that the three additional members together with the four appointed members represent the criteria set forth in § C-10A of this Charter. The three names thus selected shall constitute the three additional members of the Commission on Reapportionment.

G. The Commission shall meet no later than seven days after it is fully appointed. The Commission shall elect a Chairperson at its first meeting by a majority vote of the entire membership of the Commission.

H. Powers and duties of the Commission; hearings; submissions and approval of the plan.

- (1) The Commission shall prepare a plan to divide the County into 23 single member districts as set forth in § C-8 of this Charter for the election of County Legislators. The plan shall be solely limited to the designation of creating district boundary lines delineating each of the 23 legislative districts. The Commission shall have no power or authority to increase or decrease the number of legislative districts as that power and authority shall vest solely with the power and authority granted to the Ulster County Legislature, Ulster County Executive and the electorate pursuant to the Ulster County Charter and § 23 of Municipal Home Rule Law. In preparing the plan, the Commission shall be guided by the criteria set forth in § C-10A of the County Charter.
- (2) Each of the 23 single member legislative districts shall be created, taking into consideration § C-10 of this Charter based upon population.
- (3) The Commission shall hold one or more public hearings not less than 10 days before it submits its final plan to the Clerk of the Ulster County Legislature, in accordance with Subsection H(4) of this section. The Commission shall make its draft plan available to the public for inspection and comment not less than 10 days before the first such public hearing.
- (4) The Commission shall prepare and adopt, by majority vote, a plan for reapportionment and submit its plan to the Clerk of the Legislature on or before May 1 of each year ending in "2." Such plan shall divide the County into 23 single member districts for the election of the County Legislature. Such plan shall be able to be subjected to a permissive referendum, as if it were a local law, provided the New York State Legislature shall have enacted legislation and the Governor shall have signed into law such legislation or such legislation is otherwise caused to become law.
- (5) If the Commission on Reapportionment's plan is not subjected to a permissive referendum or is approved at referendum, it shall have the force and effect of law and shall be deemed the reapportionment plan of the County Legislature commencing with the general election in the year ending in "3." If the Commission on Reapportionment's plan is subjected to a permissive referendum and is defeated or otherwise not enacted in such permissive referendum it shall not take effect. In such a case, any resident of Ulster County may apply to a court of competent jurisdiction to reapportion the County Legislature into 23 single member districts which otherwise meet the criteria of this Charter and applicable laws.
- (6) Upon any such reapportionment plan becoming effective, it shall be submitted to the Ulster County Board of Elections, which shall make adjustments as may be necessary and appropriate to comply with the adopted plan or pursuant to any court order.

- I. The County Legislature shall appropriate such funds as it deems are necessary for the Commission(s) to effectively conduct its business. The expenditure of such funds shall be under the sole control and discretion of the Commission(s) subject to the provisions set forth in this Charter and applicable federal, state, and local laws.
- J. A Reapportionment Commission shall be dissolved on the day following the general election in which it submits its plan to the Clerk of the County Legislature.
- K. A vacancy in any Reapportionment Commission shall be filled in the manner that the vacant position was originally filled. A vacancy shall be filled no later than 15 days from the date of the vacancy.
- L. If the County of Ulster is not authorized to reapportion in the manner provided for herein pursuant to an applicable State law, including but not limited to the portion authorizing a permissive referendum, the Ulster County Charter Revision Commission shall be reconvened, as provided for in § C-5 of the Ulster County Charter, not earlier than September 1, 2017, and not later than November 1, 2017, for the purpose of providing for a method of reapportionment of the 23 Ulster County legislative districts pursuant to § C-10 of the Ulster County Charter.

§ C-11. Powers and duties of Legislature.

The County Legislature shall be the legislative, appropriating and policy-determining body of the County and, as such, shall have and exercise all powers and duties now or hereafter conferred upon it by applicable law and any and all powers necessarily implied or incidental thereto, including but not limited to the power:

- A. To make appropriations, levy taxes, incur indebtedness and adopt a budget, including a capital program;
- B. To exercise all powers of local legislation in relation to enacting, amending, or rescinding local laws, legalizing acts, local laws, or resolutions;
- C. By local law to adopt, amend or repeal an Administrative Code which shall set forth the details of administration of the County government consistent with the provisions of this Charter and which Administrative Code may contain revisions, simplifications, consolidations, modifications and restatements of special laws, local laws, resolutions, rules and regulations consistent with this Charter or amendments thereto;
- D. By local law to create, alter, combine or abolish County administrative units;
- E. To adopt by resolution all necessary rules and regulations for its own conduct and procedure;
- F. Subject to the Constitution and general laws of the State of New York, to fix the number of hours constituting a legal day's work for all classes of County employees and, upon recommendation of the County Executive, grant to the department head the power to stagger work hours;

- G. To grant by resolution to officers and employees of the County vacations, sick leaves, compensatory time and leaves of absence, with or without pay, and adopt rules and regulations in relation thereto;
- H. To fix the compensation of all officers and employees paid from County funds or, for employees not covered by a collective bargaining agreement, to establish salary ranges within which the appointing authority shall have discretion to set the actual salary within the range;
- I. To approve all labor contracts and amendments thereto; **[Amended 8-14-2012 by L.L. No. 9-2012²]**
- J. To fix the amount of official bonds and undertakings of officers and employees;
- K. To conduct studies and investigations in furtherance of its legislative functions and, in connection therewith, to obtain and employ professional and technical advice, appoint citizens' committees, commissions and boards, subpoena witnesses, administer oaths, and require the production of books, papers and other evidence deemed necessary or material to such studies or investigations. A subpoena issued under this section shall be regulated by the Civil Practice Law and Rules together with any state or federal laws or rules that may be applicable. The subpoena shall not extend to disclose the identity or jeopardize the safety of victims, confidential informants, witnesses, and undercover officers or operatives; **[Amended 8-14-2012 by L.L. No. 9-2012³]**
- L. To create and establish the office of deputy or deputies to the head of any department, agency, or administrative unit;
- M. To determine and make provision for any matter of government not otherwise provided for, including, but not by way of limitation, any necessary matter involved in the transition to this Charter form of government;
- N. To determine and fix real property tax equalization rates among the various taxing districts of the County for County purposes consistent with standards prescribed by the Legislature of the State of New York and file the same in accordance with applicable law;
- O. To approve the execution of all contracts in excess of \$50,000 entered into by the County; and
- P. To appropriate funds for the annual audit of the books and records of the County by independent auditors. **[Amended 8-14-2012 by L.L. No. 9-2012⁴]**

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- 2. Editor's Note: This local law was approved at referendum by a majority of the duly qualified voters 11-6-2012.
 - 3. Editor's Note: This local law was approved at referendum by a majority of the duly qualified voters 11-6-2012.
 - 4. Editor's Note: This local law was approved at referendum by a majority of the duly qualified voters 11-6-2012.

§ C-11.1. Audit Committee. [Added 8-14-2012 by L.L. No. 9-2012⁵]

There shall be an Audit Committee consisting of seven members: The Chairman of the Legislature or his/her designee will serve on and chair the committee and will appoint two additional members, at least one of whom must be a County Legislator; the minority leader will appoint two members, at least one of whom must be a County Legislator; the County Executive or designee; the Comptroller or designee. The County Executive and the Comptroller shall be nonvoting members. It shall take the affirmative action of three out of the five voting members to act.

A. The Audit Committee shall:

- (1) Select the independent auditor to perform the annual audit of the books and records of the County;
- (2) Select the independent auditor in a fashion consistent with the County's existing procurement policy, and the Audit Committee shall consult with the Director of Purchasing in this respect; and
- (3) Report the independent auditor's findings to the Legislature, County Executive and County Comptroller.

§ C-12. Submission of enactments for executive approval; veto and veto override.

- A. Except as otherwise provided by this Charter, every local law, legalizing act, or resolution adopted by the County Legislature, except legislative branch appointments not otherwise subject to County Executive approval and resolutions establishing rules and regulations or other matters pertaining solely to the conduct of the Legislature, shall be certified by the Clerk of the Legislature and submitted within five days after passage to the County Executive for the County Executive's approval in writing.
- B. If the County Executive approves the local law or resolution, he or she shall sign it and return it to the Clerk of the County Legislature; it shall then be deemed to have been adopted. If he or she disapproves the local law or resolution, he or she shall veto it by returning it within 10 days to the Clerk with his or her objections stated in writing, or 30 days in the case of a local law. Any resolution not returned within 10 days, or 30 days in the case of a local law, will be deemed to have been adopted. The Clerk shall present the local law or resolution with the County Executive's objections to the County Legislature at its next regular meeting, and these objections shall be entered in the Legislature's record, journal or minutes of proceedings.
- C. Within 30 days after such receipt and entry, the County Legislature may reconsider such vetoed enactment and pass the same over the objections thereto by a favorable vote of at least 2/3 of the whole number of its elected members on a roll-call vote.

5. Editor's Note: This local law was approved at referendum by a majority of the duly qualified voters 11-6-2012.

§ C-13. Local laws.

- A. Adoption, amendment and repeal. The County Legislature may adopt, amend and repeal local laws by a majority vote of the total number of its members. Each local law shall embrace only one subject and may relate to property, affairs or government of the County, or any other subject of County concern. In the exercise of such power, and within the limitations provided by Article 4 of the Municipal Home Rule Law, the County may change, supersede or amend any act of the State Legislature.
- B. Procedure. Except as may otherwise be provided in this Charter, all procedural details relating to the adoption, amendment and repeal of local laws, including the conduct of referenda in connection therewith, shall be as provided in the Administrative Code or applicable law.
- C. Referenda. Local laws shall be subject to mandatory or permissive referenda when required by this Charter or applicable law.
- D. Effective date. Every local law shall become effective when filed in the office of the Secretary of State of the State of New York, or on such later date as may be provided in the local law.

§ C-14. Resolutions.

- A. Adoption, amendment and repeal. The County Legislature may adopt, amend and repeal resolutions by a majority vote of the total number of its members. Each resolution shall embrace only one subject and may relate to property or any other subject of County concern not required by this Charter or applicable law to be provided by local law. Resolutions shall not be subject to referenda.
- B. Procedure. Except as otherwise provided in the Charter, all procedural details relating to the adoption, amendment and repeal of resolutions shall be as provided in the Administrative Code or applicable law.

§ C-15. Confirmation of appointments. [Amended 8-14-2012 by L.L. No. 9-2012⁶]

A proposed appointment or proposed appointments to County office by the County Executive that requires confirmation by the County Legislature under provisions of this Charter shall be presented by the County Executive to the Clerk of the Legislature in writing in sufficient time to allow the Clerk to inform the full Legislature of the proposed appointment or appointments at least 30 days prior to the Legislature's next scheduled meeting. The Legislature shall vote on the confirmation of such individual at its next regular meeting at least 30 days after such nomination has been made by the County Executive. If the Legislature fails to vote upon the proposed appointment or appointments, the proposed appointment or appointments shall be deemed confirmed. When an appointment is not confirmed by the Legislature, but such appointment was considered at a regular meeting of the Legislature, the appointment of the

6. Editor's Note: This local law was approved at referendum by a majority of the duly qualified voters 11-6-2012.

same individual for the same position may not be resubmitted by the County Executive for 12 months after the Legislature votes upon the proposed appointment.

§ C-16. Advisory committees, commissions and boards.

Members of all citizens' committees, commissions and boards appointed pursuant to § C-11K of this Charter shall serve at the pleasure of the County Legislature. They shall serve without compensation other than for actual and necessary expenses within appropriations made therefor, unless otherwise provided by resolution of the County Legislature. The Chairman of the County Legislature shall be a member ex officio of all such committees, commissions and boards.

§ C-17. Organizational meeting.

- A. The organizational meeting of the County Legislature shall be conducted on or before the second Tuesday in January at the time and place designated in a written notice to be given each Legislator by the Clerk of the County Legislature not later than five days prior to such meeting. In the event of a vacancy in the office of the Clerk of the County Legislature, or his or her inability or failure to act in accordance with the provisions of this section, notice shall be given by the County Clerk.
- B. At this organizational meeting, the members of the Legislature shall select a Chairman at the call of the Clerk of the Legislature in each year. The Chairman shall appoint members of the County Legislature to serve on such committees as are provided by the rules of such Legislature. The Clerk of the County Legislature shall preside at all meetings of the Legislature until such time as a Chairman has been designated by election or appointment. The failure to elect a Chairman or appoint committee members shall not prevent the County Legislature from transacting its ordinary business.
- C. In the event of vacancy in the office of Chairman, the County Legislature shall fill that office in the manner provided by its rules. Should the County Legislature fail to select a Chairman within 30 days after that office shall become vacant for any reason, the County Executive shall appoint a member of the County Legislature to serve as Chairman for the balance of the calendar year.

§ C-18. Monthly and special meetings; notice.

The County Legislature shall fix by rule the time and place of its regular meetings, which shall be conducted at least once each calendar month. No prior notice of such meetings shall be required. Special meetings may be conducted at such times and places and upon such conditions and notice to all members as the County Legislature by rule may provide.

§ C-19. Clerk of the County Legislature. [Amended 8-14-2012 by L.L. No. 9-2012⁷]

A Clerk of the County Legislature shall be elected by the County Legislature on an annual basis commencing upon the organizational meeting of the County Legislature which shall take place in January 2014. Until such time, the Clerk shall be appointed by the Chairman of the County Legislature. The Clerk shall be and remain an elector of the County, and he or she shall serve at the pleasure of the Legislature until his or her successor shall be appointed and shall qualify. A vacancy in the office of Clerk shall be filled by election of the County Legislature effective after the organizational meeting of the County Legislature in January 2014. The Clerk of the Legislature incumbent as of December 31, 2013, shall holdover and continue in his or her position as Clerk of the County Legislature until his or her successor shall have been elected; provided, however, that nothing shall preclude the election of the incumbent in the position of the Clerk of the County Legislature as of December 31, 2013. Effective January 1, 2014, Deputy Clerks of the Legislature and employees of the Legislature shall be appointed pursuant to the Rules of the Legislature. Until January 1, 2014, such Deputy Clerks and employees shall be appointed by the Chairman of the Legislature.

§ C-20. Counsel to the Legislature; Minority Counsel.

- A. Appointment. There shall be a Counsel to the Legislature who shall be appointed by the Chairman of the Legislature. At the time of his or her appointment, and throughout his or her term of office, the Counsel to the Legislature shall be and remain duly licensed and entitled to practice law in the State of New York. He or she shall be appointed on the basis of his or her legal experience and other qualifications for the responsibilities of this office. He or she shall be directly responsible to the Chairman of the Legislature and shall serve at the pleasure of the County Legislature.
- B. Duties. The Counsel to the Legislature shall prepare local laws, resolutions, legalizing acts or other legislation or memoranda and opinions regarding these and perform other duties as required and assigned by the Chairman of the Legislature.
- C. Minority Counsel. There shall also be a Minority Counsel who shall be an attorney at law licensed to practice law in the State of New York and who shall generally provide legal advice and assistance to the members of the County Legislature belonging to the political party holding the second largest number of seats in the Legislature. He or she shall be selected by that party's caucus and shall serve at the pleasure of said caucus. **[Amended 8-14-2012 by L.L. No. 9-2012⁸]**
- D. To advise the Legislature, the Legislature may retain Special Counsel where it deems it necessary notwithstanding the provisions of § C-72 of this County Charter. **[Added 8-14-2012 by L.L. No. 9-2012⁹]**

7. Editor's Note: This local law was approved at referendum by a majority of the duly qualified voters 11-6-2012.

8. Editor's Note: This local law was approved at referendum by a majority of the duly qualified voters 11-6-2012.

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§ C-21. Filling membership vacancies.

A vacancy in the County Legislature shall be filled by appointment by the County Legislature of a qualified elector residing within the district no later than 30 days from the time at which the vacancy occurs. If the appointment is not made within 30 days, a special election shall be conducted to fill the vacancy within 90 days after the vacancy occurs; provided, however, that if there is a scheduled general election within 120 days after said vacancy occurs, the vacancy shall be filled at that general election. A person who fills a vacancy, if appointed or elected at a special election, shall serve until commencement of the calendar year next succeeding the first general election after the happening of the vacancy at which a successor may be elected, and the vacancy shall be filled at such election for the unexpired term. A person elected at a general election to fill a vacancy shall serve out the remainder of the term for that seat.

ARTICLE III
Executive Branch

§ C-22. County Executive.

The executive power of the County government shall be vested in a County Executive who, as chief executive, shall be responsible for the proper administration of all County affairs placed in the County Executive's charge by any and all provisions of this Charter and/or by law.

§ C-23. Election and qualifications.

The County Executive shall be elected from the County at large, shall be a qualified elector of Ulster County at the time of his or her nomination and election and shall remain a qualified elector of Ulster County throughout his or her term of office. The County Executive shall hold no other elected public office or compensated employment and shall devote full time to the duties of the office.

§ C-24. Term of office.

The County Executive shall be elected for a three-year term at the regularly scheduled election in the first even-numbered year following the adoption of this Charter, and thereafter every fourth year for a four-year term. The County Executive's term of office shall begin with the first day of January following his or her election.

§ C-25. Powers and duties of County Executive.

The County Executive shall be the chief executive of the County. Except as may be otherwise provided in this Charter, he or she shall have and exercise all the executive powers and duties conferred by this Charter and/or in law upon a County executive officer or the executive branch of a County government, and all powers and duties necessarily implied or incidental thereto:

- A. Appoint department heads and other officers and employees as provided in this Charter. Should the County Executive fail to make such appointment in writing, signed and filed

in the offices of the Clerk and the County Clerk within a period of 120 days from a vacancy in such department or administrative unit, except in the case of the departments of health and social services, in which case such appointment shall be made within 180 days, the County Legislature may appoint such department head or administrative unit head. In no event shall, unless a default occurs in the confirmation process by the County Legislature, any person appointed by the County Executive enter upon his or her office unless confirmation by the County Legislature shall have been filed by the Clerk in the offices of both the County Clerk and the Clerk; **[Amended 8-14-2012 by L.L. No. 9-2012¹⁰]**

- B. Supervise, direct and control the administration of all departments;
- C. Appoint, without confirmation by the County Legislature, such assistants, officers, and employees of the County Executive's office as may be authorized by the County Legislature;
- D. Conduct or supervise the conduct of collective bargaining negotiations with legally designated bargaining agents of County employees;
- E. Supervise and direct the internal structure and organization of every unit of the executive branch of the County government;
- F. Reorganize the duties of, create, combine, separate, or eliminate executive departments of the County with the confirmation of the Legislature;
- G. Except as otherwise provided in the Charter or applicable law, supervise the appointment and dismissal of employees;
- H. Except as otherwise provided in this Charter, serve as an ex officio member of and appoint, supervise and terminate all executive committees, commissions and boards needed to assist him or her in the exercise of his or her executive functions and in the planning, formulation and administration of executive policies and programs;
- I. Serve as the chief budgetary officer of the County, and as such, prepare and submit to the County Legislature the annual budget, capital program, and accompanying message, all as provided for in Article IV of this Charter, and execute the County budget and capital program in accordance with the resolutions and appropriations made by the County Legislature;
- J. Designate one or more official depositories located within the County for the deposit of County funds;
- K. Himself or herself or through a designee require the submission of regular reports of all County-funded agencies, assuring that publicly provided funds are used by said funded agencies in accord with overall County plans and agreed annually specified goals and objectives for said agencies;
- L. Approve or disapprove the sufficiency of sureties on official bonds and undertakings required to be posted of officers within the Office of the County Executive;

10. Editor's Note: This local law was approved at referendum by a majority of the duly qualified voters 11-6-2012.

- M. Execute all contracts under the sum of \$50,000 and, with the approval of the County Legislature, all contracts in excess of \$50,000;
- N. Approve or disapprove in writing every proposed local law and resolution and the County Budget by specified items, subject to the provisions of § C-12 of this Charter; and
- O. Make such recommendations to the County Legislature with respect to the affairs of the County and its government as he or she may deem appropriate.
- P. To conduct studies and investigations in furtherance of his or her executive functions and, in connection therewith, to obtain and employ professional and technical advice, appoint citizens' committees, commissions and boards. **[Added 8-14-2012 by L.L. No. 9-2012¹¹]**

§ C-26. Appointment of department heads.

- A. Except as otherwise provided in this Charter, the County Executive shall appoint, to serve at his or her pleasure during his or her term of service, or for such term as may be specified in this Charter, the head of every department or other administrative unit not administered by an elective official.
- B. The appointment by the County Executive of the head of each department or other administrative unit shall, unless otherwise specified in this Charter, be subject to the confirmation by the County Legislature by vote of a majority of the whole number of members elected to that body, taken at a regular or special meeting pursuant to § C-15 of this Charter. **[Amended 8-14-2012 by L.L. No. 9-2012¹²]**
- C. All appointments, whether or not subject to confirmation of the County Legislature, shall be in writing, signed by the County Executive, and filed in the office of the Clerk of the County Legislature within 10 days after the date of appointment. Except as otherwise provided in this Charter, no such appointee shall hold office beyond the term of the County Executive by whom the appointment was made. Unless removed, an appointee shall continue to serve until his or her successor is appointed and has qualified, or until an interim appointment is made.
- D. Upon confirmation by the County Legislature and qualifying for the office, an appointee to a position of head of a department or other administrative unit shall enter upon the duties of that position.
- E. The County Executive may designate a qualified person to serve temporarily or on an interim basis as the head of a department or administrative unit until an appointment is made pursuant to this Charter. **[Amended 8-14-2012 by L.L. No. 9-2012¹³]**

11. Editor's Note: This local law was approved at referendum by a majority of the duly qualified voters 11-6-2012.

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13. Editor's Note: This local law was approved at referendum by a majority of the duly qualified voters 11-6-2012.

- F. All other officers and employees of each department or other administrative unit shall be appointed by the head of that department or administrative unit, unless otherwise provided by the Charter.
- G. The County Executive may appoint one person as head of two or more departments or other administrative units or may serve himself or herself as the head of one or more administrative units or departments, subject to all requirements in this Charter and/or law as to qualifications.

§ C-27. Deputy County Executive(s).

The County Executive may appoint or designate one or more Deputy County Executive(s), within the limits of appropriation set by the County Legislature, who shall serve at the pleasure of the County Executive. The Deputy County Executive(s) shall have the authority to act generally for and in place of the County Executive.

§ C-28. Advisory committees, commissions and boards.

Members of all committees, commissions and boards appointed pursuant to § C-25H of this Charter shall serve at the pleasure of the County Executive without compensation other than for actual and necessary expenses within appropriations made therefor, unless otherwise provided by resolution of the County Legislature; provided, however, that in the case of individuals appointed hereunder for definite terms, no removal shall be made until the person to be removed has been served with notice of the reasons for such removal and given an opportunity to be heard publicly if he or she desires thereon by the County Executive. The decision of the County Executive shall be final.

§ C-29. Acting County Executive. [Amended 8-14-2012 by L.L. No. 9-2012¹⁴]

- A. The County Executive shall designate in writing, and in order of succession, the person or persons who shall serve as Acting County Executive in the event that he or she resigns, dies or certifies in writing and files with the County Clerk a statement that he or she is unable to perform and/or exercise the powers and duties of the office of County Executive, or in the event that, upon advice sought by a majority of the whole number of members elected to the Ulster County Legislature by formal action not subject to veto by the County Executive, his or her inability to serve is certified by qualified and competent medical authority.
- B. Only persons incumbent in County government may be designated to any list of succession for possible service as Acting County Executive.
- C. If a vacancy occurs in the office of County Executive other than by regular expiration of the term, the person designated under § C-29A as the first successor shall become Acting County Executive until the vacancy is filled in accordance with subsections D, E and F of this section. Should the person designated as the first successor be unable to perform

14. Editor's Note: This local law was approved at referendum by a majority of the duly qualified voters 11-6-2012.

and/or exercise the duties of the office, then the person next designated under § C-29A shall become the Acting County Executive.

- D. If the vacancy in the office of the County Executive occurs more than 180 days before the next general election, it shall be filled for the remainder of the unexpired term by a special election to be held no later than 90 days from the date the vacancy occurs. The person so elected shall serve for the balance of the unexpired term commencing 30 days from the date of the certification by the Board of Elections. The Acting County Executive shall continue to serve until such time as the person so elected takes office. Notice of a special election called hereunder shall be in a manner set forth in election law for notice of a general election. It shall be the duty of the Board of Elections to prepare ballots, voting machines and other matters so that such election may be properly held and conducted. Notwithstanding any law to the contrary, the expenses of a special election conducted pursuant to this section shall be borne by the County, except where the special election will be held on the date of a primary election or the next general election.
- E. If said vacancy may be filled by a general election to be held no more than 180 days after the vacancy occurs, then no special election shall be held, and the vacancy shall be filled by a general election. The person so elected at the general election shall serve for the balance of the unexpired term and shall take office on the first day of January next succeeding the vacancy.
- F. At any time during the remainder of the term for which a County Executive was elected after he or she was found unable to perform and/or exercise the duties of the office by competent medical authority, that authority may file a retraction in writing with the County Clerk, and thereafter the County Executive may immediately resume service in that office so long as he or she has not been replaced at a special or general election.
- G. Commencing with the enactment of these provisions, the County Executive shall, on or before December 1, 2012, and for every new County Executive entering into a term thereafter on the first day of such term, be authorized to file the name of two persons to serve as Acting County Executive to take effect immediately. Within 10 days thereafter, the County Executive shall file a list with the County Clerk and Clerk of the County Legislature consisting of a list of one or more names to serve as Acting County Executive. Such list shall take precedence over the first persons initially designated 45 days after the filing of such list. Such list may be modified from time to time, but shall not take effect until the expiration of 45 days the entire duration of which the County Executive who filed such list shall have had to remain in office, or such list shall not otherwise take effect. During such forty-five-day period, the prior list shall remain in effect. In the absence of such written designation of order of succession and in the event of the County Executive's inability to perform and exercise the powers and duties of his or her office, the County Legislature shall appoint a person then serving in County government to serve as Acting County Executive.
- H. The Acting County Executive shall have all the powers and perform all the duties of the County Executive.

§ C-30. Removal of County Executive.

The County Executive may be removed from office only in accord with provisions and in the manner provided in the New York State Constitution and the Public Officers Law.

ARTICLE IV
Financial Procedures

§ C-31. Fiscal year.

The fiscal year of Ulster County shall begin with the first day of January and end with the last day of December of each year.

§ C-32. Duties of County Executive.

It shall be the duty of the County Executive to prepare and file the County expense and capital budgets and capital program for each fiscal year in accordance with the provisions of this Charter and applicable state law. Pursuant to this duty, the County Executive shall have the power, personally or through his or her representatives, to require all necessary information from all departments, agencies, offices or units of County government for the purpose of ascertaining and/or assessing their budgetary requirements.

§ C-33. Departmental, agency, office or unit estimates.

The head of each department, agency, office or unit of County government shall submit to the County Executive, in writing, and through such channels and processes as specified by him or her, an overall estimate for that department, agency, office or unit and estimates by program within that department, agency, office or unit of expected expenses and expected revenues for the next ensuing fiscal year. These estimates shall be called "departmental estimates" and shall be organized with proposed grand totals of expenses and revenues for personnel services and other than personnel services for the department, agency, office or unit and proposed subtotal appropriations for personnel services and other than personnel services for each program within each department, agency, office or unit. A statement of actual expenses and actual revenues for the immediately preceding completed fiscal year, budgeted expenditures and revenues for the current fiscal year, and expenditures and revenues to date for the current fiscal year shall be included in departmental submission, prepared in the same specified format for comparison purposes. Each departmental estimate of expenses and revenue by program shall be supported by such other detail and other supporting information concerning the economy, efficiency and effectiveness of departmental performance as the County Executive shall require. Departmental estimates shall be public records and shall at all reasonable times be open to public inspection.

§ C-34. Submission of County budget.

- A. On or before the first Friday of October in each year, the County Executive shall submit to the Clerk of the Legislature, for consideration by the County Legislature, a proposed operating and capital budget for the next ensuing fiscal year and a proposed capital

program for the next ensuing six fiscal years or other period as may be authorized by law, together with a budget message as provided in § C-35. Upon their submission, the proposed expense and capital budgets, hereinafter called the "County budget," together with the budget message, shall be posted on the County website and become public records in the office of the Clerk for distribution.

- B. The proposed County budget shall be balanced, with projected revenues equaling or exceeding estimated expenses for the next ensuing fiscal year, and shall be presented in three sections, one of which shall set forth the estimated revenues and receipts, one of which shall set forth the estimated expenses, and one of which shall set forth the proposed capital authorizations and expenditures. A statement of actual expenses and actual revenues for the immediately preceding completed fiscal year, budgeted expenditures and revenues for the current fiscal year, and expenditures and revenues to date for the current fiscal year shall be included in the proposed County budget, prepared in a format that facilitates year-to-year comparison. The proposed County budget shall present the complete financial plan for the County and its agencies for the next ensuing fiscal year, including setting forth proposed borrowing, if any. An estimate of unencumbered balances at the end of each completed fiscal year, except when otherwise provided by law or appropriated for a capital improvement or other authorized continuing project, shall be treated as revenue for the County budget for the next ensuing fiscal year.

§ C-35. Budget message.

The County Executive shall submit with the County budget a budget message summarizing and explaining the main features of the County budget, including information identifying and analyzing new or changed programs, with such supporting schedules and explanatory materials as he or she may deem desirable or the Legislature may by resolution require. The County Executive's proposed budget shall include a clear summary demonstration that there is a balanced relationship between the total estimated expenditures and the total estimated revenues for the next ensuing fiscal year and shall compare these figures with the actual receipts and expenditures for the last completed fiscal year and the year-to-date actual and year-to-date projected total expenditures and revenues for the current fiscal year. The County Executive's budget message shall also outline the existing and any proposed financial policies of the County relating to the capital program, including a description of each capital improvement proposed to be undertaken in the preceding fiscal year and not yet completed. The budget message shall specify the manner in which the County Executive is overseeing management of departmental operations to assure economic, efficient, effective delivery of public services, and contain such additional information as the County Executive may deem appropriate, and shall be posted on the County's website.

§ C-36. Review of County budget and message.

The Legislature or a committee designated by it will review the County Executive's proposed County budget and budget message and may require attendance of the heads of departments, agencies, offices or units or their representatives and/or their production of records and information in explanation of their departmental estimates as the Legislature shall deem appropriate. The Legislature or a committee designated by it shall prepare a written analysis

and review of the County Executive's proposed budget and make it publicly available, including posting it on the County government website, no later than the second Friday of November of each year.

§ C-37. Public hearings on County budget.

Beginning no later than the third Friday of November of each year, the Legislature shall hold, in at least three geographically dispersed locations in the County, public hearings on the County Executive's proposed County budget, the budget message submitted by the County Executive, the report resulting from the review and analysis of that budget and message by the Legislature or its designated committee. The Clerk of the Legislature shall cause to be posted on the County website published in the official newspaper of the County and such other newspapers as may be designated by the Legislature notices of the places, locations and times when these hearings shall be held, their purposes, a concise summary of the proposed County budget, budget information, together with copies of the proposed budget, the budget message and the report submitted by the Legislature or its committee may be inspected or obtained by any interested person. At least 10 days shall elapse between the publication of a notice and the date specified for any budget hearing. At a budget hearing any person may be heard. Insofar as necessary and practicable within the deadline for the timely final adoption of the County budget, a budget hearing may be adjourned to a date certain or from day to day.

§ C-38. Adoption of County budget.

- A. After the conclusion of the public hearings, the Legislature may strike items of appropriation or anticipated revenue from the proposed County budget or reduce items therein, excepting appropriations required by law for debt service. The Legislature may add items to or increase items in the County budget, provided that such additions or increases are stated separately and distinctly, and so long as projected expenditures and projected revenues in the County budget remain in balance.
- B. The balanced County budget as changed, altered or revised shall be adopted by resolution of the Legislature not later than the second Thursday of December.
- C. If the Legislature takes no action by the second Thursday of December, the budget submitted by the County Executive shall be deemed to be the adopted budget.
- D. If the County budget, as submitted by the County Executive, is adopted by resolution of the Legislature with no changes, it shall be adopted.
- E. If, however, the County budget as adopted by the Legislature contains any increases, additions, decreases or deletions, it shall be immediately presented by the Clerk of the Legislature to the County Executive for examination and reconsideration.
- F. If the County Executive approves all the increases, additions, decreases or deletions, he or she shall affix his or her signature to a statement thereof and return the County budget together with such statement to the Clerk of the Legislature, and the County budget, including the increases, additions, decreases or deletions as part thereof, shall be adopted.

- G. If the County budget, with any increases, additions, decreases or deletions, is not returned by the County Executive to the Clerk of the Legislature with his or her objections within five working days after presentation by the Clerk to the County Executive, it shall be deemed adopted, as changed, altered or revised by the Legislature.
- H. If the County Executive objects to any one or more of the increases, additions, decreases or deletions, the County Executive shall append to the County budget a statement of the increases, additions, decreases or deletions to which the County Executive objects, taking care that his or her proposed changes leave the County budget in balance and setting forth the reasons therefor, and shall, no later than five working days after receipt of the adopted budget from the Clerk of the Legislature, return the County budget with the objections to the Clerk of the Legislature, who shall immediately present them to the Legislature. The Legislature shall thereupon enter the objections upon its records and, not later than the 20th day of December, proceed to reconsider the increases, additions, decreases or deletions to which objection is made by the County Executive. If upon such reconsideration the Legislature, by affirmative vote of at least 2/3 of its elected members, votes to approve any such increases, additions, decreases or deletions, the County budget, with the changes so approved, together with any changes not so objected to by the County Executive, shall be deemed adopted as resubmitted by the County Executive so long as balance remains between proposed expenditures and proposed revenues in that budget.
- I. If any limitation date mentioned in this article falls on a holiday, Saturday or Sunday, then any time limitations required herein shall be extended to the next business day of the County.
- J. Copies of the County budget as adopted shall be certified by the County Executive and by the Clerk of the Legislature and shall be filed in the offices of the County Executive and the Clerk of the Legislature. The budget so certified shall be posted on the County website and, at the discretion of the Legislature, printed or otherwise reproduced and copies made available to the public at such cost as the Legislature shall deem appropriate. Materials posted to the County website annually during the course of preparation of the County budget may not be removed from public access until the certified County budget for the year is posted in accord with the requirements of this section.

§ C-39. Levy of taxes; inclusion of reserve for uncollected taxes.

- A. The net County tax requirement determined by subtracting the total estimated revenues from the total proposed expenditures as set forth in the adopted budget shall be levied in advance by the County Legislature on the taxable real property of the several tax districts of the County. The taxes so levied shall include an amount to be known as "reserve for uncollected taxes," which shall be a County charge. The County Legislature shall fix the amount of such a sum as it may deem sufficient to produce in cash from the collection of taxes and other revenues during the year monies required to meet the estimated expenditures of such year; provided, however, that such reserve for uncollected taxes shall not be less than the face amount of unpaid taxes for the preceding completed fiscal year.

- B. The amount of all taxes, special ad valorem levies and special assessments levied upon any parcel of real property by the County Legislature shall, except as otherwise expressly provided by law, be and become a lien thereon as of the first day of January of the fiscal year for which levied and shall remain a lien until paid.

§ C-40. Budget modification after adoption.

- A. The County Executive shall manage the County's resources to achieve maximum economy, efficiency and effectiveness in County government. Pursuant to this responsibility he or she may, during any fiscal year, transfer part or all of any revenue or expenditure within a program or purpose of any department, agency, office or unit to another program or purpose within that department, agency, office or unit, except that the effect of such a transfer may not be to reduce the rate of pay or annual salary of any County employee. Written notice of such a transfer shall be given to the Legislature.
- B. Upon written request of the County Executive, the Legislature may, during any fiscal year, transfer part or all of any revenue or expenditure from one department, agency, office or unit to another, or transfer part or all of any revenue or expenditure for the purpose of establishing or adding to a new program or programs within or between departments, agencies, offices or units, or transfer funds from a contingency account to a department, agency, office or unit, or change the terms and conditions under which expenditures may be made by a department, agency, office or unit. Any action taken by the Legislature pursuant to this section shall be by resolution subject to the provisions of §§ C-12 and C-14 of this Charter.
- C. If, during any fiscal year, there are available for appropriation revenues received from sources not anticipated in the budget for that year or revenues received from anticipated source but in excess of the budget estimated for it, before such funds may be expended the County Legislature must make supplemental appropriations for the year, not in excess, however, of such additional revenues, whatever their source.
- D. If, at any time during the fiscal year, it appears that the revenues available will be insufficient to meet amounts appropriated, the County Executive shall report to the County Legislature without delay the estimated amount of the deficit, remedial action already taken by him or her, and his or her recommendations as to further action. The County Legislature shall take the action or actions that it deems necessary and as authorized by this Charter or state law to prevent or minimize any deficit. For purposes of eliminating or minimizing a potential deficit, the Legislature may, by resolution, reduce one or more appropriations, but no appropriation may be reduced by more than the unencumbered balance remaining for that purpose for the year, nor may any appropriation for debt service be reduced.

ARTICLE V
Department of Health

§ C-41. Commissioner of Health or Public Health Director.

- A. There shall be a Department of Health, headed by a Commissioner of Health or a Public Health Director and Medical Consultant. The Commissioner of Health or Public Health Director shall meet the qualifications for this position specified in the New York State Public Health Law and Sanitary Code. In addition, he or she shall be a licensed physician with experience in public health. He or she shall be appointed by the County Executive in consultation with the Board of Health and with confirmation by the County Legislature and serve at his or her pleasure, except that if either the Commissioner of Health or Public Health Director is appointed for a fixed term of years pursuant to a provision of state law, he or she may only be removed for cause after written notice of charges and an opportunity to be heard.
- B. Powers and duties. Except as otherwise provided in this Charter, the Commissioner of Health or Public Health Director shall have and exercise all the powers and duties conferred or imposed upon county or part-county health commissioners and upon county or part-county boards of health by the Public Health Law or any other law, except as otherwise provided by this Charter. He or she shall perform such other and related duties required by the County Executive.

§ C-42. Board of Health.

- A. Appointment. There shall be a Board of Health consisting of seven members who shall be appointed by the County Executive for a term of five years, subject to confirmation by the Legislature, except that of the members first appointed to the Board of Health following adoption of this Charter, two members shall hold office for the term of one year, two members for the term of two years, one member for the term of three years, one member for the term of four years, and one member for the term of five years from and after their appointment. Two members shall be physicians. One member shall be a licensed health care professional who is not a physician. One member shall be selected from among three nominees submitted to the County Executive by the Mayor of the City of Kingston. If a vacancy shall occur other than by expiration of a term, it shall be filled by appointment for the unexpired term in the same manner as specified in this subsection. The members of the County Health Board shall select the Chairman of that Board for a term of one year. No member of the Board of Health shall serve for more than two consecutive terms. Members of the Board of Health shall receive no compensation for services rendered but shall be entitled to their reasonable and necessary expenses incurred in the performance of their duties, within appropriations made for such purposes.
- B. Powers and duties. The Board of Health shall advise the Commissioner of Health or Public Health Director, the County Executive and the Legislature in matters relating to the Department of Health. The members of the Board of Health shall further have the power to inspect and review all facilities and programs of the Department of Health, with or without notice to the Commissioner of Health or Public Health Director, and as it

regards as necessary and desirable may report and make recommendations to the County Executive, the County Legislature and Commissioner of Health or Public Health 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 of Health or Public Health Director and the County Executive at all reasonable times. The Board of Health shall also advise and consult with respect to all capital projects necessary for the Department of Health. The Board of Health shall have and exercise such other and related duties required by the Legislature or the County Executive.

§ C-43. Medical Examiner.

The Health Department shall assure the provision of medical examiner services that promote the public health by or under the supervision of qualified Medical Examiner(s), accountable to the Commissioner of Public Health or Public Health Director. The Medical Examiner shall be appointed by the County Executive, on the advice of the Commissioner of Health or Public Health Director, for a term of four years, subject to confirmation by the Legislature. He or she shall be a physician duly licensed to practice his or her profession in the State of New York and shall:

- A. Be trained to investigate causes of death and order autopsies;
- B. Conduct community education as prescribed by the New York State Department of Health.

ARTICLE VI

Department of Mental Health

§ C-44. Commissioner of Mental Health.

- A. There shall be a Department of Mental Health, headed by a Commissioner of Mental Health. The Commissioner of Mental Health shall be experienced in public mental health administration and meet the qualifications for this position as specified in the New York State Mental Hygiene Law and/or by the State Commissioner of Mental Hygiene. He or she shall be appointed by the County Executive in consultation with the Community Services Board and with confirmation by the County Legislature and serve at his or her pleasure.
- B. Powers and duties. Except as otherwise provided in the Charter, the Commissioner of Mental Health shall have and exercise all the powers and duties conferred or imposed upon a Director of Community Mental Health or Community Services Board by the Mental Hygiene Law or any other law. He or she shall perform such other and related duties required by the County Executive.

§ C-45. Community Services Board.

There shall be a Community Services Board of 15 members who have demonstrated interest in behavioral health services, one member of whom must be a licensed physician and one of whom must be a licensed physician or licensed psychologist. There shall be disability

subcommittees of nine members each, three members of whom must also be currently serving Community Service Board members, who shall be appointed by the County Executive after consideration of the recommendations of the Community Services Board for terms of four years, subject to confirmation by the Legislature. No Board member or subcommittee member shall serve more than eight years. The Chairman of the Community Services Board shall be selected by the members of the Board for a term of one year.

- A. The Board shall advise the Commissioner of Mental Health, the County Executive and the Legislature on matters relating to the Department of Mental Health. The members of the Board shall further have the power to inspect and review all facilities and programs of the Department of Mental Health, with or without notice to the Commissioner of Mental Health, and may report and make recommendations to the County Executive, County Legislature and Commissioner of Mental Health. All such reports shall be deemed public records, posted on the website of the County government, and be available for inspection at the office of the Department of Mental Health 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 of Mental Health. The Board shall have and exercise such other and related duties required by the Legislature or the County Executive.
- B. If a vacancy shall occur other than by expiration of a term, it shall be filled by the County Executive for the balance of the term in the same manner as the original appointment.
- C. Members of the Community Services Board shall receive no compensation for services rendered but shall be entitled to their reasonable and necessary expenses incurred in the performance of their duties, within appropriations made for such purposes.

ARTICLE VII

Department of Planning

§ C-46. Appointment of Director of Planning.

There shall be a Department of Planning, headed by a Director of Planning. The County Executive shall appoint the Director of Planning from among three nominees given him or her by the Ulster County Planning Board, subject to confirmation by the Legislature. The Planning Board may nominate only persons possessed of at least the minimum educational attainments, professional qualifications and administrative experience set out in New York State law. In the event that the County Planning Board fails to bring forward to the County Executive three recommendations for the position within 90 days of the occurrence of a vacancy, the County Executive shall make the appointment on his or her own initiative, subject to confirmation by the Legislature. The Director of Planning shall serve at the pleasure of the County Executive.

§ C-47. Powers and duties of Planning Board and Director.

Except as may otherwise be provided in this Charter, the County Director of Planning and Planning Board shall have all the powers and perform all the duties conferred and/or imposed

in the Charter, state law or the County Administrative Code upon a county director of planning or a county planning board. The Director of Planning and/or the County Planning Board shall perform such other and related duties as required by the County Executive or County Legislature. These powers shall include, but not be limited to:

- A. Advising the County Executive, County Legislature, County departments, and other agencies with respect to any matter relating to the development or redevelopment of the County on which an opinion is requested or upon which the Director of Planning deems it advisable to report;
- B. Preparing and maintaining a comprehensive plan and annual planning program for the County as set forth in § C-52 of this article and attendant provisions of the Administrative Code;
- C. Assisting in the preparation of a capital improvement program as may be set forth in this Charter and attendant provisions of the Administrative Code;
- D. Exercising the powers of review and approval over land use pursuant to § C-51 of this article and attendant provisions of the Administrative Code;
- E. Making available, within constraints of available resources, the professional staff of the Department of Planning for advice regarding planning to the City of Kingston and the towns and villages within the County;
- F. Maintaining basic data on the County's population, land use, housing, environmental status, human and natural resources and other such matters and performing studies, analysis, plans and recommendations as may be necessary in the exercise of the powers and performance of the duties set forth in this article; and
- G. Acting as host board with regard to the Ulster County Transportation Council.

§ C-48. Additional duties of Director of Planning.

The Director of Planning shall:

- A. Exercise the duties and responsibilities accorded him or her under the bylaws adopted by the County Planning Board;
- B. Serve ex officio on the County Environmental Management Council;
- C. Serve ex officio on the County Agricultural Farmland Protection Board; and
- D. Act as liaison between County agencies and nonprofit bodies involved in economic and community development for which the County provides funding.

§ C-49. County Planning Board.

- A. There shall be a County Planning Board consisting of 25 members and associated alternate members. Members and their alternates shall be appointed by the County Legislature to serve for four-year terms. The Town Board or Village Board of each town

and village in Ulster County shall recommend for consideration and appointment by the Legislature one person and one alternate from that town or village. The City of Kingston shall recommend for consideration and appointment by the Legislature two persons and two alternates from that city. The County Commissioner of Finance, the Commissioner of Public Works, and the Chairman of the Environmental Management Council shall serve ex officio but shall not have voting rights. Vacancies occurring other than by expiration of term shall be filled for the balance of the term remaining in the same manner and by the same appointing authority as the original appointment. The Chairman of the Planning Board shall be selected by the Board from among members nominated by the city, towns, and villages and shall serve a one-year term. If the number of municipalities in Ulster County is reduced or increased, the membership of this Board shall be concomitantly reduced or increased, with members proposed and appointed in the manner described in this section.

- B. An alternate member shall have the right to vote only on the occasion of absence, conflict of interest, or required abstention under law of the member for whom he or she serves as alternate.
- C. Continuation of Board.
 - (1) The terms of existing County Planning Board members shall remain in effect until such time as the member is either reappointed or the term of the member ends; and
 - (2) The term of office of each member of the Ulster County Planning Board, so appointed, shall be for a period of four years and the appointment of a successor to any member of the said County Planning Board shall also be for a term of four years, except that an appointment to fill a vacancy in the office of a member of said County Planning Board occurring by reason of death, resignation or other cause shall be made for the unexpired term of said office.
- D. The members of the Planning Board shall receive no compensation for their services as members thereof but may be reimbursed for reasonable and necessary expenses incurred in the performance of their duties within appropriations made available for this purpose. The Planning Board may adopt, by a majority vote of its total membership, such additional rules and procedures as are necessary for the efficient and orderly conduct of its business.

§ C-50. Additional powers and duties of Planning Board.

- A. To consult with and advise the Director of Planning in the performance of his or her duties.
- B. To review the capital improvement program prepared by the Department of Planning and guidelines for its preparation; to make written recommendations to the County Executive and the County Legislature on all capital projects contained in the program and on the priority of capital projects in the first year of the program; and to review and make written recommendations on any capital project additions to the capital improvement program or capital budget.

- C. To review the Comprehensive Plan and to submit its recommendations on it to the County Executive and to make recommendations on any proposed amendments to that plan prior to action being taken on such amendments by the County government and to review procedural guidelines for the coordination and preparation of the Comprehensive Plan and annual planning program.
- D. To conduct studies and review County policies and standards for inclusion in the Comprehensive Plan and to make recommendations regarding such policies and standards to the County Executive and Legislature as it sees fit.
- E. To have all the powers and duties assigned to a county planning board under Article 12-B of the General Municipal Law.

§ C-51. Review and approval over land use.

- A. Review of land use and subdivisions. Except as may otherwise be provided in this Charter, the County Planning Board shall possess, exercise and perform all of the powers, functions and duties granted to and imposed upon a County Planning Board under and pursuant to Article 12-B of General Municipal Law as the same may be amended from time to time.
- B. Advisory review on land use. The County Planning Board shall have the power to review, with the right to render advisory reports only, over land use and land subdivision elsewhere in Ulster County in accordance with General Municipal Law Article 12-B.
- C. Advisory reviews on actions by County departments and other County agencies. Before adopting any final plans, policies or standards on services or capital facilities and before making any recommendation to the County Legislature on any such plans, policies or standards, on the acquisition or sale of land, on major changes in the use of land or on site plans for any County building or buildings, the respective County department or other County agencies shall refer such proposals to the Director of Planning for a written report of his or her recommendations. The Director of Planning shall prepare and submit his or her recommendation to the respective department and the County Executive.

§ C-52. Comprehensive Plan and annual planning program.

- A. Comprehensive Plan required. The County shall have and maintain an official plan for the comprehensive social, physical, environmental and economic development of the County, focusing primarily on the services, functions and responsibilities of County government with consideration of regional needs and the official plans of other governmental units and agencies within the County. The contents of the plan may include but shall not be limited to those areas contained in Article 12-B of the General Municipal Law, § 239-d. The County Planning Board shall cause such plan to be developed in conjunction with the County Executive, who shall submit this plan or any of its elements or parts for adoption by the County Legislature. The contents of this plan shall be set forth in the Administrative Code and posted on the County website. The procedures for the preparation, submission and adoption of this plan, and/or any amendments to it, shall be in accordance with General Municipal Law § 239-d.

- B. Intent of Comprehensive Plan. The Comprehensive Plan is intended to serve as a guide for achieving the broad social, physical, environmental and economic development objectives of the County. The plan is intended to give direction to the actions of the County Legislature, and of all County departments and agencies that affect the development of the County, and is intended to guide all official County plans and policies concerning human resources, public safety services, physical and environmental resources and land use. Although the authority of the plan over the actions of local governments and private interests is limited to the authority set forth in General Municipal Law § 239-d, the plan is intended to serve as general guide to these actions as they affect the development of the County. The plan, through its development and continuing amendment, is intended to serve as a means for reviewing, modifying and integrating all plans of local governments and private entities.
- C. Adoption. The County legislative body may adopt by resolution a County Comprehensive Plan or any amendment thereto.
- D. Filing of adopted County Comprehensive Plan. The adopted County Comprehensive Plan and any amendments thereto shall be filed in the office of the County Clerk and a copy thereof filed in the office of the County Planning Board, with the Secretary of State, as well as with the Clerk of each municipality within the County.
- E. Effect of adoption.
- (1) All County land acquisitions and public improvements, including those identified in the County Official Map adopted or amended pursuant to this article, shall be in accordance with a County Comprehensive Plan, if one exists; and
 - (2) All plans for capital projects of a municipality or state governmental agency on land included in the County Comprehensive Plan adopted pursuant to this section shall take such plan into consideration.
- F. Periodic review. The County Legislative Body shall provide, as a component of such proposed County Comprehensive Plan, the maximum intervals at which the adopted plan shall be reviewed.

ARTICLE VIII
Department of Finance

§ C-53. Commissioner of Finance.

- A. There shall be a Department of Finance under the direction of a Commissioner of Finance. The Commissioner of Finance shall be appointed by and serve at the pleasure of the County Executive, subject to confirmation by the County Legislature. He or she shall be appointed on the basis of his or her experience and qualifications in financial administration and other specified duties of this office and shall be directly responsible to the County Executive.
- B. Powers and duties. The Commissioner of Finance shall:

- (1) Have charge of the administration of all the financial affairs of the County;
 - (2) Collect, receive, have custody of, deposit and disburse all revenues, fees and other funds of the County or for which the County is responsible;
 - (3) Act as the enforcing officer of the County for the purpose of the collection of tax liens on real property pursuant to Article 11 of the Real Property Tax Law of the State of New York;
 - (4) Have all the powers and duties conferred upon a public administrator pursuant to the Surrogate's Court Procedure Act of the State of New York, except that any and all fees received in the performance of such duties shall be the property of the County of Ulster;
 - (5) Perform all duties specified in law for County treasurers or other County officers relating to the collection of taxes;
 - (6) Submit a complete statement of County finance to the County Executive and the County Legislature on or before the first day of March and at such other times as either may require; **[Amended 8-14-2012 by L.L. No. 9-2012¹⁵]**
 - (7) Have all the powers and perform all the duties conferred or imposed by law upon a County Commissioner of Finance and perform such other duties required by the County Executive or County Legislature; **[Amended 8-14-2012 by L.L. No. 9-2012¹⁶]**
 - (8) Be the chief accounting officer of the County; and **[Added 8-14-2012 by L.L. No. 9-2012¹⁷]**
 - (9) Maintain the financial books and records for all units of County government unless otherwise required by law. **[Added 8-14-2012 by L.L. No. 9-2012¹⁸]**
- C. There shall be, within the Department of Finance, an independent Division of Real Property Tax Service under the direction of a Deputy Commissioner of Finance/Director of Real Property Tax Service, who shall be appointed by the County Executive and serve at the pleasure of the County Executive. At the time of his or her appointment, and throughout his or her term of office, he or she shall possess such qualifications that conform to those prescribed by the State of New York for county directors of real property tax service agencies pursuant to Article 15-A, Section 1530 of the New York State Real Property Tax Law. He or she shall be appointed on the basis of his or her administrative experience and other qualifications for the responsibilities of this office, except that if the Deputy Commissioner of Finance/Director of Real Property Tax Service is appointed for a fixed term of years pursuant to a provision of state law, he or

15. Editor's Note: This local law was approved at referendum by a majority of the duly qualified voters 11-6-2012.

16. Editor's Note: This local law was approved at referendum by a majority of the duly qualified voters 11-6-2012.

17. Editor's Note: This local law was approved at referendum by a majority of the duly qualified voters 11-6-2012.

18. Editor's Note: This local law was approved at referendum by a majority of the duly qualified voters 11-6-2012.

she may only be removed for cause, after written notice of charges and an opportunity to be heard. **[Added 8-14-2012 by L.L. No. 7-2012]**

- D. The independent Division of Real Property Tax Service shall: **[Added 8-14-2012 by L.L. No. 7-2012]**
- (1) Have all of the powers and perform all of the duties conferred or imposed by Article 15-A of the Real Property Tax Law, including but not limited to the extension of real estate taxes, the issuance of tax bills, the maintenance of County assessment records, the submission to the County Executive of tax equalization rates and the rendering of assistance to assessors throughout the County in the performance of their respective responsibilities;
 - (2) Prepare tax maps for the use of the assessor of all the assessing units in the County; on such maps shall be shown each separately assessed parcel of real property with its boundaries properly marked, pursuant to the Real Property Tax Law;
 - (3) Shall perform such other and related duties as required by the County Executive; and
 - (4) On or before March 1 of each year, make an annual report to the County Executive and County Legislature for the immediately preceding calendar year, covering generally the work of the division. The Deputy Commissioner of Finance/Director of Real Property Tax Service shall make such other reports at such times as may be required by the County Executive, County Legislature or any applicable law. Copies of all reports shall be filed with the County Executive and the Clerk of the County Legislature.

§ C-54. Transition.

The person serving as County Treasurer immediately prior to the time this Charter takes effect shall serve as Commissioner of Finance until the end of December 31, 2009, at which time the elected office of County Treasurer shall be abolished, and after which the Commissioner of Finance shall be appointed as provided herein.

§ C-55. Deputy Commissioners and staff.

The Commissioner of Finance, subject to approval by the County Executive, shall designate in writing, and in order of succession, the deputies and/or assistants who shall be Acting Commissioner of Finance in the event of his or her absence from the County or inability to perform and exercise the powers and duties of his or her office. That designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Commissioner filing an approved new written designation and order of succession. The Acting Commissioner of Finance shall have all the powers and perform all the duties of the Commissioner.

ARTICLE IX
Comptroller

§ C-56. Election; term; qualifications.

There shall be a Comptroller, who shall be elected from the County at large in the first even-numbered year following the adoption of this Charter for a term of two years, and in the second even-numbered year following the adoption of this Charter for a term of three years, and thereafter in the first odd-numbered year and each subsequent odd-numbered year in which a County Executive is not chosen for a term of four years beginning with the first day of January next following his or her election. At the time of his or her nomination and election, and throughout his or her term of office, the Comptroller shall be and remain a qualified elector of Ulster County.

§ C-57. Powers and duties. [Amended 8-14-2012 by L.L. No. 9-2012¹⁹]

The Comptroller shall be the chief auditing officer of the County. Except as may otherwise be provided in this Charter he or she shall:

- A. Examine, audit, and verify all books, records, and accounts kept by the administrative units, offices and officials paid from County funds, institutions and other agencies of the County, including bond and note registers and trust accounts, and the accrual and collection of all County revenues and receipts, and for this purpose have access to all such books, records, and accounts at any time except where precluded by law. The Comptroller shall prepare an annual audit report including a risk assessment of the accounting methods utilized by the County, and shall submit a copy of the report to the County Legislature and the County Executive by April 1 of each year;
- B. Procure from the depositories with which the Commissioner of Finance shall have deposited the funds and monies coming into the Comptroller's possession statements, at least monthly, of all monies deposited by the Commissioner of Finance or paid out pursuant to the Comptroller's order, and reconcile such statements with the County accounts;
- C. Audit records of appropriations, encumbrances and expenditures, and prescribe generally accepted government accounting methods to be used by all units of County government, unless otherwise required by the State Comptroller;
- D. Certify the availability of funds for all requisitions, contracts, purchase orders and other documents by which the County incurs financial obligations or for the expenditure of funds for which the County is responsible;
- E. Prescribe the form for records of appropriation, encumbrances, and expenditures for all units of County government, receipts, vouchers, bills and claims, unless otherwise required by the State Comptroller;

19. Editor's Note: This local law was approved at referendum by a majority of the duly qualified voters 11-6-2012.

- F. Audit and certify for payment all lawful claims or charges against the County, whether for payroll or otherwise, or against funds for which the County is responsible in whole or in part;
- G. As he or she determines necessary or appropriate, audit any department, program or function of County government to assess the degree to which its operation is economical, efficient and/or effective;
- H. To conduct studies and investigations in furtherance of his or her functions and, in connection therewith, to obtain and employ professional and technical advice, appoint citizens' committees, commissions and boards, subpoena witnesses, administer oaths, and require the production of books, papers and other evidence deemed necessary or material to such studies or investigations. A subpoena issued under this section shall be regulated by the Civil Practice Law and Rules together with any state or federal laws or rules that may be applicable. The subpoena shall not extend to disclose the identity or jeopardize the safety of victims, confidential informants, witnesses, and undercover officers or operatives;
- I. Submit to the County Legislature and Executive, and post on the County website as frequently as he or she deems necessary, but at least quarter-annually, reports on the financial condition of the County and the economy, efficiency and/or effectiveness with which the County government or any of its departments, agencies or programs is managed;
- J. Have all the powers and perform all the duties conferred or imposed by law upon a county comptroller, and perform such other related duties required by the County Executive or County Legislature.

§ C-58. Deputy Comptrollers and staff.

The Comptroller shall have the power to appoint such Deputy Comptrollers, assistants and employees in his or her office as shall be authorized by the County Legislature. All such appointees shall be qualified by education and/or experience and shall be directly responsible to, and serve at the pleasure of, the Comptroller, subject to applicable law.

§ C-59. Acting Comptroller.

The Comptroller shall designate in writing, and in order of succession, the Deputy Comptrollers and assistants who shall be Acting Comptroller in the event of his or her absence from the County or inability to perform and exercise the powers and duties of this office. Such designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Comptroller filing a new written designation and order of succession. The Acting Comptroller shall have all the powers and perform all the duties of the Comptroller.

§ C-60. Vacancy. [Amended 8-14-2012 by L.L. No. 9-2012²⁰]

- A. Filling Comptroller vacancy. If a vacancy occurs in the office of the Comptroller of Ulster County for any reason other than the expiration of a term, the County Legislature shall fill this office ad interim by the appointing of a person fully qualified by law to hold that office by a majority of its full number at its next regularly scheduled session or at a special session held for the purpose, and any such session shall be held no sooner than two weeks after the vacancy occurs, and no later than one month after the vacancy occurs.
- B. Appointee to serve on interim basis. A person appointed by the Legislature in this manner to fill an office ad interim shall serve until the end of the 31st day of December following the first general election day at which a general election may be held under law to fill this position.
- C. Election; person to serve for duration of unexpired term. The person chosen at general election, held as soon as practicable on a general election day under state law to fill a vacancy in the position of the Comptroller of Ulster County, shall serve for the duration of the unexpired term of the office.

ARTICLE X**Department of Personnel****§ C-61. Personnel Director.**

- A. There shall be a Department of Personnel, headed by a Personnel Director. The Personnel Director shall be appointed by the County Executive in accord with requirements of education, experience, and other qualifications set out in state law, and subject to confirmation by the County Legislature, except that if the Personnel Director is appointed for a fixed term of years pursuant to a provision of state law, he or she may only be removed for cause, after written notice of charges and an opportunity to be heard.
- B. Powers and duties. The Personnel Director shall develop and administer a personnel program for the County, be the principal liaison with employee labor unions, advise the County Executive in collective bargaining, and have and exercise all the powers and duties as provided in the Civil Service Law in this state and all the powers and duties conferred or imposed upon him or her by any other law. He or she shall also perform such other and related duties required by the County Executive.

20. Editor's Note: This local law was approved at referendum by a majority of the duly qualified voters 11-6-2012.

ARTICLE XI

Department of Social Services**§ C-62. Commissioner of Social Services.**

- A. There shall be a Department of Social Services under the direction of a Commissioner of Social Services, who shall be appointed by the County Executive, subject to confirmation by the County Legislature. He or she shall be appointed on the basis of his or her professional experience and other qualifications for the responsibilities of his or her office. He or she shall be directly responsible to and serve at the pleasure of the County Executive, except that if the Commissioner of Social Services is appointed for a fixed term of years pursuant to a provision of state law, he or she may only be removed for cause, after written notice of charges and an opportunity to be heard.
- B. Powers and duties. Except as may otherwise be provided in the Charter, the Commissioner shall manage and/or supervise all social services institutions and facilities owned or operated by the County. In addition, he or she shall have all the powers and perform all the duties conferred or imposed by the State Social Services Law or any other law upon a county commissioner of social services and perform such other related duties required by the County Executive or County Legislature.

ARTICLE XII

Department of Public Works**§ C-63. Commissioner of Public Works.**

- A. There shall be a Department of Public Works headed by a Commissioner of Public Works who shall be appointed on the basis of his or her experience and qualifications for office by the County Executive to serve at his or her pleasure, subject to the confirmation by the County Legislature.
- B. Powers and duties. Except as otherwise provided in this Charter, the Administrative Code or state law, the Commissioner of Public Works shall:
- (1) Have all powers and duties of a county engineer and a county superintendent of highways, pursuant to the Highway Law or other applicable law;
 - (2) Have such powers and duties in relation to County facilities for drainage, flood control, sanitation, sewage, or water supply as may be prescribed by the County Legislature;
 - (3) Furnish engineering and other services to the County Legislature, County Executive, the Department of Planning and other County departments as authorized;
 - (4) Have charge of and have the duty of performing such other functions concerning County real and personal property, public works and other matters as the County Executive and Legislature may, from time to time, direct;

- (5) Have charge and supervision of routine maintenance of equipment, repair and storage buildings and facilities used by the Department, including highway substations, and all parking areas serving these facilities;
- (6) Have charge and supervision of the design, construction and alteration of the County buildings, parking fields and lots, drives, walks, preserves, beaches, and other public structures and facilities under the jurisdiction of the County;
- (7) Have charge and supervision of maintenance, repair and alteration of buildings owned or leased by the County, parking fields and lots, drives, walks, preserves, beaches and other public structures and facilities under the jurisdiction of the County, including custodial care; and
- (8) Except as otherwise provided in this Charter and subject to the requirements of state law, have the authority to appoint and remove all officers and employees of the Department of Public Works.

§ C-64. Acting Commissioner of Public Works.

- A. Subject to approval by the County Executive, the Commissioner of Public Works shall specify in writing, and in order of succession, the Deputy Commissioner or Deputy Commissioners and/or other assistants who shall be Acting Commissioner of Public Works in the event of his or her absence from the County or inability to perform and exercise the powers and duties of his or her office. This specification shall be filed with the County Clerk and the Clerk of the Legislature and may be revoked at any time by the Commissioner filing an approved new written designation and order of succession.
- B. The designated Deputy Commissioner of Public Works shall be Acting Commissioner of Public Works in the event of the Commissioner's absence from the County or inability to perform and exercise the powers and duties of the office for no more than 30 days. If the absence or inability of the Commissioner of Public Works shall extend for over 30 days or in the event there is no designated deputy, an Acting Commissioner of Public Works shall be appointed by the County Executive, subject to the County Legislature's confirmation, for a period not to exceed a total of 180 days in addition to the initial thirty-day period, or for the entire two-hundred-ten-day period as appropriate. If the inability of the Commissioner of Public Works shall extend over 210 days, the County Executive, subject to County Legislature confirmation, shall appoint a Commissioner of Public Works. An Acting Commissioner of Public Works shall file his or her designation and oath of office as such with the County Clerk.
- C. An Acting Commissioner of Public Works shall have all the powers and duties of the Commissioner during the period of his or her designation and until his or her successor shall be appointed and qualified under this section or until a new Commissioner of Public Works is appointed and qualified pursuant to law.

§ C-65. Engineering Division.

There shall be an Engineering Division within the Department of Public Works staffed by licensed mechanical and structural engineers, responsible to the Commissioner of Public Works and under his or her supervision, charged with planning, supervision and oversight of construction and rehabilitation projects for all County highways, structures, water, sewer and flood control projects and other County facilities.

§ C-66. Rules and regulations.

The County Legislature shall have the power, by local legislation, to establish such rules and regulations as may be necessary to provide for use by the public of facilities under the jurisdiction of the Department of Public Works and to provide for the enforcement thereof.

ARTICLE XIII

Department of Public Transportation**§ C-67. Director of Public Transportation.**

- A. There shall be a Department of Public Transportation, headed by a Director who shall be appointed by the County Executive on the basis of his or her experience and qualifications for office to serve at the pleasure of the County Executive, subject to confirmation by the County Legislature.
- B. Powers and duties. The Director of Public Transportation shall:
- (1) Operate and manage a bus transit system, hereinafter referred to as the "Ulster County Area Transit System," for the County of Ulster;
 - (2) Develop and maintain liaison with other governments, County government agencies, not-for-profit organizations and private carriers regarding the financing, planning, coordination and delivery of transit services to County residents;
 - (3) Have charge, supervision and custodial care of all vehicles, buildings and any other real or personal property relating to the Ulster County Area Transit System; and
 - (4) Have charge of and have the duty of performing other functions concerning the transit system and other modes of transportation as the County Executive and/or the County Legislature may from time to time direct.

§ C-68. Rules and regulations.

The County Legislature shall have the power, by local legislation, to establish such rules and regulations as may be necessary to provide for the use of facilities and equipment under the jurisdiction of the Department of Public Transportation and to provide for their enforcement.

ARTICLE XIV
County Attorney

§ C-69. Appointment and qualifications.

There shall be a County Attorney, who shall be appointed by and serve at the pleasure of the County Executive. The County Attorney shall, at the time of his or her appointment and at all times during his or her term of office, be a qualified elector of the County. He or she shall also have been duly admitted to the practice of law in this state and at all times during his or her term of office and shall devote his or her full working time to the duties of the office.

§ C-70. Powers and duties.

The County Attorney shall:

- A. Be the sole legal advisor for the County;
- B. Advise all County officers, departments, agencies and units in all County legal matters of a civil nature;
- C. Prosecute or defend all actions or proceedings of a civil nature brought by or against the County;
- D. Prepare all necessary legal papers and instruments pertaining to the County government, exclusive of the preparation of local laws, resolutions, legalizing acts or other legislation or memoranda and opinions in support thereof, which fall within the purview of the Counsel to the Legislature; and
- E. Have all the powers and perform all the duties conferred or imposed by law upon a county attorney, except as may be inconsistent with this Charter, and perform such other and related duties required by the executive branch of County government.

§ C-71. Assistant County Attorneys.

The County Attorney shall have the power to appoint Assistant County Attorneys as may be authorized by the County Legislature. All Assistant County Attorneys shall serve at the pleasure of the County Attorney.

§ C-72. Special counsel. [Amended 8-14-2012 by L.L. No. 9-2012²¹]

Except as provided in § C-20D, the County Attorney shall have the power to retain special counsel where necessary and within appropriations made therefor by the County Legislature.

21. Editor's Note: This local law was approved at referendum by a majority of the duly qualified voters 11-6-2012.

ARTICLE XV
Department of Information Services

§ C-73. Director of Information Services.

- A. There shall be a Department of Information Services under the direction of the Director of Information Services, who shall be appointed by the County Executive, subject to confirmation by the County Legislature, and serve at his or her pleasure. The Director of Information Services shall be appointed on the basis of his or her professional training and experience and other qualifications for the responsibilities of that office.
- B. Powers and duties. The Director of Information Services shall be the chief administrative officer of the Department. Except as may otherwise be provided in this Charter, he or she shall have all the powers and perform all the duties conferred or imposed by law upon a county director of information services and shall perform such other related duties required by the County Executive or County Legislature.

ARTICLE XVI
Department of Purchasing

§ C-74. Director of Purchasing.

- A. There shall be a Department of Purchasing headed by a Director of Purchasing who shall be appointed by the County Executive on the basis of his or her experience and qualifications for the office to serve at his or her pleasure, subject to confirmation by the County Legislature.
- B. Powers and duties. The Director of Purchasing shall:
- (1) In accordance with the requirements for advertising and competitive bidding, authorize all purchases and sales of materials, supplies and equipment and contracts for the rental or servicing of equipment for the County;
 - (2) Approve and execute certain contracts as shall be prescribed by the Administrative Code;
 - (3) Establish and enforce suitable specifications and standards for all supplies, materials and equipment to be purchased for the County; and
 - (4) Perform such other and related duties as shall be required and delegated by the County Executive or County Legislature.

ARTICLE XVII
(Reserved) ²²

§ C-75. through § C-76. (Reserved)

22. Editor's Note: Former Art. XVII, Real Property Tax Service Agency, was repealed 8-14-2012 by L.L. No. 7-2012.

ARTICLE XVIII
Department of Public Defender

§ C-77. Public Defender.

- A. There shall be a Department of Public Defender under the direction of a Public Defender, who shall be appointed by the County Executive subject to confirmation by the County Legislature and serve at his or her pleasure. At the time of his or her appointment, the person appointed as Public Defender shall have been duly admitted to the practice of law in this state for at least five years, and throughout his or her term of office, the Public Defender shall be and remain duly licensed and entitled to practice law in the State of New York. He or she shall be appointed on the basis of his or her legal experience and other qualifications for the responsibilities of his office and devote his or her full working time to the duties of the office.
- B. The Public Defender shall:
- (1) Provide legal representation, without charge, as directed by a court of appropriate jurisdiction, to persons whom the court has determined are financially unable to retain private counsel and who are charged with a crime, or who are entitled to assigned counsel pursuant to the Family Court Act or other statutory provision;
 - (2) Except as otherwise provided in this Charter, have all the powers and perform all the duties conferred or imposed by law upon his or her office; and
 - (3) Perform such other and related duties required by the County Executive or County Legislature.

§ C-78. Deputy and Assistant Public Defenders and staff.

The Public Defender shall have the power to appoint such Deputy and Assistant Public Defenders, investigators and employees of his or her Department as shall be authorized by the County Legislature. At the times of their appointments, and throughout their terms of office, all Deputy and Assistant Public Defenders shall be and remain duly licensed and entitled to practice law in the State of New York. All Deputy and Assistant Public Defenders, investigators and employees of the Department shall be directly responsible to, and serve at the pleasure of, the Public Defender, except as otherwise provided by the Charter, Administrative Code or applicable law.

§ C-79. Acting Public Defender.

The Public Defender, subject to approval by the County Executive, shall designate in writing, and in order of succession, the Deputy and Assistant Public Defenders who shall be Acting Public Defender in the event of his or her absence from the County or inability to perform and exercise the powers and duties of his or her office. Such designations shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Public Defender filing an approved new written designation and order of succession. The Acting Public Defender shall have all the powers and perform all the duties of the Public Defender.

§ C-80. Special counsel.

The Public Defender shall have the power to retain special counsel where necessary and within appropriations made therefor.

ARTICLE XIX**County Clerk****§ C-81. Election and qualifications.**

There shall be a County Clerk who shall be elected by the County at large at a general election, for a term of office in accordance with law, commencing on the first day of January immediately following his or her election. The County Clerk, at the time of his or her election and at all times during his or her term of office, shall be a qualified elector of the County and shall devote his or her full working time to the duties of the office.

§ C-82. Powers and duties.

The County Clerk shall:

- A. Have and exercise all powers and duties conferred or imposed upon him or her by law and perform such other and related duties required by the County Executive or the Legislature;
- B. Appoint such deputies, officers and employees of the Department as may be authorized by resolution of the County Legislature; and
- C. Serve as the County's records management officer, or such successor office as may be established under state law, with all powers and duties of such office, and in this capacity provide central management of the County's records and archives, within such appropriations as shall be made annually by the County Legislature.

ARTICLE XX**Sheriff****§ C-83. Election and qualifications.**

There shall be a Sheriff who shall be elected by the County at large at a general election, for a term of office in accordance with law, commencing on the first day of January immediately following his or her election. The Sheriff, at all times during his or her term of office, shall be a qualified elector of the County and shall devote his or her full working time to the duties of the office.

§ C-84. Powers and duties.

The Sheriff shall have and exercise all the powers and duties heretofore or hereafter lawfully granted or imposed by the Charter, Administrative Code, local law or resolution of the County

Legislature, or order or direction of the County Executive, not inconsistent with those powers and duties vested in his or her office under the laws and constitution of New York State.

§ C-85. Undersheriff.

Within 10 days after entering upon the duties of the office, the Sheriff shall appoint an Undersheriff to serve at the pleasure of the Sheriff as provided by law. The Undersheriff, at all times during his or her term of office, shall be a qualified elector of the County and shall devote his or her full working time to the duties of the office.

§ C-86. Deputies.

The Sheriff shall have the power to appoint such deputies as may be authorized by the County Legislature, subject to the requirements of law and contract.

ARTICLE XXI
District Attorney

§ C-87. Election and qualification.

There shall be a District Attorney who shall be elected by the County at large at a general election, for a term of office in accordance with law, commencing on the first day of January immediately following his or her election. The District Attorney shall, at the time of his or her election and at all times during his or her term of office, be a qualified elector of the County, fully admitted to the practice of law in this state, and devote his or her full working time to the duties of the office.

§ C-88. Powers and duties.

The District Attorney shall have and exercise all the powers and duties heretofore or hereafter lawfully granted or imposed by the Charter, Administrative Code, local law or resolution of the County Legislature or order or direction of the County Executive not inconsistent with those powers and duties conferred upon his or her office under the laws and constitution of New York State.

§ C-89. Assistant District Attorneys.

The District Attorney shall have the power to appoint Assistant District Attorneys as may be authorized by the County Legislature. All Assistant District Attorneys shall serve at the pleasure of the District Attorney.

ARTICLE XXII

Fire Coordinator and Fire Advisory Board**§ C-90. Fire Coordinator.**

- A. Appointment. There shall be a Fire Coordinator who shall be appointed by and serve at the pleasure of the County Executive. He or she shall be appointed based upon his or her education, experience and qualifications to perform the duties of the office, subject to the confirmation of the County Legislature.
- B. Powers and duties. The Fire Coordinator shall administer the County programs for fire training and mutual aid in cases of fire and other emergencies in which the services of firemen are required. He or she shall act as the chief liaison between the County government and the fire-fighting forces in the County and their governing boards and bodies and shall perform such other duties as the County government may require or the County Executive may direct.

§ C-91. Fire Advisory Board.

There shall be a County Fire Advisory Board, which shall be appointed as provided by law. Members of the Fire Advisory Board shall receive no compensation for services rendered but shall be entitled to their reasonable and necessary expenses incurred in the performance of their duties, within appropriations made for such purposes.

ARTICLE XXIII

Office for the Aging**§ C-92. Director of the Office for the Aging.**

- A. There shall be an Office for the Aging, headed by a Director who shall be appointed by and serve at the pleasure of the County Executive. He or she shall be appointed based upon his or her education, experience and qualifications to perform the duties of the office and subject to the confirmation of the County Legislature.
- B. Powers and duties. The Director of the Office for the Aging shall have all the powers and perform all the duties now or hereafter conferred or imposed upon him or her by law and perform such other and related duties required by the County Executive or County Legislature.

ARTICLE XXIV

Consumer Fraud Bureau**§ C-93. Director of Consumer Affairs.**

There shall be a Consumer Fraud Bureau headed by a Director of Consumer Affairs who shall be appointed by the County Executive based on his or her experience and qualifications to perform the duties of said office, subject to confirmation by the County Legislature, and serve at his or her pleasure. He or she shall have all the powers and perform all the duties now and

hereafter conferred or imposed upon him or her by law and perform such other and related duties required by the County Executive or County Legislature.

§ C-94. Director of Weights and Measures.

The Director of Consumer Affairs shall serve ex officio as the Director of Weights and Measures and shall have all the powers and perform all the duties now or hereafter conferred or imposed on this office by law.

ARTICLE XXV
Veterans' Service Agency

§ C-95. Director of Veterans' Service.

There shall be a Veterans' Service Agency headed by a Director of Veterans' Service who shall be appointed by the County Executive on the basis of his or her education and experience qualifications to perform the duties of the office, subject to confirmation by the County Legislature, and serve at the County Executive's pleasure. He or she shall have all the powers and perform all the duties now or hereafter conferred or imposed upon him or her by law and perform such other and related duties required by the County Executive or County Legislature.

ARTICLE XXVI
Department of Probation

§ C-96. Director of Probation.

There shall be a Department of Probation, headed by a Director of Probation. The Director shall be appointed by the County Executive subject to the confirmation of the County Legislature, in accordance with Executive Law.

ARTICLE XXVII
Board of Elections

§ C-97. Appointment; term; powers and duties.

There shall be a Board of Elections, whose members shall be appointed by the County Legislature in the manner provided by law, and who shall serve at its pleasure unless otherwise required by law. The Board's powers and duties shall be as provided by law.

ARTICLE XXVIII

County Jury Board; Commissioner of Jurors**§ C-98. Powers and duties.**

There shall be a County Jury Board and a Commissioner of Jurors, appointed pursuant to law, who shall have and exercise all the powers and perform all the duties now or hereafter conferred or imposed upon them by law. The Commissioner shall serve as an officer of the Court and formulate panels of grand and trial jurors, maintain jury service records and initiate action to sanction jurors who violate the law.

ARTICLE XXIX

Department of Residential Health Care Facilities**§ C-99. Director of Residential Health Care Facilities.**

- A. There shall be a Department of Residential Health Care Facilities headed by a Director. The Director of Residential Health Care Facilities shall have the qualifications of a nursing home administrator. She or he shall be appointed by the County Executive, subject to confirmation by the County Legislature, and serve at the pleasure of the County Executive.
- B. Powers and duties. The Director shall have and exercise all powers and duties heretofore or hereafter lawfully granted or imposed by this Charter, local law or resolution of the County Legislature, or by applicable law not inconsistent with this Charter, which shall be necessary to enable her or him to manage and supervise the Golden Hill Health Care Center and/or any other similar institution of the County.

ARTICLE XXX

Commission of Human Rights**§ C-100. Commissioner of Human Rights.**

There shall be a Commission of Human Rights headed by a Commissioner of Human Rights who shall be appointed by the County Executive, subject to confirmation of the Legislature, and serve at his or her pleasure.

§ C-101. Membership; duties; appointments; terms of office.

- A. The Commission of Human Rights shall be constituted in accordance with and exercise the powers and duties specified in Article 12-D of the General Municipal Law and other related duties required by the County Executive and/or the County Legislature.
- B. The Commission of Human Rights shall have 11 members appointed to terms of three years, three members of whom shall be appointed by the legislative Chairman, three members by the legislative minority leader, and five members by the County Executive, one of whom shall be designated by him or her as the Commission Chairman. Appointments shall be representative of the various religious, racial, ethnic and

nationality groups in Ulster County's communities. No member of the Commission of Human Rights shall serve more than two terms of three years.

§ C-102. Authority.

The Commission of Human Rights shall have all of the authority, responsibility, obligations, powers and duties set forth in Article 12-D of the General Municipal Law and shall also have the authority to create bylaws for its own governance, proceedings and activities.

ARTICLE XXXI
County Historian

§ C-103. Appointment; powers and duties.

There shall be a County Historian who shall be appointed by the County Executive pursuant to New York State Arts and Cultural Affairs Law, subject to confirmation by the County Legislature. The County Historian shall preserve, interpret and promote the history of Ulster County and shall have all the powers and perform all the duties conferred or imposed by applicable law.

ARTICLE XXXII
Ulster County Community College

§ C-104. Continued operation; Board of Trustees.

Ulster County Community College, heretofore established pursuant to the Education Law of the State of New York, shall continue to operate in accordance with all applicable laws of the State of New York and additionally with applicable provisions of this Charter. The Board of Trustees shall continue as provided by law, except that the power of appointment of those Trustees authorized by state law to be appointed by the local sponsor is transferred to and shall be exercised by the County Executive, subject to confirmation by the County Legislature. Members of the Ulster County Community College Board of Trustees shall receive no compensation for services rendered but shall be entitled to their reasonable and necessary expenses incurred in the performance of their duties, within appropriations made for such purposes.

ARTICLE XXXIII
Board of Ethics

§ C-105. Purpose and intent.

Ethical conduct by public officers and employees assures public confidence in County government. In addition to and not in any way in conflict with germane provisions of Article 18 of the General Municipal Law of New York State or any other general or special state law relating to ethical conduct and interest in contracts of municipal officers and employees, this article, the Code of Ethics of the County of Ulster, and attendant provisions of the County

Administrative Code provide rules of ethical conduct for the officers and employees of the County of Ulster and methods for assuring adherence to them.

§ C-106. Membership; appointment; compensation. [Amended 8-14-2012 by L.L. No. 9-2012²³]

- A. There shall be a Board of Ethics consisting of five members appointed by the County Executive, subject to the confirmation of the County Legislature. Board of Ethics members shall serve without compensation and for a term of five years. No more than two members shall be of the same political party. Members of the Board of Ethics shall receive no compensation for services rendered but shall be entitled to their reasonable and necessary expenses incurred in the performance of their duties, within appropriations made for such purposes. Vacancies shall be filled for the unexpired term.
- B. The County Legislature shall vote on any nominee of the County Executive to the Board of Ethics. The Legislature shall vote on the confirmation of such individual at its next regular meeting at least 30 days after such nomination has been made by the County Executive. If the Legislature fails to vote upon the proposed appointment or appointments, the proposed appointment or appointments shall be deemed confirmed. When an appointment is not confirmed by the Legislature, but such appointment was considered at a regular meeting of the Legislature, the appointment of the same individual for the same position may not be resubmitted by the County Executive for 12 months after the Legislature votes upon the proposed appointment.
- C. Notwithstanding the preceding portions of this section of the County Charter, the existing members of the Board of Ethics, existing as of December 31, 2012, shall be reappointed by the County Executive for initial terms of one, two, three, four, or five years, unless they decline such nomination, such terms to take effect January 1, 2013. Upon the expiration of such initial term, the term of office for any person nominated or renominated to the Board of Ethics shall be for five years. Confirmation by the Legislature of such appointees for initial terms of one, two, three, four, or five years shall not be required, provided such person has previously been confirmed by the County Legislature to membership on the Board of Ethics and such person was a member of such Board on December 31, 2012. If a member of the Board of Ethics in office as of December 31, 2012, declines reappointment, then any other such person nominated for a term of year(s) effective January 1, 2013, shall require confirmation of the Legislature pursuant to the provisions of § C-106A and B.

§ C-107. Powers and duties.

- A. The Board of Ethics shall render advisory opinions to the officers and employees of the County of Ulster with respect to Article 18 of the General Municipal Law, the Code of Ethics of the County of Ulster, and Administrative Code. Such advisory opinions shall be rendered in response to written request from any such officer or employee under such rules and regulations as the Board may prescribe.

23. Editor's Note: This local law was approved at referendum by a majority of the duly qualified voters 11-6-2012.

- B. The Board may also accept from the general public or from any of its own members a complaint or allegation of conflict of interest of any officer or employee of Ulster County. All such complaints or allegations are to be kept in the confidential records of the Board. Should the Board determine that there appears to be merit in the complaint or allegation, it shall send a written invitation to the officer or employee in question to appear at a private meeting of the Board and explain the apparent conflict of interest. Should such officer or employee fail to appear in response to such invitation or should he or she appear and fail to satisfy the Board that there is no conflict of interest, the Board shall send a written report on the matter to the County Executive. The report shall not be made public except by the County Executive or by the unanimous vote of the Board.
- C. In addition, the Board may make recommendations with respect to the County Code of Ethics or amendments thereto upon the request of the Ulster County Legislature.
- D. The Board, upon its formulation, shall promulgate its own rules and regulations as to its forms and procedures and shall maintain records of its opinions and proceedings. Copies of all rules and regulations promulgated by the Board and any and all amendments thereto which may be adopted from time to time shall be filed with the Clerk of the Ulster County Legislature.
- E. The Board shall not act with respect to the officers and employees of any municipality located within the County or agency thereof where such municipality has established its own Board of Ethics, except that the local board may, at its option, refer matters to the County Board.

ARTICLE XXXIV

Periodic Compensation Review Committee

§ C-108. Establishment; membership; compensation.

There is hereby established a Periodic Compensation Review Committee for Ulster County. The Committee shall consist of five members of whom three members shall be selected by the County Legislature with at least one member from the party with the second most number of legislative members. Two Committee members, not of the same political party, shall be appointed by the County Executive. Initial appointments to the Committee shall be made no later than April 1 in the year after this Charter is first effected. As soon as practicable after April 1 of the year, members shall be called together by the County Executive to select a Chairman from amongst their number. No member of the Periodic Compensation Review Committee shall hold an elected or appointed position in Ulster County or be compensated in whole or in part from County funds at the time of his or her appointment and during his or her term of membership. Members of the Compensation Review Committee shall receive no compensation for services rendered but shall be entitled to their reasonable and necessary expenses incurred in the performance of their duties, within appropriations made for such purposes.

§ C-109. Terms of office; limits of service; filling vacancies.

One executive appointee of the Periodic Compensation Review Committee shall serve an initial term of two years and the other an initial term of three years, with appointments thereafter being for a term of three years. One legislative appointee to the Committee shall serve for an initial term of one year, one for an initial term of two years and one for an initial term of three years, with appointments thereafter being for a term of three years. No Committee member shall serve more than eight years. Appointment of a person to fill a vacancy occurring by death, resignation, or cause other than the expiration of a term shall be made for the unexpired term. Vacancies shall be filled and the appointments of successors shall be made by the appointing authority responsible for the original appointment.

§ C-110. Duties.

At the call of its Chairman, beginning July 1 following its establishment and at least every second year thereafter, the Committee shall review the salaries of all elected officials of the County of Ulster. In the course of its deliberations, the Committee shall hold at least one public hearing and shall otherwise provide ample opportunity for public comment. The Committee shall provide its recommendations and the rationale for them to the County Executive and the County Legislature no later than September 30 of the same year in which it convened, except that the Committee shall not make recommendations concerning compensation of elected officials for whom, by law or judicial determination, the County Legislature does not have the power to fix compensation. Immediately upon their delivery to the County Executive and the County Legislature, the recommendations of the Committee shall be filed with the Clerk of the Ulster County Legislature and posted on the County website. All changes in salaries for elected officials shall be made by local law.

ARTICLE XXXV

Environmental Management Council**§ C-111. Membership; terms of office; limits of service; compensation.**

There shall be an Ulster County Environmental Management Council comprised of one member from each city, town and village environmental council and commission within the County, nominated by the governing body of that city, town or village and appointed by the County Executive with the confirmation of the Legislature for a term of three years, and up to an equal number of at-large appointees appointed by the County Executive with the confirmation of the Legislature for a term of three years, and the County Director of Planning, serving ex officio. The presiding officer of the Environmental Management Council shall be chosen annually by its members from among their members but shall not be an employee of the County of Ulster. Except those in an ex officio capacity, no person may serve on the Environmental Management Council for more than six years. Members of the Ulster County Environmental Management Council shall receive no compensation for services rendered but shall be entitled to their reasonable and necessary expenses incurred in the performance of their duties, within appropriations made for such purposes.

§ C-112. Powers and duties.

Except as otherwise provided in this Charter, the Ulster County Environmental Management Council shall:

- A. Advise the County Executive and the County Legislature on all matters affecting the preservation, conservation and ecologically suitable use of the natural resources of the County;
- B. Review the condition of the County environment as a whole and prepare and submit an annual report of its findings to the County Executive and the County Legislature, which report shall also include an account of the Council's activities and accomplishments based on accurate records of its meetings and other works;
- C. In cooperation with the County Planning Agency and other appropriate agencies, prepare a plan for the protection of the County's environment and the management of its natural resources. To the extent practicable, the preparation, content and subsequent revision, if any, of the County environmental plan shall be coordinated with the state environmental plan and a copy of this County plan and any subsequent revisions of it shall be filed with the State Commissioner of Environmental Conservation;
- D. Investigate and recommend to the County governing body ecologically sound methods for use of the County's resources; and
- E. Cooperate with and assist such other governmental or nongovernmental boards or organizations on the preparation of plans or reports or review of proposals or applications as the County may direct.

ARTICLE XXXVI**Department of Emergency Communications/Emergency Management****§ C-113. Director Emergency Communications/Emergency Management; Office of Civil Defense.**

- A. There shall be a Department of Emergency Communications/Emergency Management headed by a Director of Emergency Communications/Emergency Management appointed on the basis of his or her experience and qualifications for the duties of the office by the County Executive to serve at his or her pleasure, subject to the confirmation by the County Legislature. The Department of Emergency Communications/Emergency Management shall be the Office of Civil Defense for the County of Ulster.
- B. Powers and duties. Except as otherwise provided in the Charter, Administrative Code or state law, the Director of Emergency Communications/Emergency Management shall:
 - (1) Have charge and supervision of emergency services dispatching and disaster preparedness;
 - (2) Assist the County Executive and the County Legislature as required and directed in fulfilling their responsibilities in the area of disaster preparedness under the Executive Law or any other law, rule or regulation;

- (3) Act in accordance with Civil Service Law, have the authority to appoint and remove all officers and employees of the Department of Emergency Communications/Emergency Management;
- (4) Have charge and supervision over the preparation of the departmental budget and the expenditure of departmental funds;
- (5) Have responsibility for operation of 911 services;
- (6) Direct the administrative activities of the Department;
- (7) Have necessary powers and duties of the County Director of Civil Defense as provided by the New York State Defense Emergency Act; and
- (8) Have charge of and have the duty of performing such other related functions and other matters as the County Executive may from time to time direct.

§ C-114. Deputy or Assistant Directors.

- A. The Director of Emergency Communications/Emergency Management shall have the power to appoint one or more Deputy Directors or Assistant Directors within the limits of appropriations provided for this purpose.
- B. Deputy or Assistant Directors shall perform duties pertaining to the Department of Emergency Communications/Emergency Management as the Director may require and shall act generally for and in the place of the Director, performing other duties as the Director of Emergency Communications/Emergency Management may assign.

**ARTICLE XXXVII
Intermunicipal Relations**

§ C-115. Contracts with public corporations and authorities; implementation.

The County shall have the power to contract with any public corporation, including but not limited to a municipal, district, or public benefit corporation, or with any public authority or combination thereof, for the cooperative or joint establishment, maintenance, and operation of any facility and the provision of any service that each of the contracting parties would have legal authority to establish, maintain, operate, or provide for itself. The costs, expenses, and charges for central facilities and administrative services connected with intergovernmental collaborative activities shall be shared by all contracting parties. The provisions of this article shall be implemented pursuant to Article 5-G of General Municipal Law of the State of New York, unless and until the Ulster County Legislature shall, by local law, provide for an alternative method.

§ C-116. Intermunicipal Collaboration Council.

- A. There shall be a nine-member Intermunicipal Collaboration Council established whose purpose is to advance communication, coordination and collaboration among the local governments in Ulster County so as to achieve greater economy, efficiency, equity,

effectiveness and responsiveness of public service. **[Amended 6-10-2009 by L.L. No. 5-2009]**

- B. Membership of the Intermunicipal Collaboration Council shall include the County Executive, the Chairman of the Ulster County Legislature, the majority leader of the Ulster County Legislature or his or her respective designee, the minority leader of the Ulster County Legislature or his or her respective designee, the Mayor of the City of Kingston or his or her respective designee, a representative of the Ulster County Board of Cooperative Educational Services (BOCES), one community member, appointed by the County Executive, and two representatives of the Ulster County Town Supervisors' Association to be selected by the Association. Any designee appointed by the majority or minority leader pursuant to this subsection shall be a member of the Legislature. Any designee appointed by the Mayor of the City of Kingston pursuant to this subsection shall be a duly elected official. Designations shall be in writing and filed with the Clerk of the Legislature. **[Amended 6-10-2009 by L.L. No. 5-2009]**
- C. The Council shall meet at the call of the County Executive, or upon the call of a majority of the Council members, but no fewer than two times annually, to consider matters or issues that might be brought before it by any member and to take initiatives designed to advance its objectives. **[Amended 8-14-2012 by L.L. No. 9-2012²⁴]**

ARTICLE XXXVIII

Department of Employment and Training

§ C-117. Director of Employment and Training.

- A. A Department of Employment and Training shall be headed by a Director of Employment and Training who shall be appointed by the County Executive based on his or her experience and qualifications to perform the responsibilities of office, subject to the confirmation by the County Legislature. He or she shall serve at the pleasure of the County Executive.
- B. Powers and duties. In accord with the requirements of state and local law, he or she shall conduct training programs for dislocated workers and low-income and otherwise disadvantaged adults and youths so as to simultaneously improve their life chances and meet the needs of employers, thus strengthening the County economy. He or she shall have all other powers and perform all other duties now and hereafter conferred or imposed upon him or her by law, and shall perform such other and related duties required by the County Executive or County Legislature.

24. Editor's Note: This local law was approved at referendum by a majority of the duly qualified voters 11-6-2012.

ARTICLE XXXIX
Department of Tourism

§ C-118. Director of Tourism.

- A. There shall be Department of Tourism headed by a Director of Tourism who shall be appointed by the County Executive based on his or her experience and qualifications to perform the duties of the office, subject to confirmation by the County Legislature, and shall serve at his or her pleasure.
- B. Powers and duties. He or she shall promote all of Ulster County's tourism sites, attractions and events with a view toward strengthening the economy of Ulster County. He or she shall also have all the powers and perform all the duties now and hereafter conferred or imposed upon him or her by law and perform other and related duties required by the County Executive and County Legislature.

ARTICLE XL
Traffic Safety

§ C-119. Coordinator of Traffic Safety.

- A. Appointment; term. There shall be a Coordinator of Traffic Safety who shall be appointed by the County Executive based on his or her experience and qualifications to perform the duties of the office, subject to confirmation by the County Legislature, and shall serve at his or her pleasure.
- B. Powers and duties. The Coordinator shall be responsible for the development and coordination of local programs which promote the safety and efficacy of traffic and transportation, including pedestrian and nonmotorized transport, and shall have all the powers and perform all the duties now and hereafter conferred or imposed upon him or her by law and perform other and related duties required by the County Executive and County Legislature.

§ C-120. Traffic Safety Board.

- A. There shall be a Traffic Safety Board which shall exercise all powers and duties set forth in Article 43 of Vehicle and Traffic Law and heretofore or hereafter lawfully granted or imposed by this Charter, local law, resolution of the County Legislature, or by applicable law not inconsistent with this Charter. The Traffic Safety Board shall consist of 12 persons appointed for terms of three years by the County Executive, subject to the confirmation of the County Legislature, except that four members will be initially appointed to a term of one year and four members to a term of two years. Members shall be residents of and qualified electors in the County. At least one but not more than three members shall be resident(s) in the City of Kingston. The Traffic Safety Board shall elect annually a Chairman, Vice Chairman, and a Secretary from its members as provided in Article 43 of Vehicle and Traffic Law. The Coordinator of Traffic Safety shall serve on the Traffic Safety Board ex officio.

- B. The Traffic Safety Board shall advance traffic and transportation safety, including pedestrian and nonmotorized transport, through study, advocacy and public education in accord with the provisions of the New York State Vehicle and Traffic Law and local law and perform other duties that may be assigned to it by the County Executive and the Legislature. The Board shall further prioritize safety concerns based on relative risk to people using major modes of transportation such as walking, cycling and/or other nonmotorized and motorized transport.
- C. Members of the Traffic Safety Board shall receive no compensation for services but shall be entitled to their reasonable and necessary expenses incurred in the performance of their duties, within appropriation made for such purposes.

ARTICLE XLI

Youth Bureau

§ C-121. Director of the Youth Bureau.

- A. There shall be a Youth Bureau headed by a Director who shall be appointed by the County Executive based on his or her education, experience and qualifications to perform the duties of the office, subject to confirmation by the County Legislature, and shall serve at the pleasure of the County Executive.
- B. Powers and duties. The Director of the Youth Bureau shall have managerial responsibility for the department and, with the advice and assistance of the Youth Board, recommend policies that promote youth development and prevent delinquency, plan and coordinate activities devoted to the well-being and protection of all youth in Ulster County, and expand public awareness of youth issues. He or she shall have all the powers and perform all the duties now and hereafter conferred or imposed upon him or her by law, and perform such other and related duties required by the County Executive and County Legislature.

§ C-122. Deputy Director.

The Deputy Director of the Youth Bureau shall be appointed by the Director, in accord with and within the limits of the appropriation provided for this purpose, after consultation with the County Executive on the basis of his or her education and experience. He or she shall possess the powers and perform the duties of the Director of the Youth Bureau during the absence or inability of such Director to act or in the case of a vacancy in the office of the Director, until a successor is selected and has qualified.

§ C-123. Youth Board.

- A. Membership; appointment; term. There shall be a Youth Board that shall consist of 15 members who shall be appointed by the County Executive for a term of three years, subject to confirmation by the County Legislature. No member of the Youth Board shall hold any other County or state office. Members shall elect a Chairman and Vice Chairman for a term of one year. Board members shall be known as "Commissioners of

the Youth Bureau of the County of Ulster" and shall receive no compensation for their services or activities except for actual and necessary expenses in the performance of duties as appropriated. The Sheriff of Ulster County, the Commissioner of Health or Public Health Director, the Family Court Judges, the County Attorney or his or her representative, the Commissioner of Social Services, and two members of the County Legislature designated by the Chairman of the County Legislature shall be ex officio members of the Youth Bureau.

- B. Powers and duties. The Youth Board shall propose policies, programs and recommendations to the Director of the Youth Bureau, the County Executive and the Legislature regarding measures most suitable to supplement, aid and coordinate the work and activities of all public and private agencies, including religious and social institutions, seeking to prevent delinquency and youth crime, to advance the moral, physical, mental and social well-being of the youth of this County, and to encourage the County's local governments to take an interest in the well-being of youth.

ARTICLE XLII

Department of Community Corrections

§ C-124. Director of Community Corrections.

- A. Appointment; term. There shall be Department of Community Corrections headed by a Director of Community Corrections who shall be appointed by the County Executive based on his or her experience and qualifications to perform the duties of the office, subject to confirmation by the County Legislature. The Director shall serve at the pleasure of the County Executive.
- B. Powers and duties. The Director of Community Corrections shall:
- (1) In accord with applicable state and local law, have charge and supervision of the Department of Community Corrections to ensure its effective and efficient operation to reduce reliance on unnecessary incarceration in a manner consistent with public safety; provide a means of punishment to an offender and a means of restitution to the community; increase sentencing options to all criminal courts in Ulster County; foster the development of employment, vocational, and life skills as a way of improving situations which might otherwise contribute to criminal activity; encourage and implement integration between offender and community in the process of reducing dysfunction; and forward the cause of alternative sanctions;
 - (2) Administer and promote effective legal services for indigent individuals through the operation of the County's Assigned Counsel Plan, in accordance with Article 18-B of County Law;
 - (3) Have necessary powers and duties pursuant to applicable laws governing the operations of alternatives to incarceration programs;
 - (4) Furnish technical expertise in the planning and development of community corrections and alternatives to incarceration programming to the County Executive and County Legislature as authorized; and

- (5) Have charge of and have the duty of performing such other related functions and other matters as the County Executive and Legislature may from time to time direct.

§ C-125. Assistant Director.

- A. The Director of Community Corrections shall have the power to appoint an Assistant Director within the limits of appropriations provided for this purpose.
- B. The Assistant Director shall perform such duties pertaining to the Department of Community Corrections as the Director may direct and shall act generally for and in the place of the Director and perform such other and related duties as the Director may assign and direct.

ARTICLE XLIII
Safety Department

§ C-126. Safety Officer.

- A. Appointment; term. There shall be Safety Department headed by a Safety Officer who shall be appointed by the County Executive based on his or her education, experience and qualifications to perform the duties of the office, subject to confirmation by the County Legislature. He or she shall serve at the pleasure of the County Executive.
- B. Powers and duties. The Safety Officer will assure through inspection, training and education that all County government operations and properties are maintained in a safe and healthful manner in accord with federal, state and County regulations and mandates. He or she shall have all the powers and perform all the duties now and hereafter conferred or imposed upon him or her by law, and perform other and related duties required by the County Executive and County Legislature.

ARTICLE XLIV
Insurance Department

§ C-127. Insurance Officer.

- A. There shall be an Insurance Department headed by an Insurance Officer who shall be appointed by the County Executive based on his or her education, experience and qualifications to perform the duties of the office, subject to confirmation by the County Legislature. He or she shall serve at the pleasure of the County Executive and shall have all the powers and perform all the duties now and hereafter conferred or imposed upon him or her by law, and perform such other and related duties as required by the County Executive and County Legislature.
- B. Powers and duties. The Insurance Officer shall:

- (1) Have general charge and responsibility for duties and functions relating to insurance as delegated to him or her from time to time by the County Executive and County Legislature;
- (2) Subject to County Executive approval, have the authority to administer the self-insurance plan as provided for in Article 5 of the Workers' Compensation Law;
- (3) Contract for the services deemed necessary for the operation of the plan and, within the limits of the appropriation made for this purpose, approve all bills or claims related thereto before payment is recommended;
- (4) Have the authority to settle any case subject to the approval of the County Attorney; and
- (5) Have authority to appoint deputies within the limit of the appropriation for this purpose, and designate a first deputy who shall act as Insurance Officer in the event of the Insurance Officer's absence from the County or inability to perform and exercise his or her powers and duties.

ARTICLE XLV

General and Transitional Provisions

§ C-128. Existing laws continued.

Except as otherwise provided in this Charter, all existing state, County, local and other laws or enactments, including special acts having the force of law, shall continue in force until lawfully amended, modified, superseded or repealed.

§ C-129. Continuation of authority.

- A. Continuity shall exist in performance of all rights, powers, duties and obligations attached to governmental functions detailed in the provisions of this Charter. Any proceedings or other business undertaken or commenced prior to the effective date of this Charter may be conducted and completed by the County officer or administrative unit responsible for those proceedings or that business under this Charter or any Administrative Code adopted in connection with it.
- B. This Charter shall not invalidate any obligations previously issued by the County or by any of its commissions, boards or agencies, and these shall be and remain binding obligations of the County. In the event any obligation shall have been issued in anticipation of the issuance of bonds by the County, or by any of its commissions, boards or agencies, the County is hereby empowered to issue such bonds as legal and binding obligations of the County.

§ C-130. Civil service rights continued.

The civil service rights of all County employees and their beneficiaries shall not be affected by this law. The civil service rights of all employees transferred in any case authorized by this law shall be continued as provided by the Civil Service Law.

§ C-131. Existing terms of office.

Nothing contained in this Charter shall affect the terms of office of County Clerk, District Attorney and Sheriff as presently constituted.

§ C-132. Transfer of functions, duties and personnel; other County departments, boards, offices and agencies.

- A. Except as otherwise provided in this Charter, all County departments, boards, offices and units shall continue as provided by law.
- B. Any County officer appointed for a fixed term prior to the effective date of this Charter shall continue his or her office for the balance of the unexpired term.
- C. Nothing contained in this Charter is intended to constitute a transfer of any function or duty from any town or village or an abolition of any office, department, or unit of government of a town or village in the County. If any provision of this Charter is construed by any court of competent jurisdiction to constitute any such transfer or abolition, such provision shall be deemed to be optional as it affects the towns or villages and shall be effective only upon approval by the governing boards of such towns or villages.
- D. Additional appointments to be made by the County Executive. The County Executive shall appoint the head of any administrative unit not provided for in this Charter, subject to the confirmation of the Legislature. All such appointees shall serve at the pleasure of the County Executive and have such powers and duties as shall be provided by law, except where such law shall be inconsistent with this Charter within the limits prescribed in Article 4 of the Municipal Home Rule Law.
- E. Miscellaneous administrative functions. Administrative functions not otherwise assigned by this Charter or the Administrative Code shall be assigned by the County Executive to an appropriate Administrative Unit.

§ C-133. Charter clarification.

If any provision of this law is not clear or requires elaboration in its application, the County Legislature may interpret that provision in a local law, not inconsistent with the provisions of the Municipal Home Rule Law.

§ C-134. When effective.

This Charter shall be subject to a mandatory referendum and shall be submitted for the approval of the electors of the County of Ulster at the next general election to be held on November 7, 2006. In the event this Charter is approved by a majority of the electors thereon, the provisions provided herein for the election of a County Executive and a County Comptroller shall become effective, and there shall be an election for the offices of County Executive and County Comptroller to be held at the general election in November 2008. The provisions of the remainder of this Charter shall be effective on and after January 1, 2009. An Administrative Code may be adopted and amended by local law at any time subsequent to the approval and adoption of this Charter.

§ C-135. Severability.

If part of any provision of this Charter shall be judged by any court of competent jurisdiction to be invalid, that adjudication shall not affect, impair or invalidate the remainder of that provision but shall be confined in its effect to the clause, sentence, paragraph, section or article determined to be invalid by the Court.

§ C-136. Dates.

If any date specified in this Charter falls, in any year, on a Saturday, Sunday or legal County holiday, then such date shall be deemed to refer to the next succeeding date which is not a Saturday, Sunday or legal County holiday.

§ C-137. Amendment.

- A. This Charter may be amended in the manner provided by the Municipal Home Rule Law. Any proposed amendment which would have the effect of transferring a function or duty of the County, or of a city, town, village, district or other unit of local government wholly contained within the County, shall not become operative unless it is approved by mandatory referendum as required by the Municipal Home Rule Law.
- B. Further, any amendment which would create or abolish an elective County office, change the power or method of removing an elective County officer during his or her term of office, abolish, curtail or transfer to another County office or agency any power of an elected County officer, or change the form or composition of the County Legislature shall be subject to a mandatory referendum.

§ C-138. Completion of unfinished business.

- A. The performance of functions pursuant to the provisions of this Charter shall be deemed to constitute a continuation of such functions for the purpose of succession to all rights, powers, duties and obligations attached to such functions. Any proceedings or other business undertaken or commenced prior to the effective date of this Charter may be conducted and completed by the County officer or administrative unit responsible for such proceedings or other business under this Charter.

- B. This Charter shall not be deemed to invalidate any obligations previously issued by the County or by any of its commissions, boards or agencies, and such obligations shall be and remain binding obligations of the County. In the event any obligation shall have been issued in anticipation of the issuance of the bonds by the County, or by any of its commissions, boards or agencies, the County is hereby empowered to issue such bonds as legal and binding obligations of the County.

§ C-139. Submission of electors.

This Charter shall be submitted to the electors of Ulster County at the general election occurring November 7, 2006.

**THE
ADMINISTRATIVE
CODE**

Chapter A

ADMINISTRATIVE CODE

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[HISTORY: Adopted by the Ulster County Legislature 11-12-2008 by L.L. No. 10-2008. Amendments noted where applicable.]

GENERAL INFORMATION

This Administrative Code incorporates relevant provisions of the Ulster County Charter. Charter language is included in italics.

ARTICLE I
Government of Ulster County

§ A1-1. Title.

This chapter shall be known as the "Ulster County Administrative Code."

§ A1-2. Purposes.

The Ulster County Administrative Code is intended to outline the organizational structure of the County government as prescribed in the New York State Municipal Home Rule Law, to delineate the location of the responsibilities of the County government and to make provision for administrative leadership in order to promote an efficient and responsible County government.

§ A1-3. Effect of local laws and other enactments.

All existing laws, ordinances, legalizing acts and resolutions of the County shall remain operative except where inconsistent with this Administrative Code as adopted by local law.

§ A1-4. County status, powers and duties. ¹

Upon adoption of the Charter, Ulster County shall be and remain a municipal corporation under its same name and shall exercise all of the rights, privileges, functions and powers conferred upon it by the Charter, and any other applicable statute not inconsistent with such Charter. Ulster County shall be subject to all duties and obligations imposed upon it by existing or subsequent laws not inconsistent with the provisions of the Charter, including all powers necessarily incidental to or which may be fairly implied from the powers specifically conferred upon it.

§ A1-5. Charter effect on state laws. ²

The Charter provides a form for and structure of County government in accordance with the provision of Article 4 of the Municipal Home Rule Law of the State of New York. All special laws relating to Ulster County and all general laws of the State of New York shall continue in full force and effect except to the extent that such laws have been repealed, amended, modified or superseded in their application to Ulster County by enactment and adoption of the Charter. Within the limits prescribed in Article 4 of the Municipal Home Rule Law, wherever and whenever any state law, general, special, or local in effect, conflicts or is inconsistent with the Charter, such law shall be deemed, to the extent of such conflict or inconsistency, to be superseded by the Charter insofar as the County of Ulster and its government are affected.

1. Editor's Note: See Charter § C-2.

2. Editor's Note: See Charter § C-3.

§ A1-6. Charter effect on local laws and resolutions. ³

- A. *All local laws and resolutions, heretofore adopted, which are contrary to or inconsistent with the provisions of the Charter, are hereby repealed.*
- B. *All of the laws of the state relating to the towns, cities, villages or districts of the County of Ulster shall continue in full force and effect except to the extent that such laws have been repealed, amended, modified or superseded in their application to Ulster County by the enactment and adoption of the Charter.*

§ A1-7. Amendment or revision of Charter. ⁴

- A. *Amendment through the Legislature. The County Executive, any Legislator, the Legislature collectively or any person may make recommendations at any time to the County Legislature for amendments to the Charter. A proposed amendment or proposed amendments to the Charter may be adopted in the manner provided by the Municipal Home Rule Law.*
- B. *Amendment or revision by Commission. Within five years after the enactment of the Charter, and at least every 10 years thereafter, a Charter Revision Commission shall be appointed to review and make recommendations to the County Executive and Legislature on amendments, additions or revisions to the County Charter. The Commission shall consist of 11 qualified electors of Ulster County and representing the different geographic areas and reflective of the demographic diversity of the County, with five members appointed by the County Executive, three members to be appointed by the leader of the party in the Legislature with the most members, and three members by the leader of the party in the Legislature with the second most members. No appointee to this Commission shall be a County employee or elected official at the time he or she serves on this Commission.*
 - (1) *The first meeting of the Commission members shall be convened by the County Executive in the second week after the deadline for its appointment for the purposes of electing a Chairman and receiving its charge. The Chairman of this Commission shall be elected at that meeting by a majority vote of the entire membership of the Commission.*
 - (2) *The Legislature shall provide such funds as are necessary for the Commission to conduct its business effectively. No member of the Charter Revision Commission shall receive any compensation, but each member shall be reimbursed by the County of Ulster for all actual and necessary expenses incurred in the course of the performance of his or her duties as a member of the Commission.*
 - (3) *The Commission shall call upon necessary expertise in the community and state, shall hold public hearings to gather citizen opinion on the strengths and weaknesses of the Charter and proposed improvements, and shall maximally publicize its work through the print and electronic media and the County website.*

3. Editor's Note: See Charter § C-4.

4. Editor's Note: See Charter § C-5.

The Commission shall issue a written report to the County Legislature and County Executive at the conclusion of its deliberations, but no later than one year from the date of its first meeting, containing its findings and recommendations, if any, for amendments or revisions of the Ulster County Charter to be placed by the County Legislature before the people of Ulster County for their consideration at the next scheduled general election at least 60 days after the report is delivered to the Clerk of the Legislature. The Commission shall be dissolved on the day following its report or one year and one day from the date of its first meeting.

- (4) *The Commission, by two-thirds vote of its members, may place directly before the voters for their approval at referendum proposals to amend or revise Charter provisions pertaining to the County in Article II or III of the Charter. These amendments or revisions must be filed with the Ulster County Board of Elections timely so as to allow a vote upon it at the next scheduled general election after the Commission reports. No later than one month before the scheduled referendum at which its adoption will be considered, the Commission must hold at least one public hearing on any Charter change proposed directly to the ballot. Amendments or revisions proposed directly to the ballot by the Commission will be deemed adopted if approved by a majority of voters casting ballots on the question during the next scheduled general election. Notwithstanding other provisions of the Charter, if the Charter Commission proposes a matter for direct ballot consideration, the Commission will continue to function until the day after election day of the year of consideration of its proposal on the ballot.*

§ A1-8. Definitions. ⁵

Whenever used in the Administrative Code, unless otherwise expressly stated, or unless the context or subject matter otherwise requires, the following terms shall have the meanings indicated:

ADMINISTRATIVE CODE — The Administrative Code as adopted by the County Legislature, and any amendments thereto.

ADMINISTRATIVE HEAD — *The head of any administrative unit.*

ADMINISTRATIVE UNIT — *Any department, division, bureau, office, board or commission or other agency of County government, or any subordinate part of the foregoing.*

AUTHORIZED AGENCY — *Any agency authorized by the Charter, Administrative Code or applicable law, including, but not limited to, those authorized by the County Law, to receive and expend County funds for a County purpose.*

CAPITAL PROGRAM — *The plan of capital projects proposed to be undertaken during a five-year period, the estimated cost of such projects, and the proposed method of financing. It*

5. Editor's Note: See Charter § C-6.

shall be arranged in such manner as to indicate the order of priority of each project, and to state for each project:

- A. *A description of the proposed project and the estimated total cost;*
- B. *The proposed method of financing, indicating the amount proposed to be financed by direct budgetary appropriation of duly established reserve funds; the amount, if any, estimated to be received from the federal and/or state government; and the amount to be financed by the issuance of obligations, showing the proposed type or types of obligations, together with the period of probable usefulness for which they are proposed to be issued; and*
- C. *An estimate of the effect, if any, upon operating costs of the municipal corporation within each of the three fiscal years following completion of the project.*

CAPITAL PROJECT —

- A. *Any physical betterment or improvement, including furnishings, machinery, apparatus or equipment for such physical betterment or improvement when first constructed or acquired; or*
- B. *Any preliminary studies and surveys relating to any physical betterment or improvement; or*
- C. *Land or rights in land; or*
- D. *Any combination of Subsection A, B or C.*

CHARTER — The Ulster County Charter and all its amendments, if any.

CLERK — The Clerk of the County Legislature.

COUNTY — The County of Ulster.

COUNTY EXECUTIVE — The elective chief executive officer of the County, who shall govern according to those powers provided for in the Charter, or under any other provision of applicable law.

COUNTY LAW — The County Law of the State of New York.

COUNTY LEGISLATURE — The elective legislative, appropriating and policy-determining body of the County of Ulster. Whenever the term "County Board," "Board of Supervisors," "County governing board" or "elective governing body of the County" is referred to in any law, it shall be deemed to mean and refer to the County Legislature.

DEPARTMENT — The administrative unit which is the primary level of County government.

DEPARTMENT HEAD — The administrative head of any department, and may also be referred to herein as a "commissioner" or "director."

DIVISION — The administrative unit which is the secondary level of County government.

ELECTION LAW — The Election Law of the State of New York.

E-MAIL — A written communication exchanged between people by electronic means such as a computer or other devices, through either a local area network or the Internet.

EX OFFICIO — A voting member unless there is governing legislation that specifically provides otherwise.

EXECUTIVE LAW — *The Executive Law of the State of New York.*

GENERAL MUNICIPAL LAW — *The General Municipal Law of the State of New York.*

LOCAL LAW — *A legislative act of the County Legislature adopted pursuant to the Municipal Home Rule Law, but shall not mean or include a resolution, ordinance or similar act of the County Legislature.*

MUNICIPAL HOME RULE LAW — *The Municipal Home Rule of the State of New York.*

PUBLIC OFFICE — *Any office of federal, state or local government whether elected or appointed.*

PUBLIC OFFICERS LAW — *The Public Officers Law of the State of New York.*

REAL PROPERTY TAX LAW — *The Real Property Tax Law of the State of New York.*

SECRETARY OF STATE — *The Secretary of State of the State of New York.*

VACANCY — The lack of occupancy in an office or post due to the death, resignation or official removal of an elected or appointed public official.

WHOLE NUMBER — *The total number of persons which the County Legislature or other group of persons would have were there no vacancies and none of the persons disqualified from acting.*

WRITING — Any intentional recording of words in a visual form, whether in the form of handwriting, printing, typewriting, or any other tangible form.

ARTICLE II Legislative Branch

§ A2-1. *County Legislature.* ⁶

The elective legislative body of Ulster County is and shall be the County Legislature of the County of Ulster.

§ A2-2. *Members; term of office; election.* ⁷

A. *Effective at the general election of 2011, the County of Ulster shall be divided into 23 legislative districts, from each of which shall be elected one person to be a member of*

6. Editor's Note: See Charter § C-7.

7. Editor's Note: See Charter § C-8.

the County Legislature. Such persons while holding office shall be known as "Legislators."

- B. *The term of office of the members of the County Legislature shall be two years beginning on the first day of January next following their election at the general election held in every odd-numbered year.*

§ A2-3. Qualifications. ⁸

- A. *Each member of the County Legislature shall, at the time of the Legislator's nomination and election and throughout the Legislator's term of office, be and remain a qualified elector and resident of the district from which the Legislator is elected, except that for an election immediately following the reapportionment of County legislative districts, the incumbent County Legislator representing a district redrawn in such reapportionment shall be eligible for nomination for election in either his or her district of residence or any newly drawn district which is contiguous to his or her district of residence, provided that the County Legislator shall become a resident of the district represented no later than one year after taking office.*
- B. *No County Legislator shall hold at the same time any other elective public office.*

§ A2-4. Commission on Reapportionment (Redistricting). ⁹ [Amended 8-14-2012 by L.L. No. 9-2012¹⁰]

- A. *A Commission on Reapportionment shall be established pursuant to this section. It shall meet as soon as practicable after the availability of data from each decennial census to evaluate existing legislative districts pursuant to the process established herein and reapportion them as necessary to meet established standards in state and federal law for equal and fair representation of all people in Ulster County, keeping districts compact and contiguous while taking also into account existing town, city, village and election district boundaries, defining geographic features, and equal population within applicable law, but giving no consideration to providing advantage to one or another political party. This Commission shall consist of seven members who are County residents, are eligible to register to vote and are not currently, nor have been for the three years preceding the formation of the Commission, public officers, employees of New York State, Ulster County or any town, city or village in that County, or members or officers of any political committee. For the purposes of this statute, public officers shall not include notaries public.*
- B. *To establish a pool from which Commission members will be appointed, the County Executive shall, no later than June 1 of each year ending in "0," commence the process for widely soliciting interest in serving on the Commission through such means as direct mail and e-mail, contact with civic groups, public service announcements on radio and*

8. Editor's Note: See Charter § C-9.

9. Editor's Note: See Charter § C-10.

10. Editor's Note: This local law was approved at referendum by a majority of the duly qualified voters 11-6-2012.

television and in daily and weekly newspapers, paid advertisement and announcement on the County website. The pool of candidates qualified to serve as members of the Commission shall be submitted to the County Legislature no later than September 1 of each year ending in "0."

- C. *Initial appointments to the Commission on Reapportionment from the pool of interested parties gathered in this manner shall represent various geographic areas of the County and shall be made no later than October 1 of each year ending in "0," with two members appointed by the Legislature's majority leader and two members by the Legislature's minority leader.*
- D.
- (1) *The four appointed Commissioners shall select the additional three Commission members from the pool previously established no later than October 15 of each year ending in "0." In the event that all of the three additional Commission members are not appointed by the prescribed October 15th deadline, the appointment of the initial four members and additional members appointed by the four Commissioners will no longer have force and effect, and these members will no longer be eligible to serve on the Commission on Reapportionment.*
 - (2) *The majority and minority leaders will then make new appointments, other than any previously selected who could not agree on the selection of the three additional members, in the manner prescribed in Subsection C above no later than November 1 of each year ending in "0." The four newly appointed members will appoint three additional members as set forth above by November 15 of each year ending in "0." In the event that all of the three additional Commission members are not appointed by the prescribed November 15th deadline, the appointment of the initial four members and additional members appointed by the four Commissioners will no longer have force and effect, and these members will no longer be eligible to serve on the Commission on Reapportionment.*
 - (3) *The majority and minority leaders will then make new appointments, other than any previously selected who could not agree on the selection of the three additional members, in the manner prescribed in Subsection C above but no later than December 1 of each year ending in "0."*
 - (4) *In the event that these four Commission members fail to select all of the three additional members by December 15 of each year ending in "0," then by January 1 of each year ending in "1," the three additional members of the Commission shall be selected by a drawing of names from a receptacle containing the names of the remaining members of the pool of interested parties that the four Commissioners have agreed by majority vote meet the criteria set forth in § C-10A of the Charter. The four newly appointed members shall verify that the receptacle contains the names of all remaining members of the pool of interested parties. The County Clerk shall draw three names from the receptacle containing the names of all of the remaining interested parties. If the four newly appointed members determine that any one of the three additional members together with the four appointed members thus selected do not represent the criteria set forth in section § C-10A of*

the Charter, the process shall be repeated with respect to the number of additional members to be appointed. The rejected members shall not be placed back in the receptacle. This process shall be repeated until a majority of the four members determine that the three additional members together with the four appointed members represent the criteria set forth in § C-10A of the Charter. The three names thus selected shall constitute the three additional members of the Commission on Reapportionment.

- E. *The Commission shall meet no later than 15 days after it is fully appointed. The Commission shall elect a Chairperson at its first meeting by a majority vote of the entire membership of the Commission.*
- F. *Powers and duties of the Commission; hearings; submissions and approval of the plan.*
- (1) *Following each decennial census, the Commission shall prepare a plan to divide the County into 23 single member districts as set forth in § C-8 of the Charter for the election of County Legislators. The plan shall be solely limited to the designation of creating district boundary lines delineating each of the 23 legislative districts. The Commission shall have no power or authority to increase or decrease the number of legislative districts as that power and authority shall vest solely with the power and authority granted to the Ulster County Legislature, Ulster County Executive and the electorate pursuant to the Ulster County Charter and § 23 of Municipal Home Rule Law. In preparing the plan, the Commission shall be guided by the criteria set forth in § C-10A of the County Charter.*
 - (2) *Each of the 23 single member legislative districts shall be created, taking into consideration § C-10 of the Charter based upon population.*
 - (3) *The Commission shall hold one or more public hearings on or prior to May 20 of each year ending in "1" and shall make its draft plan available to the public for inspection and comment not less than 10 days before such public hearing.*
 - (4) *The Commission shall prepare and adopt, by majority vote, a final plan for reapportionment and submit its plan to the Clerk of the Legislature on or before June 1 of each year ending in "1" unless the Legislature shall adopt a resolution extending the deadline for a period of up to 15 days if the necessary census data has not been supplied in a timely fashion and the Commission requests such extension. Such plan shall be able to be subjected to a permissive referendum, as if it were a local law, provided the New York State Legislature shall have enacted legislation and the Governor shall have signed into law such legislation or such legislation is otherwise caused to become law.*
 - (5) *If the Commission on Reapportionment's plan is not subjected to a permissive referendum or is approved at referendum, it shall have the force and effect of law and shall be deemed the reapportionment plan of the County Legislature commencing with the general election in the year ending in "3." If the Commission on Reapportionment's plan is subjected to a permissive referendum and is defeated or otherwise not enacted in such permissive referendum, such plan shall not take effect, and a new Commission on Reapportionment shall be established, and such persons on the Commission shall meet all criteria as the prior Commission. The*

County Executive shall undertake the same or substantially similar procedures as were utilized in the formation of the Commission on Reapportionment in the prior year to solicit volunteers for the pool who will be considered for the Commission on Reapportionment. Such pool of candidates shall be established by December 15 of the year ending in "1." The majority leader and minority leader in office as of January 10 in a year ending in "2" shall pick two persons each from the pool of candidates to serve on the Commission by January 15 in a year ending in "2." The four appointed Commissioners shall select the additional three Commission members from the pool previously established no later than February 1 of each year ending in "2." In the event that all of the three additional Commission members are not appointed by the prescribed February 1st deadline, the appointment of the initial four members and any additional members appointed by the four Commissioners will no longer have force and effect, and these members will no longer be eligible to serve on the Commission on Reapportionment.

- (6) The majority and minority leaders will then make new appointments, other than any previously selected who could not agree on the selection of the three additional members, in the manner prescribed in Subsection C above no later than February 10 of each year ending in "2." The four newly appointed members will appoint three additional members as set forth above by February 20 of each year ending in "2." In the event that all of the three additional Commission members are not appointed by the prescribed February 20th deadline, the three additional members of the Commission shall be selected by a drawing of names from a receptacle containing the names of the remaining members of the pool of interested parties that the four Commissioners have agreed by majority vote meet the criteria set forth in § C-10A of the Charter by February 25 of each year ending in "2."*
 - (7) The four newly appointed members shall verify that the receptacle contains the names of all remaining members of the pool of interested parties. The County Clerk shall draw three names from the receptacle containing the names of all of the remaining interested parties. If the four newly appointed members determine that any one of the three additional members together with the four appointed members thus selected do not represent the criteria set forth in § C-10A of the Charter, the process shall be repeated with respect to the number of additional members to be appointed. The rejected members shall not be placed back in the receptacle. This process shall be repeated until a majority of the four members determine that the three additional members together with the four appointed members represent the criteria set forth in § C-10A of the Charter. The three names thus selected shall constitute the three additional members of the Commission on Reapportionment.*
- G. The Commission shall meet no later than seven days after it is fully appointed. The Commission shall elect a Chairperson at its first meeting by a majority vote of the entire membership of the Commission.*
- H. Powers and duties of the Commission; hearings; submissions and approval of the plan.*

- (1) *The Commission shall prepare a plan to divide the County into 23 single member districts as set forth in § C-8 of the Charter for the election of County Legislators. The plan shall be solely limited to the designation of creating district boundary lines delineating each of the 23 legislative districts. The Commission shall have no power or authority to increase or decrease the number of legislative districts as that power and authority shall vest solely with the power and authority granted to the Ulster County Legislature, Ulster County Executive and the electorate pursuant to the Ulster County Charter and § 23 of Municipal Home Rule Law. In preparing the plan, the Commission shall be guided by the criteria set forth in § C-10A of the County Charter.*
 - (2) *Each of the 23 single member legislative districts shall be created, taking into consideration § C-10 of the Charter based upon population.*
 - (3) *The Commission shall hold one or more public hearings not less than 10 days before it submits its final plan to the Clerk of the Ulster County Legislature, in accordance with Subsection H(4) of this section. The Commission shall make its draft plan available to the public for inspection and comment not less than 10 days before the first such public hearing.*
 - (4) *The Commission shall prepare and adopt, by majority vote, a plan for reapportionment and submit its plan to the Clerk of the Legislature on or before May 1 of each year ending in "2." Such plan shall divide the County into 23 single member districts for the election of the County Legislature. Such plan shall be able to be subjected to a permissive referendum, as if it were a local law, provided the New York State Legislature shall have enacted legislation and the Governor shall have signed into law such legislation or such legislation is otherwise caused to become law.*
 - (5) *If the Commission on Reapportionment's plan is not subjected to a permissive referendum or is approved at referendum, it shall have the force and effect of law and shall be deemed the reapportionment plan of the County Legislature commencing with the general election in the year ending in "3." If the Commission on Reapportionment's plan is subjected to a permissive referendum and is defeated or otherwise not enacted in such permissive referendum it shall not take effect. In such a case, any resident of Ulster County may apply to a court of competent jurisdiction to reapportion the County Legislature into 23 single member districts which otherwise meet the criteria of the Charter and applicable laws.*
 - (6) *Upon any such reapportionment plan becoming effective, it shall be submitted to the Ulster County Board of Elections, which shall make adjustments as may be necessary and appropriate to comply with the adopted plan or pursuant to any court order.*
- I. *The County Legislature shall appropriate such funds as it deems are necessary for the Commission(s) to effectively conduct its business. The expenditure of such funds shall be under the sole control and discretion of the Commission(s) subject to the provisions set forth in the Charter and applicable federal, state, and local laws.*

- J. *A Reapportionment Commission shall be dissolved on the day following the general election in which it submits its plan to the Clerk of the County Legislature.*
- K. *A vacancy in any Reapportionment Commission shall be filled in the manner that the vacant position was originally filled. A vacancy shall be filled no later than 15 days from the date of the vacancy.*
- L. *If the County of Ulster is not authorized to reapportion in the manner provided for herein pursuant to an applicable state law, including but not limited to the portion authorizing a permissive referendum, the Ulster County Charter Revision Commission shall be reconvened, as provided for in § C-5 of the Ulster County Charter, not earlier than September 1, 2017, and not later than November 1, 2017, for the purpose of providing for a method of reapportionment of the 23 Ulster County legislative districts pursuant to § C-10 of the Ulster County Charter.*

§ A2-5. Powers and duties of Legislature. ¹¹

- A. *The County Legislature shall be the legislative, appropriating and policy-determining body of the County and, as such, shall have and exercise all powers and duties now or hereafter conferred upon it by applicable law and any and all powers necessarily implied or incidental thereto, and all the powers assigned to it by the Ulster County Charter and restricted as therein provided. Among such powers and duties, but not by way of limitation, it shall have the power:*
- (1) *To make appropriations, levy taxes, incur indebtedness and adopt a budget, including a capital program;*
 - (2) *To exercise all powers of local legislation in relation to enacting, amending, or rescinding local laws, legalizing acts, local laws, or resolutions;*
 - (3) *By local law to adopt, amend or repeal an Administrative Code which shall set forth the details of administration of the County government consistent with the provisions of the Charter and which Administrative Code may contain revisions, simplifications, consolidations, modifications and restatements of special laws, local laws, resolutions, rules and regulations consistent with the Charter or amendments thereto;*
 - (4) *By local law to create, alter, combine or abolish County administrative units;*
 - (5) *To adopt by resolution all necessary rules and regulations for its own conduct and procedure;*
 - (6) *Subject to the Constitution and general laws of the State of New York, to fix the number of hours constituting a legal day's work for all classes of County employees and, upon recommendation of the County Executive, grant to the department head the power to stagger work hours;*

11. Editor's Note: See Charter § C-11.

- (7) *To grant by resolution to officers and employees of the County vacations, sick leaves, compensatory time and leaves of absence, with or without pay, and adopt rules and regulations in relation thereto;*
- (8) *To fix the compensation of all officers and employees paid from County funds or, for employees not covered by a collective bargaining agreement, to establish salary ranges within which the appointing authority shall have discretion to set the actual salary within the range;*
- (9) *To approve all labor contracts and amendments thereto; [Amended 8-14-2012 by L.L. No. 9-2012¹²]*
- (10) *To fix the amount of official bonds and undertakings of officers and employees;*
- (11) *To conduct studies and investigations in furtherance of its legislative functions and, in connection therewith, to obtain and employ professional and technical advice, appoint citizens' committees, commissions and boards, subpoena witnesses, administer oaths, and require the production of books, papers and other evidence deemed necessary or material to such studies or investigations. A subpoena issued under this section shall be regulated by the Civil Practice Law and Rules together with any state or federal laws or rules that may be applicable. The subpoena shall not extend to disclose the identity or jeopardize the safety of victims, confidential informants, witnesses, and undercover officers or operatives; [Amended 8-14-2012 by L.L. No. 9-2012¹³]*
- (12) *To create and establish the office of deputy or deputies to the head of any department, agency, or administrative unit;*
- (13) *To determine and make provision for any matter of government not otherwise provided for, including, but not by way of limitation, any necessary matter involved in the transition to the Charter form of government;*
- (14) *To determine and fix real property tax equalization rates among the various taxing districts of the County for County purposes consistent with standards prescribed by the Legislature of the State of New York and file the same in accordance with applicable law;*
- (15) *To approve the execution of all contracts and change orders in the amount of \$50,000 or in excess of \$50,000 entered into by the County, except that:*
 - (a) The Director of Purchasing shall have the authority and discretion to extend existing contracts and execute same, as well as recurring types of services, including, but not limited to: New York State Office of General Services contracts, piggyback contracts, mandated/preferred source, sole-source, and utility contracts. The Director of Purchasing shall provide a report to be annexed to the abstract of contracts, for reporting purposes only, setting forth

12. Editor's Note: This local law was approved at referendum by a majority of the duly qualified voters 11-6-2012.

13. Editor's Note: This local law was approved at referendum by a majority of the duly qualified voters 11-6-2012.

those contracts that he or she has executed, and a copy of which shall be filed with the County Executive and the Clerk of the Legislature.

- (b) The Director of Purchasing shall review and approve all contracts \$50,000 or in excess of \$50,000 as to the content and compliance with requirements for municipal purchasing, and present each contract to the County Legislature for the County Legislature's approval. Upon the approval of a contract by the County Legislature, the Director of Purchasing shall present the contract to the County Executive for approval. Upon the approval of the contract by the County Executive, the Director of Purchasing shall have the authority to execute the contract as provided in § C-74B(2) in the County Charter. **[Amended 5-14-2013 by L.L. No. 1-2013]**

(16) *To appropriate funds for the annual audit of the books and records of the County by independent auditors.* **[Amended 8-14-2012 by L.L. No. 9-2012¹⁴]**

- B. No current or former County Legislator may be appointed or confirmed by the Ulster County Legislature or Chairman of the Legislature to any paid office or paid position of employment with the County of Ulster within one year after his or her service as a County Legislator has ended, with the exception of the Office of Commissioner of the Board of Elections.
- C. If a vacancy occurs in the office of the District Attorney, Sheriff, County Clerk or Treasurer of the County of Ulster otherwise than by expiration of the term, the vacancy shall be filled by the Governor of the State of New York pursuant to § 400(7) of County Law of the State of New York, except the office of Treasurer, which shall expire December 31, 2008, and shall become the office of Commissioner of Finance.

§ A2-5.1. Audit Committee. **[Added 8-14-2012 by L.L. No. 9-2012¹⁵]**

There shall be an Audit Committee consisting of seven members. The Chairman of the Legislature or his/her designee will serve on and chair the committee and will appoint two additional members, at least one of whom must be a County Legislator; the minority leader will appoint two members, at least one of whom must be a County Legislator; the County Executive or designee; the Comptroller or designee. The County Executive and the Comptroller shall be nonvoting members. It shall take the affirmative action of three out of the five voting members to act.

A. *The Audit Committee shall:*

- (1) *Select the independent auditor to perform the annual audit of the books and records of the County;*
- (2) *Select the independent auditor in a fashion consistent with the County's existing procurement policy, and the Audit Committee shall consult with the Director of Purchasing in this respect; and*

14. Editor's Note: This local law was approved at referendum by a majority of the duly qualified voters 11-6-2012.

15. Editor's Note: This local law was approved at referendum by a majority of the duly qualified voters 11-6-2012.

- (3) *Report the independent auditor's findings to the Legislature, County Executive and County Comptroller.*

§ A2-6. Powers and Duties of Chairman.

- A. There is hereby assigned to the Chairman of the Ulster County Legislature the following specified administrative powers and duties on behalf of the Ulster County Legislature and his or her performance thereof:
- (1) To become familiar with the proper functions and fiscal matters of the County.
[Amended 6-10-2009 by L.L. No. 5-2009]
 - (2) To authorize attendance by Legislators or legislative staff, including appointees of the Legislature, at conferences, conventions, and schools for the betterment of County government, including the right to determine which conferences, conventions, and schools and who may attend, and that all persons traveling out of the County on County business be and hereby are required to have attached to their voucher for expenses when presented for audit a completed approval form signed by the Chairman authorizing such travel.
 - (3) To execute and deliver any contracts authorized by law and by the County Legislature, which are not within the powers of the County Executive as set forth in the Ulster County Charter.
 - (4) To appoint members of boards, commissions and advisory committees, except where such appointments are required to be made by the County Legislature or the County Executive under state or federal law or the Ulster County Charter.
 - (5) To refund taxes pursuant to § 556 of the Real Property Tax Law.
 - (6) To direct the cancellation of taxes pursuant to § 558 of the Real Property Tax Law.
 - (7) Except as otherwise provided by the Ulster County Charter, perform such other administrative duties as the Legislature determines to be necessary

§ A2-7. *Submission of enactments for executive approval; veto and veto override.*¹⁶

- A. *Except as otherwise provided by the Ulster County Charter, every local law, legalizing act, or resolution adopted by the County Legislature, except legislative branch appointments not otherwise subject to County Executive approval and resolutions establishing rules and regulations or other matters pertaining solely to the conduct of the Legislature, shall be certified by the Clerk of the Legislature and submitted within five days after passage to the County Executive for the County Executive's approval in writing.*
- B. *If the County Executive approves the local law or resolution, he or she shall sign it and return it to the Clerk of the County Legislature; it shall then be deemed to have been*

16. Editor's Note: See Charter § C-12.

adopted. If he or she disapproves the local law or resolution, he or she shall veto it by returning it within 10 days to the Clerk with his or her objections stated in writing, or 30 days in the case of a local law. Any resolution not returned within 10 days, or 30 days in the case of a local law, will be deemed to have been adopted. The Clerk shall present the local law or resolution with the County Executive's objections to the County Legislature at its next regular meeting, and these objections shall be entered in the Legislature's record, journal or minutes of proceedings.

- C. *Within 30 days after such receipt and entry, the County Legislature may reconsider such vetoed enactment and pass the same over the objections thereto by a favorable vote of at least 2/3 of the whole number of its elected members on a roll-call vote.*

§ A2-8. Local laws. ¹⁷

- A. *Adoption, amendment and repeal. The County Legislature may adopt, amend and repeal local laws by a majority vote of the total number of its members. Each local law shall embrace only one subject and may relate to property, affairs or government of the County, or any other subject of County concern. In the exercise of such power, and within the limitations provided by Article 4 of the Municipal Home Rule Law, the County may change, supersede or amend any act of the State Legislature.*
- B. *Procedure. Except as may otherwise be provided in the Charter, all procedural details relating to the adoption, amendment and repeal of local laws, including the conduct of referenda in connection therewith, shall be as provided in the Administrative Code or applicable law.*
- C. *Referenda. Local laws shall be subject to mandatory or permissive referenda when required by the Charter or applicable law.*
- D. *Effective date. Every local law shall become effective when filed in the office of the Secretary of State of the State of New York, or on such later date as may be provided in the local law.*

§ A2-9. Resolutions. ¹⁸

- A. *Adoption, amendment and repeal. The County Legislature may adopt, amend and repeal resolutions by a majority vote of the whole number of its members. Each resolution shall embrace only one subject and may relate to property or any other subject of County concern not required by the Charter or applicable law to be provided by local law. Resolutions shall not be subject to referenda.*
- B. *Procedure. Except as otherwise provided in the Charter, all procedural details relating to the adoption, amendment and repeal of resolutions shall be as provided in the Administrative Code or applicable law.*

17. Editor's Note: See Charter § C-13.

18. Editor's Note: See Charter § C-14.

§ A2-10. Confirmation of appointments. ¹⁹ [Amended 8-14-2012 by L.L. No. 9-2012²⁰]

A proposed appointment or proposed appointments to County office by the County Executive that requires confirmation by the County Legislature under provisions of the Charter shall be presented by the County Executive to the Clerk of the Legislature in writing in sufficient time to allow the Clerk to inform the full Legislature of the proposed appointment or appointments at least 30 days prior to the Legislature's next scheduled meeting. The Legislature shall vote on the confirmation of such individual at its next regular meeting at least 30 days after such nomination has been made by the County Executive. If the Legislature fails to vote upon the proposed appointment or appointments, the proposed appointment or appointments shall be deemed confirmed. When an appointment is not confirmed by the Legislature, but such appointment was considered at a regular meeting of the Legislature, the appointment of the same individual for the same position may not be resubmitted by the County Executive for 12 months after the Legislature votes upon the proposed appointment.

§ A2-11. Advisory committees, commissions and boards. ²¹

Members of all citizens' committees, commissions and boards appointed pursuant to § C-11K of the Charter shall serve at the pleasure of the County Legislature. They shall serve without compensation other than for actual and necessary expenses within appropriations made therefor, unless otherwise provided by resolution of the County Legislature. The Chairman of the County Legislature shall be a member ex-officio of all such committees, commissions and boards.

§ A2-12. Organizational meeting. ²²

- A. *The organizational meeting of the County Legislature shall be conducted on or before the second Tuesday of January in each year, at the time and place designated in a written notice to be given each Legislator by the Clerk of the County Legislature not later than five days prior to such meeting. In the event of a vacancy in the office of the Clerk of the County Legislature, or his or her inability or failure to act in accordance with the provisions of this section, notice shall be given by the County Clerk. In that event, the County Clerk shall determine the time and place designated in a written notice to be given by the County Clerk to each Legislator, the County Executive, the Clerk of the County Legislature, and the County Attorney not later than three days prior to such meeting. Public notice of such meeting shall also be given by the County Clerk at the same time written notice is given to the public officials referenced herein.*
- B. *At this organizational meeting, the members of the Legislature shall select a Chairman at the call of the Clerk of the Legislature in each year. The Chairman shall appoint members of the County Legislature to serve on such committees as are provided by the rules of such Legislature. The Clerk of the County Legislature shall preside at all*

19. Editor's Note: See Charter § C-15.

20. Editor's Note: This local law was approved at referendum by a majority of the duly qualified voters 11-6-2012.

21. Editor's Note: See Charter § C-16.

22. Editor's Note: See Charter § C-17.

meetings of the Legislature until such time as a Chairman has been designated by election or appointment. The failure to elect a Chairman or appoint committee members shall not prevent the County Legislature from transacting its ordinary business.

- C. *In the event of vacancy in the office of Chairman, the County Legislature shall fill that office in the manner provided by its rules. Should the County Legislature fail to select a Chairman within 30 days after that office shall become vacant for any reason, the County Executive shall appoint a member of the County Legislature to serve as Chairman for the balance of the calendar year.*

§ A2-13. Monthly and special meetings; notice. ²³

The County Legislature shall fix by rule the time and place of its regular meetings, which shall be conducted at least once each calendar month. No prior notice of such meetings shall be required. Special meetings may be conducted at such times and places and upon such conditions and notice to all members as the County Legislature by rule may provide.

§ A2-14. Clerk of the County Legislature. ²⁴ [Amended 8-14-2012 by L.L. No. 9-2012²⁵]

A Clerk of the County Legislature shall be elected by the County Legislature on an annual basis commencing upon the organizational meeting of the County Legislature which shall take place in January 2014. Until such time, the Clerk shall be appointed by the Chairman of the County Legislature. The Clerk shall be and remain an elector of the County, and he or she shall serve at the pleasure of the Legislature until his or her successor shall be appointed and shall qualify. A vacancy in the office of Clerk shall be filled by election of the County Legislature effective after the organizational meeting of the County Legislature in January 2014. The Clerk of the Legislature incumbent as of December 31, 2013, shall holdover and continue in his or her position as Clerk of the County Legislature until his or her successor shall have been elected; provided, however, that nothing shall preclude the election of the incumbent in the position of the Clerk of the County Legislature as of December 31, 2013. Effective January 1, 2014, Deputy Clerks of the Legislature and employees of the Legislature shall be appointed pursuant to the Rules of the Legislature. Until January 1, 2014, such Deputy Clerks and employees shall be appointed by the Chairman of the Legislature.

§ A2-15. Counsel to Legislature; Minority Counsel. ²⁶

- A. *Appointment. There shall be a Counsel to the Legislature who shall be appointed by the Chairman of the Legislature. At the time of his or her appointment, and throughout his or her term of office, the Counsel to the Legislature shall be and remain duly licensed and entitled to practice law in the State of New York. He or she shall be appointed on the basis of his or her legal experience and other qualifications for the responsibilities of*

23. Editor's Note: See Charter § C-18.

24. Editor's Note: See Charter § C-19.

25. Editor's Note: This local law was approved at referendum by a majority of the duly qualified voters 11-6-2012.

26. Editor's Note: See Charter § C-20.

this office. He or she shall be directly responsible to the Chairman of the Legislature and shall serve at the pleasure of the County Legislature.

- B. *Duties. The Counsel to the Legislature shall prepare local laws, resolutions, legalizing acts or other legislation or memoranda and opinions regarding these and perform other duties as required and assigned by the Chairman of the Legislature.*
- C. *Minority Counsel. There shall also be a Minority Counsel who shall be an attorney at law licensed to practice law in the State of New York and who shall generally provide legal advice and assistance to the members of the County Legislature belonging to the political party holding the second largest number of seats in the Legislature. He or she shall be selected by that party's caucus and shall serve at the pleasure of said caucus. [Amended 8-14-2012 by L.L. No. 9-2012²⁷]*
- D. *To advise the Legislature, the Legislature may retain Special Counsel where it deems it necessary notwithstanding the provisions of § C-72 of the County Charter. [Added 8-14-2012 by L.L. No. 9-2012²⁸]*

§ A2-16. Filling membership vacancies. ²⁹

A vacancy in the County Legislature shall be filled by appointment by the County Legislature of a qualified elector residing within the district no later than 30 days from the time at which the vacancy occurs. If the appointment is not made within 30 days, a special election shall be conducted to fill the vacancy within 90 days after the vacancy occurs; provided, however, that if there is a scheduled general election within 120 days after said vacancy occurs, the vacancy shall be filled at that general election. A person who fills a vacancy, if appointed or elected at a special election, shall serve until commencement of the calendar year next succeeding the first general election after the happening of the vacancy at which a successor may be elected, and the vacancy shall be filled at such election for the unexpired term. A person elected at a general election to fill a vacancy shall serve out the remainder of the term for that seat.

**ARTICLE III
Executive Branch**

§ A3-1. County Executive. ³⁰

The executive power of the County government shall be vested in a County Executive who, as chief executive, shall be responsible for the proper administration of all County affairs placed in the County Executive's charge by any and all provisions of the Charter and/or by law.

27. Editor's Note: This local law was approved at referendum by a majority of the duly qualified voters 11-6-2012.

28. Editor's Note: This local law was approved at referendum by a majority of the duly qualified voters 11-6-2012.

29. Editor's Note: See Charter § C-21.

30. Editor's Note: See Charter § C-22.

§ A3-2. Election and qualifications. ³¹

The County Executive shall be elected from the County at large, shall be a qualified elector of Ulster County at the time of his or her nomination and election and shall remain a qualified elector of Ulster County throughout his or her term of office. The County Executive shall hold no other elected public office or compensated employment and shall devote full time to the duties of the office.

§ A3-3. Term of office. ³²

The County Executive shall be elected for a three-year term at the regularly scheduled election in the first even-numbered year following the adoption of the Charter, and thereafter every fourth year for a four-year term. The County Executive's term of office shall begin with the first day of January following his or her election.

§ A3-4. Powers and duties of County Executive. ³³

The County Executive shall be the chief executive and administrative head of the County. The County Executive shall be responsible for the administration of all County affairs. Except as may be otherwise provided in the Charter, he or she shall have and exercise all the executive powers and duties conferred by the Charter and/or in law upon a County executive officer or the executive branch of a County government, and all powers and duties necessarily implied or incidental thereto:

- A. *Appoint department heads and other officers and employees as provided in the Charter. Should the County Executive fail to make such appointment in writing, signed and filed in the offices of the Clerk and the County Clerk within a period of 120 days from a vacancy in such department or administrative unit, except in the case of the departments of health and social services, in which case such appointment shall be made within 180 days, the County Legislature may appoint such department head or administrative unit head. In no event shall, unless a default occurs in the confirmation process by the County Legislature, any person appointed by the County Executive enter upon his or her office unless confirmation by the County Legislature shall have been filed by the Clerk in the offices of both the County Clerk and the Clerk; [Amended 8-14-2012 by L.L. No. 9-2012³⁴]*
- B. *Supervise, direct and control the administration of all departments;*
- C. *Appoint, without confirmation by the County Legislature, such assistants, officers, and employees of the County Executive's office as may be authorized by the County Legislature;*

31. Editor's Note: See Charter § C-23.

32. Editor's Note: See Charter § C-24.

33. Editor's Note: See Charter § C-25.

34. Editor's Note: This local law was approved at referendum by a majority of the duly qualified voters 11-6-2012.

- D. *Supervise and direct the internal structure and organization of every unit of the executive branch of the County government;*
- E. *Reorganize the duties of, create, combine, separate, or eliminate executive departments of the County with the confirmation of the Legislature;*
- F. *Except as otherwise provided in the Charter, serve as an ex-officio member of and appoint, supervise and terminate all executive committees, commissions and boards needed to assist him or her in the exercise of his or her executive functions and in the planning, formulation and administration of executive policies and programs;*
- G. Appoint an administrative Cabinet to assist the County Executive in the day-to-day management of County government; such cabinet may include representatives from the units of government as deemed appropriate by the County Executive;
- H. Call such Cabinet to order and convene at the pleasure of the County Executive to keep the County Executive abreast of the general functioning of the operations of their respective departments;
- I. *Except as otherwise provided in the Charter or applicable law, supervise the appointment and dismissal of employees;*
- J. *Conduct or supervise the conduct of collective bargaining negotiations with legally designated bargaining agents of County employees. The County Executive shall be responsible for the negotiation of all employee contracts, which shall be subject to approval by the County Legislature;*
- K. Transfer employees temporarily between departments or subdivisions thereof;
- L. Determine the County officer who shall perform a particular power or duty the performance of which is not otherwise clearly defined by the Charter, Code or enactment of the County Legislature and report any such determination to the County Legislature;
- M. Designate and authorize any officer or employee paid from County funds, except any member, officer or employee of the Legislative Branch, to attend an official or unofficial convention, conference or school for the betterment of County government; within the appropriations provided therefor; and when so authorized, all necessary and actual expenses, including but not limited to registration fees, not exceeding the amount as fixed by the General Municipal Law and mileage as fixed by the County Legislature, shall be paid from County funds;
- N. *Serve as the chief budgetary officer of the County, and as such, prepare and submit to the County Legislature the annual budget, capital program, and accompanying message, all as provided for in Article IV, Financial Procedures, of the Charter, and execute the County budget and capital program in accordance with the resolutions and appropriations made by the County Legislature;*
- O. *Designate one or more official depositories located within the County for the deposit of County funds;*

- P. *Himself or herself or through a designee, require the submission of regular reports of all County-funded agencies, assuring that publicly provided funds are used by said funded agencies in accord with overall County plans and agreed annually specified goals and objectives for said agencies;*
- Q. Be responsible for the preparation of Grants proposals and applications;
- R. *Approve or disapprove the sufficiency of sureties on official bonds and undertakings required to be posted of officers within the Office of the County Executive;*
- S. Supervise the operation and management of the plan for Ulster County's Self-Insurance Program, and delegate the authority to administer it to the County Insurance Officer as set forth in § C-127B(2) of the Charter;
- T. Approve the placement of all County insurance which shall be deemed necessary with the business and property of the County within appropriations set by the Legislature;
- U. Approve the settlement of claims for and against the County up to \$1,000.00. Claims in excess of \$1,000, but below \$25,000, may be approved after consultation with the County Attorney;
- V. Secure proper accounting for all funds in a manner consistent with generally accepted accounting principles; oversee the physical property of the County; exercise general supervision over all County institutions and agencies; and coordinate the various activities of the County and unify the management of its affairs;
- W. Be responsible for keeping the County Legislature fully advised as to the financial condition and needs of the County and file with the Legislature an annual report of the financial affairs of the County;
- X. *Execute all contracts and change orders under the sum of \$50,000 and, with the approval of the County Legislature, all contracts and change orders in the amount of \$50,000 or in excess of \$50,000, except that:*
- (1) The Director of Purchasing shall have the authority and discretion to extend existing contracts and execute same, as well as recurring types of services, including, but not limited to: New York Office of General Services contracts, piggyback contracts, mandated/preferred source, sole-source, and utility contracts. The Director of Purchasing shall provide a report to be annexed to an abstract of contracts, for reporting purposes only, setting forth those contracts that he or she has executed, and a copy of which shall be filed with the County Executive and the Clerk of the Legislature;
 - (2) The Director of Purchasing shall review and approve all contracts as to the content and compliance with requirements for municipal purchasing, and present an abstract of contracts so reviewed and as being approved for execution to the County Executive for all contracts under the amount of \$50,000. Upon approval of said abstract by the County Executive, the Director of Purchasing shall have the authority to execute the contracts as provided in § C-74B(2) of the County Charter; and

- (3) The Director of Purchasing shall review and approve all contracts as to the content and compliance with requirements for municipal purchasing, and present an abstract of contracts so reviewed and as being approved by the County Legislature for all contracts in the amount of \$50,000 or more. Upon approval of said abstract by the County Legislature, the Director of Purchasing shall present the abstract to the County Executive. Upon approval of said abstract by the County Executive, the Director of Purchasing shall have the authority to execute the contracts as provided in § C-74B(2) of the County Charter.
- Y. The Director of Purchasing shall review and approve all contracts \$50,000 or in excess of \$50,000 as to the content and compliance with requirements for municipal purchasing, and present each contract to the County Legislature for the County Legislature's approval. Upon the approval of a contract by the County Legislature, the Director of Purchasing shall present the contract to the County Executive for approval. Upon the approval of the contract by the County Executive, the Director of Purchasing shall have the authority to execute the contract as provided in § C-74B(2) in the County Charter. **[Amended 5-14-2013 by L.L. No. 1-2013]**
- Z. *Approve or disapprove in writing every proposed local law and resolution and the County Budget by specified items, subject to the provisions of § C-12 of the Charter;*
- AA. Execute and enforce all local laws and resolutions of the County Legislature and see that all laws required to be enforced through the County Legislature or other County officers, subject to its control, are faithfully executed;
- BB. *Make such recommendations to the County Legislature with respect to the affairs of the County and its government as he or she may deem appropriate;*
- CC. In addition to the powers set forth in this Code, have and be responsible for the exercise of all executive and administrative powers in relation to any and all functions of County government not otherwise specified in this Code; and
- DD. In the event of an occurrence of an emergency affecting the life, health or safety of inhabitants of Ulster County, the County Executive, except as otherwise provided by law, shall have the power to declare the same an emergency and to perform all acts which are necessary for the protection of such inhabitants and to sign all necessary papers to carry the authorization into effect.
- EE. *To conduct studies and investigations in furtherance of his or her executive functions and, in connection therewith, to obtain and employ professional and technical advice, appoint citizens' committees, commissions and boards.* **[Added 8-14-2012 by L.L. No. 9-2012³⁵]**

35. Editor's Note: This local law was approved at referendum by a majority of the duly qualified voters 11-6-2012.

§ A3-5. Appointment of department heads. ³⁶

- A. *Except as otherwise provided in the Charter, the County Executive shall appoint, to serve at his or her pleasure during his or her term of service, or for such term as may be specified in the Charter, the head of every department or other administrative unit not administered by an elective official.*
- B. *The appointment by the County Executive of the head of each department or other administrative unit shall, unless otherwise specified in the Charter, be subject to the confirmation by the County Legislature by vote of a majority of the whole number of members elected to that body, taken at a regular or special meeting pursuant to § C-15 of the Charter. [Amended 8-14-2012 by L.L. No. 9-2012³⁷]*
- C. *All appointments, whether or not subject to confirmation of the County Legislature, shall be in writing, signed by the County Executive, and filed in the office of the Clerk of the County Legislature within 10 days after the date of appointment. Except as otherwise provided in the Charter, no such appointee shall hold office beyond the term of the County Executive by whom the appointment was made. Unless removed, an appointee shall continue to serve until his or her successor is appointed and has qualified, or until an interim appointment is made.*
- D. *Upon confirmation by the County Legislature and qualifying for the office, an appointee to a position of head of a department or other administrative unit shall enter upon the duties of that position.*
- E. *The County Executive may designate a qualified person to serve temporarily or on an interim basis as the head of a department or administrative unit until an appointment is made pursuant to the Charter. [Amended 8-14-2012 by L.L. No. 9-2012³⁸]*
- F. *All other officers and employees of each department or other administrative unit shall be appointed by the head of that department or administrative unit, unless otherwise provided by the Charter.*
- G. *The County Executive may appoint one person as head of two or more departments or other administrative units or may serve himself or herself as the head of one or more administrative units or departments, subject to all requirements in the Charter and/or law as to qualifications.*

§ A3-6. Deputy County Executive(s). ³⁹

- A. *The County Executive may appoint or designate one or more Deputy County Executive(s), within the limits of appropriation set by the County Legislature, who shall serve at the pleasure of the County Executive. The Deputy County Executive(s) shall have the authority to act generally for and in place of the County Executive.*

36. Editor's Note: See Charter § C-26.

37. Editor's Note: This local law was approved at referendum by a majority of the duly qualified voters 11-6-2012.

38. Editor's Note: This local law was approved at referendum by a majority of the duly qualified voters 11-6-2012.

39. Editor's Note: See Charter § C-27.

- B. The position of Deputy may also be an additional title which may be designated by the County Executive for a department head. In such instance(s), in addition to department head duties, the Deputy County Executive shall directly consult with and advise the County Executive on problems and decisions relative to County operations, assist in the formulation of County-wide policies and procedures, act as the chief deputy administrator on behalf of the County Executive, and perform such duties as delegated by the County Executive.
- C. The designation of an order of succession for the position of Deputy County Executive shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the County Executive filing a new written designation of order of succession.

§ A3-7. *Advisory committees, commissions and boards.* ⁴⁰

Members of all committees, commissions and boards appointed pursuant to § C-25H of the Charter shall serve at the pleasure of the County Executive without compensation other than for actual and necessary expenses within appropriations made therefor, unless otherwise provided by resolution of the County Legislature; provided, however, that in the case of individuals appointed hereunder for definite terms, no removal shall be made until the person to be removed has been served with notice of the reasons for such removal and given an opportunity to be heard publicly if he or she desires thereon by the County Executive. The decision of the County Executive shall be final.

§ A3-8. *Acting County Executive.* ⁴¹ [Amended 8-14-2012 by L.L. No. 9-2012⁴²]

- A. *The County Executive shall designate in writing, and in order of succession, the person or persons who shall serve as Acting County Executive in the event that he or she resigns, dies or certifies in writing and files with the County Clerk a statement that he or she is unable to perform and/or exercise the powers and duties of the office of County Executive, or in the event that, upon advice sought by a majority of the whole number of members elected to the Ulster County Legislature by formal action not subject to veto by the County Executive, his or her inability to serve is certified by qualified and competent medical authority.*
- B. *Only persons incumbent in County government may be designated to any list of succession for possible service as Acting County Executive.*
- C. *If a vacancy occurs in the office of County Executive other than by regular expiration of the term, the person designated under § C-29A as the first successor shall become Acting County Executive until the vacancy is filled in accordance with subsections D, E and F of this section. Should the person designated as the first successor be unable to perform and/or exercise the duties of the office, then the person next designated under § C-29A*

40. Editor's Note: See Charter § C-28.

41. Editor's Note: See Charter § C-29.

42. Editor's Note: This local law was approved at referendum by a majority of the duly qualified voters 11-6-2012.

shall become the Acting County Executive. The Acting County Executive shall hold office until and including the 31st day of December succeeding the first annual election at which the vacancy can be filled by election. A vacancy occurring in the office of County Executive before the 20th day of September of any year shall be filled at the next general election as provided by the Public Officers Law.

- D. *If the vacancy in the office of the County Executive occurs more than 180 days before the next general election, it shall be filled for the remainder of the unexpired term by a special election to be held no later than 90 days from the date the vacancy occurs. The person so elected shall serve for the balance of the unexpired term commencing 30 days from the date of the certification by the Board of Elections. The Acting County Executive shall continue to serve until such time as the person so elected takes office. Notice of a special election called hereunder shall be in a manner set forth in election law for notice of a general election. It shall be the duty of the Board of Elections to prepare ballots, voting machines and other matters so that such election may be properly held and conducted. Notwithstanding any law to the contrary, the expenses of a special election conducted pursuant to this section shall be borne by the County, except where the special election will be held on the date of a primary election or the next general election. This provision shall not apply if the office of County Executive becomes vacant.*
- E. *If said vacancy may be filled by a general election to be held no more than 180 days after the vacancy occurs, then no special election shall be held, and the vacancy shall be filled by a general election. The person so elected at the general election shall serve for the balance of the unexpired term and shall take office on the first day of January next succeeding the vacancy.*
- F. *At any time during the remainder of the term for which a County Executive was elected after he or she was found unable to perform and/or exercise the duties of the office by competent medical authority, that authority may file a retraction in writing with the County Clerk, and thereafter the County Executive may immediately resume service in that office so long as he or she has not been replaced at a special or general election.*
- G. *Commencing with the enactment of these provisions, the County Executive shall, on or before December 1, 2012, and for every new County Executive entering into a term thereafter on the first day of such term, be authorized to file the name of two persons to serve as Acting County Executive to take effect immediately. Within 10 days thereafter, the County Executive shall file a list with the County Clerk and Clerk of the County Legislature consisting of a list of one or more names to serve as Acting County Executive. Such list shall take precedence over the first persons initially designated 45 days after the filing of such list. Such list may be modified from time to time, but shall not take effect until the expiration of 45 days, the entire duration of which the County Executive who filed such list shall have had to remain in office, or such list shall not otherwise take effect. During such forty-five-day period, the prior list shall remain in effect. In the absence of such written designation of order of succession and in the event of the County Executive's inability to perform and exercise the powers and duties of his or her office, the County Legislature shall appoint a person then serving in County government to serve as Acting County Executive.*

H. *The Acting County Executive shall have all the powers and perform all the duties of the County Executive.*

§ A3-9. Removal of County Executive. ⁴³

The County Executive may be removed from office only in accord with provisions and in the manner provided in the New York State Constitution and the Public Officers Law.

§ A3-10. Conflict of Interest.

The County Executive shall not be an officer, director or stockholder of any depository or depositories designated by him/her pursuant to § C-25J of the Charter, nor in any business proposing to supply equipment, supplies, materials or service to the County.

§ A3-11. Seal of County Executive.

The Seal of the County of Ulster shall be the Seal of the County Executive. Such Seal shall be used for all authorized and required purposes.

§ A3-12. Bond of County Executive.

The County Executive, and such of his or her deputies, officers and employees as the County Legislature or the County Executive shall require, shall file a surety bond to the County in a sum fixed by the County Legislature conditioned for the faithful performance of his or her duties. Such bond shall be approved as to form by the County Attorney and as to sufficiency of surety by the Chair of the County Legislature, and shall be filed with the County Clerk. It shall be a charge on the County.

ARTICLE IV
Financial Procedures

§ A4-1. Fiscal year. ⁴⁴

The fiscal year of Ulster County shall begin with the first day of January and end with the last day of December of each year.

§ A4-2. Duties of County Executive. ⁴⁵

It shall be the duty of the County Executive to prepare and file the County expense and capital budgets and capital program for each fiscal year in accordance with the provisions of the Charter and applicable state law. Pursuant to this duty, the County Executive shall have

43. Editor's Note: See Charter § C-30.

44. Editor's Note: See Charter § C-31.

45. Editor's Note: See Charter § C-32.

the power, personally or through his or her representatives, to require all necessary information from all departments, agencies, offices or units of County government for the purpose of ascertaining and/or assessing their budgetary requirements.

§ A4-3. Departmental, agency, office or unit estimates. ⁴⁶

The head of each department, agency, office or unit of County government shall submit to the County Executive, in writing, and through such channels and processes as specified by him or her, an overall estimate for that department, agency, office or unit and estimates by program within that department, agency, office or unit of expected expenses and expected revenues for the next ensuing fiscal year. These estimates shall be called "departmental estimates" and shall be organized with proposed grand totals of expenses and revenues for personnel services and other than personnel services for the department, agency, office or unit and proposed subtotal appropriations for personnel services and other than personnel services for each program within each department, agency, office or unit. A statement of actual expenses and actual revenues for the immediately preceding completed fiscal year, budgeted expenditures and revenues for the current fiscal year, and expenditures and revenues to date for the current fiscal year shall be included in departmental submission, prepared in the same specified format for comparison purposes. Each departmental estimate of expenses and revenue by program shall be supported by such other detail and other supporting information concerning the economy, efficiency and effectiveness of departmental performance as the County Executive shall require. Departmental estimates shall be public records and shall at all reasonable times be open to public inspection.

§ A4-4. Submission of County budget. ⁴⁷

- A. *On or before the first Friday of October in each year, the County Executive shall submit to the Clerk of the Legislature, for consideration by the County Legislature, a proposed operating and capital budget for the next ensuing fiscal year and a proposed capital program for the next ensuing six fiscal years or other period as may be authorized by law, together with a budget message as provided in § C-35. Upon their submission, the proposed expense and capital budgets, hereinafter called the "County budget," together with the budget message, shall be posted on the County website and become public records in the office of the Clerk for distribution.*
- B. *The proposed County budget shall be balanced, with projected revenues equaling or exceeding estimated expenses for the next ensuing fiscal year, and shall be presented in three sections, one of which shall set forth the estimated revenues and receipts, one of which shall set forth the estimated expenses, and one of which shall set forth the proposed capital authorizations and expenditures. A statement of actual expenses and actual revenues for the immediately preceding completed fiscal year, budgeted expenditures and revenues for the current fiscal year, and expenditures and revenues to date for the current fiscal year shall be included in the proposed County budget, prepared in a format that facilitates year-to-year comparison. The proposed County*

46. Editor's Note: See Charter § C-33.

47. Editor's Note: See Charter § C-34.

budget shall present the complete financial plan for the County and its agencies for the next ensuing fiscal year, including setting forth proposed borrowing, if any. An estimate of unencumbered balances at the end of each completed fiscal year, except when otherwise provided by law or appropriated for a capital improvement or other authorized continuing project, shall be treated as revenue for the County budget for the next ensuing fiscal year.

§ A4-5. Budget message. ⁴⁸

The County Executive shall submit with the County budget a budget message summarizing and explaining the main features of the County budget, including information identifying and analyzing new or changed programs, with such supporting schedules and explanatory materials as he or she may deem desirable or the Legislature may by resolution require. The County Executive's proposed budget shall include a clear summary demonstration that there is a balanced relationship between the total estimated expenditures and the total estimated revenues for the next ensuing fiscal year and shall compare these figures with the actual receipts and expenditures for the last completed fiscal year and the year-to-date actual and year-to-date projected total expenditures and revenues for the current fiscal year. The County Executive's budget message shall also outline the existing and any proposed financial policies of the County relating to the capital program, including a description of each capital improvement proposed to be undertaken in the preceding fiscal year and not yet completed. The budget message shall specify the manner in which the County Executive is overseeing management of departmental operations to assure economic, efficient, effective delivery of public services, and contain such additional information as the County Executive may deem appropriate, and shall be posted on the County's website.

§ A4-6. Review of County budget and message. ⁴⁹

The Legislature or a committee designated by it will review the County Executive's proposed County budget and budget message and may require attendance of the heads of departments, agencies, offices or units or their representatives and/or their production of records and information in explanation of their departmental estimates as the Legislature shall deem appropriate. The Legislature or a committee designated by it shall prepare a written analysis and review of the County Executive's proposed budget and make it publicly available, including posting it on the County government website, no later than the second Friday of November of each year.

§ A4-7. Public hearings on County budget. ⁵⁰

Beginning no later than the third Friday of November of each year, the Legislature shall hold, in at least three geographically dispersed locations in the County, public hearings on the County Executive's proposed County budget, the budget message submitted by the County

48. Editor's Note: See Charter § C-35.

49. Editor's Note: See Charter § C-36.

50. Editor's Note: See Charter § C-37.

Executive, the report resulting from the review and analysis of that budget and message by the Legislature or its designated committee. The Clerk of the Legislature shall cause to be posted on the County website, published in the official newspaper of the County and such other newspapers as may be designated by the Legislature, notices of the places, locations and times when these hearings shall be held, and their purposes; a concise summary of the proposed County budget, budget information, together with copies of the proposed budget. The budget message and the report submitted by the Legislature or its committee may be inspected or obtained by any interested person. At least 10 days shall elapse between the publication of a notice and the date specified for any budget hearing. At a budget hearing any person may be heard. Insofar as necessary and practicable within the deadline for the timely final adoption of the County budget, a budget hearing may be adjourned to a date certain or from day to day.

§ A4-8. Adoption of County budget. ⁵¹

- A. *After the conclusion of the public hearings, the Legislature may strike items of appropriation or anticipated revenue from the proposed County budget or reduce items therein, excepting appropriations required by law for debt service. The Legislature may add items to or increase items in the County budget, provided that such additions or increases are stated separately and distinctly, and so long as projected expenditures and projected revenues in the County budget remain in balance.*
- B. *The balanced County budget as changed, altered or revised shall be adopted by resolution of the Legislature not later than the second Thursday of December.*
- C. *If the Legislature takes no action by the second Thursday of December, the budget submitted by the County Executive shall be deemed to be the adopted budget.*
- D. *If the County budget, as submitted by the County Executive, is adopted by resolution of the Legislature with no changes, it shall be adopted.*
- E. *If, however, the County budget as adopted by the Legislature contains any increases, additions, decreases or deletions, it shall be immediately presented by the Clerk of the Legislature to the County Executive for examination and reconsideration.*
- F. *If the County Executive approves all the increases, additions, decreases or deletions, he or she shall affix his or her signature to a statement thereof and return the County budget, together with such statement, to the Clerk of the Legislature, and the County budget, including the increases, additions, decreases or deletions as part thereof, shall be adopted.*
- G. *If the County budget, with any increases, additions, decreases or deletions, is not returned by the County Executive to the Clerk of the Legislature with his or her objections within five working days after presentation by the Clerk to the County Executive, it shall be deemed adopted, as changed, altered or revised by the Legislature.*

51. Editor's Note: See Charter § C-38.

- H. *If the County Executive objects to any one or more of the increases, additions, decreases or deletions, the County Executive shall append to the County budget a statement of the increases, additions, decreases or deletions to which the County Executive objects, taking care that his or her proposed changes leave the County budget in balance and setting forth the reasons therefor, and shall, no later than five working days after receipt of the adopted budget from the Clerk of the Legislature, return the County budget with the objections to the Clerk of the Legislature, who shall immediately present them to the Legislature. The Legislature shall thereupon enter the objections upon its records and, not later than the 20th day of December, proceed to reconsider the increases, additions, decreases or deletions to which an objection is made by the County Executive. If upon such reconsideration the Legislature, by affirmative vote of at least 2/3 of its elected members, votes to approve any such increases, additions, decreases or deletions, the County budget, with the changes so approved, together with any changes not so objected to by the County Executive, shall be deemed adopted as resubmitted by the County Executive so long as balance remains between proposed expenditures and proposed revenues in that budget. If the Legislature fails to act on or override such objections by a two-thirds vote of all members of the Legislature, the County budget shall be deemed conditionally adopted without the changes objected to by the County Executive.*
- I. *If any limitation date mentioned in this article falls on a holiday, Saturday or Sunday, then any time limitations required herein shall be extended to the next business day of the County.*
- J. *Copies of the County budget as adopted shall be certified by the County Executive and by the Clerk of the Legislature and shall be filed in the offices of the County Executive and the Clerk of the Legislature. The budget so certified shall be posted on the County website and, at the discretion of the Legislature, printed or otherwise reproduced and copies made available to the public at such cost as the Legislature shall deem appropriate. Materials posted to the County website annually during the course of preparation of the County budget may not be removed from public access until the certified County budget for the year is posted in accord with the requirements of this section.*

§ A4-9. Levy of taxes; inclusion of reserve for uncollected taxes. ⁵²

- A. *The net County tax requirement determined by subtracting the total estimated revenues from the total proposed expenditures as set forth in the adopted budget shall be levied in advance by the County Legislature on the taxable real property of the several tax districts of the County. The taxes so levied shall include an amount to be known as "reserve for uncollected taxes," which shall be a County charge. The County Legislature shall fix the amount of such a sum as it may deem sufficient to produce in cash from the collection of taxes and other revenues during the year monies required to meet the estimated expenditures of such year; provided, however, that such reserve for uncollected taxes shall not be less than the face amount of unpaid taxes for the preceding completed fiscal year.*

52. Editor's Note: See Charter § C-39.

- B. *The amount of all taxes, special ad valorem levies and special assessments levied upon any parcel of real property by the County Legislature shall, except as otherwise expressly provided by law, be and become a lien thereon as of the first day of January of the fiscal year for which levied and shall remain a lien until paid.*

§ A4-10. Budget modification after adoption. ⁵³

- A. *The County Executive shall manage the County's resources to achieve maximum economy, efficiency and effectiveness in County government. Pursuant to this responsibility he or she may, during any fiscal year, transfer part or all of any revenue or expenditure within a program or purpose of any department, agency, office or unit to another program or purpose within that department, agency, office or unit, except that the effect of such a transfer may not be to reduce the rate of pay or annual salary of any County employee. Written notice of such a transfer shall be given to the Legislature.*
- B. *Upon written request of the County Executive, the Legislature may, during any fiscal year, transfer part or all of any revenue or expenditure from one department, agency, office or unit to another, or transfer part or all of any revenue or expenditure for the purpose of establishing or adding to a new program or programs within or between departments, agencies, offices or units, or transfer funds from a contingency account to a department, agency, office or unit, or change the terms and conditions under which expenditures may be made by a department, agency, office or unit. Any action taken by the Legislature pursuant to this section shall be by resolution, subject to the provisions of §§ C-12 and C-14 of the Charter.*
- C. *If, during any fiscal year, there are available for appropriation revenues received from sources not anticipated in the budget for that year or revenues received from anticipated source but in excess of the budget estimated for it, before such funds may be expended the County Legislature must make supplemental appropriations for the year, not in excess, however, of such additional revenues, whatever their source.*
- D. *If, at any time during the fiscal year, it appears that the revenues available will be insufficient to meet amounts appropriated, the County Executive shall report to the County Legislature without delay the estimated amount of the deficit, remedial action already taken by him or her, and his or her recommendations as to further action. The County Legislature shall take the action or actions that it deems necessary and as authorized by the Charter or state law to prevent or minimize any deficit. For purposes of eliminating or minimizing a potential deficit, the Legislature may, by resolution, reduce one or more appropriations, but no appropriation may be reduced by more than the unencumbered balance remaining for that purpose for the year, nor may any appropriation for debt service be reduced.*

53. Editor's Note: See Charter § C-40.

ARTICLE V
Department of Health

§ A5-1. Commissioner of Health or Public Health Director. ⁵⁴

- A. *There shall be a Department of Health, headed by a Commissioner of Health or a Public Health Director and Medical Consultant. The Commissioner of Health or Public Health Director shall meet the qualifications for this position specified in the New York State Public Health Law and Sanitary Code. In addition, he or she shall be a licensed physician with experience in public health. He or she shall be appointed by the County Executive in consultation with the Board of Health and with confirmation by the County Legislature and serve at his or her pleasure, except that if either the Commissioner of Health or Public Health Director is appointed for a fixed term of years pursuant to a provision of state law, he or she may only be removed for cause after written notice of charges and an opportunity to be heard.*
- B. *Powers and duties. Except as otherwise provided in the Charter, the Commissioner of Health or Public Health Director shall have and exercise all the powers and duties conferred or imposed upon County or part-County health commissioners and upon County or part-County boards of health by the Public Health Law or any other law, except as otherwise provided by the Charter. He or she shall perform such other and related duties required by the County Executive.*
- C. *Reports. On or before March 1 of each year, the Commissioner of Health or the Public Health Director shall make an annual report to the County Legislature and County Executive for the immediately preceding calendar year covering generally the work of his or her department. The Commissioner or Director shall make such other reports at such times as may be required by the County Legislature, County Executive, New York State Department of Health or any other applicable law. Copies of all reports shall be filed with the Clerk of the County Legislature and the County Executive.*

§ A5-2. Deputy Commissioner of Health or Deputy Public Health Director.

- A. *The Commissioner of Health or the Public Health Director shall have the power to appoint one or more Deputy Commissioners of Health or Deputy Public Health Directors, within the limits of appropriations therefor. Every appointment shall be in writing and filed in the Office of the County Clerk and the Clerk of the Legislature.*
- B. *The term of office of any deputy appointed hereunder shall coincide with that of the Commissioner of Health or the Public Health Director, provided that such appointment may be revoked at any time by the Commissioner or the Director by written revocation filed with the County Clerk. All positions of Deputy Commissioner or Deputy Director may be in the exempt class of civil service; or in the alternative, the deputy may also be an additional title which may be designated by the Commissioner or the Director for a department staff member.*

⁵⁴. Editor's Note: See Charter § C-41.

- C. Deputy Commissioners or Deputy Directors shall perform such duties pertaining to the office of the Department of Health as the Commissioner or the Director may direct and shall act generally for and in such place of the Commissioner or Director and perform such other and further duties as the Commissioner or Director may assign.
- D. The designation of an order of succession for the position of Deputy Commissioner or Deputy Director shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Commissioner or Director filing a new written designation of order of succession.
- E. Should the Deputy so designated by the Commissioner of Health or Public Health Director not be a licensed physician, and should the Commissioner of Health or Public Health Director resign, die or certify in writing and filed with the County Clerk a statement that he or she is unable to perform and/or exercise the powers and duties of the office, or should he or she be removed from office, then the County Executive, in consultation with the Board of Health and with confirmation by the County Legislature, shall appoint a qualified replacement as soon as practicable.

§ A5-3. Board of Health. ⁵⁵

- A. *Appointment.* There shall be a Board of Health consisting of seven members who shall be appointed by the County Executive for a term of five years, subject to confirmation by the Legislature, except that of the members first appointed to the Board of Health following adoption of the Charter, two members shall hold office for the term of one year, two members for the term of two years, one member for the term of three years, one member for the term of four years, and one member for the term of five years from and after their appointment. Two members shall be physicians. One member shall be a licensed health care professional who is not a physician. One member shall be selected from among three nominees submitted to the County Executive by the Mayor of the City of Kingston. If a vacancy shall occur other than by expiration of a term, it shall be filled by appointment for the unexpired term in the same manner as specified in this subsection. The members of the County Health Board shall select the Chairman of that Board for a term of one year. No member of the Board of Health shall serve for more than two consecutive terms. Members of the Board of Health shall receive no compensation for services rendered but shall be entitled to their reasonable and necessary expenses incurred in the performance of their duties, within appropriations made for such purposes. Members of the Board of Health shall be residents of the County of Ulster.
- B. *Powers and duties.* The Board of Health shall exercise all the powers and perform duties of local boards of health as provided for under state law, including the Public Health Law of the State of New York, except as otherwise provided in the Charter. *The Board of Health shall advise the Commissioner of Health or Public Health Director, the County Executive and the Legislature in matters relating to the Department of Health. The members of the Board of Health shall further have the power to inspect and review all facilities and programs of the Department of Health, with or without notice to the Commissioner of Health or Public Health Director, and as it regards as necessary and*

55. Editor's Note: See Charter § C-42.

desirable may report and make recommendations to the County Executive, the County Legislature and Commissioner of Health or Public Health 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 of Health or Public Health Director and the County Executive at all reasonable times. The Board of Health shall also advise and consult with respect to all capital projects necessary for the Department of Health. The Board of Health shall have and exercise such other and related duties required by the Legislature or the County Executive.

- C. The Board of Health shall keep minutes of all meetings, including the date and time of meeting and Board members in attendance. The original of said minutes shall be filed with the Clerk of the Legislature as soon as possible, but not to exceed 10 business days after the next regular Board meeting at which the minutes were reviewed and accepted. The Clerk of the Legislature or his or her designee shall maintain an official record of the Board's agenda items. This official record shall include the disposition of each agenda item, including individual votes of each Board member on each item.
- D. Sanitary Code. Any Sanitary Code now in force or hereafter adopted by the Board of Health and any amendment to such Sanitary Code shall be published and filed in the manner and places required by the Public Health Law and any other applicable law. Before adopting any amendment to the Sanitary Code, the Board of Health shall cause notice of a public hearing thereon to be published in the official news papers once a week for two publications, and at least 20 days shall elapse from the first publication to the date of the hearing. The notice shall contain an abstract statement of the proposed amendment and give the time and place of such hearing. On or before the date of the first publication of the proposed amendment, copies thereof shall be filed with the Clerk of the Legislature, the County Executive, the Clerk of each city, town and village in Ulster County and in the office of the Commissioner of Health or Public Health Director and be open to inspection by the public. Such County Sanitary Code and any amendments thereto shall also be filed in the Ulster County Clerk's office.

§ A5-4. Medical Examiner. ⁵⁶

The Health Department shall assure the provision of medical examiner services that promote the public health by or under the supervision of qualified Medical Examiner(s), accountable to the Commissioner of Public Health or Public Health Director. The Medical Examiner shall be appointed by the County Executive, on the advice of the Commissioner of Health or Public Health Director, for a term of four years, subject to confirmation by the Legislature. The Medical Examiner shall be a resident of the County of Ulster. He or she shall be a physician duly licensed to practice his or her profession in the State of New York and shall:

- A. *Be trained to investigate causes of death and order autopsies.*
- B. *Conduct community education as prescribed by the New York State Department of Health.*

56. Editor's Note: See Charter § C-43.

- C. Perform all duties which are now required, or which hereafter may be required by law, of the Medical Examiner. In addition thereto, the Medical Examiner shall perform such additional and related duties involving the exercise of professional skills and training as may be prescribed by the County Executive and District Attorney.
- D. Keep such records and reports as are required by the provisions of § 677 of the County Law. Such records shall be open to inspection by the District Attorney of the County at any time and to other persons as provided for in § 677, Paragraph 3(B), of the County Law.

ARTICLE VI

Department of Mental Health

§ A6-1. *Commissioner of Mental Health.*⁵⁷

- A. *There shall be a Department of Mental Health, headed by a Commissioner of Mental Health. The Commissioner of Mental Health shall be experienced in public mental health administration and meet the qualifications for this position as specified in the New York State Mental Hygiene Law and/or by the State Commissioner of Mental Hygiene. He or she shall be appointed by the County Executive in consultation with the Community Services Board and with confirmation by the County Legislature and serve at his or her pleasure.*
- B. *Powers and duties. Except as otherwise provided in the Charter, the Commissioner of Mental Health shall have and exercise all the powers and duties conferred or imposed upon a Director of Community Mental Health or Community Services Board by the Mental Hygiene Law or any other law. He or she shall perform such other and related duties required by the County Executive.*
- C. **Reports.** On or before March 1 of each year, the Commissioner of Mental Health shall make an annual report to the County Legislature and County Executive for the immediately preceding calendar year covering generally the work of his or her department. The Commissioner shall make such other reports at such times as may be required by the County Legislature, County Executive, Mental Hygiene Law or any applicable law and the New York State Department of Mental Hygiene. Copies of all reports shall be filed with the Clerk of the County Legislature and the County Executive.

§ A6-2. **Deputy Commissioner of Mental Health.**

- A. The Commissioner of Mental Health shall have the power to appoint one or more Deputy Commissioners of Mental Health, within the limits of appropriations therefor. Every appointment shall be in writing and filed in the Office of the County Clerk and the Clerk of the Legislature.
- B. The term of office of any deputy not classified as competitive in the County's civil service rules, appointed hereunder, shall coincide with that of the Commissioner of

⁵⁷. Editor's Note: See Charter § C-44.

Mental Health, provided that such appointment may be revoked at any time by the Commissioner by written revocation filed with the County Clerk. All positions of Deputy Commissioner may be in the exempt class of civil service; or in the alternative, the deputy may also be an additional title which may be designated by the Commissioner for a department staff member.

- C. Deputy Commissioners shall perform such duties pertaining to the office of the Department of Mental Health as the Commissioner may direct and shall act generally for and in such place of the Commissioner and perform such other and further duties as the Commissioner may assign.
- D. The designation of an order of succession for the position of Deputy Commissioner shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Commissioner filing a new written designation of order of succession.

§ A6-3. Community Services Board. ⁵⁸

- A. *There shall be a Community Services Board of 15 members who have demonstrated interest in behavioral health services, one member of which must be a licensed physician and one of whom must be a licensed physician or licensed psychologist. There shall be disability subcommittees of nine members each, three members of which must also be currently serving Community Service Board members, who shall be appointed by the County Executive after consideration of the recommendations of the Community Services Board for terms of four years, subject to confirmation by the Legislature. No Board member or subcommittee member shall serve more than eight years, unless he or she may have filled any unexpired term immediately prior thereto. The Chairman of the Community Services Board shall be selected by the members of the Board for a term of one year. Members of the Community Services Board shall be residents of Ulster County.*
- B. Powers and duties. The Community Services Board shall exercise all the powers and perform duties of local boards as provided for under state law, including the Mental Hygiene Law of the State of New York, except as otherwise noted in the Charter. *The Board shall advise the Commissioner of Mental Health, the County Executive and the Legislature on matters relating to the Department of Mental Health. The members of the Board shall further have the power to inspect and review all facilities and programs of the Department of Mental Health, with or without notice to the Commissioner of Mental Health, and may report and make recommendations to the County Executive, County Legislature and Commissioner of Mental Health. All such reports shall be deemed public records, posted on the website of the County government, and be available for inspection at the office of the Department of Mental Health 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 of Mental Health. The Board shall have and exercise such other and related duties required by the Legislature or the County Executive.*

58. Editor's Note: See Charter § C-45.

- C. The Community Services Board shall keep minutes of all meetings, including the date and time of meeting and Board members in attendance. The original of said minutes shall be filed with the Clerk of the Legislature as soon as possible, but not to exceed 10 business days after the next regular Board meeting at which the minutes were reviewed and accepted. The Clerk of the Legislature or his or her designee shall maintain an official record of the Board's agenda items. This official record shall include the disposition of each agenda item, including individual votes of each Board member on each item.
- D. *If a vacancy shall occur other than by expiration of a term, it shall be filled by the County Executive for the balance of the term in the same manner as the original appointment.*
- E. *Members of the Community Services Board shall receive no compensation for services rendered but shall be entitled to their reasonable and necessary expenses incurred in the performance of their duties, within appropriations made for such purposes.*

ARTICLE VII
Department of Planning

§ A7-1. Appointment of Director of Planning. ⁵⁹

There shall be a Department of Planning, headed by a Director of Planning. The County Executive shall appoint the Director of Planning from among three nominees given him or her by the Ulster County Planning Board, subject to confirmation by the Legislature. The Planning Board may nominate only persons possessed of at least the minimum educational attainments, professional qualifications and administrative experience set out in New York State law. In the event that the County Planning Board fails to bring forward to the County Executive three recommendations for the position within 90 days of the occurrence of a vacancy, the County Executive shall make the appointment on his or her own initiative, subject to confirmation by the Legislature. The Director of Planning shall serve at the pleasure of the County Executive.

§ A7-2. Powers and duties of Planning Board and Director. ⁶⁰

Except as may otherwise be provided in the Charter, the County Director of Planning and Planning Board shall have all the powers and perform all the duties conferred and/or imposed in the Charter, state law or the County Administrative Code upon a county director of planning or a county planning board. The Director of Planning and/or the County Planning Board shall perform such other and related duties as required by the County Executive or County Legislature. These powers shall include, but not be limited to:

- A. *Advising the County Executive, County Legislature, County departments, and other agencies with respect to any matter relating to the development or redevelopment of the*

59. Editor's Note: See Charter § C-46.

60. Editor's Note: See Charter § C-47.

County on which an opinion is requested or upon which the Director of Planning deems it advisable to report;

- B. *Preparing and maintaining a Comprehensive Plan and annual planning program for the County as set forth in § C-52 of the Charter and attendant provisions of the Administrative Code;*
- C. *Assisting in the preparation of a capital improvement program as may be set forth in the Charter and attendant provisions of the Administrative Code;*
- D. *Exercising the powers of review and approval over land use pursuant to § C-51 of the Charter and attendant provisions of the Administrative Code;*
- E. *Making available, within constraints of available resources, the professional staff of the Department of Planning for advice regarding planning to the City of Kingston and the towns and villages within the County;*
- F. *Maintaining basic data on the County's population, land use, housing, environmental status, human and natural resources and other such matters and performing studies, analysis, plans and recommendations as may be necessary in the exercise of the powers and performance of the duties set forth in this article; and*
- G. *Acting as host board with regard to the Ulster County Transportation Council.*

§ A7-3. Additional duties of Director of Planning. ⁶¹

The Director of Planning shall:

- A. *Exercise the duties and responsibilities accorded him or her under the bylaws adopted by the County Planning Board;*
- B. *Serve ex officio on the County Environmental Management Council;*
- C. *Serve ex officio on the County Agricultural Farmland Protection Board;*
- D. *Act as liaison between County agencies and nonprofit bodies involved in economic and community development for which the County provides funding; and*
- E. **Reports.** On or before March 1 of each year, the County Planning Board shall make an annual report to the County Legislature and County Executive for the immediately preceding calendar year covering generally the work of the department. The Commissioner or Director shall make such other reports at such times as may be required by the County Legislature, County Executive or any other applicable law. Copies of all reports shall be filed with the Clerk of the County Legislature and the County Executive.

61. Editor's Note: See Charter § C-48.

§ A7-4. Deputy Director of Planning.

- A. The Director of Planning shall have the power to appoint one or more Deputy Directors of Planning, within the limits of appropriations therefor. Every appointment shall be in writing and filed in the Office of the County Clerk and the Clerk of the Legislature.
- B. The term of office of any deputy not classified as competitive in the County's civil service rules, appointed hereunder, shall coincide with that of the Director of Planning, provided that such appointment may be revoked at any time by the Director by written revocation filed with the County Clerk. All positions of Deputy Director shall be in the exempt class of civil service; or in the alternative, the deputy may also be an additional title which may be designated by the Director for a department staff member.
- C. Deputy Directors shall perform such duties pertaining to the office of the Department of Planning as the Director may direct and shall act generally for and in such place of the Director and perform such other and further duties as the Director may assign.
- D. The designation of an order of succession for the position of Deputy Director shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Director filing a new written designation of order of succession.

§ A7-5. County Planning Board. ⁶²

- A. *There shall be a County Planning Board consisting of 25 members and associated alternate members. Members and their alternates shall be appointed by the County Legislature to serve for four-year terms. The Town Board or Village Board of each town and village in Ulster County shall recommend for consideration and appointment by the Legislature one person and one alternate from that town or village. The City of Kingston shall recommend for consideration and appointment by the Legislature two persons and two alternates from that city. The County Commissioner of Finance, the Commissioner of Public Works, and the Chairman of the Environmental Management Council shall serve ex officio but shall not have voting rights. Vacancies occurring other than by expiration of term shall be filled for the balance of the term remaining in the same manner and by the same appointing authority as the original appointment. The Chairman of the Planning Board shall be selected by the Board from among members nominated by the city, towns, and villages and shall serve a one-year term. If the number of municipalities in Ulster County is reduced or increased, the membership of this Board shall be concomitantly reduced or increased, with members proposed and appointed in the manner described in this section.*
- B. *An alternate member shall have the right to vote only on the occasion of absence, conflict of interest, or required abstention under law of the member for whom he or she serves as alternate.*
- C. *Continuation of Board.*

62. Editor's Note: See Charter § C-49.

- (1) *The terms of existing County Planning Board members shall remain in effect until such time as the member is either reappointed or the term of the member ends; and*
 - (2) *The term of office of each member of the Ulster County Planning Board, so appointed, shall be for a period of four years and the appointment of a successor to any member of the County Planning Board shall also be for a term of four years, except that an appointment to fill a vacancy in the office of a member of said County Planning Board occurring by reason of death, resignation or other cause shall be made for the unexpired term of said office.*
- D. *The members of the Planning Board shall receive no compensation for their services as members thereof but may be reimbursed for reasonable and necessary expenses incurred in the performance of their duties within appropriations made available for this purpose. The Planning Board may adopt, by a majority vote of its total membership, such additional rules and procedures as are necessary for the efficient and orderly conduct of its business.*
- E. The County Planning Board shall keep minutes of all meetings, including the date and time of meeting and Board members in attendance. The original of said minutes shall be filed with the Clerk of the Legislature as soon as possible, but not to exceed 10 business days after the next regular Board meeting at which the minutes were reviewed and accepted. The Clerk of the Legislature or his or her designee shall maintain an official record of the Board's agenda items. This official record shall include the disposition of each agenda item, including individual votes of each Board member on each item.

§ A7-6. *Additional powers and duties of Planning Board.* ⁶³

The Planning Board shall have the following additional powers and duties:

- A. *To consult with and advise the Director of Planning in the performance of his or her duties.*
- B. *To review the capital improvement program prepared by the Department of Planning and guidelines for its preparation; to make written recommendations to the County Executive and the County Legislature on all capital projects contained in the program and on the priority of capital projects in the first year of the program; and to review and make written recommendations on any capital project additions to the capital improvement program or capital budget.*
- C. *To review the Comprehensive Plan and to submit its recommendations on it to the County Executive and to make recommendations on any proposed amendments to that plan prior to action being taken on such amendments by the County government and to review procedural guidelines for the coordination and preparation of the Comprehensive Plan and annual planning program.*

63. Editor's Note: See Charter § C-50.

- D. *To conduct studies and review County policies and standards for inclusion in the Comprehensive Plan and to make recommendations regarding such policies and standards to the County Executive and Legislature as it sees fit.*
- E. *To have all the powers and duties assigned to a county planning board under Article 12-B of the General Municipal Law.*

§ A7-7. Review and approval over land use. ⁶⁴

- A. *Review of land use and subdivisions. Except as may otherwise be provided in the Charter, the County Planning Board shall possess, exercise and perform all of the powers, functions and duties granted to and imposed upon a county planning board under and pursuant to Article 12-B of General Municipal Law as the same may be amended from time to time.*
- B. *Advisory review on land use. The County Planning Board shall have the power to review, with the right to render advisory reports only, over land use and land subdivision elsewhere in Ulster County in accordance with General Municipal Law Article 12-B.*
- C. *Advisory reviews on actions by County departments and other County agencies. Before adopting any final plans, policies or standards on services or capital facilities and before making any recommendation to the County Legislature on any such plans, policies or standards, on the acquisition or sale of land, on major changes in the use of land or on site plans for any County building or buildings, the respective County department or other County agencies shall refer such proposals to the Director of Planning for a written report of his or her recommendations. The Director of Planning shall prepare and submit his or her recommendation to the respective department and the County Executive.*

§ A7-8. Comprehensive Plan and annual planning program. ⁶⁵

- A. *Comprehensive Plan required. The County shall have and maintain an official plan for the comprehensive social, physical, environmental and economic development of the County, focusing primarily on the services, functions and responsibilities of County government with consideration of regional needs and the official plans of other governmental units and agencies within the County. The contents of the plan may include but shall not be limited to those areas contained in Article 12-B of the General Municipal Law, § 239-d. The County Planning Board shall cause such plan to be developed in conjunction with the County Executive, who shall submit this plan or any of its elements or parts for adoption by the County Legislature. The contents of this plan shall be set forth in the Administrative Code and posted on the County website. The procedures for the preparation, submission and adoption of this plan, and/or any amendments to it, shall be in accordance with General Municipal Law § 239-d.*

64. Editor's Note: See Charter § C-51.

65. Editor's Note: See Charter § C-52.

- B. *Intent of Comprehensive Plan. The Comprehensive Plan is intended to serve as a guide for achieving the broad social, physical, environmental and economic development objectives of the County. The plan is intended to give direction to the actions of the County Legislature, and of all County departments and agencies that affect the development of the County, and is intended to guide all official County plans and policies concerning human resources, public safety services, physical and environmental resources and land use. Although the authority of the plan over the actions of local governments and private interests is limited to the authority set forth in General Municipal Law § 239-d, the plan is intended to serve as general guide to these actions as they affect the development of the County. The plan, through its development and continuing amendment, is intended to serve as a means for reviewing, modifying and integrating all plans of local governments and private entities.*
- C. *Adoption. The County legislative body may adopt by resolution a County Comprehensive Plan or any amendment thereto.*
- D. *Filing of adopted County Comprehensive Plan. The adopted County Comprehensive Plan and any amendments thereto shall be filed in the office of the County Clerk and a copy thereof filed in the office of the County Planning Board, with the Secretary of State, as well as with the Clerk of each municipality within the County.*
- E. *Effect of adoption.*
- (1) *All County land acquisitions and public improvements, including those identified in the County Official Map adopted or amended pursuant to this article, shall be in accordance with a County Comprehensive Plan, if one exists; and*
 - (2) *All plans for capital projects of a municipality or state governmental agency on land included in the County Comprehensive Plan adopted pursuant to this section shall take such plan into consideration.*
- F. *Periodic review. The County legislative body shall provide, as a component of such proposed County Comprehensive Plan, the maximum intervals at which the adopted plan shall be reviewed.*

ARTICLE VIII
Department of Finance

§ A8-1. Commissioner of Finance. ⁶⁶

- A. *There shall be a Department of Finance under the direction of a Commissioner of Finance. The Commissioner of Finance shall be appointed by and serve at the pleasure of the County Executive, subject to confirmation by the County Legislature. He or she shall be appointed on the basis of his or her experience and qualifications in financial administration and other specified duties of this office and shall be directly responsible to the County Executive.*

⁶⁶. Editor's Note: See Charter § C-53.

B. *Powers and duties. The Commissioner of Finance shall be the chief fiscal officer of the County. Except as may otherwise be provided in the Charter, he or she shall:*

- (1) *Have charge of the administration of all the financial affairs of the County;*
- (2) *Have access to all source documents from any and all financial institutions at all times; and he or she shall have the authority to request such documents directly from those financial institutions;*
- (3) *Collect, receive, have custody of, deposit, invest and disburse all revenues, fees and other funds of the County or for which the County is responsible;*
- (4) *Conduct the sale of all bonds pursuant to the provisions of the Local Finance Law, and shall keep a record of all indebtedness, bonded or otherwise, of the County;*
- (5) *Act as the enforcing officer of the County for the purpose of the collection of tax liens on real property pursuant to Article 11 of the Real Property Tax Law of the State of New York;*
- (6) *Have all the powers and duties conferred upon a public administrator pursuant to the Surrogate's Court Procedure Act of the State of New York, except that any and all fees received in the performance of such duties shall be the property of the County of Ulster; and all costs and expenses associated therewith shall first be an expense of the estate, and then shall be an expense of the County;*
- (7) *Perform all duties specified in law for county treasurers or other county officers relating to the collection and/or extension of taxes;*
- (8) *Submit a complete statement of County finance to the County Executive and the County Legislature on or before the first day of March or at a later time in the event that an extension is authorized by the State Comptroller, and at such other times as either may require; [Amended 8-14-2012 by L.L. No. 9-2012 ⁶⁷]*
- (9) *Prepare and submit to the County Executive annually, on such date and on such forms as the County Executive may prescribe, such information as is required in preparation of the tentative County budget;*
- (10) *Prepare and authorize payroll with appropriate certification;*
- (11) *Report on an annual basis and maintain accounting of the inventory of the County; and*
- (12) *Have all the powers and perform all the duties conferred or imposed by law upon a County Commissioner of Finance and perform such other duties required by the County Executive or County Legislature. [Amended 8-14-2012 by L.L. No. 9-2012 ⁶⁸]*

67. Editor's Note: This local law was approved at referendum by a majority of the duly qualified voters 11-6-2012.

68. Editor's Note: This local law was approved at referendum by a majority of the duly qualified voters 11-6-2012.

- (13) *Be the chief accounting officer of the County; and [Added 8-14-2012 by L.L. No. 9-2012 ⁶⁹]*
- (14) *Maintain the financial books and records for all units of County government unless otherwise required by law. [Added 8-14-2012 by L.L. No. 9-2012 ⁷⁰]*
- C. *There shall be, within the Department of Finance, an independent Division of Real Property Tax Service under the direction of a Deputy Commissioner of Finance/Director of Real Property Tax Service, who shall be appointed by the County Executive and serve at the pleasure of the County Executive. At the time of his or her appointment, and throughout his or her term of office, he or she shall possess such qualifications that conform to those prescribed by the State of New York for county directors of real property tax service agencies pursuant to Article 15-A, Section 1530 of the New York State Real Property Tax Law. He or she shall be appointed on the basis of his or her administrative experience and other qualifications for the responsibilities of this office, except that if the Deputy Commissioner of Finance/Director of Real Property Tax Service is appointed for a fixed term of years pursuant to a provision of state law, he or she may only be removed for cause, after written notice of charges and an opportunity to be heard. [Added 8-14-2012 by L.L. No. 7-2012]*
- D. *The independent Division of Real Property Tax Service shall: [Added 8-14-2012 by L.L. No. 7-2012]*
- (1) *Have all of the powers and perform all of the duties conferred or imposed by Article 15-A of the Real Property Tax Law, including but not limited to the extension of real estate taxes, the issuance of tax bills, the maintenance of County assessment records, the submission to the County Executive of tax equalization rates and the rendering of assistance to assessors throughout the County in the performance of their respective responsibilities;*
 - (2) *Prepare tax maps for the use of the assessor of all the assessing units in the County; on such maps shall be shown each separately assessed parcel of real property with its boundaries properly marked, pursuant to the Real Property Tax Law;*
 - (3) *Shall perform such other and related duties as required by the County Executive; and*
 - (4) *On or before March 1 of each year, make an annual report to the County Executive and County Legislature for the immediately preceding calendar year, covering generally the work of the division. The Deputy Commissioner of Finance/Director of Real Property Tax Service shall make such other reports at such times as may be required by the County Executive, County Legislature or any applicable law. Copies of all reports shall be filed with the County Executive and the Clerk of the County Legislature.*

69. Editor's Note: This local law was approved at referendum by a majority of the duly qualified voters 11-6-2012.

70. Editor's Note: This local law was approved at referendum by a majority of the duly qualified voters 11-6-2012.

§ A8-2. Transition. ⁷¹

The person serving as County Treasurer immediately prior to the time the Charter takes effect shall serve as Commissioner of Finance until the end of December 31, 2009, at which time the elected office of County Treasurer shall be abolished, and after which the Commissioner of Finance shall be appointed as provided herein.

§ A8-3. Deputy Commissioner of Finance.

- A. The Commissioner of Finance shall have the power to appoint one or more Deputy Commissioners of Finance, within the limits of appropriations therefor. Every appointment shall be in writing and filed in the Office of the County Clerk and the Clerk of the Legislature.
- B. The term of office of any deputy appointed hereunder shall coincide with that of the Commissioner of Finance, provided that such appointment may be revoked at any time by the Commissioner by written revocation filed with the County Clerk. Positions of Deputy Commissioner may be in the exempt class of civil service; or in the alternative, the deputy may also be an additional title which may be designated by the Commissioner for a department staff member.
- C. Deputy Commissioners shall perform such duties pertaining to the office of the Department of Finance as the Commissioner may direct and shall act generally for and in such place of the Commissioner and perform such other and further duties as the Commissioner may assign.
- D. The designation of an order of succession for the position of Deputy Commissioner shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Commissioner filing a new written designation of order of succession.

§ A8-4. Acting Commissioner of Finance. ⁷²

The Commissioner of Finance, subject to approval by the County Executive, shall designate in writing, and in order of succession, the deputies and/or assistants who shall be Acting Commissioner of Finance in the event of his or her absence from the County or inability to perform and exercise the powers and duties of his or her office. That designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Commissioner filing an approved new written designation and order of succession. The Acting Commissioner of Finance shall have all the powers and perform all the duties of the Commissioner.

71. Editor's Note: See Charter § C-54.

72. Editor's Note: See Charter § C-55.

§ A8-5. Conflict of Interest.

The Commissioner of Finance shall not be an officer, director or stockholder of any depository or depositories designated by the County Executive pursuant to § C-25J of the Charter, nor any business proposing to supply equipment, supplies, materials or service to the County.

§ A8-6. Bond of Commissioner of Finance.

The Commissioner of Finance, and such of his or her deputies, officers and employees as the County Legislature or the County Executive shall require, shall file a surety bond to the County in a sum fixed by the County Legislature conditioned for the faithful performance of his or her duties. Such bond shall be approved as to form by the County Attorney and as to sufficiency of surety by the County Executive, and shall be filed with the County Clerk. It shall be a charge on the County.

§ A8-7. Seal of Commissioner of Finance.

The Seal of the County of Ulster shall be the Seal of the Commissioner of Finance. Such Seal shall be used for all authorized and required purposes.

ARTICLE IX
Comptroller

§ A9-1. Election; term; qualifications. ⁷³

There shall be a Comptroller, who shall be elected from the County at large in the first even-numbered year following the adoption of the Charter for a term of two years, and in the second even-numbered year following the adoption of the Charter for a term of three years, and thereafter in the first odd-numbered year and each subsequent odd-numbered year in which a County Executive is not chosen for a term of four years beginning with the first day of January next following his or her election. At the time of his or her nomination and election, and throughout his or her term of office, the Comptroller shall be and remain a qualified elector of Ulster County.

§ A9-2. Powers and duties. ⁷⁴ [Amended 8-14-2012 by L.L. No. 9-2012⁷⁵]

The Comptroller shall be the chief auditing officer of the County. Except as may otherwise be provided in the Charter he or she shall:

- A. *Examine, audit, and verify all books, records, and accounts kept by the administrative units, offices and officials paid from County funds, institutions and other agencies of the County, including bond and note registers and trust accounts, and the accrual and*

73. Editor's Note: See Charter § C-56.

74. Editor's Note: See Charter § C-57.

75. Editor's Note: This local law was approved at referendum by a majority of the duly qualified voters 11-6-2012.

- collection of all County revenues and receipts, and for this purpose have access to all such books, records, and accounts at any time except where precluded by law. The Comptroller shall prepare an annual audit report including a risk assessment of the accounting methods utilized by the County, and shall submit a copy of the report to the County Legislature and the County Executive by April 1 of each year;*
- B. *Procure from the depositories with which the Commissioner of Finance shall have deposited the funds and monies coming into the Comptroller's possession statements, at least monthly, of all monies deposited by the Commissioner of Finance or paid out pursuant to the Comptroller's order, and reconcile such statements with the County accounts;*
 - C. *Audit records of appropriations, encumbrances and expenditures, and prescribe generally accepted government accounting methods to be used by all units of County government, unless otherwise required by the State Comptroller;*
 - D. *Certify the availability of funds for all requisitions, contracts, purchase orders and other documents by which the County incurs financial obligations or for the expenditure of funds for which the County is responsible;*
 - E. *Prescribe the form for records of appropriation, encumbrances, and expenditures for all units of County government, receipts, vouchers, bills and claims, unless otherwise required by the State Comptroller;*
 - F. *Audit and certify for payment all lawful claims or charges against the County, whether for payroll or otherwise, or against funds for which the County is responsible in whole or in part;*
 - G. *As he or she determines necessary or appropriate, audit any department, program or function of County government to assess the degree to which its operation is economical, efficient and/or effective;*
 - H. *To conduct studies and investigations in furtherance of his or her functions and, in connection therewith, to obtain and employ professional and technical advice, appoint citizens' committees, commissions and boards, subpoena witnesses, administer oaths, and require the production of books, papers and other evidence deemed necessary or material to such studies or investigations. A subpoena issued under this section shall be regulated by the Civil Practice Law and Rules together with any state or federal laws or rules that may be applicable. The subpoena shall not extend to disclose the identity or jeopardize the safety of victims, confidential informants, witnesses, and undercover officers or operatives;*
 - I. *Submit to the County Legislature and Executive, and post on the County website as frequently as he or she deems necessary, but at least quarter-annually, reports on the financial condition of the County and the economy, efficiency and/or effectiveness with which the County government or any of its departments, agencies or programs is managed;*

- J. *Have all the powers and perform all the duties conferred or imposed by law upon a county comptroller, and perform such other related duties required by the County Executive or County Legislature.*
- K. The Comptroller, within appropriations provided therefor, shall have the power to engage such expert accountants and consultants as may be necessary to perform and carry out the functions and duties of his or her office.

§ A9-3. Deputy Comptrollers and staff. ⁷⁶

The Comptroller shall have the power to appoint such Deputy Comptrollers, assistants and employees in his or her office as shall be authorized by the County Legislature. All such appointees shall be qualified by education and/or experience and shall be directly responsible to, and serve at the pleasure of, the Comptroller, subject to applicable law.

§ A9-4. Acting Comptroller. ⁷⁷

The Comptroller shall designate in writing, and in order of succession, the Deputy Comptrollers and assistants who shall be Acting Comptroller in the event of his or her absence from the County or inability to perform and exercise the powers and duties of this office. Such designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Comptroller filing a new written designation and order of succession. The Acting Comptroller shall have all the powers and perform all the duties of the Comptroller.

§ A9-5. Vacancy. ⁷⁸ [Amended 8-14-2012 by L.L. No. 9-2012⁷⁹]

- A. *Filling Comptroller vacancy. If a vacancy occurs in the office of the Comptroller of Ulster County for any reason other than the expiration of a term, the County Legislature shall fill this office ad interim by the appointing of a person fully qualified by law to hold that office by a majority of its full number at its next regularly scheduled session or at a special session held for the purpose, and any such session shall be held no sooner than two weeks after the vacancy occurs, and no later than one month after the vacancy occurs.*
- B. *Appointee to serve on interim basis. A person appointed by the Legislature in this manner to fill an office ad interim shall serve until the end of the 31st day of December following the first general election day at which a general election may be held under law to fill this position.*
- C. *Election; person to serve for duration of unexpired term. The person chosen at general election, held as soon as practicable on a general election day under state law to fill a*

⁷⁶. Editor's Note: See Charter § C-58.

⁷⁷. Editor's Note: See Charter § C-59.

⁷⁸. Editor's Note: See Charter § C-60.

⁷⁹. Editor's Note: This local law was approved at referendum by a majority of the duly qualified voters 11-6-2012.

vacancy in the position of the Comptroller of Ulster County, shall serve for the duration of the unexpired term of the office.

§ A9-6. Bond of Comptroller.

The Comptroller, and such of his or her deputies, officers and employees as the County Legislature or the County Executive shall require, shall file a surety bond to the County in a sum fixed by the County Legislature conditioned for the faithful performance of his or her duties. Such bond shall be approved as to form by the County Attorney and as to sufficiency of surety by the County Executive, and shall be filed with the County Clerk. It shall be a charge on the County.

ARTICLE X

Department of Personnel

§ A10-1. Personnel Director. ⁸⁰

- A. *There shall be a Department of Personnel, headed by a Personnel Director. The Personnel Director shall be the personnel officer for the County of Ulster. The Personnel Director shall be appointed by the County Executive in accord with requirements of education, experience, and other qualifications set out in state law, and subject to confirmation by the County Legislature, except that if the Personnel Director is appointed for a fixed term of years pursuant to a provision of state law, he or she may only be removed for cause, after written notice of charges and an opportunity to be heard. The Personnel Director shall be a resident of Ulster County.*
- B. *Powers and duties. The Personnel Director shall develop and administer a personnel program for the County, be the principal liaison with employee labor unions, advise the County Executive in collective bargaining, and have and exercise all the powers and duties as provided in the Civil Service Law for a personnel officer in this state and all the powers and duties conferred or imposed upon him or her by any other law. He or she shall also perform such other and related duties required by the County Executive.*
- C. **Reports.** On or before March 1 of each year, the Personnel Director shall make an annual report to the County Legislature and County Executive for the immediately preceding calendar year, covering generally the work of the department. The Personnel Director shall make such other reports at such times as may be required by the County Legislature, County Executive or any applicable law. Copies of all reports shall be filed with the Clerk of the County Legislature, the County Executive and the State Civil Service Commission.

80. Editor's Note: See Charter § C-61.

§ A10-2. Deputy Personnel Director.

- A. The Personnel Director shall have the power to appoint one or more Deputy Personnel Directors, within the limits of appropriations therefor. Every appointment shall be in writing and filed in the Office of the County Clerk and the Clerk of the Legislature.
- B. The term of office of any deputy not classified as competitive under the County's civil service rules, appointed hereunder, shall coincide with that of the Personnel Director, provided that such appointment may be revoked at any time by the Director by written revocation filed with the County Clerk. Positions of Deputy Director may be in the exempt class of civil service; or in the alternative, the deputy may also be an additional title which may be designated by the Director for a department staff member.
- C. Deputy Directors shall perform such duties pertaining to the Department of Personnel as the Director may direct and shall act generally for and in such place of the Director and perform such other and further duties as the Director may assign.
- D. The designation of an order of succession for the position of Deputy Director shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Director filing a new written designation of order of succession.

ARTICLE XI

Department of Social Services**§ A11-1. Commissioner of Social Services.** ⁸¹

- A. *There shall be a Department of Social Services under the direction of a Commissioner of Social Services, who shall be appointed by the County Executive, subject to confirmation by the County Legislature. He or she shall be appointed on the basis of his or her professional experience and other qualifications for the responsibilities of his or her office. The Commissioner shall be appointed in accordance with the provisions of § 116 of the Social Service Law of the State of New York or other provisions of law relating to the appointment of such commissioner. He or she shall also be a resident of Ulster County. He or she shall be directly responsible to and serve at the pleasure of the County Executive, except that if the Commissioner of Social Services is appointed for a fixed term of years pursuant to a provision of state law, he or she may only be removed for cause, after written notice of charges and an opportunity to be heard.*
- B. *Powers and duties. Except as may otherwise be provided in the Charter, the Commissioner shall manage and/or supervise all social services institutions and facilities owned or operated by the County. In addition, he or she shall have all the powers and perform all the duties conferred or imposed by the New York State Social Services Law or any other law upon a county commissioner of social services and perform such other related duties required by the County Executive or County Legislature.*
- C. Reports. On or before March 1 of each year, the Commissioner of Social Services shall make an annual report to the County Legislature and County Executive for the

⁸¹. Editor's Note: See Charter § C-62.

immediately preceding calendar year, covering generally the work of the department. The Commissioner shall make such other reports at such times as may be required by the County Legislature, County Executive or any applicable law. Copies of all reports shall be filed with the Clerk of the County Legislature and the County Executive.

- D. Accounting for moneys. All moneys to which the Social Services Department may be entitled under and by virtue of the laws of the State of New York, or which the Commissioner may receive for services performed by his or her department, shall belong to said department and shall be collected by such Commissioner, accounted for and paid over to the Commissioner of Finance by a written statement within 10 days after the expiration of each month. Each monthly statement shall have attached thereto a certification by said Commissioner to the effect that the same is in all respects a full and true statement of all such moneys received by him or her for the preceding month. The Commissioner of Social Services shall pay to the Commissioner of Finance all moneys received by him or her which are reportable to or receivable by the County as soon as practicable or as may be required by the Commissioner of Finance, but in no event less than once weekly.

§ A11-2. Deputy Commissioner of Social Services.

- A. The Commissioner of Social Services shall have the power to appoint one or more Deputy Commissioners of Social Services, within the limits of appropriations therefor. Every appointment shall be in writing and filed in the Office of the County Clerk and the Clerk of the Legislature.
- B. The term of office of any deputy not classified as competitive under the County's civil service rules, appointed hereunder, shall coincide with that of the Commissioner of Social Services, provided that such appointment may be revoked at any time by the Commissioner by written revocation filed with the County Clerk. Positions of Deputy Commissioner may be in the exempt class of civil service; or in the alternative, the deputy may also be an additional title which may be designated by the Commissioner for a department staff member.
- C. Deputy Commissioners shall perform such duties pertaining to the office of the Department of Social Services as the Commissioner may direct and shall act generally for and in such place of the Commissioner and perform such other and further duties as the Commissioner may assign.
- D. The designation of an order of succession for the position of Deputy Commissioner shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Commissioner filing a new written designation of order of succession.

§ A11-3. Bond of Commissioner of Social Services.

The Commissioner of Social Services, and such of his or her deputies, officers and employees as the County Legislature or the County Executive shall require, shall file a surety bond to the County in a sum fixed by the County Legislature conditioned for the faithful performance of

his or her duties. Such bond shall be approved as to form by the County Attorney and as to sufficiency of surety by the County Executive, and shall be filed with the County Clerk. It shall be a charge on the County.

ARTICLE XII
Department of Public Works

§ A12-1. Commissioner of Public Works. ⁸²

- A. *There shall be a Department of Public Works, headed by a Commissioner of Public Works who shall be appointed on the basis of his or her experience and qualifications for office by the County Executive to serve at his or her pleasure, subject to the confirmation by the County Legislature.*
- B. *Powers and duties. Except as otherwise provided in the Charter, the Administrative Code or state law, the Commissioner of Public Works shall:*
- (1) *Have all powers and duties of a county engineer and a county superintendent of highways, pursuant to the Highway Law or other applicable law;*
 - (2) *Have such powers and duties in relation to County facilities for drainage, flood control, sanitation, sewage, or water supply as may be prescribed by the County Legislature;*
 - (3) *Furnish engineering and other services to the County Legislature, County Executive, the Department of Planning and other County departments as authorized;*
 - (4) *Have charge of and have the duty of performing such other functions concerning County real and personal property, public works and other matters as the County Executive and Legislature may, from time to time, direct;*
 - (5) *Have charge and supervision of routine maintenance and repair of equipment, storage buildings and facilities used by the department, including highway substations, and all parking areas serving these facilities;*
 - (6) *Have charge and supervision of the design, construction and alteration of the County buildings, parking fields and lots, drives, walks, preserves, beaches, and other public structures and facilities under the jurisdiction of the County;*
 - (7) *Have charge and supervision of maintenance, repair and alteration of buildings owned or leased by the County, parking fields and lots, drives, walks, preserves, beaches and other public structures and facilities under the jurisdiction of the County, including custodial care; and*
 - (8) *Except as otherwise provided in the Charter and subject to the requirements of state law, have the authority to appoint and remove all officers and employees of the Department of Public Works.*

82. Editor's Note: See Charter § C-63.

- C. Reports. On or before March 1 of each year, the Commissioner of Public Works shall make an annual report to the County Legislature and County Executive for the immediately preceding calendar year, covering generally the work of the department. The Commissioner shall make such other reports at such times as may be required by the County Legislature, County Executive or any applicable law. Copies of all reports shall be filed with the Clerk of the County Legislature and the County Executive.

§ A12-2. Deputy Commissioner of Public Works.

- A. The Commissioner of Public Works shall have the power to appoint one or more Deputy Commissioners of Public Works within the limits of appropriations therefor. Every appointment of a Deputy shall be in writing, filed and recorded in the Office of the County Clerk and Clerk of the Legislature.
- B. The term of Office of any Deputy appointed hereunder shall coincide with that of the Commissioner of Public Works, provided that any such appointment may be revoked at any time by the Commissioner of Public Works by written revocation filed with the County Clerk. Positions of Deputy Commissioner may be in the exempt class of the civil service; or in the alternative, the deputy may also be an additional title which may be designated by the Commissioner for a department staff member.
- C. Deputy Commissioners of Public Works shall perform such duties pertaining to the Office of Public Works as the Commissioner of Public Works may direct and shall act generally for and in place of the Commissioner and perform such other and further duties as the Commissioner may assign and direct.
- D. If there be but one Deputy Commissioner of Public Works, he or she shall be the First Deputy Commissioner of Public Works. If more than one Deputy Commissioner of Public Works is appointed, the County Commissioner of Public Works shall designate one of them as First Deputy Commissioner of Public Works in a writing filed in the Office of the County Clerk and the Clerk of the Legislature.
- E. The Commissioner of Public Works may, with the approval of the County Legislature, set up and establish appropriate divisions of the Department of Public Works as well as the responsibilities thereof and name a Deputy to head any such division.

§ A12-3. Acting Commissioner of Public Works. ⁸³

- A. *Subject to approval by the County Executive, the Commissioner of Public Works shall specify in writing, and in order of succession, the Deputy Commissioner or Deputy Commissioners and/or other assistants who shall be Acting Commissioner of Public Works in the event of his or her absence from the County or inability to perform and exercise the powers and duties of his or her office. This specification shall be filed with the County Clerk and the Clerk of the Legislature and may be revoked at any time by the Commissioner filing an approved new written designation and order of succession.*

83. Editor's Note: See Charter § C-64.

- B. *The designated Deputy Commissioner of Public Works shall be Acting Commissioner of Public Works in the event of the Commissioner's absence from the County or inability to perform and exercise the powers and duties of the office for no more than 30 days. If the absence or inability of the Commissioner of Public Works shall extend for over 30 days or in the event there is no designated deputy, an Acting Commissioner of Public Works shall be appointed by the County Executive, subject to the County Legislature's confirmation, for a period not to exceed a total of 180 days in addition to the initial thirty-day period, or for the entire two-hundred-ten-day period as appropriate. If the inability of the Commissioner of Public Works shall extend over 210 days, the County Executive, subject to County Legislature confirmation, shall appoint a Commissioner of Public Works. An Acting Commissioner of Public Works shall file his or her designation and oath of office as such with the County Clerk.*
- C. *An Acting Commissioner of Public Works shall have all the powers and duties of the Commissioner during the period of his or her designation and until his or her successor shall be appointed and qualified under this section or until a new Commissioner of Public Works is appointed and qualified pursuant to law.*

§ A12-4. Engineering Division. ⁸⁴

There shall be an Engineering Division within the Department of Public Works staffed by licensed mechanical and structural engineers, responsible to the Commissioner of Public Works and under his or her supervision, charged with planning, supervision and oversight of construction and rehabilitation projects for all County highways, structures, water, sewer and flood control projects and other County facilities.

§ A12-5. Administration Division.

There shall be an Administration Division within the Department of Public Works, the head of which may be either a Deputy or Controller who acts as an assistant to the Commissioner of Public Works and supervises the management of department fiscal affairs. This position is also responsible for the preparation of the annual departmental budget and in the formulation of capital project improvement programs. The work is performed under the general direction of the Commissioner of Public Works with considerable leeway allowed for the exercise of independent judgment and initiative in work methods. Supervision is exercised over departmental administrative-support staff. He or she shall do related work as required.

§ A12-6. Highways and Bridges Division.

There shall be a Highways and Bridges Division within the Department of Public Works, the head of which may be either a Deputy or Highways and Bridges Field Operations Manager who acts as an assistant to the Commissioner of Public Works and supervises and directs the County road, bridge and park maintenance, repair and construction operations. This position is also responsible for providing analysis of departmental needs, interdepartmental activities and the overall scheduling of projects. The work is performed under the general direction of the

⁸⁴. Editor's Note: See Charter § C-65.*

Commissioner of Public Works with considerable leeway allowed for the exercise of independent judgment and initiative in work methods. Supervision is exercised over all field personnel engaged in road, bridge and park maintenance, repair and construction. He or she shall do related work as required.

§ A12-7. Buildings and Grounds Division.

There shall be a Building and Grounds Division within the Department of Public Works, the head of which may be either a Deputy or Buildings and Grounds Administrative Manager who acts as an assistant to the Commissioner of Public Works and supervises the operations of the Buildings and Grounds division. This position is also responsible for providing analysis of departmental needs, interdepartmental activities and the overall scheduling of projects. The work is performed under the general direction of the Commissioner of Public works with considerable leeway allowed for the exercise of independent judgment and initiative in work methods. Supervision is exercised over a large staff of maintenance, custodial and office personnel. He or she shall do related work as required

§ A12-8. Rules and regulations. ⁸⁵

The County Legislature shall have the power, by local legislation, to establish such rules and regulations as may be necessary to provide for use by the public of facilities under the jurisdiction of the Department of Public Works and to provide for the enforcement thereof.

ARTICLE XIII

Department of Public Transportation

§ A13-1. Director of Public Transportation. ⁸⁶

- A. *There shall be a Department of Public Transportation, headed by a Director who shall be appointed by the County Executive on the basis of his or her experience and qualifications for office to serve at the pleasure of the County Executive, subject to confirmation by the County Legislature.*
- B. *Powers and duties. The Director of Public Transportation shall have the charge and duty of performing the following functions concerning the transit system and other modes of transportation as the County Executive may direct:*
- (1) *Operate and manage a bus transit system, hereinafter referred to as the "Ulster County Area Transit System," for the County of Ulster;*
 - (2) *Direct the administration of a public transportation system for residents in rural areas, determining the staffing, material and resource requirements on the basis of the functional plan of operation of the Ulster County Area Transit System (UCAT);*

85. Editor's Note: See Charter § C-66.

86. Editor's Note: See Charter § C-67.

- (3) Direct the organization, maintenance, safety and use of UCAT resources for public transit use;
 - (4) Develop programs designed to provide safe, affordable public transit service to the rural inhabitants of Ulster County;
 - (5) Direct and coordinate the efforts of employees, and be responsible for the appointment of staff;
 - (6) Ensure that employees adhere to all bus operation safety guidelines in accordance with all federal, state, and local regulations;
 - (7) Develop and prepare the UCAT public transit budget;
 - (8) Maintain fiscal controls over County and grant funds concerning public transit and submit reports on a timely basis to the Ulster County Legislature and federal agencies in compliance with all regulatory requirements attached to public transit funding;
 - (9) Maintain records and prepare narrative and statistical reports of a written and verbal nature concerning public transit;
 - (10) Design and implement recruitment programs for UCAT employees;
 - (11) Be responsible for the preparation, submission and administration of all applications for state and federal grants for public transportation in the County;
 - (12) Represent the County in dealing with federal, state, town, village and regional transportation agencies;
 - (13) *Develop and maintain liaison with other governments, County government agencies, not-for-profit organizations and private carriers regarding the financing, planning, coordination and delivery of transit services to County residents;*
 - (14) *Have charge, supervision and custodial care of all vehicles, buildings and any other real or personal property relating to the Ulster County Area Transit System; and*
 - (15) *Have charge of and have the duty of performing other functions concerning the transit system and other modes of transportation as the County Executive and/or the County Legislature may from time to time direct.*
- C. Reports. On or before March 1 of each year, the Director of Public Transportation shall make an annual report to the County Legislature and County Executive for the immediately preceding calendar year, covering generally the work of the department. The Director of Public Transportation shall make such other reports at such times as may be required by the County Legislature, County Executive or any applicable law. Copies of all reports shall be filed with the Clerk of the County Legislature and the County Executive.

§ A13-2. Deputy Director of Public Transportation.

- A. The Director of Public Transportation shall have the power to appoint one or more Deputy Directors of Public Transportation, within the limits of appropriations therefor. Every appointment shall be in writing and filed in the Office of the County Clerk and the Clerk of the Legislature.
- B. The term of office of any deputy not classified as competitive under the County's civil service rules, appointed hereunder, shall coincide with that of the Director of Public Transportation, provided that such appointment may be revoked at any time by the Director by written revocation filed with the County Clerk. Positions of Deputy Director may be in the exempt class of civil service; or in the alternative, the deputy may also be an additional title which may be designated by the Director for a department staff member.
- C. Deputy Directors shall perform such duties pertaining to the office of the Department of Public Transportation as the Director may direct and shall act generally for and in such place of the Director and perform such other and further duties as the Director may assign.
- D. The designation of an order of succession for the position of Deputy Director shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Director filing a new written designation of order of succession.

§ A13-3. Rules and regulations. ⁸⁷

The County Legislature shall have the power, by local legislation, to establish such rules and regulations as may be necessary to provide for the use of facilities and equipment under the jurisdiction of the Department of Public Transportation and to provide for their enforcement.

ARTICLE XIV
County Attorney

§ A14-1. Appointment and qualifications. ⁸⁸

There shall be a County Attorney, who shall be appointed by and serve at the pleasure of the County Executive. The County Attorney shall, at the time of his or her appointment and at all times during his or her term of office, be a qualified elector of the County. He or she shall also have been duly admitted to the practice of law in this state and at all times during his or her term of office and shall devote his or her full working time to the duties of the office.

87. Editor's Note: See Charter § C-68.

88. Editor's Note: See Charter § C-69.

§ A14-2. Powers and duties. ⁸⁹A. *The County Attorney shall:*

- (1) *Be the sole legal advisor for the County;*
- (2) *Advise all County officers, departments, agencies and units in all County legal matters of a civil nature;*
- (3) *Prosecute or defend all actions or proceedings of a civil nature brought by or against the County;*
- (4) *Prepare all necessary legal papers and instruments pertaining to the County government, exclusive of the preparation of local laws, resolutions, legalizing acts or other legislation or memoranda and opinions in support thereof, which fall within the purview of the Counsel to the Legislature; and*
- (5) *Have all the powers and perform all the duties conferred or imposed by law upon a county attorney, except as may be inconsistent with the Charter, and perform such other and related duties required by the Executive Branch of County government.*

- B. Reports. On or before March 1 of each year, the County Attorney shall make an annual report to the County Legislature and County Executive for the immediately preceding calendar year, covering generally the work of the department. The County Attorney shall make such other reports at such times as may be required by the County Legislature, County Executive or any applicable law. Copies of all reports shall be filed with the Clerk of the County Legislature and the County Executive.

§ A14-3. Assistant County Attorneys. ⁹⁰

- A. *The County Attorney shall have the power to appoint Assistant County Attorneys as may be authorized by the County Legislature. All Assistant County Attorneys shall be duly admitted to practice law in the State of New York, shall be in the exempt class of civil service, and shall serve at the pleasure of the County Attorney.*
- B. The Assistant County Attorney shall perform such duties pertaining to the office as may be directed by the County Attorney.
- C. The Assistant, during the absence or inability of the County Attorney, shall perform the powers and duties of the office of County Attorney.
- D. In the event of a vacancy in the office of County Attorney, the Assistant shall perform the powers and duties of the County Attorney until a successor is appointed and has qualified.

89. Editor's Note: See Charter § C-70.

90. Editor's Note: See Charter § C-71.

- E. If more than one Assistant County Attorney shall be appointed, the County Attorney shall designate in writing and file in the office of the County Clerk and Clerk of the Legislature the order in which such Assistants shall exercise the powers and duties of the office in the event of a vacancy or the absence or inability of such County Attorney to perform the duties of the office.

§ A14-4. *Special counsel.* ⁹¹ [Amended 8-14-2012 by L.L. No. 9-2012⁹²]

Except as provided in § C-20D, the County Attorney shall have the power to retain special counsel where necessary and within appropriations made therefor by the County Legislature.

ARTICLE XV
Department of Information Services

§ A15-1. *Director of Information Services.* ⁹³

- A. *There shall be a Department of Information Services under the direction of the Director of Information Services, who shall be appointed by the County Executive, subject to confirmation by the County Legislature, and serve at his or her pleasure. The Director of Information Services shall be appointed on the basis of his or her professional training and experience and other qualifications for the responsibilities of that office.*
- B. *Powers and duties.*
- (1) *The Director of Information Services shall be the chief administrative officer of the department. Except as may otherwise be provided in the Charter, he or she shall have all the powers and perform all the duties conferred or imposed by law upon a county director of information services and shall perform such other related duties required by the County Executive or County Legislature.*
 - (2) The Director of Information Services also shall have the charge and duty of performing the following functions concerning the information system as the County Executive may direct:
 - (a) Have charge and supervision of the processing of information and data within County government;
 - (b) Develop programs designed to provide accurate, sufficient and timely information for decision-making by all units of County government;
 - (c) Coordinate the organization, maintenance and use of equipment capable of providing information relating to the functions of County government; and
 - (d) Direct the administrative activities of the department.

91. Editor's Note: See Charter § C-72.

92. Editor's Note: This local law was approved at referendum by a majority of the duly qualified voters 11-6-2012.

93. Editor's Note: See Charter § C-73.

- C. Reports. On or before March 1 of each year, the Director of Information Services shall make an annual report to the County Legislature and the County Executive for the immediately preceding calendar year, covering generally the work of the department. The Director of Information Services shall make such other reports at such times as may be required by the County Legislature, County Executive or any applicable law. Copies of all reports shall be filed with the Clerk of the County Legislature and the County Executive.

§ A15-2. Assistant Directors.

- A. The Director of Information Services shall have the power to appoint one or more Assistant Directors within the limits of appropriations therefor.
- B. Assistant Directors shall perform such duties pertaining to the Department of Information Services as the Director may direct.

§ A15-3. Deputy Director of Information Services.

- A. The Director of Information Services shall have the power to appoint one or more Deputy Directors of Information Services, within the limits of appropriations therefor. Every appointment shall be in writing and filed in the Office of the County Clerk and the Clerk of the Legislature.
- B. The term of office of any deputy not classified as competitive under the County's civil service rules, appointed hereunder, shall coincide with that of the Director of Information Services, provided that such appointment may be revoked at any time by the Director by written revocation filed with the County Clerk. Positions of Deputy Director may be in the exempt class of civil service; or in the alternative, the deputy may also be an additional title which may be designated by the Director for a department staff member.
- C. Deputy Directors shall perform such duties pertaining to the office of the Department of Information Services as the Director may direct and shall act generally for and in such place of the Director and perform such other and further duties as the Director may assign.
- D. The designation of an order of succession for the position of Deputy Director shall be filed with the County Clerk and the Clerk of the Legislature and may be revoked at any time by the Director filing a new written designation of order of succession.

ARTICLE XVI

Department of Purchasing

§ A16-1. Director of Purchasing.⁹⁴

- A. *There shall be a Department of Purchasing, headed by a Director of Purchasing who shall be appointed by the County Executive on the basis of his or her experience and*

94. Editor's Note: See Charter § C-74.

qualifications for the office to serve at his or her pleasure, subject to confirmation by the County Legislature.

B. Powers and duties. The Director of Purchasing shall:

- (1) *In accordance with the requirements for advertising and competitive bidding, authorize all purchases and sales of materials, supplies and equipment and contracts for the rental or servicing of equipment for the County;*
- (2) *Approve and execute certain contracts as shall be prescribed by the Administrative Code:*
 - (a) The Director of Purchasing shall have the authority and discretion to extend existing contracts and execute same, as well as recurring types of services, including, but not limited to: New York State Office of General Services contracts, piggyback contracts, mandated/preferred source, sole-source, and utility contracts. The Director of Purchasing shall provide a report to be annexed to an abstract of contracts, for reporting purposes only, setting forth those contracts that he or she has executed, and a copy of which shall be filed with the County Executive and the Clerk of the Legislature.
 - (b) The Director of Purchasing shall review and approve all contracts as to the content and compliance with requirements for municipal purchasing, and present an abstract of contracts so reviewed and as being approved for execution to the County Executive for all contracts under the amount of \$50,000. Upon approval of said abstract by the County Executive, the Director of Purchasing shall have the authority to execute the contracts as provided in § A3-4X of the Administrative Code.
 - (c) The Director of Purchasing shall review and approve all contracts \$50,000 or in excess of \$50,000 as to the content and compliance with requirements for municipal purchasing, and present each contract to the County Legislature for the County Legislature's approval. Upon the approval of a contract by the County Legislature, the Director of Purchasing shall present the contract to the County Executive for approval. Upon the approval of the contract by the County Executive, the Director of Purchasing shall have the authority to execute the contract as provided in § C-74B(2) in the County Charter.
[Amended 5-14-2013 by L.L. No. 1-2013]
- (3) *Establish and enforce suitable specifications and standards for all supplies, materials and equipment to be purchased for the County; and*
- (4) *Perform such other and related duties as shall be required and delegated by the County Executive or County Legislature, or as required pursuant to local, state and federal laws.*

C. Reports. On or before March 1 of each year, the Director of Purchasing shall make an annual report to the County Legislature and County Executive for the immediately preceding calendar year, covering generally the work of the department. The Director of Purchasing shall make such other reports at such times as may be required by the County

Legislature, County Executive or any applicable law. Copies of all reports shall be filed with the Clerk of the County Legislature and the County Executive.

§ A16-2. Deputy Director of Purchasing.

- A. The Director of Purchasing shall have the power to appoint one or more Deputy Directors of Purchasing, within the limits of appropriations therefor. Every appointment shall be in writing and filed in the Office of the County Clerk and the Clerk of the Legislature.
- B. The term of office of any deputy not classified as competitive under the County's civil service rules, appointed hereunder, shall coincide with that of the Director of Purchasing, provided that such appointment may be revoked at any time by the Director by written revocation filed with the County Clerk. Positions of Deputy Director may be in the exempt class of civil service; or in the alternative, the deputy may also be an additional title which may be designated by the Director for a department staff member.
- C. Deputy Directors shall perform such duties pertaining to the office of the Department of Purchasing as the Director may direct and shall act generally for and in such place of the Director and perform such other and further duties as the Director may assign.
- D. The designation of an order of succession for the position of Deputy Director shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Director filing a new written designation of order of succession.

§ A16-3. Bond of Director of Purchasing.

The Director of Purchasing, and such of his or her deputies, officers and employees as the County Legislature or the County Executive shall require, shall file a surety bond to the County in a sum fixed by the County Legislature conditioned for the faithful performance of his or her duties. Such bond shall be approved as to form by the County Attorney and as to sufficiency of surety by the County Executive, and shall be filed with the County Clerk. It shall be a charge on the County.

ARTICLE XVII

(Reserved)⁹⁵

§ A17-1. through § A17-3. (Reserved)

95. Editor's Note: Former Art. XVII, Real Property Tax Service Agency, was repealed 8-14-2012 by L.L. No. 7-2012.

ARTICLE XVIII
Department of Public Defender

§ A18-1. Public Defender. ⁹⁶

- A. *There shall be a Department of Public Defender under the direction of a Public Defender, who shall be appointed by the County Executive subject to confirmation by the County Legislature and serve at his or her pleasure. At the time of his or her appointment, the person appointed as Public Defender shall have been duly admitted to the practice of law in this state for at least five years, and throughout his or her term of office, the Public Defender shall be and remain duly licensed and entitled to practice law in the State of New York. He or she shall be appointed on the basis of his or her legal experience and other qualifications for the responsibilities of his office and devote his or her full working time to the duties of the office. The Public Defender, at all times, shall be a resident of Ulster County.*
- B. *The Public Defender shall:*
- (1) *Provide legal representation, without charge, as directed by a court of appropriate jurisdiction, to persons whom the court has determined are financially unable to retain private counsel and who are charged with a crime, or who are entitled to assigned counsel pursuant to the Family Court Act or other statutory provision;*
 - (2) *Except as otherwise provided in the Charter, have all the powers and perform all the duties conferred or imposed by law upon his or her office; and*
 - (3) *Perform such other and related duties required by the County Executive or County Legislature.*
- C. Reports. On or before March 1 of each year, the Public Defender shall make an annual report to the County Legislature and County Executive for the immediately preceding calendar year, covering generally the work of the department, including all cases handled by his or her office during the preceding year. The Public Defender shall make such other reports at such times as may be required by the County Legislature, County Executive or any applicable law. Copies of all reports shall be filed with the Clerk of the County Legislature and the County Executive.

§ A18-2. Deputy and Assistant Public Defenders and staff. ⁹⁷

The Public Defender shall have the power to appoint such Deputy and Assistant Public Defenders, investigators and employees of his or her department as shall be authorized by the County Legislature. At the times of their appointments, and throughout their terms of office, all Deputy and Assistant Public Defenders shall be and remain duly licensed and entitled to practice law in the State of New York. All Deputy and Assistant Public Defenders, investigators and employees of the department shall be directly responsible to, and serve at

⁹⁶. Editor's Note: See Charter § C-77.

⁹⁷. Editor's Note: See Charter § C-78.

the pleasure of, the Public Defender, except as otherwise provided by the Charter, Administrative Code or applicable law.

§ A18-3. Acting Public Defender. ⁹⁸

The Public Defender, subject to approval by the County Executive, shall designate in writing, and in order of succession, the Deputy and Assistant Public Defenders who shall be Acting Public Defender in the event of his or her absence from the County or inability to perform and exercise the powers and duties of his or her office. Such designations shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Public Defender filing an approved new written designation and order of succession. The Acting Public Defender shall have all the powers and perform all the duties of the Public Defender.

§ A18-4. Special counsel. ⁹⁹

The Public Defender shall have the power to retain special counsel where necessary and within appropriations made therefor.

ARTICLE XIX
County Clerk

§ A19-1. Election and qualifications. ¹⁰⁰

There shall be a County Clerk who shall be elected by the County at large at a general election, for a term of office in accordance with law, commencing on the first day of January immediately following his or her election. The County Clerk, at the time of his or her election and at all times during his or her term of office, shall be a qualified elector of the County and shall devote his or her full working time to the duties of the office.

§ A19-2. Powers and duties. ¹⁰¹

A. *The County Clerk shall:*

- (1) *Have and exercise all powers and duties conferred or imposed upon him or her by law and perform such other and related duties required by the County Executive or the Legislature;*
- (2) *Appoint such deputies, officers and employees of the department as may be authorized by resolution of the County Legislature; and*

98. Editor's Note: See Charter § C-79.

99. Editor's Note: See Charter § C-80.

100. Editor's Note: See Charter § C-81.

101. Editor's Note: See Charter § C-82.

- (3) *Serve as or appoint the County's records management officer, or such successor office as may be established under state law, with all powers and duties of such office, and in this capacity provide central management of the County's records and archives, within such appropriations as shall be made annually by the County Legislature.*
- B. Reports. On or before March 1 of each year, the County Clerk shall make an annual report to the County Legislature and County Executive for the immediately preceding calendar year, covering generally the work of the department. The County Clerk shall make such other reports at such times as may be required by the County Legislature, County Executive or any applicable law. Copies of all reports shall be filed with the Clerk of the County Legislature and the County Executive.

§ A19-3. Deputy County Clerk and Acting County Clerk.

- A. Within 10 days after assuming the duties of the office, the County Clerk shall appoint a Deputy County Clerk by an instrument in writing filed and recorded in his or her office. The Deputy County Clerk shall perform such duties as may be assigned by the County Clerk and, during the temporary absence or inability of the County Clerk, have and exercise all of the powers and duties of the office. In case of a vacancy in the office of County Clerk, the Deputy County Clerk shall perform the duties of the County Clerk until a successor is elected or appointed and has qualified.
- B. The County Clerk in like manner may designate one or more employees of his or her office to serve as Acting Deputy Clerk during the absence or inability of such Deputy County Clerk to perform the duties of the office. If there be no Deputy County Clerk, or Acting Deputy County Clerk, the County Judge may in the same manner designate an Acting Deputy County Clerk, who shall serve until a successor is appointed by the County Clerk and has qualified.
- C. The County Clerk may appoint and remove such additional deputies authorized to act generally for and in the place of their principal as shall be authorized by resolution of the County Legislature.

§ A19-4. Bond of County Clerk.

The County Clerk, and such of his or her deputies, officers and employees as the County Legislature or the County Executive shall require, shall file a surety bond to the County in a sum fixed by the County Legislature conditioned for the faithful performance of his or her duties. Such bond shall be approved as to form by the County Attorney and as to sufficiency of surety by the County Executive, and shall be filed with the County Clerk. It shall be a charge on the County.

ARTICLE XX
Sheriff

§ A20-1. Election and qualifications. ¹⁰²

There shall be a Sheriff who shall be elected by the County at large at a general election, for a term of office in accordance with law, commencing on the first day of January immediately following his or her election. The Sheriff, at all times during his or her term of office, shall be a qualified elector of the County and shall devote his or her full working time to the duties of the office.

§ A20-2. Powers and duties. ¹⁰³

- A. *The Sheriff shall have and exercise all the powers and duties heretofore or hereafter lawfully granted or imposed by the Charter, Administrative Code, local law or resolution of the County Legislature, or order or direction of the County Executive, not inconsistent with those powers and duties vested in his or her office under the laws and Constitution of New York State.*
- B. Reports. On or before March 1 of each year, the Sheriff shall make an annual report to the County Legislature and County Executive for the immediately preceding calendar year, covering generally the work of the department. The Sheriff shall make such other reports at such times as may be required by the County Legislature, County Executive or any applicable law. Copies of all reports shall be filed with the Clerk of the County Legislature and the County Executive.

§ A20-3. Undersheriff. ¹⁰⁴

Within 10 days after entering upon the duties of the office, the Sheriff shall appoint an Undersheriff to serve at the pleasure of the Sheriff as provided by law. The Undersheriff, at all times during his or her term of office, shall be a qualified elector of the County and shall devote his or her full working time to the duties of the office.

§ A20-4. Deputies. ¹⁰⁵

The Sheriff shall have the power to appoint such deputies as may be authorized by the County Legislature, subject to the requirements of law and contract.

102. Editor's Note: See Charter § C-83.

103. Editor's Note: See Charter § C-84.

104. Editor's Note: See Charter § C-85.

105. Editor's Note: See Charter § C-86.

§ A20-5. Salary of Sheriff; accounting for fees and funds.

The salary of the Sheriff shall be fixed by the County Legislature and shall be in lieu of all fees or other compensation. All moneys to which the County may be entitled under and by virtue of the laws of the State of New York or which the Sheriff may receive for services performed by his office shall belong to the County and be collected by the Sheriff, accounted for and paid over to the Commissioner of Finance by a written statement within 10 days after the expiration of each month. Each monthly statement shall have attached thereto a certification by the Sheriff to the effect that the same is in all respects a full and true statement of all such moneys received by him for the preceding month. The Sheriff shall pay to the Commissioner of Finance all moneys received by him or her which are reportable to or receivable by the County as soon as practicable or as may be required by the Commissioner of Finance, but in no event less than once weekly.

§ A20-6. Bond of Sheriff.

The Sheriff, Undersheriff and such of his or her deputies, officers and employees as the County Legislature or the County Executive shall require shall file a surety bond to the County in a sum fixed by the County Legislature conditioned for the faithful performance of his or her duties. Such bond shall be approved as to form by the County Attorney and as to sufficiency of surety by the County Executive and filed with the County Clerk. It shall be a charge on the County.

ARTICLE XXI
District Attorney

§ A21-1. Election and qualification. ¹⁰⁶

There shall be a District Attorney who shall be elected by the County at large at a general election, for a term of office in accordance with law, commencing on the first day of January immediately following his or her election. The District Attorney shall, at the time of his or her election and at all times during his or her term of office, be a qualified elector of the County, fully admitted to the practice of law in this state, and devote his or her full working time to the duties of the office.

§ A21-2. Powers and duties. ¹⁰⁷

A. *The District Attorney shall have and exercise all the powers and duties heretofore or hereafter lawfully granted or imposed by the Charter, Administrative Code, local law or resolution of the County Legislature or order or direction of the County Executive not inconsistent with those powers and duties conferred upon his or her office under the laws and Constitution of New York State.*

106. Editor's Note: See Charter § C-87.

107. Editor's Note: See Charter § C-88.

- B. Reports. On or before March 1 of each year, the District Attorney shall make an annual report to the County Legislature and County Executive for the immediately preceding calendar year, covering generally the work of the department. The District Attorney shall make such other reports at such times as may be required by the County Legislature, County Executive or any applicable law. Copies of all reports shall be filed with the Clerk of the County Legislature and the County Executive.

§ A21-3. Assistant District Attorneys. ¹⁰⁸

The District Attorney shall have the power to appoint Assistant District Attorneys as may be authorized by the County Legislature. All Assistant District Attorneys shall serve at the pleasure of the District Attorney.

ARTICLE XXII

Fire Coordinator and Fire Advisory Board

§ A22-1. Fire Coordinator. ¹⁰⁹

- A. *Appointment.* There shall be a Fire Coordinator who shall be appointed by and serve at the pleasure of the County Executive. He or she shall be appointed based upon his or her education, experience and qualifications to perform the duties of the office, subject to the confirmation of the County Legislature. He or she shall be a resident of the County of Ulster.
- B. *Powers and duties.* The Fire Coordinator shall:
- (1) *Administer the County programs for fire training and mutual aid in cases of fire and other emergencies in which the services of fire fighters are required;*
 - (2) *Act as liaison between the Fire Advisory Board and Ulster County Arson Task Force;*
 - (3) *Act as the chief liaison between the County government and the fire-fighting forces in the County and their governing boards and bodies; and*
 - (4) *Perform such other duties as the County government may require or the County Executive may direct.*
- C. Reports. On or before March 1 of each year, the Fire Coordinator shall make an annual report to the County Legislature and County Executive for the immediately preceding calendar year, covering generally the work of the department. The Fire Coordinator shall make such other reports at such times as may be required by the County Legislature, County Executive or any applicable law. Copies of all reports shall be filed with the Clerk of the County Legislature and the County Executive.

108. Editor's Note: See Charter § C-89.

109. Editor's Note: See Charter § C-90.

§ A22-2. Deputy Fire Coordinator.

- A. The Fire Coordinator shall have the power to appoint one or more Deputy Fire Coordinators, within the limits of appropriations therefor. Every appointment shall be in writing and filed in the Office of the County Clerk and the Clerk of the Legislature.
- B. The term of office of any deputy not classified as competitive under the County's civil service rules, appointed hereunder, shall coincide with that of the Fire Coordinator, provided that such appointment may be revoked at any time by the Fire Coordinator by written revocation filed with the County Clerk. Positions of Deputy Fire Coordinator may be in the exempt class of civil service; or in the alternative, the deputy may also be an additional title which may be designated by the Fire Coordinator for a department staff member.
- C. Deputy Fire Coordinators shall perform such duties pertaining to the office of the Fire Coordinator as he or she may direct and shall act generally for and in such place of the Fire Coordinator and perform such other and further duties as the Fire Coordinator may assign.
- D. The designation of an order of succession for the position of Deputy Fire Coordinator shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Fire Coordinator filing a new written designation of order of succession.

§ A22-3. Fire Advisory Board. ¹¹⁰

- A. *There shall be a County Fire Advisory Board, which shall be appointed as provided by law.*
- B. Specifically, pursuant to § 225-a of the County Law of the State of New York:
 - (1) The County Fire Advisory Board shall consist of not less than five members nor more than 21 members, each of whom shall be appointed by the County Legislature for a term of not to exceed one year, two years or three years. Such terms of office need not be the same for all members.
 - (2) It shall be the duty of such Board to cooperate with the Office of Fire Prevention and Control in the Department of State in relation to such programs for fire training, fire service-related activities and mutual aid; to act as an advisory body to the County Legislature and to the County Fire Coordinator in connection with the County participation in such programs for fire training, fire service-related activities and mutual aid and in connection with County establishment and maintenance of a County fire training school and mutual aid programs in cases of fire and other emergencies in which the services of fire fighters would be used.
 - (3) Such Board shall perform such other duties as the County Legislature may prescribe in relation to fire training, fire service-related activities and mutual aid in

110. Editor's Note: See Charter § C-91.

cases of fire and other emergencies in which the services of firefighters would be used.

- (4) The members of such Board shall be County officers and residents of the County of Ulster.
- C. *Members of the Fire Advisory Board shall receive no compensation for services rendered but shall be entitled to their reasonable and necessary expenses incurred in the performance of their duties, within appropriations made for such purposes.*
- D. The Fire Advisory Board shall keep minutes of all meetings, including the date and time of meeting and members in attendance. The original of said minutes shall be filed with the Clerk of the Legislature as soon as possible, but not to exceed 10 business days after the next regular Board meeting at which the minutes were reviewed and accepted. The Clerk of the Legislature or his or her designee shall maintain an official record of the Board's agenda items. This official record shall include the disposition of each agenda item, including individual votes of each member on each item.

ARTICLE XXIII
Office for the Aging

§ A23-1. Director of Office for the Aging. ¹¹¹

- A. *There shall be an Office for the Aging, headed by a Director who shall be appointed by and serve at the pleasure of the County Executive. He or she shall be appointed based upon his or her education, experience and qualifications to perform the duties of the office and subject to the confirmation of the County Legislature.*
- B. *Powers and duties. The Director of the Office for the Aging shall have all the powers and perform all the duties now or hereafter conferred or imposed upon him or her by law, as may be directed by the County Executive and/or appropriated by the County Legislature, and:*
- (1) Plan, organize, promote and direct varied services and activities designed to meet the needs of older people;
 - (2) Evaluate and assess the needs of older persons and the effectiveness of agencies and organizations serving or having the potential to serve older people;
 - (3) Supervise administrative functions such as budgeting, finance, personnel and purchasing;
 - (4) Develop and administer an area plan for programs on aging;
 - (5) Coordinate services of the Office for the Aging with other community agencies such as the Social Services Department;

¹¹¹ Editor's Note: See Charter § C-92.

- (6) Contact public officials and community leaders to obtain their cooperation and stimulate them to take action in setting up programs for the aging;
 - (7) Provide leadership and advocacy on behalf of all older persons in the municipality;
 - (8) Provide technical assistance to various community agencies and organizations regarding services and programs;
 - (9) Assume primary leadership and responsibility for the implementation and development of the Nutrition Program for the Elderly;
 - (10) Conduct research on the needs of older persons and develop proposals and alternative approaches for meeting these needs;
 - (11) Provide counseling and referral services for the aging;
 - (12) Conduct training programs for staff and volunteer workers; and
 - (13) *Perform such other and related duties required by the County Executive or County Legislature.*
- C. Reports. On or before March 1 of each year, the Director of the Office for the Aging shall make an annual report to the County Legislature and County Executive for the immediately preceding calendar year, covering generally the work of the department. The Director of the Office for the Aging shall make such other reports at such times as may be required by the County Legislature, County Executive or any applicable law. Copies of all reports shall be filed with the Clerk of the County Legislature and the County Executive.

§ A23-2. Deputy Director of Office for the Aging.

- A. The Director of the Office for the Aging shall have the power to appoint one or more Deputy Directors of the Office for the Aging, within the limits of appropriations therefor. Every appointment shall be in writing and filed in the Office of the County Clerk and the Clerk of the Legislature.
- B. The term of office of any deputy not classified as competitive under the County's civil service rules, appointed hereunder, shall coincide with that of the Director of the Office for the Aging, provided that such appointment may be revoked at any time by Director by written revocation filed with the County Clerk. Positions of Deputy Director may be in the exempt class of civil service; or in the alternative, the deputy may also be an additional title which may be designated by the Director for a department staff member.
- C. Deputy Directors shall perform such duties pertaining to the Office for the Aging as the Director may direct and shall act generally for and in such place of the Director and perform such other and further duties as the Director may assign.
- D. The designation of an order of succession for the position of Deputy Director shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Director filing a new written designation of order of succession.

ARTICLE XXIV
Consumer Fraud Bureau

§ A24-1. Consumer Fraud Bureau; Division of Weights and Measures. ¹¹²

There shall be a Consumer Fraud Bureau. Within the Bureau there shall be a division of Weights and Measures.

§ A24-2. Director of Consumer Affairs. ¹¹³

- A. The Consumer Fraud Bureau *shall be headed by a Director of Consumer Affairs who shall be appointed by the County Executive in compliance with all civil service laws based on his or her experience and qualifications to perform the duties of said office, subject to confirmation by the County Legislature, and serve at his or her pleasure.* The District Attorney may provide enforcement assistance to the Consumer Fraud Bureau.
- B. The Director of Consumer Affairs *shall have all the powers and perform all the duties now and hereafter conferred or imposed upon him or her by law and perform such other and related duties required by the County Executive or County Legislature.*
- C. Reports. On or before March 1 of each year, the Director of Consumer Affairs shall make an annual report to the County Legislature and County Executive for the immediately preceding calendar year, covering generally the work of the bureau. The Director of Consumer Affairs shall make such other reports at such times as may be required by the County Legislature, County Executive or any applicable law. Copies of all reports shall be filed with the Clerk of the County Legislature and the County Executive.

§ A24-3. Deputy Director of Consumer Affairs.

- A. The Director of Consumer Affairs shall have the power to appoint one or more Deputy Directors of Consumer Affairs, within the limits of appropriations therefor. Every appointment shall be in writing and filed in the Office of the County Clerk and the Clerk of the Legislature.
- B. The term of office of any deputy not classified as competitive under the County's civil service rules, appointed hereunder, shall coincide with that of the Director of Consumer Affairs, provided that such appointment may be revoked at any time by the Director by written revocation filed with the County Clerk. Positions of Deputy Director may be in the exempt class of civil service; or in the alternative, the deputy may also be an additional title which may be designated by the Director for a department staff member.
- C. Deputy Directors shall perform such duties pertaining to the office of Consumer Fraud Bureau as the Director may direct and shall act generally for and in such place of the Director and perform such other and further duties as the Director may assign.

¹¹². Editor's Note: See Charter § C-93.

¹¹³. Editor's Note: See Charter § C-93.

- D. The designation of an order of succession for the position of Deputy Director shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Director filing a new written designation of order of succession.

§ A24-4. Director of Weights and Measures. ¹¹⁴

- A. *The Director of Consumer Affairs shall serve ex officio as the Director of Weights and Measures, and shall have all the powers and perform all the duties now or hereafter conferred or imposed on this office by law, so long as he or she meets all of the qualifications and is duly certified to act in that capacity.*
- B. Powers and duties. There may also be an official Director of Weights and Measures in this division who shall be appointed by the County Executive in compliance with all civil service laws, subject to confirmation by the County Legislature, and who shall serve at the pleasure of the County Executive. The Director of Weights and Measures shall have and exercise all the powers and duties now conferred or imposed upon a county sealer by applicable law and perform such other and related duties as shall be required of him or her pursuant to law or delegated to him or her by the County Executive or the County Legislature or the Director of Consumer Affairs.
- C. Reports. On or before March 1 of each year, the Director of Weights and Measures shall make an annual report to the County Legislature and County Executive for the immediately preceding calendar year, covering generally the work of the department. The Director of Weights and Measures shall make such other reports at such times as may be required by the County Legislature, County Executive or any applicable law. Copies of all reports shall be filed with the Clerk of the County Legislature and the County Executive.

§ A24-5. Deputy Director of Weights and Measures.

- A. The Director of Weights and Measures shall have the power to appoint one or more Deputy Directors of Weights and Measures, within the limits of appropriations therefor. Every appointment shall be in writing and filed in the Office of the County Clerk and the Clerk of the Legislature.
- B. The term of office of any deputy not classified as competitive under the County's civil service rules, appointed hereunder, shall coincide with that of the Director of Weights and Measures, provided that such appointment may be revoked at any time by Director by written revocation filed with the County Clerk. Positions of Deputy Director may be in the exempt class of civil service; or in the alternative, the deputy may also be an additional title which may be designated by the Director for a department staff member.
- C. Deputy Directors shall perform such duties pertaining to the office of Weights and Measures as the Director may direct and shall act generally for and in such place of the Director and perform such other and further duties as the Director may assign.

114. Editor's Note: See Charter § C-94.

- D. The designation of an order of succession for the position of Deputy Director shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Director filing a new written designation of order of succession.

ARTICLE XXV
Veterans' Service Agency

§ A25-1. Director of Veterans' Service. ¹¹⁵

- A. *There shall be a Veterans' Service Agency, headed by a Director of Veterans' Service who shall be appointed by the County Executive on the basis of his or her education and experience and qualifications to perform the duties of the office, subject to confirmation by the County Legislature, and serve at the County Executive's pleasure. The appointee shall be a veteran, defined by statute as someone who served on active duty in the armed forces during a wartime period.*
- B. Powers and duties. *The Director of Veterans' Service shall have all the powers and perform all the duties now or hereafter conferred or imposed upon him or her by law and perform such other and related duties required by the County Executive or County Legislature.*
- C. Reports. *On or before March 1 of each year, the Director of Veterans' Service shall make an annual report to the County Legislature and County Executive for the immediately preceding calendar year, covering generally the work of the department. The Director of Veterans' Service shall make such other reports at such times as may be required by the County Legislature, County Executive or any applicable law. Copies of all reports shall be filed with the Clerk of the County Legislature and the County Executive.*

§ A25-2. Deputy Director of Veterans' Service.

- A. The Director of Veterans' Service shall have the power to appoint one or more Deputy Directors of Veterans' Service, within the limits of appropriations therefor. Every appointment shall be in writing and filed in the Office of the County Clerk and the Clerk of the Legislature.
- B. The term of office of any deputy not classified as competitive under the County's civil service rules, appointed hereunder, shall coincide with that of the Director of Veterans' Service, provided that such appointment may be revoked at any time by Director by written revocation filed with the County Clerk. Positions of Deputy Director may be in the exempt class of civil service; or in the alternative, the deputy may also be an additional title which may be designated by the Director for a department staff member.
- C. Deputy Directors shall perform such duties pertaining to the office of Veterans' Service Agency as the Director may direct and shall act generally for and in such place of the Director and perform such other and further duties as the Director may assign.

¹¹⁵. Editor's Note: See Charter § C-95.

- D. The designation of an order of succession for the position of Deputy Director shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Director filing a new written designation of order of succession.

ARTICLE XXVI
Department of Probation

§ A26-1. Director of Probation. ¹¹⁶

- A. *There shall be a Department of Probation, headed by a Director of Probation. The Director shall be appointed by the County Executive in compliance with all civil service laws, subject to the confirmation of the County Legislature, in accordance with Executive Law.*
- B. Powers and duties. The Director of Probation shall be responsible for providing and maintaining effective probation services in accordance with established laws and regulations and receives general supervision and assistance from the State Division of Probation. The Director shall also perform such other related functions as the County Legislature or the County Executive may designate in order to implement and accomplish the policies and responsibilities the County Legislature has prescribed.
- C. Reports. On or before March 1 of each year, the Director of Probation shall make an annual report to the County Legislature and County Executive for the immediately preceding calendar year, covering generally the work of the department. The Director of Probation shall make such other reports at such times as may be required by the County Legislature, County Executive or any applicable law. Copies of all reports shall be filed with the Clerk of the County Legislature and the County Executive.

§ A26-2. Deputy Director of Probation.

- A. The Director of Probation shall have the power to appoint one or more Deputy Directors of Probation, within the limits of appropriations therefor. Every appointment shall be in writing and filed in the Office of the County Clerk and the Clerk of the Legislature.
- B. The term of office of any deputy not classified as competitive under the County's civil service rules, appointed hereunder, shall coincide with that of the Director of Probation, provided that such appointment may be revoked at any time by the Director by written revocation filed with the County Clerk. Positions of Deputy Director may be in the exempt class of civil service; or in the alternative, the deputy may also be an additional title which may be designated by the Director for a department staff member.
- C. Deputy Directors shall perform such duties pertaining to the office of the Department of Probation as the Director may direct and shall act generally for and in such place of the Director and perform such other and further duties as the Director may assign.

116. Editor's Note: See Charter § C-96.

- D. The designation of an order of succession for the position of Deputy Director shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Director filing a new written designation of order of succession.

ARTICLE XXVII
Board of Elections

§ A27-1. Appointment; term. ¹¹⁷

There shall be a Board of Elections, whose members shall be appointed by the County Legislature in the manner provided by New York State Election Law, and who shall serve at its pleasure unless otherwise required by law.

§ A27-2. Powers and duties. ¹¹⁸

- A. *The Board's powers and duties shall be as provided by law.*
- B. Reports. On or before January 31 of each year, the Commissioners of the Board of Elections shall make an annual report to the County Legislature and County Executive for the immediately preceding calendar year, covering generally the work of the Board. Such report shall conform to § 3-212 of Election Law of the State of New York. The Commissioners of the Board of Elections shall make such other reports at such times as may be required by the County Legislature, County Executive or any applicable law. Copies of all reports shall be filed with the Clerk of the County Legislature and the County Executive.

§ A27-3. Deputy Commissioners of Board of Elections.

- A. The Commissioners of the Board of Elections shall have the power to appoint one or more Deputy Commissioners of the Board of Elections, within the limits of appropriations therefor. Every appointment shall be in writing and filed in the Office of the County Clerk and the Clerk of the Legislature.
- B. The term of office of any deputy not classified as competitive under the County's civil service rules, appointed hereunder, shall coincide with that of the Commissioner of the Board of Elections, provided that such appointment may be revoked at any time by the Commissioner by written revocation filed with the County Clerk. Positions of Deputy Commissioner may be in the exempt class of civil service; or in the alternative, the deputy may also be an additional title which may be designated by the Commissioner for a department staff member.
- C. Deputy Commissioners shall perform such duties pertaining to the office of the Board of Elections as the Commissioner may direct and shall act generally for and in such place of

117. Editor's Note: See Charter § C-97.

118. Editor's Note: See Charter § C-97.

the Commissioner and perform such other and further duties as the Commissioner may assign.

- D. The designation of an order of succession for the position of Deputy Commissioner shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Commissioner filing a new written designation of order of succession.

ARTICLE XXVIII

County Jury Board; Commissioner of Jurors

§ A28-1. Powers and duties. ¹¹⁹

There shall be a County Jury Board and a Commissioner of Jurors, appointed pursuant to law, who shall have and exercise all the powers and perform all the duties now or hereafter conferred or imposed upon them by law. The Commissioner shall serve as an officer of the Court and formulate panels of grand and trial jurors, maintain jury service records and initiate action to sanction jurors who violate the law.

ARTICLE XXIX

Department of Residential Health Care Facilities

§ A29-1. Director of Residential Health Care Facilities. ¹²⁰

- A. *There shall be a Department of Residential Health Care Facilities, headed by a Director. The Director of Residential Health Care Facilities shall have the qualifications of a nursing home administrator. She or he shall be appointed by the County Executive, subject to confirmation by the County Legislature, and serve at the pleasure of the County Executive.*
- B. *Powers and duties. The Director shall have and exercise all powers and duties heretofore or hereafter lawfully granted or imposed by the Charter, local law or resolution of the County Legislature, or by applicable law not inconsistent with the Charter, which shall be necessary to enable her or him to manage and supervise the Golden Hill Health Care Center and/or any other similar institution of the County.*
- C. **Reports.** On or before March 1 of each year, the Director of Residential Health Care Facilities shall make an annual report to the County Legislature and County Executive for the immediately preceding calendar year, covering generally the work of the department. The Director of Residential Health Care Facilities shall make such other reports at such times as may be required by the County Legislature, County Executive or any applicable law. Copies of all reports shall be filed with the Clerk of the County Legislature and the County Executive.

119. Editor's Note: See Charter § C-98.

120. Editor's Note: See Charter § C-99.

§ A29-2. Deputy Director of Residential Health Care Facilities.

- A. The Director of Residential Health Care Facilities shall have the power to appoint one or more Deputy Directors of Residential Health Care Facilities, within the limits of appropriations therefor. Every appointment shall be in writing and filed in the Office of the County Clerk and the Clerk of the Legislature.
- B. The term of office of any deputy not classified as competitive under the County's civil service rules, appointed hereunder, shall coincide with that of the Director of Residential Health Care Facilities, provided that such appointment may be revoked at any time by the Director by written revocation filed with the County Clerk. Positions of Deputy Director may be in the exempt class of civil service; or in the alternative, the deputy may also be an additional title which may be designated by the Director for a department staff member.
- C. Deputy Directors shall perform such duties pertaining to the office of Residential Health Care Facilities as the Director may direct and shall act generally for and in such place of the Director and perform such other and further duties as the Director may assign.
- D. The designation of an order of succession for the position of Deputy Director shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Director filing a new written designation of order of succession.

ARTICLE XXX

Commission of Human Rights**§ A30-1. Commissioner of Human Rights.** ¹²¹

- A. *There shall be a Commission of Human Rights headed by a Commissioner of Human Rights who shall be appointed by the County Executive, subject to confirmation of the Legislature, and serve at his or her pleasure.*
- B. Powers and duties. The Commissioner of Human Rights shall address the problems of discrimination in employment, housing, public accommodation, education and credit.
- C. Reports. On or before March 1 of each year, the Commissioner of Human Rights shall make an annual report to the County Legislature and County Executive for the immediately preceding calendar year, covering generally the work of the department. The Commissioner of Human Rights shall make such other reports at such times as may be required by the County Legislature, County Executive or any applicable law. Copies of all reports shall be filed with the Clerk of the County Legislature and the County Executive.

121. Editor's Note: See Charter § C-100.

§ A30-2. Commission membership; duties; appointments; terms of office. ¹²²

- A. *The Commission of Human Rights shall be constituted in accordance with and exercise the powers and duties specified in Article 12-D of the General Municipal Law and other related duties required by the County Executive and/or the County Legislature.*
- B. *The Commission of Human Rights shall have 11 members appointed to terms of three years, three members of whom shall be appointed by the legislative Chairman, three members by the legislative minority leader, and five members by the County Executive, one of whom shall be designated by him or her as the Commission Chairman. Appointments shall be representative of the various religious, racial, ethnic and nationality groups in Ulster County's communities. All members of the Commission of Human Rights shall be residents of Ulster County. No member of the Commission of Human Rights shall serve more than two terms of three years.*
- C. *The Commission of Human Rights shall keep minutes of all meetings, including the date and time of meeting and members in attendance. The original of said minutes shall be filed with the Clerk of the Legislature as soon as possible, but not to exceed 10 business days after the next regular Commission meeting at which the minutes were reviewed and accepted. The Clerk of the Legislature or his or her designee shall maintain an official record of the Commission's agenda items. This official record shall include the disposition of each agenda item, including individual votes of each member on each item.*

§ A30-3. Authority. ¹²³

The Commission of Human Rights shall have all of the authority, responsibility, obligations, powers and duties set forth in Article 12-D of the General Municipal Law and shall also have the authority to create bylaws for its own governance, proceedings and activities.

ARTICLE XXXI
County Historian

§ A31-1. Appointment; powers and duties. ¹²⁴

There shall be a County Historian, who shall be appointed by the County Executive pursuant to the New York State Arts and Cultural Affairs Law, subject to confirmation by the County Legislature. The County Historian shall preserve, interpret and promote the history of Ulster County and shall have all the powers and perform all the duties conferred or imposed by applicable law.

122. Editor's Note: See Charter § C-101.

123. Editor's Note: See Charter § C-102.

124. Editor's Note: See Charter § C-103.

ARTICLE XXXII
Ulster County Community College

§ A32-1. Continued operation; Board of Trustees. ¹²⁵

Ulster County Community College, heretofore established pursuant to the Education Law of the State of New York, shall continue to operate in accordance with all applicable laws of the State of New York and additionally with applicable provisions of the Charter. The Board of Trustees shall continue as provided by law, except that the power of appointment of those Trustees authorized by state law to be appointed by the local sponsor is transferred to and shall be exercised by the County Executive, subject to confirmation by the County Legislature. Members of the Ulster County Community College Board of Trustees shall receive no compensation for services rendered but shall be entitled to their reasonable and necessary expenses incurred in the performance of their duties, within appropriations made for such purposes.

ARTICLE XXXIII
Board of Ethics

§ A33-1. Purpose and intent. ¹²⁶

Ethical conduct by public officers and employees assures public confidence in County government. In addition to and not in any way in conflict with germane provisions of Article 18 of the General Municipal Law of New York State or any other general or special state law relating to ethical conduct and interest in contracts of municipal officers and employees, this article, the Code of Ethics of the County of Ulster, and attendant provisions of the County Administrative Code provide rules of ethical conduct for the officers and employees of the County of Ulster and methods for assuring adherence to them.

§ A33-2. Membership; appointment; compensation. ¹²⁷ [Amended 8-14-2012 by L.L. No. 9-2012¹²⁸]

- A. *There shall be a Board of Ethics consisting of five members appointed by the County Executive, subject to the confirmation of the County Legislature. Board of Ethics members shall serve without compensation and for a term of five years. No more than two members shall be of the same political party. Members of the Board of Ethics shall receive no compensation for services rendered but shall be entitled to their reasonable and necessary expenses incurred in the performance of their duties, within appropriations made for such purposes. Vacancies shall be filled for the unexpired term.*
- B. *The County Legislature shall vote on any nominee of the County Executive to the Board of Ethics. The Legislature shall vote on the confirmation of such individual at its next*

^{125.} Editor's Note: See Charter § C-104.

^{126.} Editor's Note: See Charter § C-105.

^{127.} Editor's Note: See Charter § C-106.

^{128.} Editor's Note: This local law was approved at referendum by a majority of the duly qualified voters 11-6-2012.

regular meeting at least 30 days after such nomination has been made by the County Executive. If the Legislature fails to vote upon the proposed appointment or appointments, the proposed appointment or appointments shall be deemed confirmed. When an appointment is not confirmed by the Legislature, but such appointment was considered at a regular meeting of the Legislature, the appointment of the same individual for the same position may not be resubmitted by the County Executive for 12 months after the Legislature votes upon the proposed appointment.

- C. *Notwithstanding the preceding portions of this section of the County Charter, the existing members of the Board of Ethics, existing as of December 31, 2012, shall be reappointed by the County Executive for initial terms of one, two, three, four, or five years, unless they decline such nomination, such terms to take effect January 1, 2013. Upon the expiration of such initial term, the term of office for any person nominated or renominated to the Board of Ethics shall be for five years. Confirmation by the Legislature of such appointees for initial terms of one, two, three, four, or five years shall not be required, provided such person has previously been confirmed by the County Legislature to membership on the Board of Ethics and such person was a member of such Board on December 31, 2012. If a member of the Board of Ethics in office as of December 31, 2012, declines reappointment, then any other such person nominated for a term of year(s) effective January 1, 2013, shall require confirmation of the Legislature pursuant to the provisions of § C-106A and B.*

§ A33-3. Powers and duties. ¹²⁹

- A. *The Board of Ethics shall render advisory opinions to the officers and employees of the County of Ulster with respect to Article 18 of the General Municipal Law, the Code of Ethics of the County of Ulster, and Administrative Code. Such advisory opinions shall be rendered in response to written request from any such officer or employee under such rules and regulations as the Board may prescribe.*
- B. *The Board may also accept from the general public or from any of its own members a complaint or allegation of conflict of interest of any officer or employee of Ulster County. All such complaints or allegations are to be kept in the confidential records of the Board. Should the Board determine that there appears to be merit in the complaint or allegation, it shall send a written invitation to the officer or employee in question to appear at a private meeting of the Board and explain the apparent conflict of interest. Should such officer or employee fail to appear in response to such invitation or should he or she appear and fail to satisfy the Board that there is no conflict of interest, the Board shall send a written report on the matter to the County Executive. The report shall not be made public except by the County Executive or by the unanimous vote of the Board.*
- C. *In addition, the Board may make recommendations with respect to the County Code of Ethics or amendments thereto upon the request of the Ulster County Legislature.*

129. Editor's Note: See Charter § C-107.

- D. *The Board, upon its formulation, shall promulgate its own rules and regulations as to its forms and procedures and shall maintain records of its opinions and proceedings. Copies of all rules and regulations promulgated by the Board and any and all amendments thereto which may be adopted from time to time shall be filed with the Clerk of the Ulster County Legislature.*
- E. *The Board shall not act with respect to the officers and employees of any municipality located within the County or agency thereof where such municipality has established its own Board of Ethics, except that the local board may, at its option, refer matters to the County Board.*

ARTICLE XXXIV
Periodic Compensation Review Committee

§ A34-1. Establishment; membership; compensation. ¹³⁰

There is hereby established a Periodic Compensation Review Committee for Ulster County. The Committee shall consist of five members, of which three members shall be selected by the County Legislature with at least one member from the party with the second most number of legislative members. Two Committee members, not of the same political party, shall be appointed by the County Executive. Initial appointments to the Committee shall be made no later than April 1 in the year after the Charter is first effected. As soon as practicable after April 1 of the year, members shall be called together by the County Executive to select a Chairman from amongst their number. No member of the Periodic Compensation Review Committee shall hold an elected or appointed position in Ulster County or be compensated in whole or in part from County funds at the time of his or her appointment and during his or her term of membership. Members of the Compensation Review Committee shall receive no compensation for services rendered but shall be entitled to their reasonable and necessary expenses incurred in the performance of their duties, within appropriations made for such purposes.

§ A34-2. Terms of office; limits of service; filling vacancies. ¹³¹

One executive appointee of the Periodic Compensation Review Committee shall serve an initial term of two years and the other an initial term of three years, with appointments thereafter being for a term of three years. One legislative appointee to the Committee shall serve for an initial term of one year, one for an initial term of two years and one for an initial term of three years, with appointments thereafter being for a term of three years. No Committee member shall serve more than eight years. Appointment of a person to fill a vacancy occurring by death, resignation, or cause other than the expiration of a term shall be made for the unexpired term. Vacancies shall be filled and the appointments of successors shall be made by the appointing authority responsible for the original appointment.

130. Editor's Note: See Charter § C-108.

131. Editor's Note: See Charter § C-109.

§ A34-3. Duties. ¹³²

At the call of its Chairman, beginning July 1 following its establishment and at least every second year thereafter, the Committee shall review the salaries of all elected officials of the County of Ulster. In the course of its deliberations, the Committee shall hold at least one public hearing and shall otherwise provide ample opportunity for public comment. The Committee shall provide its recommendations and the rationale for them to the County Executive and the County Legislature no later than September 30 of the same year in which it convened, except that the Committee shall not make recommendations concerning compensation of elected officials for whom, by law or judicial determination, the County Legislature does not have the power to fix compensation. Immediately upon their delivery to the County Executive and the County Legislature, the recommendations of the Committee shall be filed with the Clerk of the Ulster County Legislature and posted on the County website. All changes in salaries for elected officials shall be made by local law. The Periodic Compensation Review Committee shall keep minutes of all meetings, including the date and time of meeting and members in attendance. The original of said minutes shall be filed with the Clerk of the Legislature as soon as possible, but not to exceed 10 business days after the next regular Committee meeting at which the minutes were reviewed and accepted. The Clerk of the Legislature or his or her designee shall maintain an official record of the Committee's agenda items. This official record shall include the disposition of each agenda item, including individual votes of each member on each item.

ARTICLE XXXV

Environmental Management Council**§ A35-1. Membership; terms of office; limits of service; compensation.** ¹³³

There shall be an Ulster County Environmental Management Council comprised of one member from each city, town and village environmental council and commission within the County, nominated by the governing body of that city, town or village and appointed by the County Executive with the confirmation of the Legislature for a term of three years, and up to an equal number of at-large appointees appointed by the County Executive with the confirmation of the Legislature for a term of three years, and the County Director of Planning, serving ex officio. The presiding officer of the Environmental Management Council shall be chosen annually by its members from among their members but shall not be an employee of the County of Ulster. Except those in an ex-officio capacity, no person may serve on the Environmental Management Council for more than six years. Members of the Ulster County Environmental Management Council shall receive no compensation for services rendered but shall be entitled to their reasonable and necessary expenses incurred in the performance of their duties, within appropriations made for such purposes.

§ A35-2. Powers and duties. ¹³⁴

132. Editor's Note: See Charter § C-110.

133. Editor's Note: See Charter § C-111.

134. Editor's Note: See Charter § C-112.

Except as otherwise provided in the Charter, the Ulster County Environmental Management Council shall:

- A. *In consultation with the Department of Environment, advise the County Executive and the County Legislature on all matters affecting the preservation, conservation and ecologically suitable use of the natural resources of the County;*
- B. *Review the condition of the County environment as a whole and prepare and submit an annual report of its findings to the Department of Environment, the County Executive and the County Legislature, which report shall also include an account of the Council's activities and accomplishments based on accurate records of its meetings and other works;*
- C. *In cooperation with the Department of Environment, the County Planning Agency and other appropriate agencies, prepare a plan for the protection of the County's environment and the management of its natural resources. To the extent practicable, the preparation, content and subsequent revision, if any, of the County environmental plan shall be coordinated with the state environmental plan and a copy of this County plan and any subsequent revisions of it shall be filed with the State Commissioner of Environmental Conservation;*
- D. *Investigate and recommend to the Department of Environment and the County governing body ecologically sound methods for use of the County's resources; and*
- E. *In consultation with the Department of Environment, cooperate and assist such other governmental or nongovernmental boards or organizations on the preparation of plans or reports or review of proposals or applications as the County may direct.*
- F. *The Environmental Management Council shall keep minutes of all meetings, including the date and time of meeting and members in attendance. The original of said minutes shall be filed with the Clerk of the Legislature as soon as possible, but not to exceed 10 business days after the next regular Council meeting at which the minutes were reviewed and accepted. The Clerk of the Legislature or his or her designee shall maintain an official record of the Council's agenda items. This official record shall include the disposition of each agenda item, including individual votes of each member on each item.*

ARTICLE XXXVI

Department of Emergency Communications/Emergency Management

§ A36-1. Director of Emergency Communications/Emergency Management; Office of Civil Defense. ¹³⁵

- A. *There shall be a Department of Emergency Communications/Emergency Management headed by a Director of Emergency Communications/Emergency Management appointed on the basis of his or her experience and qualifications for the duties of the office by the County Executive to serve at his or her pleasure, subject to the confirmation by the*

135. Editor's Note: See Charter § C-113.

County Legislature. The Department of Emergency Communications/Emergency Management shall be the Office of Civil Defense for the County of Ulster.

- B. *Powers and duties. Except as otherwise provided in the Charter, Administrative Code or state law, the Director of Emergency Communications/Emergency Management shall:*
- (1) *Have charge and supervision of emergency services dispatching and disaster preparedness;*
 - (2) *Assist the County Executive and the County Legislature as required and directed in fulfilling their responsibilities in the area of disaster preparedness under the Executive Law or any other law, rule or regulation;*
 - (3) *Act in accordance with the Civil Service Law, have the authority to appoint and remove all officers and employees of the Department of Emergency Communications/Emergency Management;*
 - (4) *Have charge and supervision over the preparation of the departmental budget and the expenditure of departmental funds;*
 - (5) *Have responsibility for operation of 911 services;*
 - (6) *Direct the administrative activities of the department;*
 - (7) *Have necessary powers and duties of the County Director of Civil Defense as provided by the New York State Defense Emergency Act¹³⁶ or any other local, state or federal law, rule or act; and*
 - (8) *Have charge of and have the duty of performing such other related functions and other matters as the County Executive may from time to time direct.*
- C. **Reports.** On or before March 1 of each year, the Director of Emergency Communications/Emergency Management shall make an annual report to the County Legislature and County Executive for the immediately preceding calendar year, covering generally the work of the department. The Director of Emergency Communications/Emergency Management shall make such other reports at such times as may be required by the County Legislature, County Executive or any applicable law. Copies of all reports shall be filed with the Clerk of the County Legislature and the County Executive.

§ A36-2. Deputy or Assistant Directors. ¹³⁷

- A. *The Director of Emergency Communications/Emergency Management shall have the power to appoint one or more Deputy Directors or Assistant Directors within the limits of appropriations provided for this purpose. Every appointment shall be in writing and filed in the Office of the County Clerk and the Clerk of the Legislature.*

136. Editor's Note: See Title 26 of the Unconsolidated Laws of New York State, § 9101 et seq.

137. Editor's Note: See Charter § C-114.

- B. The term of office of any deputy not classified as competitive under the County's civil service rules, appointed hereunder, shall coincide with that of the Director of Emergency Communications/Emergency Management, provided that such appointment may be revoked at any time by the Director by written revocation filed with the County Clerk. Positions of Deputy Director may be in the exempt class of civil service; or in the alternative, the deputy may also be an additional title which may be designated by the Director for a department staff member.
- C. *Deputy or Assistant Directors shall perform duties pertaining to the Department of Emergency Communications/Emergency Management as the Director may require and shall act generally for and in the place of the Director, performing other duties as the Director of Emergency Communications/Emergency Management may assign.*
- D. The designation of an order of succession for the position of Deputy Director shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Director filing a new written designation of order of succession.

ARTICLE XXXVII
Intermunicipal Relations

§ A37-1. *Contracts with public corporations and authorities; implementation.* ¹³⁸

The County shall have the power to contract with any public corporation, including but not limited to a municipal, district, or public benefit corporation, or with any public authority or combination thereof, for the cooperative or joint establishment, maintenance, and operation of any facility and the provision of any service that each of the contracting parties would have legal authority to establish, maintain, operate, or provide for itself. The costs, expenses, and charges for central facilities and administrative services connected with intergovernmental collaborative activities shall be shared by all contracting parties. The provisions of this article shall be implemented pursuant to Article 5-G of the General Municipal Law of the State of New York, unless and until the Ulster County Legislature shall, by local law, provide for an alternative method.

§ A37-2. *Intermunicipal Collaboration Council.* ¹³⁹

- A. *There shall be a nine-member Intermunicipal Collaboration Council established whose purpose is to advance communication, coordination and collaboration among the local governments in Ulster County so as to achieve greater economy, efficiency, equity, effectiveness and responsiveness of public service. [Amended 6-10-2009 by L.L. No. 5-2009]*
- B. *Membership of the Intermunicipal Collaboration Council shall include the County Executive, the Chairman of the Ulster County Legislature, the majority leader of the Ulster County Legislature or his or her respective designee, the minority leader of the Ulster County Legislature or his or her respective designee, the Mayor of the City of*

138. Editor's Note: See Charter § C-115.

139. Editor's Note: See Charter § C-116.

Kingston or his or her respective designee, a representative of the Ulster County Board of Cooperative Educational Services (BOCES), one community member, appointed by the County Executive, and two representatives of the Ulster County Town Supervisors' Association to be selected by the Association. Any designee appointed by the majority or minority leader pursuant to this subsection shall be a member of the Legislature. Any designee appointed by the Mayor of the City of Kingston pursuant to this subsection shall be a duly elected official. Designations shall be in writing and filed with the Clerk of the Legislature. [Amended 6-10-2009 by L.L. No. 5-2009]

- C. *The Council shall meet at the call of the County Executive, or upon the call of a majority of the Council members, but no fewer than two times annually, to consider matters or issues that might be brought before it by any member and to take initiatives designed to advance its objectives. [Amended 8-14-2012 by L.L. No. 9-2012¹⁴⁰]*
- D. The Intermunicipal Collaboration Council shall keep minutes of all meetings, including the date and time of meeting and members in attendance. The original of said minutes shall be filed with the Clerk of the Legislature as soon as possible, but not to exceed 10 business days after the next regular Council meeting at which the minutes were reviewed and accepted. The Clerk of the Legislature or his or her designee shall maintain an official record of the Council's agenda items. This official record shall include the disposition of each agenda item, including individual votes of each member on each item.

ARTICLE XXXVIII

Department of Employment and Training

§ A38-1. *Director of Employment and Training.* ¹⁴¹

- A. *A Department of Employment and Training shall be headed by a Director of Employment and Training who shall be appointed by the County Executive based on his or her experience and qualifications to perform the responsibilities of the office, subject to the confirmation by the County Legislature. He or she shall serve at the pleasure of the County Executive.*
- B. *Powers and duties. In accord with the requirements of state and local law, he or she shall conduct training programs for dislocated workers and low-income and otherwise disadvantaged adults and youths so as to simultaneously improve their life chances and meet the needs of employers, thus strengthening the County economy. He or she shall have all other powers and perform all other duties now and hereafter conferred or imposed upon him or her by law, and shall perform such other and related duties required by the County Executive or County Legislature.*
- C. **Reports.** On or before March 1 of each year, the Director of Employment and Training shall make an annual report to the County Legislature and County Executive for the immediately preceding calendar year, covering generally the work of the department. The

140. Editor's Note: This local law was approved at referendum by a majority of the duly qualified voters 11-6-2012.

141. Editor's Note: See Charter § C-117.

Director of Employment and Training shall make such other reports at such times as may be required by the County Legislature, County Executive or any applicable law. Copies of all reports shall be filed with the Clerk of the County Legislature and the County Executive.

§ A38-2. Deputy Director of Employment and Training.

- A. The Director of Employment and Training shall have the power to appoint one or more Deputy Directors of Employment and Training, within the limits of appropriations therefor. Every appointment shall be in writing and filed in the Office of the County Clerk and the Clerk of the Legislature.
- B. The term of office of any deputy not classified as competitive under the County's civil service rules, appointed hereunder, shall coincide with that of the Director of Employment and Training, provided that such appointment may be revoked at any time by the Director by written revocation filed with the County Clerk. Positions of Deputy Director may be in the exempt class of civil service; or in the alternative, the deputy may also be an additional title which may be designated by the Director for a department staff member.
- C. Deputy Directors shall perform such duties pertaining to the office of the Department of Employment and Training as the Director may direct and shall act generally for and in such place of the Director and perform such other and further duties as the Director may assign.
- D. The designation of an order of succession for the position of Deputy Director shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Director filing a new written designation of order of succession.

§ A38-3. Workforce Investment Board.

- A. There shall be a Workforce Investment Board, the members of which shall be appointed by the County Executive as provided for and pursuant to the criteria established under federal law, rule or regulations. Members shall be residents of Ulster County.
- B. The members of the Workforce Investment Board shall elect a chairperson from among the businesses representatives on the Board.
- C. The Workforce Investment Board shall have all of the duties and responsibilities as prescribed in accordance with federal law, rule or regulation as well as those that may be authorized by the County Executive.
- D. The Workforce Investment Board shall keep minutes of all meetings, including the date and time of meeting and members in attendance. The original of said minutes shall be filed with the Clerk of the Legislature as soon as possible, but not to exceed 10 business days after the next regular Board meeting at which the minutes were reviewed and accepted. The Clerk of the Legislature or his or her designee shall maintain an official record of the Board's agenda items. This official record shall include the disposition of each agenda item, including individual votes of each member on each item.

ARTICLE XXXIX
Department of Tourism

§ A39-1. Director of Tourism. ¹⁴²

- A. *There shall be Department of Tourism headed by a Director of Tourism who shall be appointed by the County Executive based on his or her experience and qualifications to perform the duties of the office, subject to confirmation by the County Legislature, and shall serve at his or her pleasure.*
- B. *Powers and duties. He or she shall promote all of Ulster County's tourism sites, attractions and events with a view toward strengthening the economy of Ulster County. He or she shall also have all the powers and perform all the duties now and hereafter conferred or imposed upon him or her by law and perform other and related duties required by the County Executive and County Legislature.*
- C. **Reports.** On or before March 1 of each year, the Director of Tourism shall make an annual report to the County Legislature and County Executive for the immediately preceding calendar year, covering generally the work of the department. The Director of Tourism shall make such other reports at such times as may be required by the County Legislature, County Executive or any applicable law. Copies of all reports shall be filed with the Clerk of the County Legislature and the County Executive.

§ A39-2. Deputy Director of Tourism.

- A. The Director of Tourism shall have the power to appoint one or more Deputy Directors of Tourism, within the limits of appropriations therefor. Every appointment shall be in writing and filed in the Office of the County Clerk and the Clerk of the Legislature.
- B. The term of office of any deputy not classified as competitive under the County's civil service rules, appointed hereunder, shall coincide with that of the Director of Tourism, provided that such appointment may be revoked at any time by Director by written revocation filed with the County Clerk. Positions of Deputy Director may be in the exempt class of civil service; or in the alternative, the deputy may also be an additional title which may be designated by the Director for a department staff member.
- C. Deputy Directors shall perform such duties pertaining to the office of the Department of Tourism as the Director may direct and shall act generally for and in such place of the Director and perform such other and further duties as the Director may assign.
- D. The designation of an order of succession for the position of Deputy Director shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Director filing a new written designation of order of succession.

¹⁴². Editor's Note: See Charter § C-118.

ARTICLE XL
Traffic Safety

§ A40-1. Coordinator of Traffic Safety. ¹⁴³

- A. *Appointment; term.* There shall be a Coordinator of Traffic Safety who shall be appointed by the County Executive based on his or her experience and qualifications to perform the duties of the office, subject to confirmation by the County Legislature, and shall serve at his or her pleasure. The Coordinator shall serve as the Executive Secretary and Administrative Officer of the Traffic Safety Board.
- B. *Powers and duties.* The Coordinator shall be responsible for the development and coordination of local programs which promote the safety and efficacy of traffic and transportation, including pedestrian and nonmotorized transport, and shall have all the powers and perform all the duties now and hereafter conferred or imposed upon him or her by law and perform other and related duties required by the County Executive and County Legislature.
- C. *Reports.* On or before March 1 of each year, the Coordinator of Traffic Safety shall make an annual report to the County Legislature and County Executive for the immediately preceding calendar year, covering generally the work of the department. The Coordinator of Traffic Safety shall make such other reports at such times as may be required by the County Legislature, County Executive or any applicable law. Copies of all reports shall be filed with the Clerk of the County Legislature and the County Executive.

§ A40-2. Deputy Coordinator of Traffic Safety.

- A. The Coordinator of Traffic Safety shall have the power to appoint one or more Deputy Coordinators of Traffic Safety, within the limits of appropriations therefor. Every appointment shall be in writing and filed in the Office of the County Clerk and the Clerk of the Legislature.
- B. The term of office of any deputy not classified as competitive under the County's civil service rules, appointed hereunder, shall coincide with that of the Coordinator of Traffic Safety, provided that such appointment may be revoked at any time by the Coordinator by written revocation filed with the County Clerk. Positions of Deputy Coordinator may be in the exempt class of civil service; or in the alternative, the deputy may also be an additional title which may be designated by the Coordinator for a department staff member.
- C. Deputy Coordinators shall perform such duties pertaining to the office of Traffic Safety as the Coordinator may direct and shall act generally for and in such place of the Coordinator and perform such other and further duties as the Coordinator may assign.
- D. The designation of an order of succession for the position of Deputy Coordinator shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Coordinator filing a new written designation of order of succession.

143. Editor's Note: See Charter § C-119.

§ A40-3. Traffic Safety Board. ¹⁴⁴

- A. *There shall be a Traffic Safety Board which shall exercise all powers and duties set forth in Article 43 of Vehicle and Traffic Law and heretofore or hereafter lawfully granted or imposed by the Charter, local law, resolution of the County Legislature, or by applicable law not inconsistent with the Charter.*
- B. *The Traffic Safety Board shall consist of 12 persons appointed for terms of three years by the County Executive, subject to the confirmation of the County Legislature, except that four members will be initially appointed to a term of one year and four members to a term of two years. Members shall be residents of and qualified electors in the County. At least one but not more than three members shall be resident(s) in the City of Kingston. The Traffic Safety Board shall elect annually a Chairman, Vice Chairman, and a Secretary from its members as provided in Article 43 of the Vehicle and Traffic Law. The Coordinator of Traffic Safety shall serve on the Traffic Safety Board ex officio.*
- C. The Traffic Safety Board shall:
- (1) Adopt rules for the conduct of its business.
 - (2) Within the limits of appropriations made therefor by the County Legislature, authorize the employment of such personnel as may be necessary to properly perform the functions and carry out the objectives of the Traffic Safety Board.
- D. The Traffic Safety Board shall keep minutes of all meetings, including the date and time of meeting and Board members in attendance. The original of said minutes shall be filed with the Clerk of the Legislature as soon as possible, but not to exceed 10 business days after the next regular Board meeting at which the minutes were reviewed and accepted. The Clerk of the Legislature or his or her designee shall maintain an official record of the Board's agenda items. This official record shall include the disposition of each agenda item, including individual votes of each Board member on each item.
- E. *The Traffic Safety Board shall advance traffic and transportation safety, including pedestrian and nonmotorized transport, through study, advocacy and public education in accord with the provisions of the New York State Vehicle and Traffic Law and local law and perform other duties that may be assigned to it by the County Executive and the Legislature. The Board shall further prioritize safety concerns based on relative risk to people using major modes of transportation such as walking, cycling and/or other nonmotorized and motorized transport.*
- F. *Members of the Traffic Safety Board shall receive no compensation for services but shall be entitled to their reasonable and necessary expenses incurred in the performance of their duties, within appropriation made for such purposes.*

144. Editor's Note: See Charter § C-120.

ARTICLE XLI
Youth Bureau

§ A41-1. Director of Youth Bureau. ¹⁴⁵

- A. *There shall be a Youth Bureau headed by a Director who shall be appointed by the County Executive based on his or her education, experience and qualifications to perform the duties of the office, subject to confirmation by the County Legislature, and shall serve at the pleasure of the County Executive.*
- B. *Powers and duties. The Director of the Youth Bureau shall have managerial responsibility for the department and, with the advice and assistance of the Youth Board, recommend policies that promote youth development and prevent delinquency, plan and coordinate activities devoted to the well-being and protection of all youth in Ulster County, and expand public awareness of youth issues. He or she shall have all the powers and perform all the duties now and hereafter conferred or imposed upon him or her by law, and perform such other and related duties required by the County Executive and County Legislature.*
- C. *Reports. On or before March 1 of each year, the Director of the Youth Bureau shall make an annual report to the County Legislature and County Executive for the immediately preceding calendar year, covering generally the work of the department. The Director of the Youth Bureau shall make such other reports at such times as may be required by the County Legislature, County Executive or any applicable law. Copies of all reports shall be filed with the Clerk of the County Legislature and the County Executive.*

§ A41-2. Deputy Director of Youth Bureau. ¹⁴⁶

- A. *The Deputy Director of the Youth Bureau shall be appointed by the Director, in accord with and within the limits of the appropriation provided for this purpose, after consultation with the County Executive on the basis of his or her education and experience. Every appointment shall be in writing and filed in the Office of the County Clerk and the Clerk of the Legislature.*
- B. *The term of office of any deputy not classified as competitive under the County's civil service rules, appointed hereunder, shall coincide with that of the Director of the Youth Bureau, provided that such appointment may be revoked at any time by the Director by written revocation filed with the County Clerk. Positions of Deputy Director may be in the exempt class of civil service; or in the alternative, the deputy may also be an additional title which may be designated by the Director for a department staff member.*
- C. *The Deputy Director shall possess the powers and perform the duties of the Director of the Youth Bureau during the absence or inability of such Director to act or in the case of a vacancy in the office of the Director, until a successor is selected and has qualified. He*

145. Editor's Note: See Charter § C-121.

146. Editor's Note: See Charter § C-122.

or she shall perform such duties pertaining to the office of the Youth Bureau as the Director may direct and perform such other and further duties as the Director may assign.

- D. The designation of an order of succession for the position of Deputy Director shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Director filing a new written designation of order of succession.

§ A41-3. Youth Board. ¹⁴⁷

- A. *Membership; appointment; term.* There shall be a Youth Board that shall consist of 15 members, at least two of whom shall be youth (between the ages of 16 and 21), who shall be appointed by the County Executive for a term of three years, subject to confirmation by the County Legislature. The Board shall encourage diverse representation indicative of the entire community. Membership shall reflect a balance between government and non-government representatives who are directly concerned with the well-being of youth and to represent the community to which it serves. All members of the Youth Board shall be residents of Ulster County. No member of the Youth Board shall hold any other County or state office. Members shall elect a Chairman and Vice Chairman for a term of one year. Board members shall be known as "Commissioners of the Youth Bureau of the County of Ulster" and shall receive no compensation for their services or activities except for actual and necessary expenses in the performance of duties as appropriated. The Sheriff of Ulster County, the Commissioner of Health or Public Health Director, the Family Court Judges, the County Attorney or his or her representative, the Commissioner of Social Services, and two members of the County Legislature designated by the Chairman of the County Legislature shall be ex officio members of the Youth Board.
- B. *Powers and duties.* The Youth Board shall propose policies, programs and recommendations to the Director of the Youth Bureau, the County Executive and the Legislature regarding measures most suitable to supplement, aid and coordinate the work and activities of all public and private agencies, including religious and social institutions, seeking to prevent delinquency and youth crime, to advance the moral, physical, mental and social well-being of the youth of this County, and to encourage the County's local governments to take an interest in the well-being of youth.
- C. The Youth Board shall keep minutes of all meetings, including the date and time of meeting and Board members in attendance. The original of said minutes shall be filed with the Clerk of the Legislature as soon as possible, but not to exceed 10 business days after the next regular Board meeting at which the minutes were reviewed and accepted. The Clerk of the Legislature or his or her designee shall maintain an official record of the Board's agenda items. This official record shall include the disposition of each agenda item, including individual votes of each Board member on each item.

147. Editor's Note: See Charter § C-123.

ARTICLE XLII
Department of Community Corrections

§ A42-1. Director of Community Corrections. ¹⁴⁸

- A. *Appointment; term. There shall be Department of Community Corrections headed by a Director of Community Corrections or other qualifying title who shall be appointed by the County Executive based on his or her experience and qualifications to perform the duties of the office, subject to confirmation by the County Legislature. The Director shall serve at the pleasure of the County Executive.*
- B. *Powers and duties. The Director of Community Corrections shall:*
- (1) *In accord with applicable state and local law, have charge and supervision of the Department of Community Corrections to ensure its effective and efficient operation to reduce reliance on unnecessary incarceration in a manner consistent with public safety; provide a means of punishment to an offender and a means of restitution to the community; increase sentencing options to all criminal courts in Ulster County; foster the development of employment, vocational, and life skills as a way of improving situations which might otherwise contribute to criminal activity; encourage and implement integration between offender and community in the process of reducing dysfunction; and forward the cause of alternative sanctions;*
 - (2) *Administer and promote effective legal services within the confines of County and state legal procedures and laws for indigent individuals within the Community Corrections Program through the operation of the County's Assigned Counsel Plan, in accordance with Article 18-B of the County Law;*
 - (3) *Have necessary powers and duties pursuant to applicable laws governing the operations of alternatives to incarceration programs;*
 - (4) *Furnish technical expertise in the planning and development of community corrections and alternatives to incarceration programming to the County Executive and County Legislature as authorized; and*
 - (5) *Have charge of and have the duty of performing such other related functions and other matters as the County Executive and Legislature may from time to time direct.*
- C. *Reports. On or before March 1 of each year, the Director of Community Corrections shall make an annual report to the County Legislature and County Executive for the immediately preceding calendar year, covering generally the work of the department. The Director of Community Corrections shall make such other reports at such times as may be required by the County Legislature, County Executive or any applicable law. Copies of all reports shall be filed with the Clerk of the County Legislature and the County Executive.*

148. Editor's Note: See Charter § C-124.

§ A42-2. Assistant Director or Deputy Director of Community Corrections. ¹⁴⁹

- A. *The Director of Community Corrections shall have the power to appoint an Assistant Director or Deputy Director within the limits of appropriations provided for this purpose. Every appointment shall be in writing and filed in the Office of the County Clerk and the Clerk of the Legislature.*
- B. *The term of office of any assistant or deputy not classified as competitive under the County's civil service rules, appointed hereunder, shall coincide with that of the Director of Community Corrections, provided that such appointment may be revoked at any time by the Director by written revocation filed with the County Clerk. Positions of Assistant Director or Deputy Director may be in the exempt class of civil service; or in the alternative, the assistant or deputy may also be an additional title which may be designated by the Director for a department staff member.*
- C. *The Assistant Director or Deputy Director shall perform such duties pertaining to the Department of Community Corrections as the Director may direct and shall act generally for and in the place of the Director and perform such other and related duties as the Director may assign and direct.*
- D. *The designation of an order of succession for the position of Assistant Director or Deputy Director shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Director filing a new written designation of order of succession.*

ARTICLE XLIII
Safety Department

§ A43-1. Safety Officer. ¹⁵⁰

- A. *Appointment; term. There shall be Safety Department headed by a Safety Officer who shall be appointed by the County Executive in compliance with all civil service laws based on his or her education, experience and qualifications to perform the duties of the office, subject to confirmation by the County Legislature. He or she shall serve at the pleasure of the County Executive.*
- B. *Powers and duties. The Safety Officer will assure through inspection, training and education that all County government operations and properties are maintained in a safe and healthful manner in accord with federal, state and County regulations and mandates. He or she shall have all the powers and perform all the duties now and hereafter conferred or imposed upon him or her by law, and perform other and related duties required by the County Executive and County Legislature.*
- C. *Reports. On or before March 1 of each year, the Safety Officer shall make an annual report to the County Legislature and County Executive for the immediately preceding calendar year, covering generally the work of the department. The Safety Officer shall*

149. Editor's Note: See Charter § C-125.

150. Editor's Note: See Charter § C-126.

make such other reports at such times as may be required by the County Legislature, County Executive or any applicable law. Copies of all reports shall be filed with the Clerk of the County Legislature and the County Executive.

§ A43-2. Deputy Safety Officer.

- A. The Safety Officer shall have the power to appoint one or more Deputy Safety Officers, within the limits of appropriations therefor. Every appointment shall be in writing and filed in the Office of the County Clerk and the Clerk of the Legislature.
- B. The term of office of any deputy not classified as competitive under the County's civil service rules, appointed hereunder, shall coincide with that of the Safety Officer, provided that such appointment may be revoked at any time by the Safety Officer by written revocation filed with the County Clerk. Positions of Deputy Safety Officer may be in the exempt class of civil service; or in the alternative, the deputy may also be an additional title which may be designated by the Safety Officer for a department staff member.
- C. Deputy Safety Officers shall perform such duties pertaining to the office of the Safety Department as the Safety Officer may direct and shall act generally for and in such place of the Safety Officer and perform such other and further duties as the Safety Officer may assign.
- D. The designation of an order of succession for the position of Deputy Safety Officer shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Safety Officer filing a new written designation of order of succession.

ARTICLE XLIV
Insurance Department

§ A44-1. Insurance Officer. ¹⁵¹

- A. *There shall be an Insurance Department headed by an Insurance Officer who shall be appointed by the County Executive based on his or her education, experience and qualifications to perform the duties of the office, subject to confirmation by the County Legislature. The Insurance Officer shall serve as the administrator of the County's self-insurance plan. He or she shall serve at the pleasure of the County Executive and shall have all the powers and perform all the duties now and hereafter conferred or imposed upon him or her by law, and perform such other and related duties as required by the County Executive and County Legislature.*
- B. *Powers and duties. The Insurance Officer shall:*

151. Editor's Note: See Charter § C-127.

- (1) *Have general charge and responsibility for duties and functions relating to insurance as delegated to him or her from time to time by the County Executive and County Legislature;*
 - (2) *Subject to County Executive approval, have the authority to administer the self-insurance plan as provided for in Article 5 of the Workers' Compensation Law;*
 - (3) *Contract for the services deemed necessary for the operation of the plan and, within the limits of the appropriation made for this purpose, approve all bills or claims related thereto before payment is recommended;*
 - (4) *Have the authority to settle any case subject to the approval of the County Attorney; and*
 - (5) *Have authority to appoint deputies within the limit of the appropriation for this purpose, and designate a first deputy who shall act as Insurance Officer in the event of the Insurance Officer's absence from the County or inability to perform and exercise his or her powers and duties.*
- C. Reports. On or before March 1 of each year, the Insurance Officer shall make an annual report to the County Legislature and County Executive for the immediately preceding calendar year, covering generally the work of the department. The Insurance Officer shall make such other reports at such times as may be required by the County Legislature, County Executive or any applicable law. Copies of all reports shall be filed with the Clerk of the County Legislature and the County Executive.

§ A44-2. Deputy Insurance Officer.

- A. The Insurance Officer shall have the power to appoint one or more Deputy Insurance Officers, within the limits of appropriations therefor. Every appointment shall be in writing and filed in the Office of the County Clerk and the Clerk of the Legislature.
- B. The term of office of any deputy not classified as competitive under the County's civil service rules, appointed hereunder, shall coincide with that of the Insurance Officer, provided that such appointment may be revoked at any time by the Insurance Officer by written revocation filed with the County Clerk. Positions of Deputy Insurance Officer may be in the exempt class of civil service; or in the alternative, the deputy may also be an additional title which may be designated by the Insurance Officer for a department staff member.
- C. Deputy Insurance Officers shall perform such duties pertaining to the office of the Insurance Department as the Insurance Officer may direct and shall act generally for and in such place of the Insurance Officer and perform such other and further duties as the Insurance Officer may assign.
- D. The designation of an order of succession for the position of Deputy Insurance Officer shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Insurance Officer filing a new written designation of order of succession.

§ A44-3. Ulster County Self-Insurance Plan.

- A. The plan of self-insurance provided for in Article 5 of the Workers' Compensation Law is hereby established and shall be known as "Ulster County Self-Insurance Plan."
- B. Participants.
- (1) The County of Ulster shall be a participant in the plan. Any city, town and village, any fire district in any town which is not a member may elect to become participants in the plan. Any eligible municipality or public entity electing to become a participant shall file a certified copy of a resolution of its governing body electing to become a participant, with membership to become effective upon approval of the Plan Administrator. Any participant may withdraw from the plan effective at the end of a fiscal year by filing with the Clerk of the Legislature, on or before the preceding first day of July, a certified copy of a resolution of its governing body, electing to withdraw from the plan, upon the condition that it agrees to pay its proportionate share of the estimated liabilities of the plan at the time of withdrawal. Payment of such liabilities shall be made in a lump sum or the administrator may, upon approval of the County Executive, permit said payment to be made in installments.
 - (2) Each participant in the plan shall cooperate fully with the administrator in the administration of the plan, and annually, within 30 days of the close of each calendar year, and at such other times as the administrator may require, shall render such reports as may be requested, and shall promptly furnish all pertinent information relative to any claim and aid in the investigation of any claim involving such participant.
 - (3) Every new employee of any participant in the plan except volunteer fireman and civil defense volunteers may be required to undergo a physical examination before undertaking any of the duties of employment, except in the case of an emergency, in which case a participant employing such an employee may arrange for physical examination at the earliest possible time after undertaking the required duties. The expense of such physical examination may be paid from the funds of the plan upon approval of the administrator.
 - (4) For any violation of the provisions of the foregoing Subsection B(2) and (3) of this section, or of the requirements of the Workers' Compensation Law, by a participant, the administrator shall charge a penalty of \$100 against said participant. In addition, the Legislature may by a majority vote expel such participant from the plan, and shall fix the amount of the share of such participant in outstanding claim, if any.
 - (5) The share of each participant in the plan shall be collected as provided in §§ 67 and 71 of the Workers' Compensation Law, except that the share of each city, village, town and fire district participating in the plan shall be collected through the next succeeding tax levy.

- (6) The apportioned share of each participant shall be based 50% on the assessed valuation method and 50% on the loss-experience percentile to be calculated on the three years immediately preceding the current year.
 - (7) Any participant with a single occurrence, which involves one or more individuals, and the incurred cost exceeds \$50,000 in any experience calendar year, would be obligated to assume 50% of said experience in determining his or her loss-experience percentile for the duration of the three years which comprise the retrospective experience rating plan. The cost of the remaining 50% of this experience shall be shared by all plan participants and used in determining the loss-experience percentile for the duration of the three years which comprise the retrospective experience rating plan. Certain claims such as controverted, contested or large scheduled loss claims may not apply to this credit. The determination will be made by the administrator.
- C. Reserves.
- (1) Reserves not to exceed the unpaid workers' compensation claim liabilities of the plan are hereby established for the plan.
 - (2) There shall be an annual appropriated contribution to said reserves by each participant, not to exceed \$50,000, until such time as the maximum established reserves are reached and maintained.
 - (3) Notwithstanding the provisions of the foregoing Subsection C(2), any existing balance in the workers' compensation fund on December 31 of any year will be transferred to the reserves established, until such time as the maximum is reached and maintained.
- D. Excess or catastrophe insurance. The administrator, subject to the approval of the County Executive, may purchase excess or catastrophe insurance, the cost thereof to be paid from the funds of the plan.
- E. Custodian of funds. The Commissioner of Finance shall be the custodian of all monies of the plan and shall disburse the same in conformity with Article 5 of the Worker's Compensation Law.
- F. Miscellaneous. Any representative or agent under contract with the administrator shall perform such duties as may be necessary to operate the plan in accordance with the Workers' Compensation Law; shall make the reports required by law; shall attend hearings of cases before the Workers' Compensation Board; shall have the power to authorize necessary medical care which appears from medical reports and information to be justifiable; shall have the authority to purchase supplies, stationary, forms, books, and equipment necessary for the operation of said plan within the limits of the appropriations and subject to the approval of the administrator and the rules of the Legislature.

ARTICLE XLV
General and Transitional Provisions

§ A45-1. Existing laws continued. ¹⁵²

Except as otherwise provided in the Charter, all existing state, County, local and other laws or enactments, including special acts having the force of law, shall continue in force until lawfully amended, modified, superseded or repealed.

§ A45-2. Continuation of authority. ¹⁵³

- A. *Continuity shall exist in performance of all rights, powers, duties and obligations attached to governmental functions detailed in the provisions of the Charter. Any proceedings or other business undertaken or commenced prior to the effective date of the Charter may be conducted and completed by the County officer or administrative unit responsible for those proceedings or that business under the Charter or any Administrative Code adopted in connection with it.*
- B. *The Charter shall not invalidate any obligations previously issued by the County or by any of its commissions, boards or agencies, and these shall be and remain binding obligations of the County. In the event any obligation shall have been issued in anticipation of the issuance of bonds by the County, or by any of its commissions, boards or agencies, the County is hereby empowered to issue such bonds as legal and binding obligations of the County.*

§ A45-3. Civil service rights continued. ¹⁵⁴

The civil service rights of all County employees and their beneficiaries shall not be affected by the Charter. The civil service rights of all employees transferred in any case authorized by the Charter shall be continued as provided by the Civil Service Law.

§ A45-4. Existing terms of office. ¹⁵⁵

Nothing contained in the Charter shall affect the terms of office of County Clerk, District Attorney and Sheriff as presently constituted.

152. Editor's Note: See Charter § C-128.

153. Editor's Note: See Charter § C-129.

154. Editor's Note: See Charter § C-130.

155. Editor's Note: See Charter § C-131.

§ A45-5. *Transfer of functions, duties and personnel; other County departments, boards, offices and agencies.* ¹⁵⁶

- A. *Except as otherwise provided in the Charter, all County departments, boards, offices and units shall continue as provided by law.*
- B. *Any County officer appointed for a fixed term prior to the effective date of the Charter shall continue his or her office for the balance of the unexpired term.*
- C. *Nothing contained in the Charter is intended to constitute a transfer of any function or duty from any town or village or an abolition of any office, department, or unit of government of a town or village in the County. If any provision of the Charter is construed by any court of competent jurisdiction to constitute any such transfer or abolition, such provision shall be deemed to be optional as it affects the towns or villages and shall be effective only upon approval by the governing boards of such towns or villages.*
- D. *Additional appointments to be made by the County Executive. The County Executive shall appoint the head of any administrative unit not provided for in the Charter, subject to the confirmation of the Legislature. All such appointees shall serve at the pleasure of the County Executive and have such powers and duties as shall be provided by law, except where such law shall be inconsistent with the Charter within the limits prescribed in Article 4 of the Municipal Home Rule Law.*
- E. *Miscellaneous administrative functions. Administrative functions not otherwise assigned by the Charter or the Administrative Code shall be assigned by the County Executive to an appropriate administrative unit.*

§ A45-6. *Charter clarification.* ¹⁵⁷

If any provision of the Charter is not clear or requires elaboration in its application, the County Legislature may interpret that provision in a local law, not inconsistent with the provisions of the Municipal Home Rule Law.

§ A45-7. *Amendments to Administrative Code.*

This Administrative Code may be amended by local law at any time.

§ A45-8. *Severability.* ¹⁵⁸

If part of any provision of the Charter or this Administrative Code shall be judged by any court of competent jurisdiction to be invalid, that adjudication shall not affect, impair or invalidate the remainder of that provision but shall be confined in its effect to the clause, sentence, paragraph, section or article determined to be invalid by the Court.

156. Editor's Note: See Charter § C-132.

157. Editor's Note: See Charter § C-133.

158. Editor's Note: See Charter § C-135.

§ A45-9. Dates. ¹⁵⁹

If any date specified in the Charter or this Administrative Code falls, in any year, on a Saturday, Sunday or legal County holiday, then such date shall be deemed to refer to the next succeeding date which is not a Saturday, Sunday or legal County holiday.

§ A45-10. Amendments to Charter. ¹⁶⁰

- A. *The Charter may be amended in the manner provided by the Municipal Home Rule Law and or as provided for in the Charter. Any proposed amendment which would have the effect of transferring a function or duty of the County, or of a city, town, village, district or other unit of local government wholly contained within the County, shall not become operative unless it is approved by mandatory referendum as required by the Municipal Home Rule Law.*
- B. *Further, any amendment which would create or abolish an elective County office, change the power or method of removing an elective County officer during his or her term of office, abolish, curtail or transfer to another County office or agency any power of an elected County officer, or change the form or composition of the County Legislature shall be subject to a mandatory referendum.*

§ A45-11. Completion of unfinished business. ¹⁶¹

- A. *The performance of functions pursuant to the provisions of the Charter and this Administrative Code shall be deemed to constitute a continuation of such functions for the purpose of succession to all rights, powers, duties and obligations attached to such functions. Any proceedings or other business undertaken or commenced prior to the effective date of the Charter or this Administrative Code may be conducted and completed by the County officer or administrative unit responsible for such proceedings or other business under the Charter or this Administrative Code.*
- B. *The Charter or this Administrative Code shall not be deemed to invalidate any obligations previously issued by the County or by any of its commissions, boards or agencies, and such obligations shall be and remain binding obligations of the County. In the event any obligation shall have been issued in anticipation of the issuance of the bonds by the County, or by any of its commissions, boards or agencies, the County is hereby empowered to issue such bonds as legal and binding obligations of the County.*

§ A45-12. Repealer clause.

The following local laws are hereby repealed:

159. Editor's Note: See Charter § C-136.

160. Editor's Note: See Charter § C-137.

161. Editor's Note: See Charter § C-138.

- A. **Local Law Number 1 of 1963** — A Local Law To Provide For The Continuity Of Government Of The County Of Ulster, New York, In The Event Of An Attack Or Public Disaster.
- B. **Local Law Number 1 of 1967** — A Local Law To Provide For The Creation Of An Ulster County Public Employment Relations Board, And Establishing The Rules, Authority, And Qualifications Of Said Board, Pursuant To Article 14 Of The Civil Service Law Of The State Of New York, Adopted By The Laws Of 1967 Which Become Effective As Of September 1, 1967.
- C. **Local Law Number 2 of 1972** — A Local Law Establishing An Ulster County Traffic Safety Board For The County Of Ulster.
- D. **Local Law Number 4 of 1975** — A Local Law To Provide For The Creation Of Youth Bureau In And For The County Of Ulster.
- E. **Local Law Number 1 of 1976** — A Local Law Providing For The Filling Of Vacancies In The Office Of County Legislature Of The County Of Ulster.
- F. **Local Law Number 3 of 1978** — A Local Law To Create The Office Of Public Defender.
- G. **Local Law Number 4 of 1978** — A Local Law To Create The Office Of County Purchasing Agent.
- H. **Local Law Number 6 of 1978** — A Local Law To Change The Form Of Administration Of The Civil Service Law, And To Create The Office Of Personnel Officer.
- I. **Local Law Number 1 of 1979** — A Local Law To Establish The Ulster County Self-Insurance Plan, And To Provide For The Administration Thereof Pursuant To Article 5 Of The Workers' Compensation Law.
- J. **Local Law Number 2 of 1979** — A Local Law Of The County Of Ulster, Abolishing The Office Of Coroner And Coroner's Physician, And Establishing In The Department Of Health, The Office Of Medical Examiner.
- K. **Local Law Number 4 of 1980** — A Local Law Creating The Office Of County Administrator And Deputy County Administrator.
- L. **Local Law Number 5 of 1980** — A Local Law Providing For The Assignment To and Performance By The Chairman Of The Legislature Of Specified Administrative Functions, Powers And Duties Pursuant To Section 10 Of The Municipal Home Rule Law.
- M. **Local Law Number 3 of 1982** — A Local Law Providing For The Filling Of Vacancies In The Offices Of District Attorney, Sheriff, County Clerk And Treasurer Of The County Of Ulster.
- N. **Local Law Number 5 of 1984** — A Local Law Amending Local Law Number 4 of 1975 To Authorize The Creation Of The Office Of Deputy Director Of The Youth Bureau.

- O. **Local Law Number 2 of 1985** — A Local Law Designating The Administrator Of The County Self-Insurance Plan As The County Insurance Officer.
- P. **Local Law Number 5 of 1985** — A Local Law Establishing A Department of Residential Health Care Facilities.
- Q. **Local Law Number 2 of 1987** — a Local Law Amending Local Law Number 1 of 1979 To Provide A Minimum Advance Notice Requirement For Participant Withdrawing From The County Self-Insurance Plan.
- R. **Local Law Number 4 of 1987** — A Local Law Amending Local Law Number 4 Of 1980 To Provide For The Settlement Of Claims Within Certain Limits Without The Necessity Of A Legislative Resolution.
- S. **Local Law Number 4 of 1989** — A Local Law Amending Local Law Number 1 of 1979 As Amended By Local Law Number 2 of 1987 To Make Certain Changes In The Ulster County Self-Insurance Plan In Accordance With Article 5 Of The Workers' Compensation Law.
- T. **Local Law Number 2 of 1991** — A Local Law Repealing Sections Two And Three Of Article Three Of Local Law Number Two Of 1979 And Authorizing The Appointment Of Deputy Medical Examiners
- U. **Local Law Number 1 of 1992** — A Local Law Confirming The Departments Of County Government And The Positions And Authority Of All Department Heads And Their Deputies Or Assistants.
- V. **Local Law Number 4 of 1993** — A Local Law To Formally Establish The Office Of County Auditor And The Authority Of The Auditor And His Or Her Deputies.
- W. **Local Law Number 5 of 1993** — A Local Law To Formally Establish The Department Of Information Services And The Authority Of The Director And His Or Her Assistants.
- X. **Local Law Number 6 of 1993** — A Local Law To Formally Establish The Department Of Community Corrections And The Authority Of The Director And His Or Her Assistants.
- Y. **Local Law Number 7 of 1993** — A Local Law Amending Local Law Number 4 of 1978 To Formally Establish The Authority Of The County Purchasing Agent and His Or Her Deputies.
- Z. **Local Law Number 3 of 1994** — A Local Law To Formally Establish The Department Of Emergency Communications/Emergency Management And the Authority Of The Director And His Or Her Deputies or Assistants.
- AA. **Local Law Number 3 of 1996** — A Local Law Amending Local Law Number 1 of 1979 As Amended By Local Law Number 2 of 1987 And Local Law Number 4 Of 1989 To Change The Minimum Advance Notice Requirement For Participants Withdrawing From The County Self-Insurance Plan.
- BB. **Local Law Number 2 of 2003** — A Local Law Authorizing Members Of The Ulster County Community Services Board And Its Subcommittees, Who Are Appointed To Fill

- An Unexpired Term, To Serve Two Consecutive Full Four Year Terms Upon The Conclusion Of The Unexpired Term.
- CC. **Local Law Number 4 of 2003** — A Local Law To Formally Establish The Ulster County Area Transit Department And To Create The Office Of The Director Of Public Transit.
- DD. **Local Law Number 4 of 2004** — A Local Law To Establish A Fair Housing Law In Ulster County.
- EE. **Local Law Number 5 of 2004** — A Local Law To Establish A Department Known As The Ulster County Tourism Office And To Create The Public Office Of The Director Of Tourism.
- FF. **Local Law Number 6 of 2004** — A Local Law Relating To The Appointment Of County Legislators By The County Legislature To Paid Positions Of County Employment.
- GG. **Local Law Number 1 of 2007** — A Local Law Amending Local Law Number 1 of 1979 As Amended By Local Law Number 2 of 1987, Local Law Number 4 Of 1989 And Local Law 3 Of 1996 To Change The Minimum Advance Notice Requirement For Participants Withdrawing From The County Self-Insurance Plan.
- HH. **Local Law Number 5 of 2007** — A Local Law To Create A Department Of Public Works For The County Of Ulster Pursuant To Section 10 Of The Municipal Home Rule Law.

§ A45-13. Effective date.

This Administrative Code shall take effect in accordance with § 27 of the Municipal Home Rule Law and become operative on January 1, 2009.

THE CODE

PART I

**ADMINISTRATIVE
LEGISLATION**

Chapter 1

GENERAL PROVISIONS

ARTICLE I Adoption of Code

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| <p>§ 1-1. Legislative intent.</p> <p>§ 1-2. Continuation of existing provisions.</p> <p>§ 1-3. Repeal of enactments not included in Code.</p> <p>§ 1-4. Enactments saved from repeal; matters not affected.</p> <p>§ 1-5. Severability.</p> | <p>§ 1-6. Copy of Code on file.</p> <p>§ 1-7. Amendments to Code.</p> <p>§ 1-8. Code book to be kept up-to-date.</p> <p>§ 1-9. Sale of Code; supplementation.</p> <p>§ 1-10. Penalties for tampering with Code.</p> <p>§ 1-11. Changes in previously adopted legislation; new provisions.</p> <p>§ 1-12. Incorporation of provisions into Code.</p> <p>§ 1-13. When effective.</p> |
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[HISTORY: Adopted by the County Legislature of the County of Ulster as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Adoption of Code [Adopted 8-17-2010 by L.L. No. 3-2010]

§ 1-1. Legislative intent.

In accordance with Subdivision 3 of § 20 of the Municipal Home Rule Law, the local laws of the County of Ulster, as codified by General Code, and consisting of the Charter, Administrative Code and Chapters 1 through 325, together with an Appendix, shall be known collectively as the "Code of the County of Ulster," hereafter termed the "Code." Wherever reference is made in any of the local laws contained in the "Code of the County of Ulster" to any other local law appearing in said Code, such reference shall be changed to the appropriate chapter title, chapter number, article number or section number where such legislation appears in the Code, as if such local law had been formally amended to so read.

§ 1-2. Continuation of existing provisions.

The provisions of the Code, insofar as they are substantively the same as those of local laws in force immediately prior to the enactment of the Code by this local law, are intended as a continuation of such local laws and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior local law. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the County Legislature of the County of Ulster, and it is the intention of said Legislature that each such provision contained within the Code is hereby reaffirmed as it appears in said Code.

Only such provisions of former local laws as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-3 below.

§ 1-3. Repeal of enactments not included in Code.

All local laws of a general and permanent nature of the County of Ulster in force on the date of the adoption of this local law and not contained in such Code or recognized and continued in force by reference therein are hereby repealed from and after the effective date of this local law.

§ 1-4. Enactments saved from repeal; matters not affected.

The repeal of local laws provided for in § 1-3 of this local law shall not affect the following classes of local laws, rights and obligations, which are hereby expressly saved from repeal:

- A. Any right or liability established, accrued or incurred under any legislative provision of the County of Ulster prior to the effective date of this local law or any action or proceeding brought for the enforcement of such right or liability.
- B. Any offense or act committed or done before the effective date of this local law in violation of any legislative provision of the County of Ulster or any penalty, punishment or forfeiture which may result therefrom.
- C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this local law brought pursuant to any legislative provision of the County of Ulster.
- D. Any agreement entered into or any franchise, license, right, easement or privilege heretofore granted or conferred by the County of Ulster.
- E. Any local law of the County of Ulster providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the County of Ulster or any portion thereof.
- F. Any local law of the County of Ulster appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the County of Ulster or other instruments or evidence of the County's indebtedness.
- G. Local laws authorizing the purchase, sale, lease or transfer of property or any lawful contract, agreement or obligation.
- H. The levy or imposition of special assessments or charges.
- I. The annexation or dedication of property.
- J. Any local law relating to salaries and compensation.
- K. Any local law amending a Zoning Map.

- L. Any local law relating to or establishing a pension plan or pension fund for County employees.
- M. Any local law or portion of a local law establishing a specific fee amount for any license, permit or service obtained from the County.
- N. Local Law No. 1-2003, providing legislative districts for elections through the terms ending December 31, 2011.
- O. Any local law adopted subsequent to December 16, 2009.
- P. Local Law No. 2-2006, the Charter, and any amendments thereto.
- Q. Local Law No. 10-2008, the Administrative Code, and any amendments thereto.

§ 1-5. Severability.

If any clause, sentence, paragraph, section, article, chapter or part of this local law or of any local law included in this Code now or through supplementation shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article, chapter or part thereof directly involved in the controversy in which such judgment shall have been rendered. If any provision of this Code or the application thereof to any person or circumstances is held invalid, the remainder of this Code and the application of such provision to other persons or circumstances shall not be affected thereby.

§ 1-6. Copy of Code on file.

A copy of the Code has been filed in the office of the Clerk of the Legislature and shall remain there for use and examination by the public until final action is taken on this local law, and, if this local law shall be adopted, such copy shall be certified to by the Clerk of the Legislature by impressing thereon the Seal of the County of Ulster, and such certified copy shall remain on file in the office of said Clerk to be made available to persons desiring to examine the same during all times while said Code is in effect. The enactment and publication of this local law, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-7. Amendments to Code.

Any and all additions, deletions, amendments or supplements to any of the local laws known collectively as the "Code of the County of Ulster" or any new local laws, when enacted or adopted in such form as to indicate the intention of the County Legislature to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be enacted or adopted, they shall thereafter be inserted in the Code as amendments and supplements

thereto. Nothing contained in this local law shall affect the status of any local law contained herein, and such local laws may be amended, deleted or changed from time to time as the County Legislature deems desirable.

§ 1-8. Code book to be kept up-to-date.

It shall be the duty of the Clerk of the Legislature to keep up-to-date the certified copy of the Code of the County of Ulster required to be filed in the office of the Clerk for use by the public. All changes in said Code and all local laws adopted by the County Legislature subsequent to the enactment of this local law in such form as to indicate the intention of said County Legislature to be a part of said Code shall, when finally enacted or adopted, be included therein by temporary attachment of copies of such changes or local laws until such changes or local laws are included as supplements to said Code.

§ 1-9. Sale of Code; supplementation.

Copies of the Code, or any chapter or portion of it, may be purchased from the Clerk of the Legislature, or an authorized agent of the Clerk, upon the payment of a fee to be set by resolution of the County Legislature. The Clerk may also arrange for procedures for the periodic supplementation of the Code.

§ 1-10. Penalties for tampering with Code.

Any person who alters or tampers with the Code of the County of Ulster in any manner whatsoever which will cause the legislation of the County of Ulster to be misrepresented thereby, or who violates any other provision of this local law, shall be guilty of an offense and shall, upon conviction thereof, be subject to a fine of not more than \$250 or imprisonment for a term of not more than 15 days, or both.

§ 1-11. Changes in previously adopted legislation; new provisions.

- A. In compiling and preparing the local laws for publication as the Code of the County of Ulster, no changes in the meaning or intent of such local laws have been made, except as provided for in Subsection B hereof. Certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the County Legislature that all such changes be adopted as part of the Code as if the local laws had been previously formally amended to read as such.
- B. In addition, the amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this local law. (Chapter and section number references are to the local laws as they have been renumbered and appear in the Code.)¹

1. Editor's Note: In accordance with § 1-11B, the chapters, parts and sections which were added, amended, adopted or repealed by this local law are indicated throughout the Code by a footnote referring to Chapter 1, General Provisions, Article I. During routine supplementation, footnotes indicating amendments, additions or deletions will be replaced with the following history: "Amended (added, repealed) 8-17-2010 by L.L. No. 3-2010." Schedule A, which contains a complete description of all changes, is on file in the County offices.

§ 1-12. Incorporation of provisions into Code.

The provisions of this local law are hereby made Article I of Chapter 1 of the Code of the County of Ulster, such local law to be titled "General Provisions, Article I, Adoption of Code," and the sections of this local law shall be numbered §§ 1-1 to 1-13, inclusive.

§ 1-13. When effective.

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

Chapter 16

CATSKILL REGIONAL OFF-TRACK BETTING CORPORATION

§ 16-1. Authority; election to join.

§ 16-2. Referendum.

[HISTORY: Adopted by the County Legislature of the County of Ulster by L.L. No. 3-1976. Amendments noted where applicable.]

§ 16-1. Authority; election to join.

Pursuant to Chapter 346 of the Laws of 1973 of the State of New York, the County of Ulster hereby elects to join the Catskill Regional Off-Track Betting Corporation.

§ 16-2. Referendum.

This chapter is subject to a permissive referendum and will be submitted to a vote of the qualified electors of the County of Ulster if within 45 days after the date on which it was so adopted there is filed with the Clerk of the Ulster County Legislature a petition protesting against this chapter, signed and authenticated as required by § 24 of the Municipal Home Rule Law, by qualified electors of the County of Ulster registered to vote therein at the last preceding general election in number equal to at least 10% of the total number of votes cast for Governor at the last gubernatorial election held in said County.

Chapter 26
CONTRACTS

ARTICLE I
Mass Transportation Services

§ 26-2. Contracts authorized.

§ 26-1. Purpose.

[HISTORY: Adopted by the County Legislature of the County of Ulster as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Mass Transportation Services
[Adopted by L.L. No. 4-1981]

§ 26-1. Purpose.

The purpose of this article is to authorize the County of Ulster to take action to assure the provision of mass transportation services to the public at adequate levels and at reasonable cost.

§ 26-2. Contracts authorized.

Pursuant to the provisions of § 119-r of the General Municipal Law, the County Legislature of the County of Ulster may, by resolution, authorize the Chairperson of the County Legislature to enter into:

- A. A contract or contracts for a fair and reasonable consideration for mass transportation services to be rendered to the public by a privately owned or operated mass transit facility; or
- B. A contract or contracts with any person, firm or corporation, including a public authority, for the equipment, maintenance or operation of a mass transit facility owned, acquired, constructed, reconstructed or improved by it.

Chapter 28

DEFENSE AND INDEMNIFICATION

§ 28-1. Conferral of statutory benefits.

§ 28-2. Defense against civil rights actions; indemnification.

[HISTORY: Adopted by the County Legislature of the County of Ulster 9-10-2008 by L.L. No. 3-2008. Amendments noted where applicable.]

§ 28-1. Conferral of statutory benefits.

The Ulster County Legislature hereby adopts § 18 of the Public Officers Law and confers the benefits thereof upon all County officers and employees.

§ 28-2. Defense against civil rights actions; indemnification.

The County shall provide for the defense of any County officer or employee in any civil action or proceeding arising out of any alleged act or omission in which it is alleged that the officer or employee has violated the civil rights of the claimant, petitioner or plaintiff under Sections 1981 and 1983 of the United States Civil Rights Act. The County shall indemnify and save harmless such officer or employee in the amount of any judgment or settlement of claim obtained against such officer or employee. Such legal defense and indemnification shall be provided where the officer or employee at the time of such alleged act or omission was acting in good faith and within the scope of his public employment, power or duties. The provisions of this section shall be in addition to any other statute, local law or enactment providing legal defense and indemnification in civil actions brought against such officer or employee.

Chapter 39
EMPIRE ZONES

ARTICLE I
Kingston/Ulster Empire Zone

§ 39-1. Authorization to submit application.

§ 39-2. State approval.

§ 39-3. Intent.

§ 39-4. Map and description of boundaries.

§ 39-5. Local Empire Zone Administrative Board.

§ 39-6. Revision of boundaries.

[HISTORY: Adopted by the County Legislature of the County of Ulster as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Kingston/Ulster Empire Zone
[Adopted 11-10-2009 by L.L. No. 8-2009]

§ 39-1. Authorization to submit application.

The City of Kingston and the Town of Ulster ("the applicants") are hereby authorized and empowered to submit an application for redesignation of certain areas within Ulster County as an empire zone; provided, however, that such authorization and empowerment shall be conditioned upon the concurrence, through properly adopted resolution(s) with respect to such application, of the governing bodies of any and all cities, towns and villages in which such zone is located.

§ 39-2. State approval.

The applicants have received empire zone approval to submit said application from the New York State Department of Economic Development.

§ 39-3. Intent.

It is the desire of this Legislature to authorize an application to revise the boundaries of the Kingston/Ulster Empire Zone to include 1,240.39 acres located in the Kingston/Ulster Empire Zone.

§ 39-4. Map and description of boundaries.

The boundaries of said areas to be included in said empire zone shall be as set forth in Schedule A, which is attached hereto and made a part hereof.¹ Pursuant to §§ 205-4 and 205-8

1. Editor's Note: Schedule A is on file in the County offices.

of the Code of the City of Kingston, said map and description shall heretofore be placed on file with the City of Kingston Clerk's office and also filed with the Ulster County Clerk.

§ 39-5. Local Empire Zone Administrative Board.

Pursuant to Article 18-B of the General Municipal Law, the Local Empire Zone Administrative Board as presently constituted is hereby continued. The Local Empire Zone Administrative Board, pursuant to § 963(a) of the General Municipal Law, as amended, shall sponsor and recommend for certification by the New York State Commissioner of Economic Development and the New York State Commissioner of Labor the applications of those businesses eligible for certification to receive the benefits referred to in § 966 of the General Municipal Law and shall perform all other duties required of it pursuant to § 963(b) of the General Municipal Law.

§ 39-6. Revision of boundaries.

The Commissioner of the New York State Department of Economic Development is hereby requested to revise the boundaries of the Kingston/Ulster Empire Zone in accordance with this article.

Chapter 41

ENVIRONMENT, DEPARTMENT OF THE

§ 41-1. Department created; appointment of Coordinator.

§ 41-3. Deputy Coordinators.

§ 41-2. Powers and duties of Coordinator.

§ 41-4. When effective.

[HISTORY: Adopted by the County Legislature of the County of Ulster 10-10-2007 by L.L. No. 17-2007. Amendments noted where applicable.]

§ 41-1. Department created; appointment of Coordinator.

- A. There is hereby created a Department of the Environment, the head of which shall be the Coordinator of the Department of the Environment who shall be appointed on the basis of his or her experience and qualifications as specifically set forth in the civil service class specifications for that position.
- B. Prior to December 31, 2008, the Coordinator of the Department of the Environment shall be appointed by the Ulster County Legislature and shall serve at the pleasure of the Ulster County Legislature, and such appointment shall not extend beyond December 31, 2008. Thereafter, commencing January 1, 2009, the Coordinator of the Department of the Environment shall be appointed by the County Executive subject to confirmation of the County Legislature, and such appointee shall serve at the pleasure of the County Executive.
- C. The Coordinator of the Department of the Environment shall execute environmental policy for the County and shall be responsible for the development of environmental policy subject to approval by the Ulster County Legislature prior to December 31, 2008, and thereafter subject to approval by the County Executive.

§ 41-2. Powers and duties of Coordinator.

The Coordinator of the Department of the Environment shall:

- A. Have the authority to appoint and remove all officers and employees of the Department of the Environment, except as such power and authority are specifically limited by local law or New York State statute.
- B. Coordinate environmental policy and resource planning for all interrelated County departments and the Ulster County Environmental Management Council.
- C. Supervise the efforts of the Department of the Environment employees and coordinate with the efforts of other interrelated County departmental staff on all environmental projects.

- D. Review the progress of environmental projects through oversight of the duties of technical staff assigned and make recommendations to ensure the project is on time and the goals of the Environmental Management Council are being met.
- E. Provide administrative and technical assistance to the Environmental Management Council.
- F. Review ongoing County projects and/or activities with environmental implications and assure that the requirements and guidelines of the project are followed in context with established policies and procedures.
- G. Act as administrative liaison with personnel in other County departments as well as with federal, state, regional and private environmental planning agencies, consultants and other interested parties involved with environmental issues.
- H. Formulate and prepare the annual departmental budget.
- I. Prepare plans, reports, informational material and administrative documents designed to support or implement environmental objectives of Ulster County and the Environmental Management Council to meet both state and federal requirements.
- J. Coordinate the efforts of County departments and municipalities to utilize geographic information system (GIS) equipment and software as well as global positioning equipment to compile, collect, organize and analyze geographic information relative to the focus and planning objectives of Ulster County and the Environmental Management Council.
- K. Prepare and present oral, written and multi-media reports to the County Legislature, municipal officials, the media and the public.
- L. Have all the powers and perform all the duties now or hereafter conferred or imposed by local law or resolution of the Ulster County Legislature.

§ 41-3. Deputy Coordinators.

- A. The Coordinator of the Department of the Environment shall have the power to appoint one or more Deputy Coordinators of the Department of the Environment within the limits of appropriations therefor. Every appointment shall be in writing and filed in the office of the County Clerk and the Clerk of the Ulster County Legislature.
- B. The term of office of any deputy appointed hereunder shall coincide with that of the Coordinator of the Department of the Environment, provided that such appointment may be revoked at any time by the Coordinator of the Department of the Environment by written revocation filed with the County Clerk. All positions of Deputy Coordinator shall be in the exempt class of civil service.
- C. Deputy Coordinators of the Department of the Environment shall perform such duties pertaining to the office of the Department of the Environment as the Coordinator of the Department of the Environment may direct and shall act generally for and in such place

of the Coordinator and perform such other and further duties as the Coordinator may assign and direct.

- D. If there is but one deputy, he or she shall possess the powers and perform the duties of the Coordinator of the Department of the Environment during the absence or inability of the Coordinator of the Department of the Environment to act. If there is more than one deputy, the Coordinator of the Department of the Environment shall designate in writing and file in the office of the County Clerk and the Clerk of the Legislature the order in which they are to serve during his or her absence or inability to act.
- E. In the event of a vacancy in the office of the Coordinator of the Department of the Environment, such deputy, or the deputy so designated, shall possess the power to perform the duties of his or her principal until the disability is removed or, in the case of a vacancy, until a successor is appointed and has qualified. If no designation shall have been made and filed, the senior deputy shall act.

§ 41-4. When effective.

This chapter shall take effect upon the appointment by the Ulster County Legislature of a Coordinator of the Environment by resolution adopted subsequent to the date of adoption of this chapter and compliance with the requirements of law.

Chapter 44

ETHICS AND DISCLOSURE

§ 44-1. Title.	§ 44-8. Board of Ethics.
§ 44-2. Purpose; statutory authority.	§ 44-9. Judicial review.
§ 44-3. Definitions.	§ 44-10. Supersession of state law.
§ 44-4. Standard of conduct.	§ 44-11. Construal of provisions.
§ 44-5. Interest in contracts with County.	§ 44-12. Distribution and posting.
§ 44-6. Annual disclosure.	Appendix A, Annual Statement of Financial Disclosure for Ulster County
§ 44-7. Penalties for offenses.	

[HISTORY: Adopted by the County Legislature of the County of Ulster 12-10-2008 by L.L. No. 11-2008. Amendments noted where applicable.]

§ 44-1. Title.

This chapter shall be known as the "Ulster County Ethics and Disclosure Law."

§ 44-2. Purpose; statutory authority.

A. The purposes of this chapter are to:

- (1) Establish standards of ethical conduct for officers, employees and consultants of Ulster County;
- (2) Provide officers, employees and consultants of Ulster County, whether elected or appointed, paid or volunteer, with clear guidance on such standards;
- (3) Promote public confidence and integrity in the agencies and administrative offices of our local government;
- (4) Facilitate the consideration of potential ethical problems before they arise, minimize unwarranted suspicion, and enhance the accountability of government to the people by requiring public disclosure of financial interests that may influence or be perceived to influence the actions of Ulster County officers and employees; and
- (5) Provide for the fair and effective administration of this chapter.

B. This chapter is enacted pursuant to § 806 of the General Municipal Law of the State of New York and § 10 of the Municipal Home Rule Law and is not intended to authorize any conduct prohibited by Article 18 of the General Municipal Law.

§ 44-3. Definitions.

Unless otherwise stated or unless the context otherwise requires, the following terms shall, for the purpose of this chapter, have the meaning herein indicated:

APPEAR and APPEAR BEFORE — Communicating in any form, including, without limitation, personally, through another person, by letter, or by telephone or electronic means.

BOARD OF ETHICS — The Board of Ethics of the County of Ulster established pursuant to § 44-8 of this chapter.

CHIEF FISCAL OFFICER — The Commissioner of Finance or other officer possessing similar powers and duties. **[Amended 8-17-2010 by L.L. No. 3-2010]**

CONTRACT — Any claim, account or demand against or agreement with the County, express or implied, and shall include the designation of a depository of public funds and the designation of a newspaper, including but not limited to an official newspaper, for the publication of any notice, resolution, ordinance, local law or other proceeding where such publication is required or authorized by law.

CONTRACTUAL GOODS/SERVICES — Any work performed or goods delivered by the County officer to another person under mutual agreement of the two parties and provided the transaction has been finalized, without dispute, by the two parties.

COUNTY — County of Ulster, and shall include any County improvement district, district corporation, or other district or a joint service established for the purpose of carrying on, performing or financing one or more improvements or services intended to benefit the health, welfare, safety or convenience of the inhabitants of the County or to benefit the real property within the County.

COUNTY OFFICER OR EMPLOYEE — Any officer or employee of the County, whether paid or unpaid, and includes, without limitation, all members of any office, board, body, advisory board, council, commission, agency, department, district, administration, division, bureau or committee of the County. "County officer or employee" shall not include:

- A. A judge, justice, officer or employee of the court system; or
- B. A member of an advisory board of the County if, but only if, the advisory board has no authority to implement its recommendations or to act on behalf of the County or to restrict the authority of the County to act. No entity established pursuant to the General Municipal Law of the State of New York shall be deemed an advisory board for purposes of this subsection.

CUSTOMER or CLIENT — Any person for whom a County officer or employee has directly supplied contractual goods/services during the previous 24 hours.

DOMESTIC PARTNER —

- A. A person at least 18 years of age who, with respect to another person:
 - (1) Is formally a party in a domestic partnership or similar relationship with the other person, entered into pursuant to the laws of the United States or any state, local or

foreign jurisdiction, or registered as the domestic partner of the person with any registry maintained by the employer of either party or any state, municipality, or foreign jurisdiction;

- (2) Is formally recognized as a beneficiary or covered person under the other person's employment benefits or health insurance; or
 - (3) Is dependent or mutually interdependent on the other person for support, as evidenced by the totality of the circumstances indicating a mutual intent to be domestic partners, including but not limited to common ownership or joint leasing of real or personal property; common house-holding, shared income or shared expenses; children in common; signs of intent to marry or become domestic partners under Subsection A(1) or (2) of this definition; or the length of the personal relationship of the persons.
- B. Each party to a domestic partnership shall be considered to be the domestic partner of the other party. "Domestic partner" shall not include a person who is related to the other person by blood in a manner that would bar marriage to the other person in New York State. "Domestic partner" shall also not include any person who is less than 18 years of age or who is the adopted child of the other person or who is related by blood in a manner that would bar marriage in New York State to a person who is the lawful spouse of the other person.

GIFT and FINANCIAL BENEFIT — Includes any money, service, license, permit, contract, authorization, loan, travel, entertainment, hospitality, or any promise thereof or any other gratuity or promise thereof or anything of value. A financial transaction may be a financial benefit but shall not be a gift unless it is on terms not available to the general public. "Gift" and "financial benefit" do not include campaign contributions authorized by law.

INTEREST — Direct or pecuniary or material benefit accruing to a County officer or employee as a result of a contract with the County which such officer or employee serves. For purposes of this chapter, a County officer or employee shall be deemed to have an interest in the contract of:

- A. His or her spouse, domestic partner, minor children and dependents, except a contract of employment with the County which such officer or employee serves; **[Amended 8-17-2010 by L.L. No. 3-2010]**
- B. A firm, partnership or association of which such officer is a member or employee;
- C. A corporation of which such officer or employee is an officer, director or employee; and
- D. A corporation, any stock of which is owned and controlled directly or indirectly by such officer or employee.

MINISTERIAL ACT — An action performed in a prescribed manner without the exercise of judgment or discretion as to the propriety of the act.

OUTSIDE EMPLOYER OR BUSINESS —

- A. Any activity, other than service to the County, from which the County officer or employee receives compensation for services rendered or goods sold or produced;
- B. Any entity, other than the County, of which the County officer or employee is a member, officer, director, or employee and from which he/she receives compensation for services rendered or goods sold or produced; or
- C. Any entity in which the County officer or employee has an ownership interest, except a corporation of which the County officer or employee owns less than 5% of the outstanding stock.
- D. For purposes of this definition, "compensation" shall not include reimbursement for necessary expenses, including travel expenses.

PERSON — Both individuals and entities.

RELATIVE/IMMEDIATE FAMILY MEMBER — A spouse, domestic partner, child or person claimed as a dependent on the County officer's or employee's latest individual state income tax return.

SUBORDINATE — The subordinate of a County officer or employee means another County officer or employee over whose activities he/she has direction, supervision, or control, except those who serve in positions that are in the exempt classification under § 41 of the Civil Service Law of the State of New York or in the unclassified service under § 35(a) through (f) of that law.

§ 44-4. Standard of conduct.

- A. **General prohibition.** A County officer or employee shall not use his/her official position or office or take or fail to take any action in a matter which he/she knows or has reason to know may provide a personal financial benefit or secure unwarranted privileges or exemptions for any of the following persons:
 - (1) County officer or employee.
 - (2) His/her outside employer, employee or business.
 - (3) Relative or immediate family member.
 - (4) Customer or client.
 - (5) Campaign contributors.
- B. **Recusal.** A County officer or employee shall promptly recuse himself/herself from acting on a matter before the County when acting on the matter, or failing to act on the matter, may benefit the persons listed above, financially or otherwise, or give the reasonable appearance of a conflict of interest or impropriety. Whenever a County officer or employee is required to recuse himself/herself, he/she must refrain from further participation in the matter (as officer or employee, but not as a private citizen).

- C. Gifts. A County officer or employee shall not accept or solicit any gift valued over \$75, nor shall he/she accept or solicit any gift or financial benefit under circumstances in which it could reasonably be inferred that the gift was intended to influence such County officer or employee in the performance of his/her official duties or was intended to be a reward for any official action on his/her part.
- D. Representation. A County officer or employee shall not represent any private interest before any County agency or in any litigation in which the County of Ulster is a party or complainant.
- E. Appearances. A County officer or employee shall not appear before any agency of the County except on his/her own behalf or on behalf of the County or on behalf of his or her constituent(s) in the case of a Legislator.
- F. Confidential information. The New York State Freedom of Information Law (Public Officers Law § 87, Subdivision 2) describes information that is confidential. This description should guide County employees and officers as to the information that should be considered confidential. Confidential information under this chapter does not exceed the bounds for confidential information set by Public Officers Law § 87, Subdivision 2. Before a County employee or officer discloses information that may be considered confidential, he/she is encouraged to seek a written determination from the County Records Access Officer. The County Records Access Officer may seek an opinion from the County Attorney prior to making a determination. The restrictions on disclosure and use of confidential information described herein apply without regard to the circumstances in which the information was acquired and include information gained through means other than the possessor's association with the County.
- G. Political solicitation. A County officer or employee shall not request or authorize anyone else to request any subordinate of the officer or employee to participate in an election campaign or contribute to a political committee.
- H. Future employment. A County officer or employee shall not, after the termination of service or employment with the County, appear for financial gain before any board or agency of the County in relation to any case for a period of two years and shall not appear for financial gain at any time in any proceeding or application in which he/she personally participated during the period of his/her service or employment or which was under his/her active consideration.
- I. Avoidance of conflicts. County officers and employees shall not knowingly acquire, solicit, negotiate for, or accept any interest, employment, or anything of value which would put them in violation of this chapter.
- J. Inducement of others. A County officer or employee shall not induce or aid another officer or employee of the County to violate any of the provisions in this chapter.
- K. Investments. A County officer or employee shall not invest or hold any investment directly or indirectly in any business, financial, commercial or other private transaction which would create a conflict with his/her official duties.
- L. Disclosure regarding contract with employment of relatives and domestic partners.

- (1) Every County officer and employee related closer in degree, by blood or marriage, than first cousin, including a domestic partner or person related by domestic partner circumstances, to any person(s) seeking a contractual relationship with the County or seeking employment within any department, section or function of the County shall disclose such relationship as provided for pursuant to the further provisions of this section.
 - (2) Any member of any County board, commission, council or other County agency related closer in degree, by blood or marriage, than first cousin, including a domestic partner or person related by domestic partner circumstances, to any person(s) seeking employment or making application before such body in which he/she serves shall disclose such relationship as provided for in this section.
 - (3) The disclosure requirements of this section shall be made in writing, directed to the Clerk of the Legislature, and shall be made at the earliest opportunity next following the date upon which such officer, employee, or board member, commission member, council member, or agency member first learns of or has knowledge of the making of the application by the person seeking employment and/or appointment.
- M. Use of public property. No officer or employee shall request or permit the use of County-owned vehicles, equipment, materials or property for personal convenience or profit except when such services are available to the public generally or are provided as policy for the use of such officer or employee in the conduct of official duties.
- N. Waiver. A County officer or employee may apply for a waiver request form from any of the standards set forth herein upon a showing of compelling need. A waiver request form will be available from the Clerk of the Legislature or the Board of Ethics and may be modified from time to time as deemed necessary.

§ 44-5. Interest in contracts with County.

A. Prohibited interests.

- (1) No County officer or employee shall have an interest in a contract with the County, or an interest in a bank or trust company, that is prohibited by § 801 of the General Municipal Law of the State of New York.
- (2) Specifically, no County officer or employee shall have an interest in any contract with the County when he or she, individually or as a member of a board, has the power or duty to negotiate, prepare, authorize or approve the contract or approve payment thereunder, audit bills or claims under the contract, or appoint an officer or employee who has any powers or duties set forth above, and no County chief fiscal officer, or his or her deputy or employee shall have an interest in a bank or trust company designated as a depository, paying agent, or registration agent for investment of funds of the County of Ulster. This shall in no event be construed to preclude the payment of lawful compensation and necessary expenses of any County officer or employee in one or more positions of public employment, the

holding of which is not prohibited by law. **[Amended 8-17-2010 by L.L. No. 3-2010]**

- (3) Any contract willfully entered into by or with the County in which there is an interest prohibited shall be null, void, and wholly unenforceable, to the extent provided by § 804 of the General Municipal Law.
- B. Discloseable interests. In accordance with § 803 of General Municipal Law, any County officer or employee who has, will have, or later acquires an interest in or whose spouse or domestic partner has, will have or later acquires an interest in any actual or proposed contract, purchase agreement, lease agreement or other agreement, including oral agreements, with the County shall publicly disclose the nature and extent of such interest in writing to and filing with his or her immediate supervisor and the Clerk of the County Legislature as soon as he or she has knowledge of such actual or prospective interest and as more specifically set forth in § 44-6 (annual disclosure) herein. Such written disclosure shall be made a part of and set forth in the official records of the proceedings of the Legislature. The Clerk of the Legislature shall also immediately file a copy of such disclosure with the County Executive and the Board of Ethics.

§ 44-6. Annual disclosure.

Annual disclosure will take place in accordance with § 812 of General Municipal Law, except the following provisions shall be controlling:

- A. County officials and employees required to file disclosure statement. Annual disclosure statements shall be filed by all elected County officials, department heads and their deputies and those individuals who have the authority for policy-making decisions, including but not limited to the following list of titles, which may be amended from time to time by the chief executive officer of the County of Ulster with the approval of the County Legislature so as to include all those titles that are applicable. **[Amended 4-7-2009 by Res. No. 134]**
- (1) County officers. **[Amended 5-18-2010 by Res. No. 133; 8-17-2010 by L.L. No. 3-2010]**

EXECUTIVE

Executive

Deputy Executives

LEGISLATURE

Chairperson

Legislators

Clerk to the Legislature

Deputy Clerks

Counsel to the Legislature

Minority Counsel

DISTRICT ATTORNEY

District Attorney

Assistant District Attorneys

CONSUMER FRAUD BUREAU

Director of Consumer Affairs

Deputy Director of Consumer Affairs

Director of Weights and Measures

Deputy Director of Weights and Measures

DEPARTMENT OF PUBLIC DEFENDER

Public Defender

Deputy and Assistant Public Defenders

COMPTROLLER

Comptroller

Deputy Comptrollers

Auditor

Deputy Auditors

DEPARTMENT OF FINANCE

Commissioner of Finance

Deputy Commissioners of Finance

DEPARTMENT OF PURCHASING

Director of Purchasing

Deputy Directors of Purchasing

REAL PROPERTY TAX SERVICE AGENCY

Director

Deputy Directors

COUNTY CLERK

County Clerk

Deputy County Clerks

Motor Vehicle Supervisors

COUNTY ATTORNEY

County Attorney

Deputy County Attorneys

Assistant County Attorneys

DEPARTMENT OF PERSONNEL

Personnel Director

Deputy Personnel Directors

BOARD OF ELECTIONS

Commissioners

Deputy Commissioners

DEPARTMENT OF PUBLIC WORKS

Commissioner of Public Works

Deputy Commissioners of Public Works

Buildings and Grounds Administrative Manager

Highways and Bridges Administrative Manager

DEPARTMENT OF PUBLIC TRANSPORTATION

Director of Public Transportation

Deputy Directors of Public Transportation

DEPARTMENT OF INFORMATION SERVICES

Information Services Director

Deputy Information Services Directors

Assistant Director I.S./Application Development

Assistant Director I.S./Operations

Assistant Director I.S./Technical Support

INSURANCE DEPARTMENT

County Insurance Officer

Deputy Insurance Officers

SHERIFF

Sheriff

Undersheriff

Head of Civil Division

Head of Criminal Division

Corrections Superintendent

Warden

DEPARTMENT OF PROBATION

Director

Deputy Probation Directors

ALTERNATIVE SENTENCING PROGRAM

Coordinator

Deputy Coordinators

STOP DWI

Coordinator

Deputy Coordinators

FIRE COORDINATOR

Fire Coordinator

Deputy Coordinator

DEPARTMENT OF EMERGENCY COMMUNICATIONS/EMERGENCY
MANAGEMENT

Director

Deputy Directors

DEPARTMENT OF HEALTH

Commissioner of Health or Public Health Director

Deputy Commissioner of Health or Deputy Public Health Director

Director of Patient Services

Medical Examiner

Deputy Medical Examiners

Medical Consultant

DEPARTMENT OF MENTAL HEALTH

Director

Deputy Director of Administration

Commissioner of Mental Health

Deputy Commissioners of Mental Health

DEPARTMENT OF COMMUNITY CORRECTIONS

Director

Assistant Director

DEPARTMENT OF SOCIAL SERVICES

Commissioner of Social Services

Deputy Commissioners of Social Services

DEPARTMENT OF RESIDENTIAL HEALTH CARE FACILITIES

Director of Residential Health Care Facilities

Deputy Directors

DEPARTMENT OF EMPLOYMENT AND TRAINING

Director of Employment and Training

Deputy Directors

VETERANS' SERVICE AGENCY

Director

Deputy Directors

OFFICE FOR THE AGING

Director

Deputy Directors

YOUTH BUREAU

Director of the Youth Bureau

Deputy Directors

DEPARTMENT OF PLANNING

Director

Deputy Directors

SAFETY DEPARTMENT

Safety Officer

Deputy Safety Officer

ULSTER COUNTY COMMUNITY COLLEGE

President

Vice President

Dean of Administration

Dean of Academic Affairs

Dean of Advancement & Continuing Education

College Attorney

COMMISSION OF HUMAN RIGHTS

Commissioner of Human Rights

BOARD OF ETHICS

Members of the Board of Ethics

PERIODIC COMPENSATION REVIEW COMMITTEE

Members of Periodic Compensation Review Committee

DEPARTMENT OF THE ENVIRONMENT

Coordinator of the Department of Environment

Deputy Coordinators

DEPARTMENT OF TOURISM

Director of Tourism

Deputy Directors

TRAFFIC SAFETY

Coordinator of Traffic Safety

Deputy Coordinator of Traffic Safety

COUNTY HISTORIAN

County Historian

ULSTER COUNTY DEVELOPMENT CORPORATION

Members of Ulster County Development Corporation and/or Public Authority

ULSTER COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Chief Executive Officer or Director of the Agency

Members of the Agency

ULSTER COUNTY RESOURCE RECOVERY AGENCY

Chief Executive Officer or Director of the Agency

Members of the Agency

- (2) Local political party officials. The annual financial disclosure statement shall also be required of local political party officials. The term "local political party official" shall mean:
- (a) Any chairperson of a County committee elected pursuant to § 2-112 of the Election Law, or his or her successor in office, who received compensation or expenses from constituted committee or political committee funds during the reporting period aggregating a combined total of \$30,000 or more; or
 - (b) That person by whatever title designated who, pursuant to the rules of a County committee or in actual practice, possesses or performs any or all of the following duties or roles, provided that such person received compensation or expenses from constituted committee or political committee funds during the reporting period aggregating a combined total of \$30,000 or more:
 - [1] The principal political, executive and administrative office of the County committee;
 - [2] The power of general management over the affairs of the County committee;
 - [3] The power to exercise the powers of the chairperson of the County committee as provided for in the rules of the County committee;

- [4] The power to preside at all meetings of the County Executive Committee, if such a committee is created by the rules of the County committee or exists de facto, or any other committee or subcommittee of the County committee vested by such rules with or having de facto the power of general management over the affairs of the County committee at times when the County committee is not in actual session;
 - [5] The power to call a meeting of the County committee or of any committee or subcommittee vested with the rights, powers, duties or privileges of the County committee pursuant to the rules of the County committee for the purpose of filling an office at a special election in accordance with § 6-114 of the Election Law, for the purpose of filling a vacancy in accordance with § 6-116 of such law, or for the purpose of filling a vacancy or vacancies in the County committee which exist by reason of an increase in the number of election districts with the County occasioned by a change of the boundaries of one or more election districts taking effect after the election of its members or for the purpose of determining the districts that the elected members shall represent until the next election at which such members of such committee are elected; provided, however, that in no event shall such power encompass the power of a chairperson of an assembly district committee or other district committee smaller than a County and created by the rules of the County committee to call a meeting of such district committee for such purpose;
 - [6] The power to direct the treasurer of the party to expend funds of the County committee; or
 - [7] The power to procure from one or more bank accounts of the County committee the necessary funds to defray the expense of the County committee.
- B. The terms "constituted committee" and "political committee," as used in this section, shall have the same meanings as those contained in § 14-100 of the Election Law.
- C. Each appointing authority or department head shall annually determine, by February 1 of each year, if there are any other officers or employees within his/her department holding policy-making positions. A list of such employees or officers shall then be immediately forwarded to the Chairperson of the Ulster County Legislature for the year 2008 and to the County Executive thereafter.
- D. Time and place for filing. Annual disclosure statements shall be filed with the Clerk of the County Legislature:
- (1) Within 60 days of taking office; and
 - (2) No later than May 1 of each year thereafter.
- E. Changes in disclosed information. Except as provided in § 44-5B herein, within 30 days after a change in the information contained in his/her most recently filed annual

disclosure statement, a County officer or employee shall file a signed amendment to the statement.

- F. Contents of annual disclosure statements and waiver request forms. The County Legislature shall have the power and authority to promulgate and amend the form from time to time by resolution and as provided for in and in conformity with § 811 of General Municipal Law.
- G. The annual disclosure form shall be acknowledged and notarized and in substantially the form which is annexed hereto and made a part hereof as Appendix A.¹
- H. Maintenance of annual disclosure statements. The Clerk of the County Legislature shall transmit to the Board of Ethics and the chief executive officer of the County all annual disclosure statements required by this chapter within five business days of receiving such statements. All annual disclosure statements shall be submitted in sealed envelopes.
- I. Good faith efforts. Failure to disclose the information required by Subsection A of this section with respect to a County officer's or employee's spouse or domestic partner or other relative shall not constitute a violation of the subsection if the officer or employee has made a good faith effort to obtain the information and if he/she sets forth those efforts in his/her annual disclosure statement.
- J. Distribution of disclosure form. On or before the first day of March of each year, beginning with the year 2009 and thereafter, the County Executive of the County of Ulster shall cause the annual statement of financial disclosure to be distributed to those persons filling the positions as denominated in Subsections A and B set forth above.
- K. Hardship provision. Any person who is subject to the reporting requirements of this section and who timely filed with the Internal Revenue Service an application for automatic extension of time in which to file his or her individual income tax return for the immediately preceding calendar or fiscal year shall be required to submit such financial disclosure statement on or before May 1 but may, without being subjected to any civil penalty on account of a deficient statement, indicate with respect to any item of the disclosure statement that information with respect thereto is lacking but will be supplied in a supplemental statement of financial disclosure which shall be filed on or before the seventh day after the expiration of the period of such automatic extension of time within which to file such individual income tax return, provided that failure to file or to timely file such supplementary statement of financial disclosure or the filing of an incomplete or deficient supplementary statement of financial disclosure shall be subject to the notice and penalty provisions of this chapter respecting annual statements of financial disclosure as if such supplementary statements were an annual statement.

§ 44-7. Penalties for offenses.

- A. Void contracts. Any contract or agreement entered into by or with the County in which there is an interest prohibited by this chapter shall be null, void, and wholly

1. Editor's Note: Appendix A is included as an attachment to this chapter.

unenforceable, to the extent provided by § 804 of General Municipal Law, unless ratified by the County Legislature.

- (1) Such ratification shall not affect the imposition of any criminal or civil penalties pursuant to this chapter or any other provision of law.
 - (2) Upon determination by the Board of Ethics that such a violation has occurred, the Board of Ethics shall have the power, upon consultation with the head of the department involved or with the chief executive officer of the County, to render forfeit and void the transaction in question.
- B. Civil penalties. Any County officer or employee who violates any provision of this chapter, including any reporting individual who knowingly and willfully fails to file an annual statement of financial disclosure or who knowingly and willfully with intent to deceive makes a false statement or gives information which such individual knows to be false on such statement of financial disclosure filed pursuant to this chapter, shall be assessed a civil penalty in an amount not to exceed \$10,000. Assessment of a civil penalty hereunder shall be made by the Ulster County Board of Ethics. Assessment of a civil penalty shall be final unless modified, suspended or vacated within 30 days of imposition and, upon becoming final, shall be subject to review at the instance of the affected reporting individual in a proceeding commenced against the Ulster County Board of Ethics pursuant to Article 78 of the Civil Practice Law and Rules.
- C. Criminal penalties. For a violation of this chapter, other than for conduct which constitutes a violation of Subdivision 12 of § 73 of the Public Officers Law, the Ulster County Board of Ethics may, in lieu of a civil penalty, refer a violation to the appropriate prosecutor, and upon such conviction, but only after such referral, such violation shall be punishable as a Class A misdemeanor. A civil penalty for false filing may not be imposed hereunder in the event a category of "value" or "amount" reported hereunder is incorrect unless such reported information is falsely understated.
- D. Disciplinary action. Any County officer or employee who violates any provision of this chapter may be warned or reprimanded or suspended or removed from office or employment or be subject to any other sanction authorized by law or collective bargaining agreement by the appointing authority or body authorized by law to impose such sanctions. A warning, reprimand, suspension, removal or other authorized sanction may be imposed in addition to any other penalty contained in this section or in any other provision of law.

§ 44-8. Board of Ethics. ²

A. Establishment.

- (1) *There shall be a Board of Ethics consisting of five members who, prior to January 1, 2009, shall be appointed by the Ulster County Legislature and thereafter shall*

2. Note: This section incorporates relevant provisions of the Ulster County Charter. Charter language is included in italics and cannot be changed without amending the Charter.

be appointed by the County Executive, subject to confirmation of the County Legislature.

- (2) *Board of Ethics members shall serve without compensation and at the pleasure of the County Legislature prior to January 1, 2009, and thereafter at the pleasure of the County Executive.*
- (3) *No more than two members shall be of the same political party.*
- (4) *Members of the Board of Ethics shall receive no compensation for services rendered but shall be entitled to their reasonable and necessary expenses incurred in the performance of their duties, within appropriations made for such purposes.*
- (5) There shall be support staff and funds as may be appropriated annually toward the Ethics Board's maintenance and operation.
- (6) The County Attorney or Attorney(s) shall provide legal and advisory services to the Board of Ethics as it may require in the performance of its duties. If the County Attorney or Attorney(s) for the County has a potential conflict of interest, the County shall make funds available for outside counsel.
- (7) The Board of Ethics shall elect a Chairperson from among its members. The Chairperson or a majority of the Board may call a meeting of the Board. The Board of Ethics shall meet a minimum of two times a year.
- (8) Three members of the Board shall constitute a quorum and shall be required for the purpose of conducting a meeting. A concurring vote of three members shall be required for the Board to take action.
- (9) Prior to January 1, 2009, any Board of Ethics member may be removed from office by a majority vote of the County Legislature for failure to fulfill the duties of the office or for the violation of this chapter and shall be given written notice and an opportunity to be heard. After January 1, 2009, *members shall serve at the pleasure of the County Executive* and may be removed from office by the County Executive at his or her discretion.

B. Qualifications.

- (1) All members of the Board of Ethics shall reside in the County of Ulster, be over 25 years of age, and be a registered voter for at least five years prior to appointment.
- (2) *No more than two members of the Board of Ethics may be enrolled in the same political party.* Enrollment in a political party shall be deemed effective in conformance with Article 5 of Election Law of the State of New York.
- (3) No member shall hold office in a political party or hold elective office in the County. For purposes of this section, "office in a political party" shall mean all offices in any political party including the office of committee person or committee member.

- (4) A member may make campaign contributions but not otherwise participate in any Ulster County election campaign.
- (5) One member may be an appointed officer or employee of the County.

C. Powers and duties.

- (1) *The Board of Ethics shall render advisory opinions to the officers and employees of the County of Ulster with respect to Article 18 of General Municipal Law, the Code of Ethics of the County of Ulster (as set forth herein and known as the "Ulster County Ethics and Disclosure Law"), and the Administrative Code. Such advisory opinions shall be in response to written request from any such officer or employee under such rules and regulations as the Board may prescribe.*
 - (a) The Board shall render advisory opinions with respect to all matters covered by this chapter. An advisory opinion shall be rendered on the request of a County officer or employee or supervisory official of a County officer or employee and shall apply only to such public servant. The request shall be in such form as the Board may require and shall be signed by the person making the request. The opinion of the Board shall be based on such facts as presented in the request or subsequently submitted in a written, signed document.
 - (b) Advisory opinions shall be issued only with respect to proposed future action by a public servant. A County officer or employee whose conduct or action is the subject of an advisory opinion shall not be subject to penalties or sanctions by virtue of acting or failing to act due to a reasonable reliance on the opinion, unless material facts were omitted or misstated in the request for an opinion. The Board may amend a previously issued advisory opinion after giving reasonable notice to the County officer or employee that it is reconsidering its opinion, provided that such amended advisory opinion shall apply only to future conduct or action of the public servant.
 - (c) The Board shall make public its advisory opinions with such deletions as may be necessary to prevent disclosure of the identity of any County officer or employee or other involved party. The advisory opinions of the Board shall be indexed by subject matter and shall be maintained on an annual and cumulative basis.
 - (d) For purposes of this subsection, "County officer or employee" includes a current, prospective and former County officer or employee, and "supervisory official" includes a supervisory official who shall supervise, supervises or has supervised either a current, prospective or former County officer or employee. **[Amended 8-17-2010 by L.L. No. 3-2010]**
- (2) *The Board may also accept from the general public or any of its own members or any County officer or employee a complaint or allegation of conflict of interest of any officer or employee of Ulster County. The Board may also accept from the general public or any of its own members or any County officer or employee a*

complaint or allegation of a violation of this chapter by a County officer or employee.

- (a) All such complaints shall be signed; and
- (b) *All such complaints or allegations are to be kept in the confidential records of the Board.*

(3) Should the Board determine that there appears to be no merit to the complaint, it shall dismiss the complaint and notify the County officer or employee of its determination in writing.

(4) Hearings.

(a) *Should the Board determine that there appears to be merit or probable cause in the complaint or allegation, it shall send a written invitation to the officer or employee in question to appear at a private meeting of the Board and explain the apparent conflict of interest.* The written invitation shall be in the form of a notice and shall contain a statement of the facts upon which the Board has relied for its determination of probable cause and a statement of the provisions of law allegedly violated. The Board shall also inform the County officer or employee of the Board's procedural rules. Such County officer or employee shall have a reasonable time to respond either orally or in writing and shall have the right to be represented by counsel or any other person.

(b) If, after consideration of the response of the officer or employee, the Board determines that there remains probable cause to believe that a violation has occurred, the Board shall hold or direct a hearing to be held on the record to determine whether such violation has occurred or refer the matter to the appropriate department or appointing authority if the County officer or employee is subject to the jurisdiction of any state law or collective bargaining agreement which provides for conduct of disciplinary proceedings. When such matter is referred to such department or appointing authority, the department or appointing authority shall consult with the Board before issuing a final decision.

(c) *Should such officer or employee fail to appear in response to such invitation or should he or she appear and fail to satisfy the Board that there is no conflict of interest or violation of this chapter, the Board shall send a written report on the matter to the County Executive and the Clerk of the Legislature. The report shall not be made public except by the County Executive or by the unanimous vote of the Board.*

(d) If the Board determines, after a hearing or the opportunity for a hearing, that a County officer or employee has violated this chapter, it shall, after consultation with the head of the department or appointing authority for the officer or employee, issue an order either imposing such penalties as provided for by this chapter as it deems appropriate or recommending such penalties to the head of the department or appointing authority. The order

shall include findings of fact and conclusions of law. When a penalty is recommended, the head of the department or the appointing authority shall report to the Board what action was taken.

- (e) Hearings of the Board shall not be public unless requested by the public servant. The order and the Board's findings and conclusions shall be made public.
 - (f) The Board shall maintain an index of all persons found to be in violation of this chapter by name, office and date of order. The index and the determination of probable cause and orders in such cases shall be made available for public inspection and copying.
 - (g) Nothing contained in this section shall prohibit the appointing officer of a County officer or employee from terminating or otherwise disciplining such public servant, where such appointing officer is otherwise authorized to do so; provided, however, that such action by the appointing officer shall not preclude the Board from exercising its powers and duties under this chapter with respect to actions of any public servant.
 - (h) For purposes of this subsection, the term "County officer or employee" shall include both current and former County officers and employees.
 - (i) The Board of Ethics shall adopt rules governing the conduct of adjudicatory proceedings and appeals relating to the proceedings authorized herein, including the assessment of the civil penalties herein authorized. Such rules shall provide for the due process procedural mechanisms substantially similar to those set forth in Article Three of the State Administrative Procedure Act, but such mechanisms need not be identical in terms of scope.
 - (j) Any person compelled to appear in person or who voluntarily appears before the Board of Ethics shall be accorded the right to be accompanied, represented by, and/or advised by counsel.
- (5) *In addition, the Board may make recommendations with respect to the County Code of Ethics or amendments thereto upon the request of the Ulster County Legislature (as set forth herein and known as the "Ulster County Ethics and Disclosure Law"). The Board, upon its formulation, shall promulgate its own rules and regulations as to its forms and procedures and shall maintain records of its opinions and proceedings. Copies of all rules and regulations promulgated by the Board and any and all amendments thereto which may be adopted from time to time shall be filed with the Clerk of the Ulster County Legislature within 10 days of their adoption.*
- (6) *The Board shall not act with respect to officers and employees of any municipality located within the County or agency thereof where such municipality has established its own Board of Ethics, except that the local board may, at its option, refer matters to the County Board.*

- (7) No meeting or proceeding or hearing of the Board of Ethics concerning a possible violation of this chapter by a County officer or employee shall be open to the public, except upon the request of the officer or employee or as required by the provisions of Article 7 of the Public Officers Law or by some other state or federal law or regulation.

D. The Board of Ethics shall also have the following powers and duties:

- (1) To administer the provisions of this chapter.
- (2) To prescribe and promulgate rules and regulations governing its own organization and procedures.
- (3) To review, index and maintain all annual disclosure statements filed with the Board of Ethics.
- (4) To prepare and submit an annual report to the Ulster County Legislature summarizing the activities of the Board of Ethics, listing any recommended changes to the text or administration of this chapter.
- (5) To provide for public inspection of certain records. The only records of the Board of Ethics which shall be available for public inspection are those whose disclosure is required by Article 6 of the Public Officers Law of the State of New York or by some other state or federal law or regulation.
- (6) To receive, review and approve or disapprove all requests for waivers related to this chapter. (See § 44-4N.)

§ 44-9. Judicial review.

Any person aggrieved by a recommendation of the Board of Ethics, as implemented by the County, may seek judicial review and relief pursuant to Article 78 of the Civil Practice Law and Rules of the State of New York.

§ 44-10. Supersession of state law.

Whenever the requirements of this chapter are inconsistent with the provisions of § 808 of the General Municipal Law, the more restrictive provisions or those imposing higher standards shall govern.

§ 44-11. Construal of provisions.

- A. No existing right or remedy shall be lost, impaired, or affected by reason of this chapter.
- B. Nothing in this chapter shall be deemed to bar or prevent a present or former County officer or employee from timely filing any claim, account, demand, or suit against the County on behalf of himself/herself or any member of his/her family arising out of personal injury or property damage or any lawful benefit authorized or permitted by law.

- C. If any provision of this chapter is held by a court of competent jurisdiction to be invalid, that decision shall not affect the validity and effectiveness of the remaining provisions of this chapter.

§ 44-12. Distribution and posting.

- A. Within 90 days after the effective date of this chapter and thereafter as appropriate, the Board of Ethics shall transmit to the Ulster County Legislature and Clerk of the Legislature, in a form suitable for posting, copies of those provisions of this chapter which the Board of Ethics deems necessary for posting in the County of Ulster. Within 10 days after receipt of those copies, the Clerk of the Legislature shall cause the copies to be posted conspicuously where public notices are generally posted.
- B. Within 90 days after the effective date of this chapter and thereafter as appropriate, the Board of Ethics shall transmit to the Clerk of the Legislature, in a form suitable for distribution, copies of those provisions of this chapter which the Board of Ethics deems necessary for distribution to the officers and employees of the County. Within 10 days after receipt of those copies, the Clerk of the Legislature shall cause the copies to be distributed to every officer and employee of the County and made readily available to the public. Every County officer or employee elected or appointed thereafter shall be furnished a copy of those provisions within 10 days after entering upon the duties of his/her position.
- C. Failure of the County to comply with the provisions of this section or failure of any County officer or employee to receive a copy of those provisions of this chapter shall have no effect on the duty of compliance with this chapter or on the enforcement of its provisions.

ETHICS AND DISCLOSURE

44 Attachment 1

Appendix A
[Amended 8-17-2010 by L.L. No. 3-2010]

Annual Statement of Financial Disclosure for Ulster County
for the Calendar Year _____

1. Name

2. (a) Title of position

(b) Department or agency

3. (a) Marital status. If married, please give spouse's full name including maiden name where applicable: _____

(b) List the name of any domestic partner: _____

(c) List the names of all unemancipated children:

Answer each of the following questions completely, with respect to calendar year.

If additional space is needed, attach additional pages.

For the purpose of this statement, anywhere the term "local agency" shall appear, such term shall mean a local agency of the County of Ulster as defined in § 810(12) of the General Municipal Law.

4. (a) List any office, trusteeship, directorship, partnership or position of any nature including honorary positions but excluding membership positions, whether compensated or not, held by the reporting individual with any firm, corporation, association, partnership or other organization other than the County of Ulster. If said entity was licensed or regulated by any County agency or, as a regular and significant part of the business or activity of said entity, did business with or had matters other than ministerial matters before any County agency, list the names of such agency.

<u>Position</u>	<u>Organization</u>	<u>Agency</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

ULSTER COUNTY CODE

- (b) List the same information as required by 4(a) above for your spouse/domestic partner and any unemancipated children.

<u>Position</u>	<u>Organization</u>	<u>Agency</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

5. (a) List the name, address and description of any occupation, employment, trade, business or profession engaged in by the reporting individual. If such activity was licensed or regulated by any Ulster County agency or, as a regular and significant part of the business or activity of said entity, did business with or had matters other than ministerial matters before any Ulster County agency, list the names of any such County agency:

<u>Position</u>	<u>Name & Address of Organization</u>	<u>Description</u>	<u>Agency</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

- (b) List the name, address and description of any occupation, employment, trade, business or profession engaged in by the spouse/domestic partner or unemancipated child of the reporting individual. If such activity was licensed or regulated by any Ulster County agency or, as a regular and significant part of the business or activity of said entity, did business with or had matters other than ministerial matters before any Ulster County agency, list the names of any such County agency:

<u>Position</u>	<u>Name & Address of Organization</u>	<u>Description</u>	<u>Agency</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

6. List any interest in excess of \$1,000, excluding bonds and notes, held by the reporting individual, such individual's spouse/domestic partner or unemancipated child, or partnership of which any such person is a member, or corporation 10% or more of the stock of which is owned or controlled by any such person, whether vested or contingent, in any contract made or executed by an Ulster County agency and include the name of the entity which holds such interest and the relationship of the reporting individual or such individual's spouse/domestic partner or such child to such entity and the interest in such

ETHICS AND DISCLOSURE

contract. Do not list any interest in any such contract on which final payment has been made and all obligations under the contract except for guarantees and warranties have been performed; provided, however, that such an interest must be listed if there has been an ongoing dispute during the calendar year for which this statement is filed with respect to any such guarantees or warranties.

<u>Self, Spouse, Domestic Partner or Child</u>	<u>Entity which Held Interest in Contract</u>	<u>Relationship to Entity and Interest in Contract</u>	<u>Contracting Agency</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

- 7. List any position the reporting individual held as an officer of any political party, as a member of any political party committee, or as a political party district leader. The term "party" shall have the same meaning as "party" in the Election Law.

- 8. (a) If the reporting individual practices law, is licensed by the Department of State as a real estate broker or agent, or practices a profession licensed by the Department of Education, give a general description of the principal subject areas of matters undertaken by such individual. Additionally, if such an individual practices with a firm or corporation and is a partner or shareholder of the firm or corporation, give a general description of the principal subject areas of matters undertaken by such firm or corporation. Do not list the names of the individual clients, customers or patients.

ULSTER COUNTY CODE

- (b) List the name, principal address and general description or the nature of the business activity of any entity in which the reporting individual or such individual's spouse/domestic partner had an investment in excess of \$1,000 excluding investments in publicly traded securities and interests in real property.

9. List each source of gifts, excluding campaign contributions, in excess of \$1,000 received during the reporting period for which this statement is filed by the reporting individual or such individual's spouse/domestic partner or unemancipated child from the same donor, excluding gifts from a relative. Include the name and address of the donor. The term "gift" does not include reimbursements, which term is defined in Item 10. Indicate the nature of each gift.

<u>Self, Spouse, Domestic Partner or Child</u>	<u>Nature of Donor</u>	<u>Address</u>	<u>Nature of Gift</u>
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10. Identify and briefly describe the source of any reimbursements for expenditures, excluding campaign expenditures and expenditures in connection with official duties reimbursed by the political subdivision for which this statement has been filed, in excess of \$1,000 from each such source. For purposes of this item, the term "reimbursement" shall mean payment for any travel-related expenses provided by nongovernmental sources and for activities related to the reporting individual's official duties such as speaking engagements, conferences, or fact-finding events. The term "reimbursement" does not include gifts reported under Item 9.

<u>Source</u>	<u>Description</u>
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ETHICS AND DISCLOSURE

- 11. (a) Describe the parties to any contract, promise, or other agreement between the reporting individual and any person, firm, or corporation with respect to the employment of such individual after leaving office or position (other than a leave of absence).

- (b) Describe the parties to any agreement providing for continuation of payments or benefits to the reporting individual in excess of \$1,000 from a prior employer other than Ulster County. (This includes interest in or contributions to a pension fund, profit-sharing plan, or life or health insurance, buy-out agreements, severance payments, etc.)

- 12. List below the nature of any net income as reported for income tax purposes in excess of \$1,000 from each source for the reporting individual and the reporting individual's spouse/domestic partner for the taxable year last occurring prior to the date of filing. Nature of income includes, but is not limited to, salary for government employment, income from other compensated employment, whether public or private, directorships and other fiduciary positions, contractual arrangements, teaching income, partnerships, honorariums, lecture fees, consultant fees, bank and bond interest, dividends, income derived from a trust, real estate rents, and recognized gains from the sale or exchange of real or other property. Income from a business or profession and real estate rents shall be reported with the source identified by the building address in the case of real estate rents and otherwise by the name of the business or professional entity and not by the name of the individual customers, clients or tenants. The receipt of maintenance received in connection with a matrimonial action, alimony and child support payments shall not be listed.

<u>Self/Spouse</u> <u>Domestic Partner</u>	<u>Source</u>	<u>Nature</u>

ULSTER COUNTY CODE

13. List the sources of any income in excess of \$1,000 from each source to be paid to the reporting individual under the terms of any agreement entered into during the calendar year for which the disclosure statement is filed and to be paid following the close of such calendar year. Deferred income derived from the practice of a profession shall be listed in the aggregate and shall identify as the source the name of the firm, corporate, partnership or association through which the income was derived but shall not identify individual clients.

Source

14. List each assignment of income in excess of \$1,000 and each transfer other than to a relative during the reporting period for which this statement is filed for less than fair consideration of an interest in a trust, estate or other beneficial interest, securities or real property by the reporting individual in excess of \$1,000 which would otherwise be required to be reported herein and is not or has not been so reported.

Items Assigned or Transferred

Assigned or Transferred To

15. List the name of any corporation of which he or she, or his or her spouse/domestic partner, is an officer, director, or employee, or of which he or she, or his or her spouse/domestic partner, legally or beneficially owns or controls more than 5% of the outstanding stock and his or her position and his or her spouse's/domestic partner's position, if any, with the corporation.

Self/Spouse

Domestic Partner

Name of Corporation

Position

ETHICS AND DISCLOSURE

16. List the location of any real property within the County or within five miles of the County in which he or she or his or her spouse/domestic partner or other member of his or her household currently has an ownership or other financial interest.

<u>Self/Spouse/Domestic Partner/Other Party</u>	<u>Address of Real Property</u>
_____	_____
_____	_____
_____	_____
_____	_____

17. List the location of any real property within the County or within five miles of the County in which he or she or his or her spouse/domestic partner or other member of his or her household has had an ownership or other financial interest within the last five years.

<u>Self/Spouse/Domestic Partner/Other Party</u>	<u>Address of Real Property</u>
_____	_____
_____	_____
_____	_____
_____	_____

18. List below notes and accounts receivable, other than from goods or services sold, held by the reporting individual at the close of the taxable year last occurring prior to the date of filing and other debts owed to such individual at the close of the taxable year last occurring prior to the date of filing in excess of \$5,000, including the name of debtor, type of obligation and date due. Debts, notes and accounts receivable owed to the individual by a relative shall not be reported.

<u>Name of Debtor</u>	<u>Type of Obligation and Nature of Collateral, if any</u>
_____	_____
_____	_____
_____	_____
_____	_____

19. List below all liabilities of the reporting individual and such individual's spouse/domestic partner in excess of \$5,000 as of the date of filing of this statement, other than liabilities to a relative. Do not list liabilities incurred by, or guarantees made by, the reporting individual or such individual's spouse/domestic partner or by any proprietorship, partnership or corporation in which the reporting individual or such individual's spouse/domestic partner has an interest, when incurred or made in the ordinary course of the trade, business or professional practice of the reporting individual or such individual's spouse/domestic partner. Include the name of the creditor and any collateral pledged by such individual to

ULSTER COUNTY CODE

secure payment of any such liability. A reporting individual shall not list any obligation to pay maintenance in connection with a matrimonial action, alimony or child support payments. Revolving charge account information shall only be set forth if liability thereon is in excess of \$5,000 at the time of filing. Any loan issued in the ordinary course of business by a financial institution to finance educational costs, the cost of home purchase or improvements for a primary or secondary residence, or purchase of a personally owned motor vehicle, household furniture or appliances shall be excluded. If any such reportable liability has been guaranteed by any third person, list the liability and name the guarantor.

Name of Creditor
and/or Guarantor

Type of Liability and
Collateral, if any

The requirements of law relating to the reporting of financial interest are in the public interest and no adverse inference of unethical or illegal conduct or behavior will be drawn merely from compliance with these requirements.

Signature of Reporting Individual

Date (month/day/year)

State of New York }
County of _____ } ss.:

On the ____ day of _____ in the year ____ before me the undersigned, a notary public in and for said state, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity and that by his/her signature on the instrument the individual, or person on behalf of whom the individual acted, executed the instrument.

(Signature and office of individual taking acknowledgement)

Chapter 80
LOCAL LAWS, ADOPTION OF

ARTICLE I
Publication of Abstracts

§ 80-2. Publication of abstracts of local laws.

§ 80-3. Public inspection and copying.

§ 80-1. Legislative intent.

[HISTORY: Adopted by the County Legislature of the County of Ulster as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Publication of Abstracts
[Adopted 5-18-2010 by L.L. No. 1-2010]

§ 80-1. Legislative intent.

Pursuant to § 214(2) of the County Law, the Clerk of the Legislature is required to publish a true copy of the full text of each local law in the official newspapers of the County. This article is intended to supersede that requirement by authorizing publications of an abstract, rather than the full text, of each local law.

§ 80-2. Publication of abstracts of local laws.

Except as otherwise provided by law, the Clerk of the Legislature shall cause an abstract of each local law to be published in the County's official newspapers at least once a week for two successive weeks, the first publication of which shall be had within 10 days after such local law has become effective; provided, however, that any local law which is subject to a permissive referendum shall be published in such official newspapers at least once a week for two successive weeks, the first publication of which shall be had within 10 days after such local law is adopted. Such abstract shall concisely state the purpose and effect of each local law.

§ 80-3. Public inspection and copying.

Such abstract shall include the location and availability of a copy of the actual text of each local law for public inspection and copying.

Chapter 85

MENTAL HEALTH SERVICES

ARTICLE I

School-Based Mental Health and Safety

§ 85-2. Legislative findings.

§ 85-3. Definitions.

§ 85-1. Title.

§ 85-4. Administration.

[HISTORY: Adopted by the County Legislature of the County of Ulster as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

School-Based Mental Health and Safety

[Adopted 7-23-2013 by L.L. No. 2-2013¹]

§ 85-1. Title.

This article shall be known as the Ulster County School-based Mental Health And Safety Act of 2013.

§ 85-2. Legislative findings.

- A. The Ulster County Legislature finds that a lack of adequate mental health services significantly affects school attendance and limits academic success for students suffering from mental health issues. It has been demonstrated that access to school-based mental health treatment services improves school attendance and academic performance, and is especially effective in rural areas, like Ulster County, where families are often unable to travel great distances to reach mental health professionals.
- B. It is imperative that students receive greater access to mental health services, which will both increase school attendance and academic performance, and also alleviate the pressure on families in Ulster County struggling with their child's mental health needs, coupled with a lack of access to adequate mental health service. The stigmatization of people dealing with mental health issues combined with the economic pressures on schools has reduced access to mental health services in Ulster County. Recent funding cuts to Ulster County based mental health programs have only exacerbated this gap in services.
- C. School districts in Ulster County depend on the Ulster Board of Educational Cooperative Services (BOCES) for a variety of programs and services to meet their educational and financial goals. The BOCES model provides accountability, municipal sharing, efficiency and equity. As such, school districts may authorize Ulster BOCES to centralize mental health professionals and deploy staff to meet the individual needs of each school district.

1. Editor's Note: This local law, a complete copy of which is on file in the County offices, also included a list of resolutions pertaining to its legislative history.

§ 85-3. Definitions.

As used in this article, the following terms shall have the following meanings:

BOARD OF COOPERATIVE EDUCATIONAL SERVICES (BOCES) — Created in 1948 by the New York State legislature, BOCES serves New York State schools. BOCES has grown from the birth of the cooperative services concept in 1948 to the present through an evolutionary process combining the success of BOCES services with appropriate changes in legislation. The BOCES of New York State have become true educational service agencies serving local school districts, the community, and the State Education Department. New York General Municipal Law, § 119-n, Subdivision a, the definition of a municipal corporation includes a board of cooperative educational services (BOCES).

COMMISSIONER OF THE ULSTER COUNTY MENTAL HEALTH DEPARTMENT (COMMISSIONER OF MENTAL HEALTH) — Pursuant to Article VI, § C-44, of the Ulster County Charter, is experienced in public mental health administration and meets the qualifications for this position as specified in the New York State Mental Hygiene Law and/or by the State Commissioner of Mental Hygiene. He or she shall have and exercise all the powers and duties conferred or imposed upon a Director of Community Mental Health or Community Services Board by the Mental Hygiene Law or any other law.

COMMUNITY SERVICES BOARD (CSB) — Pursuant to Article VI, § C-45, of the Ulster County Charter, consists of 15 members who have demonstrated interest in behavioral health services.

INTERMUNICIPAL SHARED SERVICES AGREEMENT (ISSA) — The joint provision, performance, or delivery of a service, facility, activity, project or undertaking by two or more municipalities which each may lawfully undertake separately. For purposes of this article, school districts shall be considered and treated as municipalities.

SCHOOL-BASED MENTAL HEALTH CLINIC (SBMH) — A treatment center within each school for the purposes of treating mental health issues which offers an assortment of programs and services targeting those students who have emotional and behavioral difficulties in educational settings.

SCHOOL RESOURCE OFFICER (S.R.O.) PROGRAM — A member of law enforcement hired by the school district who visits classrooms and teaches students concepts of safety, traffic laws, general law, and crime prevention techniques. The S.R.O. will work closely with individual teachers to create special programs tailored to specific units of study to help increase student awareness and understanding of laws and personal safety. The S.R.O. provides a positive image of law enforcement in an effort to help young people make constructive choices in their lives. The S.R.O.'s primary duty is to protect the school's safe environment and to maintain an atmosphere where students, teachers and staff feel safe enough to learn.

SUPERINTENDENT OF SCHOOLS (SUPERINTENDENT) — The chief executive officer of a school district.

ULSTER COUNTY CHARTER AND GOVERNMENT (ULSTER COUNTY) — The government of Ulster County as defined by Article I of Chapter C. Except as outlined herein,

no function, agreement, duty or power of any city, town, or village, is or shall be transferred, altered, or impaired by this article.

ULSTER COUNTY LEGISLATURE (LEGISLATURE) — Pursuant to Article II, § C-11 of the Ulster County Charter, the appropriating and policy-determining body of the County and, as such, shall have and exercise all powers and duties now or hereafter conferred upon it by applicable law and any and all powers necessarily implied or incidental thereto, and all the powers assigned to it by the Ulster County Charter and restricted as therein provided. Further, § C-110 of the Ulster County Charter authorizes the Legislature to approve the execution of all contracts in excess of \$50,000 entered into by the County and Section A2-6A(3) of the Ulster County Administrative Code provides that the Chairman of the Ulster County Legislature can, upon approval of the County Legislature, enter into an intermunicipal shared services agreement (ISSA) on behalf of the County of Ulster.

ULSTER COUNTY MENTAL HEALTH DEPARTMENT (UCMHD) — Pursuant to Article VI of the Ulster County Charter, the local government agency responsible for planning, funding and monitoring of community mental health, mental retardation/developmental disability and alcohol and substance abuse services in Ulster County.

ULSTER COUNTY SCHOOL DISTRICTS (SCHOOLS) — All public schools within Ulster County, as defined by the New York State Education Department.

ULSTER COUNTY SHERIFF (SHERIFF) — Pursuant to Article XX of the Ulster County Charter, the chief law enforcement official in Ulster County. The Sheriff is responsible for protecting life and property, preventing crime, solving problems and fostering good will through courtesy and professionalism.

§ 85-4. Administration.

This article shall be implemented and administered in the following manner:

- A. The Commissioner of the Ulster County Mental Health Department, in consultation with the Community Services Board, shall be authorized and directed to perform the following actions:
 - (1) Conduct a needs assessment every three years of mental health services in Ulster County School Districts and report its findings to the Legislature.
 - (2) Provide assistance to Ulster County School Districts and BOCES based upon the findings of the needs assessment.
 - (3) Procure intermunicipal shared services agreements on behalf of the County.
 - (4) Report the program's efficacy to the County Legislature on an annual basis.
 - (5) The Commissioner of the Mental Health Department, in consultation with the Legislature's committee assigned to oversee health matters, is hereby authorized to develop procedures necessary to implement this article.
- B. In furtherance of this article, School Districts should offer students counseling, conflict mediation and resiliency building, alternatives to violence and gangs, attendance

monitoring, community referral and liaison work, school dropout reduction, suicide prevention, crisis intervention, child and family advocacy, peer mediation and intervention programs, anti-bullying, and eating disorders awareness and prevention programs.

- C. Schools may consult with the Ulster County Sheriff to safely provide security, including the possibility of placement of School Resource Officers, for those in educational settings.

Chapter 90

OFFICERS AND EMPLOYEES

ARTICLE I Conflict Defender

§ 90-1. Legislative background and purpose.

§ 90-2. Position created.

§ 90-3. Appointment and term of office.

§ 90-4. Powers and duties.

§ 90-5. Deputy and Assistant Conflict Defenders and staff.

§ 90-6. Additional expenses.

§ 90-7. When effective.

[HISTORY: Adopted by the County Legislature of the County of Ulster as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Defense and indemnification — See Ch. 28.
Ethics and disclosure — See Ch. 44.

Personnel policies — See Ch. 98.

ARTICLE I Conflict Defender

[Adopted 2-19-2008 by L.L. No. 1-2008]

§ 90-1. Legislative background and purpose.

The County of Ulster has a responsibility to provide legal counsel to persons charged with a crime and to those persons entitled to counsel pursuant to §§ 262 and 1120 of the Family Court Act and § 407 of the Surrogate's Court Procedure Act in those circumstances where such persons are financially unable to obtain counsel. Prior to the adoption of this article, such responsibility was fulfilled through funding of the office of the Ulster County Public Defender and, whenever the Public Defender was disqualified from acting in a particular case, through a panel of attorneys who were appointed by the court as assigned counsel pursuant to Article 18-B of the County Law. However, this Legislature is also mindful of its obligation to the citizens of the County of Ulster to provide public services in a manner that is as cost effective and efficient as practicable. Accordingly, and because of the substantial and largely unreimbursed increase in costs as a consequence of the mandated increase in fees payable to assigned counsel pursuant to § 722-b of the County Law, as amended by the New York State Legislature (via Chapter 62 of the Laws of 2003, effective January 1, 2004), the Ulster County Legislature hereby finds and determines that it is in the best interest of the citizens of the County of Ulster to establish the position of Conflict Defender in and for the County of Ulster.

§ 90-2. Position created.

The position of Conflict Defender be and the same hereby is created in and for the County of Ulster pursuant to Subdivision 4(a) of § 400 of the County Law and § 10 of the Municipal Home Rule Law. The position of Conflict Defender shall be a part-time position.

§ 90-3. Appointment and term of office.

The Conflict Defender shall be appointed by the Ulster County Legislature by resolution. The Conflict Defender shall serve at the pleasure of the Ulster County Legislature, and the term of office of the Conflict Defender shall be coextensive with that of the Ulster County Legislature by which he or she was appointed. Commencing January 1, 2009, the effective date of the County Charter of the County of Ulster, and thereafter, the Conflict Defender shall be appointed by the County Executive, subject to confirmation by the County Legislature, and shall serve at the pleasure of the County Executive. At the time of such appointment and throughout his or her term of office, the Conflict Defender shall be appointed on the basis of his or her legal experience and other qualifications and shall be and remain an attorney and counselor at law duly admitted to practice law in the courts of the State of New York and shall have such other qualifications as may be required by law.

§ 90-4. Powers and duties.

- A. The Ulster County Conflict Defender shall exist and function separately from, and independently of, the office of the Ulster County Public Defender and any other County legal office. Subject to the approval of the applicable trial court, the Conflict Defender shall serve in the place and stead of the Ulster County Public Defender whenever the Public Defender is disqualified from representing a party in criminal or family law matters.
- B. Furthermore, nothing contained herein shall obligate the Conflict Defender to perform any legal service with respect to which the Conflict Defender himself or herself has a conflict of interest.
- C. The Conflict Defender shall further have and exercise all powers and perform all duties now or hereafter otherwise conferred or imposed upon such position by applicable law.

§ 90-5. Deputy and Assistant Conflict Defenders and staff.

The Conflict Defender shall have the power to appoint such Deputy and Assistant Conflict Defenders, investigators and employees of his or her department as shall be appropriated and authorized by the County Legislature. At the time of their appointment, and throughout their term of office, all Deputy and Assistant Conflict Defenders shall be and remain duly licensed and entitled to practice law in the State of New York. All Deputy and Assistant Conflict Defenders, investigators and employees of the department shall be directly responsible to and serve at the pleasure of the Conflict Defender, except as otherwise provided by applicable law.

§ 90-6. Additional expenses. [Amended 8-17-2010 by L.L. No. 3-2010]

In order to furnish appropriate representation, the Conflict Defender shall be provided suitable funding as authorized by the Ulster County Legislature for office supplies, stationery, investigation, expert witnesses, transcription fees, and continued legal education (CLE), as well as other expenses relating to the Conflict Defender carrying out his or her responsibilities and duties accordingly. Notwithstanding the foregoing, this shall not preclude any court from ordering any services in any action or proceeding, the cost of which shall be an expense of the County.

§ 90-7. When effective.

This article shall take effect upon the appointment by the Ulster County Legislature of a Conflict Defender by resolution adopted subsequent to the date of adoption of this article and compliance with the requirements of law.

Chapter 98

PERSONNEL POLICIES

ARTICLE I Criminal Background Checks

§ 98-1. Legislative intent and purpose.

§ 98-2. Employees subject to fingerprinting and background checks; exemptions.

§ 98-3. Administration.

Exhibit A

[HISTORY: Adopted by the County Legislature of the County of Ulster as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Defense and indemnification — See Ch. 28.

ARTICLE I Criminal Background Checks [Adopted 8-8-2007 by L.L. No. 14-2007]

§ 98-1. Legislative intent and purpose. [Amended 9-9-2009 by L.L. No. 7-2009]

- A. This Legislature finds and determines that it would promote the safety of the people of Ulster County and the security of County property to investigate the character of prospective applicants for employment with the County of Ulster by reviewing such applicants' criminal history report.
- B. This Legislature further finds and determines that the New York State Division of Criminal Justice Services is capable of conducting fingerprint-based searches of the criminal history reports it maintains but that it requires either statute or local law to grant it authority to conduct fingerprint and criminal history checks. Subdivision 8-a of § 837 of the New York State Executive Law authorizes the New York State Division of Criminal Justice Services to charge a fee when, pursuant to statute, it conducts a search of its criminal history records and returns a report thereon in connection with an application for employment.
- C. This Legislature further finds that the office of the Ulster County Personnel Director performs the duties of a municipal civil service commission of the County of Ulster pursuant to the terms of § 15 of the New York State Civil Service Law and the Administrative Code of the County of Ulster, and the Ulster County Personnel Director administers civil service law with respect to offices and employment in the classified service of such County pursuant to § 17 of the Civil Service Law, and the Ulster County Personnel Director, pursuant to § 50 of the New York State Civil Service Law, is directed to ascertain the fitness of applicants for positions in the competitive class of the civil service and may refuse to examine an applicant, or may refuse to certify an eligible applicant, who has been guilty of a crime. In addition, the Ulster County Personnel

Director is responsible for the administration of personnel matters with respect to offices and employment in the unclassified service of such County. **[Amended 8-17-2010 by L.L. No. 3-2010]**

- D. This Legislature finds that the Ulster County Sheriff or his/her deputies or designees have the equipment and expertise to prepare and process fingerprints.
- E. Accordingly, the purpose of this article is to provide authority for fingerprinting and criminal history record checks of prospective employees of the County of Ulster where such authority does not exist by statute or any other state or federal law. This article shall be administered by and/or through the office of the Ulster County Personnel Director with the assistance of the Ulster County Sheriff. **[Amended 8-17-2010 by L.L. No. 3-2010]**
- F. This Legislature finds and determines that, due to their unique nature, several categories of service at Ulster County Community College would be unduly burdened by the full implementation of this article. In particular the areas which are burdened are as follows:
- (1) The Continuing and Professional Education Department at Ulster County Community College that engages in excess of 200 short-term presenters, lecturers, and instructors over the course of any given year who, despite their short-term service, do not meet New York State Department of Labor criteria to be retained as independent contractors. Many of the above-mentioned individuals come from a variety of governmental, corporate, and community programs to share their expertise and enhance the offerings of continuing education; many others travel from outside of the region or from out of state to offer one- or two-day weekend workshops or provide professional training for area businesses, some of whom may teach for three or fewer hours, one time only. Up to 40% of all advertised continuing education courses may be cancelled.
 - (2) Ulster County Community College in its credit-bearing program frequently requires a large number of adjunct faculty who teach one or two courses for one semester and may not return again for a full year.
 - (3) College work-study students, whose work at Ulster County Community College is part of their financial aid package, student aides, and student interns, who comprise a significant number each semester, all of whom, despite being enrolled students, must also be entered as employees.

§ 98-2. Employees subject to fingerprinting and background checks; exemptions.
[Amended 9-9-2009 by L.L. No. 7-2009]

- A. All prospective employees shall be subject to fingerprinting and background checks who are candidates for the following positions for County service as set forth in the Ulster County Civil Service Rules:
- (1) All positions which are, now or in the future, designated as classified service in the competitive class, noncompetitive class, labor class, and exempt class.

- (2) All positions which are, now or in the future, designated as unclassified service except those designated as elected officials, Commissioners of Elections, District Attorney, Sheriff, County Clerk, County Executive and County Comptroller. **[Amended 8-17-2010 by L.L. No. 3-2010]**

B. Ulster County Community College.

- (1) The following categories of staff at Ulster County Community College shall be exempt from the requirement of being fingerprinted and having criminal background checks completed:
 - (a) Matriculated students who are classified as work-study, student aides, or interns; and
 - (b) Individuals engaged by the Continuing and Professional Education Department who are not engaged to offer programs for school-aged youth or engaged in security duties and who do not meet the standards to be compensated as independent contractors and who are providing noncredit course content for 15 or fewer contract hours during any given semester.
- (2) The adjunct faculty hired to teach credit-bearing or non-credit-bearing courses whose service at Ulster County Community College is interrupted for a semester or more will not be required to be refingerprinted and undergo a criminal background check for a three-year period.
- (3) The SUNY Ulster Dean of Continuing Education shall, each semester, certify the application of exemptions made pursuant to this article in form substantially in conformance with that attached hereto as Exhibit A.¹

§ 98-3. Administration.

- A. The Ulster County Personnel Director shall be responsible for the administration of this article and shall adopt policies and procedures for the purpose of performing fingerprinting and criminal history review of prospective employees of the County of Ulster who are subject to background checks and fingerprinting. **[Amended 8-17-2010 by L.L. No. 3-2010]**
- B. The Ulster County Personnel Director shall enter into an agreement with the New York State Division of Criminal Justice Services to receive the criminal history reports of prospective applicants for employment in the civil service of the County of Ulster. Subsequent to the effective date of the agreement referred to above, all prospective applicants for employment within the classes of the civil service of the County of Ulster as set forth in this article shall be fingerprinted for the purpose of procuring a criminal history report from the New York State Division of Criminal Justice Services. **[Amended 8-17-2010 by L.L. No. 3-2010]**

1. Editor's Note: Exhibit A is included as an attachment to this chapter.

- C. In order to determine the kind of past conduct which may preclude a person from employment with the County of Ulster, the following criteria shall aid in determination:
- (1) Whether the person has been convicted of any offense denominated a felony or misdemeanor by and in violation of the laws of the United States or any of its territories or possessions or another state or of the State of New York or any political subdivision of this state.
 - (2) Whether a person has been found by any court or administrative tribunal of the United State of any of its territories or possessions or another state or of the State of New York or any political subdivision of this state to have practiced any fraud, deceit or misrepresentation in the conduct of any occupation, business or profession.
- D. The criteria set forth in Subsection C of this section shall constitute sufficient legal basis for obtaining the criminal history of said person.
- E. Fingerprint cards for all prospective employees shall be prepared by the Ulster County Sheriff's Department together with any applicable fee to be paid by the prospective employee. The appointing authority may waive the applicable fee for any prospective employee, and in that event the fee shall be paid by the County and be chargeable against the respective department's budget. The fingerprint card and applicable fee will be delivered to the Ulster County Personnel Director who shall forward the same to the New York State Division of Criminal Justice Services for processing. **[Amended 8-17-2010 by L.L. No. 3-2010]**
- F. The criminal history record processed by the New York State Division of Criminal Justice Services concerning prospective employees shall be submitted to the Ulster County Personnel Director or his/her designee and the appointing authority of the prospective employee for review and consideration of the contents of those records and a decision regarding the candidate's fitness for the position applied for. **[Amended 8-17-2010 by L.L. No. 3-2010]**

PERSONNEL POLICIES

98 Attachment 1

Ulster County

Exhibit A

The undersigned, being the SUNY Ulster Dean of Continuing Education, does hereby certify pursuant to Local Law No. 7 of 2009 (amending Local Law No. 14 of 2007) that the following individuals have qualified for and have received an exemption from the fingerprint criminal background check otherwise provided for in said local laws.

Dated: _____

Chapter 110

RECORDS

ARTICLE I

Records Management Program

- § 110-1. Program established.
- § 110-2. Powers and duties of Records Management Officer.
- § 110-3. Records Advisory Board.
- § 110-4. Custody of records.
- § 110-5. Disposal of records.
- § 110-6. Definitions.

ARTICLE II

Access to Database System

- § 110-7. Findings.

§ 110-8. Access to system authorized.

§ 110-9. Authorization to charge fees.

§ 110-10. Authorization to execute contracts.

ARTICLE III

Enhanced Personal Privacy Protection for Recorded Documents

§ 110-11. Title.

§ 110-12. Authority.

§ 110-13. Fees increased; information on cover page.

[HISTORY: Adopted by the County Legislature of the County of Ulster as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Records Management Program

[Adopted by L.L. No. 5-1987]

§ 110-1. Program established.

There shall be a records management program established under the jurisdiction of the Ulster County Clerk and headed by a Records Management Officer who shall be appointed by the County Clerk. The Officer will be responsible for administering the noncurrent and archival public records and storage areas for the County of Ulster and participating municipalities within the County in accordance with local, state and federal laws and guidelines.

§ 110-2. Powers and duties of Records Management Officer.

- A. The Officer shall have all the necessary powers to carry out the efficient administration, determination of value, use, preservation, storage and disposition of the noncurrent and archival public records kept, filed or received by the officers and departments of the County of Ulster and other participating municipalities.
- B. The Records Management Officer shall:

- (1) Continually survey and examine public records to recommend their classification so as to determine the most suitable methods to be used for the maintaining, storing and servicing of:
 - (a) Obsolete and unnecessary records according to New York State records retention and disposition schedules, thereby subject to disposition.
 - (b) Information containing administrative, legal, fiscal, research, historical or educational value which warrants its permanent retention.
 - (c) Records not subject to disposition according to state law.
- (2) Establish guidelines for proper records management in any department or agency of County government in accordance with local, state and federal laws and guidelines.
- (3) Review all requests for records storage equipment, microfilm equipment, etc., and coordinate and participate in planning for the development of micrographics and automated data processing systems.
- (4) Operate a County Records Management Center for the storage, processing and servicing of all noncurrent and archival records for all County departments and agencies. Servicing of records for the public shall in no way be in a manner which limits the availability of the record to the public.
- (5) Charge governmental agencies of the County of Ulster and other municipalities which participate in the Ulster County Records Center for records management services such fees as may be approved by the Legislature.

§ 110-3. Records Advisory Board. [Amended 8-17-2010 by L.L. No. 3-2010]

There shall be a Records Advisory Board designated to work closely with and provide advice to the Records Management Officer. The Board shall consist of a representative from the majority and minority parties of the County Legislature, selected by the Chairperson of the Legislature, the County Administrator or designee, the Director of Information Services, the County Historian, the President of the County Historical Society or designee, the President of the Genealogical Society or designee, a representative of the media appointed by the Chairperson of the Legislature, and the Commissioner of Finance. The Board shall meet periodically and have the following powers and duties:

- A. Provide advice to the Records Management Officer on the development of the records management program.
- B. Review the performance of the program on an ongoing basis and propose changes and improvements.
- C. Review retention periods proposed by the Records Management Officer for records not covered by State Archives' schedules.
- D. Provide advice on the appraisal of records for archival value.

§ 110-4. Custody of records.

The Records Management Officer shall maintain physical custody and official responsibility of all records in his/her possession. Department heads shall retain constructive control and authority over all department records.

§ 110-5. Disposal of records.

No records shall be destroyed or otherwise disposed of by a department of the County unless approval has been obtained from the Records Management Officer. No records shall be destroyed or otherwise disposed of by the Records Management Officer without the express written consent of the department head having authority.

§ 110-6. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ARCHIVES — Those official records which have been determined by the Officer and Advisory Board to have sufficient historical or other value to warrant their continued preservation by the County. **[Amended 8-17-2010 by L.L. No. 3-2010]**

RECORDS — Any documents, books, papers, photographs, sound recordings, microfilm, or any other materials, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official County business.

RECORDS CENTER — An establishment maintained under the jurisdiction of the Ulster County Clerk primarily for the storage, servicing, security and processing of records which must be preserved for varying periods of time and need not be retained in office equipment or space. **[Amended 8-17-2010 by L.L. No. 3-2010]**

RECORDS DISPOSITION —

A. The removal by the County, in accordance with approved records control schedules, of records no longer necessary for the conduct of business by such agency through removal methods which may include:

- (1) The disposal of temporary records by destruction or donation; or
- (2) The transfer of records to the County Clerk for temporary storage of nonarchival records and permanent storage of records determined to have historical or other sufficient value warranting continued preservation; and

B. The transfer of records from one County agency to any other County agency.

RECORDS MANAGEMENT — The planning, controlling, directing, organizing, training, promotion and other managerial activities involved in records maintenance, use and disposition, including records preservation, disposal, records centers or other storage facilities.

SERVICING — Making records which are the property of a particular agency available to the agency for official use, as well as making nonconfidential or historical records available to the public.

ARTICLE II
Access to Database System
[Adopted by L.L. No. 6-1989¹]

§ 110-7. Findings.

The County of Ulster Legislature hereby finds and determines that the interests of the public will be better served by allowing freer access to County data. It further finds and determines that one means of providing such access is by allowing individuals and businesses to access such data through their own computer terminals, with the cost of providing such a service to be borne by those choosing to take advantage of it.

§ 110-8. Access to system authorized.

The County of Ulster, through its Department of Information Services, is hereby authorized to provide access to the County database system to subscribers utilizing their own computer terminals on a contractual basis.

§ 110-9. Authorization to charge fees.

The County of Ulster is hereby authorized to charge fees for the County's complete actual cost of providing access services to subscribers. Such fees shall be calculated by the Director of Information Services and approved from time to time by the County Legislature.

§ 110-10. Authorization to execute contracts.

The Director of Information Services is hereby authorized to execute such contracts on behalf of the County. The contracts shall also be countersigned by the heads of the departments whose records are being accessed.

ARTICLE III
Enhanced Personal Privacy Protection for Recorded Documents
[Adopted 9-10-2008 by L.L. No. 4-2008]

§ 110-11. Title.

This article shall be known as the "Enhanced Personal Privacy Protection for Recorded Documents Law."

§ 110-12. Authority.

In accordance with Subdivision (a)4(2) of § 8021 of the Civil Practice Law and Rules, as amended by Chapter 78 of the Laws of 1989, the County of Ulster County Legislature authorizes the County of Ulster County Clerk to increase the fees charged for certain documents recorded with the County Clerk's office.

1. Editor's Note: This local law took effect 1-1-1990.

§ 110-13. Fees increased; information on cover page. [Amended 8-17-2010 by L.L. No. 3-2010]

For recording, entering, indexing and endorsing a certificate on any instrument, the fee is increased from \$5 to \$20 and, in addition thereto, is increased from \$3 to \$5 for each page or portion of a page. For the purpose of determining the appropriate recording fee, any cover page shall be deemed an additional page of the instrument. A cover page shall not include any social security account number or date of birth. To the extent that the Ulster County Clerk has placed an image of such cover page on line, the County Clerk shall make a good faith effort to redact such information.

Chapter 117

SHERIFF'S DEPARTMENT

ARTICLE I Civil Service Coverage

- § 117-1. Civil service classification.
- § 117-2. Rules and regulations.
- § 117-3. Civil service rights and privileges.

ARTICLE II Liability of County

- § 117-4. County liable for damages.
- § 117-5. Liability of Sheriff.

[HISTORY: Adopted by the County Legislature of the County of Ulster as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Civil Service Coverage [Adopted by L.L. No. 3-1979]

§ 117-1. Civil service classification.

All officers and positions of employment in the Ulster County Sheriff's Office and Department, except the Sheriff, Undersheriff, Confidential Secretary, Administrative Process Server and Process Servers, and all above the rank of Sergeant as well as all other personnel presently or hereafter filling the same or similar positions, or otherwise excluded by other laws, namely the Sheriff and Undersheriff, are hereby placed in the classified service pursuant to the Civil Service Law of the State of New York.

§ 117-2. Rules and regulations. [Amended 8-17-2010 by L.L. No. 3-2010]

Such officers and positions shall be held and filled according to the provisions of the Civil Service Law and the rules and regulations of the County Personnel Director and shall be governed and controlled and shall be subject to such Civil Service Law and such rules and regulations.

§ 117-3. Civil service rights and privileges.

- A. Notwithstanding the foregoing provisions, all employees presently in the Sheriff's Office or Department who have been continuously employed from January 1, 1979, in their respective positions and prior to the effective date of this article shall be covered-in into their respective positions without an examination.
- B. Those positions identified in § 117-1 are hereby afforded § 75 rights and privileges under the Civil Service Law.

1. Editor's Note: This local law took effect 1-1-1980.

- C. All full-time employees hired subsequent to January 1, 1979, shall be afforded § 75 rights and privileges after completing one year of full-time continuous service.
- D. Noncompetitive labor class positions filled subsequent to January 1, 1979, must complete one year of continuous full-time employment prior to entitlement of § 75 rights and privileges.

ARTICLE II

Liability of County

[Adopted by L.L. No. 3-1985]

§ 117-4. County liable for damages.

Any act or omission of any employee of the County in the Sheriff's Department done or made in the performance of an official duty shall be the act or omission of the County, and the County shall be liable for any damages which may arise as the result of such employee's negligence in carrying out such official duty.

§ 117-5. Liability of Sheriff.

Nothing herein contained shall be deemed to render the County responsible or liable for the acts of the Sheriff nor to relieve the Sheriff from any liability to which he or she is lawfully subject.

Chapter 122

SURPLUS PROPERTY, SALE OF

§ 122-1. Legislative finding and purpose.

§ 122-2. Sale or lease to Industrial Development Agency.

§ 122-3. Voting requirements on resolution.

§ 122-4. Public advertisement and bidding dispensed with.

§ 122-5. When effective.

[HISTORY: Adopted by the County Legislature of the County of Ulster by L.L. No. 4-1983. Amendments noted where applicable.]

§ 122-1. Legislative finding and purpose.

- A. From time to time, the County has acquired real property from various sources. Many of such properties are not required for the corporate purposes of the County and could be better put to private use. The transfer of such surplus property to the Ulster County Industrial Development Agency would serve the useful purpose of improving the County's economic climate by increasing business and employment opportunities and ultimately return some of these properties to fully taxable status.
- B. The purpose of this chapter is to provide authority for the sale or lease of such surplus property to the Industrial Development Agency without the requirement that such property be sold or leased only to the highest bidder after public advertisement and to allow the lease of such property for terms in excess of five years.

§ 122-2. Sale or lease to Industrial Development Agency.

Notwithstanding the provisions of § 215, Subdivision 4 of the County Law, upon the determination by the Ulster County Legislature that any County real property is no longer necessary for public use, such property may be sold or leased for a period not exceeding 25 years to the Ulster County Industrial Development Agency upon such terms and conditions as may be prescribed by the County Legislature by resolution in the same manner and with the same rights and privileges as if said property were owned by an individual.

§ 122-3. Voting requirements on resolution.

Such property may be sold or leased as provided in § 122-2 hereof only by resolution adopted by the affirmative vote of 2/3 of the total membership of the County Legislature.

§ 122-4. Public advertisement and bidding dispensed with.

Notwithstanding the provisions of § 215, Subdivision 6 of the County Law, such property may be sold or leased to the Ulster County Industrial Development Agency under the provisions of § 122-2 hereof without public advertisement or bidding.

§ 122-5. When effective.

This chapter shall not take effect until at least 45 days after its adoption, nor until approved by the affirmative vote of a majority of the qualified electors of the County of Ulster voting on a proposition for its approval if within 45 days after its adoption there is filed with the Clerk of the County Legislature a petition protesting against such chapter in conformity with the provisions of § 24, Subdivision 1a of the Municipal Home Rule Law, and upon filing in the office of the Secretary of State.

Chapter 126
TAX BILL INSERTS

§ 126-1. Title.

§ 126-4. County tax bill insert.

§ 126-2. Legislative findings and purpose.

§ 126-5. Optional town tax bill insert.

§ 126-3. County tax bill information statement.

§ 126-6. Procedures.

[HISTORY: Adopted by the County Legislature of the County of Ulster 8-14-2012 by L.L. No. 8-2012. Amendments noted where applicable.]

GENERAL REFERENCES

Taxation — See Ch. 312.

§ 126-1. Title.

This chapter shall be known and may be cited as the "Mandate and Taxation Information Act."

§ 126-2. Legislative findings and purpose.

It is generally recognized that property taxpayers have a substantial interest in receiving complete tax bill information. Part of having complete information should include a description of major programs funded by the County as well as a summary of the impact that state mandates have on property taxes. It is the intent of this chapter to provide a tax bill insert to be included with the annual tax bill to ensure that the citizens of Ulster County receive such information in as clear and as complete a way as possible to assist their understanding as to what their real property taxes pay for.

§ 126-3. County tax bill information statement. [Amended 9-24-2013 by L.L. No. 3-2013]

- A. The County Executive is hereby authorized to cause an information statement to be provided on the County tax bill, reading as follows:

The State of New York requires local governments to perform many functions and provide services without financial support. These State requirements or "unfunded State mandates" have a direct impact on local spending and represent a significant portion of the County and Town real property taxes that are due. Please see the notice enclosed with this tax bill for a more detailed explanation of the spending required by the State of New York and the impact on local property tax rates or visit the following website: <http://co.ulster.ny.us> or <http://www.co.ulster.ny.us/Legislature>

- B. This statement shall be prominently displayed on the tax bill as a separate section and not included with any other information provided on the County tax bill. The County Executive may modify the information statement, if necessary, to conform the County tax bill to standard mailing procedures, and to promote efficiency.
- C. The County Executive is hereby authorized to cause the County tax bill insert required by § 126-4 to be prominently posted on the County website.
- D. In the event the websites of the County or the County Legislature are changed, the website(s) otherwise listed in this section shall change to reflect the new website(s).

§ 126-4. County tax bill insert.

The County Executive is hereby authorized to take any and all action necessary to cause a tax bill insert summarizing County budget information and the impact that state mandates have on the County tax levy to be included as an enclosure with each annual property tax bill. The tax bill insert shall include the following sections:

- A. Summary of revenues and expenses included in the County budget, including a tabulation and/or graphical depiction of major cost centers and the respective percentage of total spending of each item.
- B. Standard statement defining state mandates which shall include an explanation that some mandated amounts are approximate or qualified and that all mandates are not identified, if such be the case.
- C. Narrative and/or graphical summary of financial impacts of identified state mandates and the percentage of total spending that these mandates represent.
- D. Other information deemed necessary by the County Executive to implement this chapter.

§ 126-5. Optional town tax bill insert.

- A. A Town may, by local law, request that the County include a town tax bill insert summarizing town budget information and the impact that state or County mandates have on the town tax levy to be included as an enclosure with each annual property tax bill. The County Executive is authorized to develop a uniform town tax bill insert template that shall include the following sections:
 - (1) Summary of revenues and expenses included in the Town's budget, including a tabulation and/or graphical depiction of major cost centers and the respective percentage of total spending of each item.
 - (2) Standard statement defining state or County mandates which shall include an explanation that some mandated amounts are approximate or qualified and that all mandates are not identified, if such be the case.
 - (3) Narrative and/or graphical summary of financial impacts of identified state or County mandates and the percentage of total spending that these mandates represent.

- (4) Other information deemed necessary by the County Executive to implement this chapter.
- B. The County Executive is authorized to develop, with the advice of the Ulster County Association of Town Supervisors and the Chairman of the Ways and Means Committee, or his or her designee, procedures necessary to implement this section.

§ 126-6. Procedures.

The County Executive shall submit proposed tax bill insert templates to the Ways and Means Committee, which shall approve on an annual basis. Should the Ways and Means Committee fail to take any action within 45 days of submission, the County Executive's templates shall be deemed approved. The procedures required by this chapter shall be carried out in addition to, and in accordance with, other annual tax billing procedures existing within the County of Ulster. Nothing contained in this chapter, or any amendments or regulations pertaining thereto, shall be construed to in any way affect, modify or alter, in any manner whatsoever, the County tax levy, definition or description of the County tax levy, or calculation thereof.

Chapter 129

TOBACCO SETTLEMENT REVENUES

§ 129-1. Findings and legislative intent.

§ 129-3. Local development corporation.

§ 129-2. Authorization to take actions necessary to effect sales; use of proceeds.

§ 129-4. Covenant and agreement.

[HISTORY: Adopted by the County Legislature of the County of Ulster by L.L. No. 4-2000. Amendments noted where applicable.]

§ 129-1. Findings and legislative intent.

The County Legislature hereby finds that:

- A. The County of Ulster is entitled to receive payments under the Master Settlement Agreement (hereinafter the "MSA") and the Consent Decree and Final Judgment of the Supreme Court of the State of New York, County of New York, dated December 23, 1998 (hereinafter, as the same may be amended or modified, the "Decree"), in the class action titled "State of New York et al v. Philip Morris Incorporated et al (Index No. 400361/97)"; and
- B. In order to secure to present generations a portion of the benefits intended to be conferred by the MSA and the Decree it is necessary or desirable for the County to sell all or a portion of its rights, title and interest in, to and under the Decree and in and to the moneys payable to the County under the MSA and the Decree (all such rights, title and interest hereinafter collectively referred to as the "tobacco settlement revenues") to a local development corporation to be created by the County pursuant to the Not-For-Profit Corporation Law of the State of New York.

§ 129-2. Authorization to take actions necessary to effect sales; use of proceeds.

The County is hereby authorized to sell to said local development corporation, and to take any and all action necessary or desirable to effect one or more sales to said local development corporation of, the County's rights, title and interest in and to all or a portion of the tobacco settlement revenues and to take any and all actions necessary or desirable to enable the County to benefit from the consideration to be received from any such sale. The Chairperson of the County Legislature or his designee(s) may approve the terms and conditions of any such transaction and the form and substance of any agreement of sale or other document necessary or desirable to effect any such transaction, including the power to execute and deliver any such agreement or other document as may be approved by the person executing the same and to take any and all other actions necessary or desirable to enter into, facilitate or consummate such transaction, including agreeing to pay certain fees and expenses which will be payable regardless of whether or not such transaction is consummated. The County shall use the initial proceeds to be received from said corporation from such sale to finance certain capital projects identified in the County's capital program and to finance the defeasance of

County obligations. It is the intent of this chapter that a sale by the County of tobacco settlement revenues to said local development corporation is, and it is hereby deemed to be, a true sale and not a borrowing.

§ 129-3. Local development corporation.

- A. The Chairperson of the County Legislature or his designee(s) is hereby authorized to take all actions necessary to create a corporation pursuant to the New York Not-For-Profit Corporation Law § 1411 (hereinafter the "Corporation"). The Corporation shall be granted all powers as may be deemed necessary by the Chairperson of the County Legislature or his designee(s), which powers shall include, but not be limited to, the power to purchase from the County its right, title and interest in and to all or a portion of the tobacco settlement revenues, to issue bonds, notes and other evidence of indebtedness and other securities and to incur other obligations, to create and transfer assets of the Corporation to a trust or other entity, and to take all other actions as may be necessary in connection therewith.
- B. It is the specific intention of the County Legislature that the purpose and scope of the Corporation be limited to the transaction contemplated by this chapter, including the purchase of tobacco settlement revenues from the County, the financing of such purchase and related transactions.

§ 129-4. Covenant and agreement.

The County is hereby authorized to covenant and agree with the Corporation in a transaction contemplated by this chapter for the benefit of the corporation and the holders from time to time of any bonds, notes or other obligations or other securities (hereinafter collectively the "securities") issued by the Corporation that the County will not limit or alter the rights of the Corporation to fulfill the terms of its agreements with the holders of the securities or in any way impair the rights and remedies of such holders or the security for the securities until the securities, together with the interest due thereon or payable in respect thereof and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully met and discharged. The Chairperson of the County Legislature or his designee(s) is granted the power to make such a covenant to and agreement with the Corporation and to take any and all actions necessary or desirable to cause such covenant and agreement to be made or enforced. The Corporation is hereby authorized to assign to or for the benefit of the holders of its securities any covenant or agreement made by the County pursuant to this section.

PART II

**GENERAL
LEGISLATION**

Chapter 145

ALARM SYSTEMS

§ 145-1. Introduction.

§ 145-2. Purpose.

§ 145-3. Definitions.

§ 145-4. Automatic dialing devices;
designated emergency number.

§ 145-5. Private answering points.

§ 145-6. Alarm testing.

§ 145-7. Penalties for offenses.

§ 145-8. Right to refuse access to
emergency number.

§ 145-9. Applicability; amendments.

[HISTORY: Adopted by the County Legislature of the County of Ulster by L.L. No. 1-1994. Amendments noted where applicable.]

§ 145-1. Introduction.

- A. This chapter is enacted to ensure that the 911 emergency number will not be jammed or seized by automatic dialing devices. To facilitate the response to automatic dialing devices, the County of Ulster has established a designated seven-digit number at the Emergency Communications Center for the purpose of receiving calls from such automatic dialing devices.
- B. To ensure proper response to calls for services that are received by the Emergency Communications Center through automatic dialing devices, the following guidelines and procedures are promulgated pursuant to the authority of this chapter.

§ 145-2. Purpose.

The purpose of this chapter is threefold:

- A. To regulate the connection of alarm systems with the 911 Emergency Communications Center to prevent the emergency number from being jammed or seized by automatic dialing devices or other such similar devices.
- B. To regulate the automatic dialer's message content to ensure that the essential information is received to provide appropriate emergency response.
- C. To regulate administrative matters relating to the operations of the 911 Emergency Communications Center to ensure the health, safety and general welfare of the residents of the County by regulating the use and application of alarm systems and by providing an alternate seven-digit number for the purpose of automatic dialer interconnect.

§ 145-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

911 COORDINATOR — The County of Ulster Director of Emergency Communications/Emergency Management or his designated representative, hereinafter the "Coordinator." **[Amended 8-17-2010 by L.L. No. 3-2010]**

ALARM SYSTEM — Any assembly of equipment or device arranged to signal the presence of a hazard requiring urgent attention and to which police, fire or emergency medically related service agencies are expected to respond. "Alarm system" shall include an automatic dialing device.

ALARM USER — Any person on whose premises, located within the County of Ulster, an alarm system is owned, operated or maintained by such person or his agents, employees or servants.

AUTOMATIC DIALING DEVICE — A device which is connected to a telephone line and is programmed to access a predetermined emergency agency number and transmit by voice message or coded signal to an emergency agency an emergency message indicating a need for emergency response.

COUNTY — The County of Ulster, State of New York.

EMERGENCY COMMUNICATIONS CENTER — The central dispatching location provided by the County and the New York State Police or any of the other public safety answering points to receive all emergency calls on behalf of participating agencies.

PERSON — Any person, firm, partnership, association, corporation, company or organization of any kind.

PRIVATE ANSWERING POINT — Refers to a business which offers the service of receiving emergency signals from alarms and where emergency signals from alarm systems are monitored and thereafter relayed to an emergency agency.

SPECIAL TRUNK LINE — A designated telephone line(s) leading into the County's Emergency Communications Center and having the primary purpose of handling emergency signals or messages from automatic dialing devices.

§ 145-4. Automatic dialing devices; designated emergency number.

- A. Effective May 1, 1994, all automatic dialing devices terminating at the Emergency Communications Center shall be programmed to access designated special trunk lines. The designated emergency telephone number is 338-2471. All automatic dialers accessing the 911 Emergency Communications Center shall be programmed to dial the above number.
- B. All dialers must be registered with the Emergency Communications Center on the prescribed form. **[Amended 8-17-2010 by L.L. No. 3-2010]**
- C. Dialers shall not be programmed to dial the number "911." All automatic dialing devices terminating at the Emergency Communications Center must be programmed to dial the designated seven-digit number authorized in Subsection A above.

- D. Dialers shall not hold the telephone line open after the Emergency Communications Center has broken the telephone connection.
- E. Dialers shall not dial the Emergency Communications Center more than twice as a result of a single activation.
- F. Dialer message must be in the following format: "This is (name of household or business in the County) reporting a (robbery, burglary, police trouble, fire, water flow or emergency medical) alarm at (number, street name) (apartment or room number), (floor), (building name). The nearest intersection is (intersecting street) in (city, town or village). In case of fire or medical emergency, please send (municipality) (fire or ambulance)."

§ 145-5. Private answering points.

- A. Alarm notifications which terminate at a private answering station or point and are then communicated to the Emergency Communications Center by an individual for appropriate dispatch response shall be permitted on the designated emergency telephone number. The calling party shall provide the Emergency Communications Center operator with the following information:
 - (1) Type of alarm activated (robbery, burglary, police trouble, fire, water flow, or emergency medical).
 - (2) Name of business or household.
 - (3) Street number and name.
 - (4) Apartment, room number or floor (if applicable).
 - (5) Building name.
 - (6) Nearest intersecting street.
 - (7) City, town or village.
 - (8) Any additional information as requested by the Emergency Communications Center operator.
 - (9) Agency to be dispatched for fire or ambulance.
- B. The calling party shall promptly terminate the call upon transmission of the above information.

§ 145-6. Alarm testing.

The testing of automatic alarm dialers shall be permitted in accordance with the following procedures:

- A. Business and residential alarms may be tested a maximum of four times per year. Such testing shall be conducted during the hours of 8:00 a.m. to 4:00 p.m. Exceptions for

frequency of tests and hours will be granted when an alarm is being tested as a result of alarm maintenance or repair.

- B. Prior to the alarm test, the user must contact the County's 911 Emergency Communications Center to notify the Center of the test. The caller must provide his name, address, telephone number, and type of alarm. The telephone number to be used when requesting an alarm test is 338-2471 for a robbery, burglary or police trouble alarm and for a fire, water flow, or emergency medical alarm. If for any reason the alarm test cannot be conducted, the operator will advise the user and the test shall be rescheduled at a time which is designated by the 911 Emergency Communications Center operator.
- C. Upon test completion, the user shall recall the 911 Emergency Communications Center by calling the administrative number and verify the alarm test. The caller must identify himself and advise the operator of the name of the business or household and request validation of the test.
- D. The 911 Emergency Communications Center operator will monitor, test and evaluate clarity of message, tone and message completeness.

§ 145-7. Penalties for offenses.

- A. Any person, business or firm programming an automatic dialing device to call the 911 emergency telephone number of the County of Ulster shall be liable for a civil penalty of \$500.
- B. In addition to the civil penalty, noncompliance with any of the procedures contained herein is a violation of § 145-4 of this chapter and punishable by a fine of not less than \$500 and not more than \$1,000 or by a term of imprisonment not to exceed 15 days, or by both such fine and imprisonment.
- C. A police officer or deputy sheriff may order the alarm user to immediately disconnect any device not conforming to the provisions of this chapter from the 911 emergency number. The failure by such alarm user to obey such order shall be a violation punishable by a fine of not less than \$500 and not more than \$1,000 or by a term of imprisonment not to exceed 15 days, or by both such fine and imprisonment.
- D. Additionally, the owner of such alarm system shall be liable for a civil penalty of \$500 for the failure to obey such order.

§ 145-8. Right to refuse access to emergency number.

The Coordinator may refuse to permit any person, business or firm the right to program its automatic dialing device to access the designated special seven-digit number when the Coordinator has reason to believe that the use of the device would adversely impact the operations of the 911 Emergency Communications Center.

§ 145-9. Applicability; amendments.

These regulations shall pertain to all alarm systems which terminate at the 911 Emergency Communications Center. The 911 Coordinator may from time to time issue amendments, in writing, to these regulations. All regulations shall be issued with an effective date. It is the duty of all alarm users to keep advised of amendments to the existing procedures and make appropriate changes and/or modifications as required.

Chapter 148

ALCOHOLIC BEVERAGES AND CONTROLLED SUBSTANCES

ARTICLE I Consumption by Minors On Private Property

§ 148-1. Purpose and findings.

§ 148-2. Definitions.

§ 148-3. Responsibility of person in
control of premises.

§ 148-4. Exceptions.

§ 148-5. Inconsistency with other laws.

§ 148-6. Penalties for offenses.

[HISTORY: Adopted by the County Legislature of the County of Ulster as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Consumption by Minors On Private Property [Adopted 2-19-2008 by L.L. No. 2-2008]

§ 148-1. Purpose and findings.

The purpose of this article is to protect the public interest, welfare, health and safety within the County of Ulster by prohibiting the service to and consumption of alcoholic beverages and drugs by persons under the age of 21 at private premises located in Ulster County. The Ulster County Legislature finds that the occurrence of social gatherings at private premises where alcoholic beverages or drugs are served to or consumed by persons under the age of 21 is harmful to such persons themselves and a threat to public welfare, health and safety. The Ulster County Legislature finds further that persons under the age of 21 often obtain alcoholic beverages or drugs at such gatherings and that persons who are in control of such premises know or have reason to know of such service and/or consumption and will be more likely to ensure that alcoholic beverages and drugs are neither served to nor consumed by persons under the age of 21 at these gatherings.

§ 148-2. Definitions.

Whenever used in this article, unless a different meaning is stated in a definition applicable to only a portion of this article, the following terms will be defined and shall have meanings set forth below:

ALCOHOLIC BEVERAGE — Any liquor, wine, beer, spirits, cider or other liquid or solid, patented or not, composed of or containing alcohol or spirits, whether or not brewed, fermented or distilled, and capable of being consumed by a person, except that confectionary containing alcohol as provided in Subdivision 12 of § 200 of the Agriculture and Markets Law shall not be considered alcoholic beverages within the meaning of this article.

CONTROL — The authority and ability to regulate, direct or dominate.

DRUG — Includes any substance listed in § 3306 of the Public Health Law.

MINOR — Any person under the age of 21.

OPEN HOUSE PARTY — A social gathering at a residence or other private property with minors present.

PERSON — A human being and, where appropriate, a public or private corporation, an unincorporated association, a partnership, a government or a governmental instrumentality.

PREMISES — Any home, apartment, condominium, cooperative unit or other dwelling unit of any kind, including yards and open areas adjacent thereto.

§ 148-3. Responsibility of person in control of premises.

No person having control of any premises shall allow an open house party to take place at said residence if such person knows or has reason to know that any alcoholic beverage or drug is being unlawfully possessed, served to or consumed by a minor at said residence.

§ 148-4. Exceptions.

The provisions of this article shall not apply to:

- A. The possession or consumption of an alcoholic beverage by persons lawfully permitted to do so pursuant to § 65-c of the New York State Alcohol Beverage Control Law or any other applicable law; or
- B. The possession or consumption of a drug for which the individual has a current, valid prescription or as otherwise permitted by any other applicable law.

§ 148-5. Inconsistency with other laws.

If any part or provision of this article is inconsistent with any federal or state statute, law, rule or regulation, then such statute, law, rule or regulation shall prevail.

§ 148-6. Penalties for offenses.

Failure to comply with § 148-3 above shall constitute a violation, punishable by a fine which shall not exceed \$250 or imprisonment not exceeding 15 days, or a combination of such fine and imprisonment, as shall be fixed by the court.

Chapter 166

CONSTRUCTION CODES, UNIFORM

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| § 166-1. Purpose; applicability. | § 166-10. Unsafe buildings and structures. |
| § 166-2. Designation of enforcement agency. | § 166-11. Operating permits. |
| § 166-3. Definitions. | § 166-12. Firesafety and property maintenance inspections. |
| § 166-4. Code Enforcement Officer and inspectors. | § 166-13. Complaints. |
| § 166-5. Building permits. | § 166-14. Recordkeeping. |
| § 166-6. Construction inspections. | § 166-15. Program review and reporting. |
| § 166-7. Stop-work orders. | § 166-16. Enforcement; penalties for offenses. |
| § 166-8. Certificates of occupancy/certificates of compliance. | § 166-17. Fees. |
| § 166-9. Notification regarding fire or explosion. | § 166-18. Intermunicipal agreements. |

[HISTORY: Adopted by the County Legislature of the County of Ulster 6-13-2007 by L.L. No. 10-2007. Amendments noted where applicable.]

§ 166-1. Purpose; applicability.

This chapter provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) by the County of Ulster, pursuant to § 381, Subdivision 2, of the Executive Law. This chapter shall also provide for administration and enforcement of the Uniform Code with respect to County buildings, premises and equipment as hereinafter set forth. Except as otherwise provided in the Uniform Code, other state law, or other section of this chapter, all buildings, structures and premises, regardless of use or occupancy, are subject to the provisions of this chapter. This chapter replaces in its entirety Local Law Number 2 of 1986 of the County of Ulster, titled "A Local Law of the County of Ulster Providing for the Administration and Enforcement of the New York State Fire Prevention and Building Code."

§ 166-2. Designation of enforcement agency.

- A. The Environmental Sanitation Division of the Ulster County Department of Health is hereby designated to administer and enforce the Uniform Code in those localities which have properly opted out of responsibility for enforcement of the Uniform Code.
- B. The Ulster County Safety Department is hereby designated to administer and enforce the Uniform Code with respect to buildings, premises and equipment in the custody of or activities related thereto undertaken by the County of Ulster. Said Department shall

maintain and be responsible for any and all records pertaining to enforcement of the Uniform Code with respect to County buildings, premises and equipment. **[Amended 8-17-2010 by L.L. No. 3-2010]**

§ 166-3. Definitions.

In this chapter the following terms shall have the meanings indicated:

BUILDING PERMIT — A permit issued pursuant to § 166-5 of this chapter. The term "building permit" shall also include a building permit which is renewed, amended or extended pursuant to any provision of this chapter.

CERTIFICATE OF OCCUPANCY/CERTIFICATE OF COMPLIANCE — A certificate issued pursuant to § 166-8B of this chapter.

CODE ENFORCEMENT OFFICER — The Code Enforcement Officer appointed pursuant to § 166-4 of this chapter.

CODE ENFORCEMENT PERSONNEL — Includes the Code Enforcement Officer and all inspectors.

COMPLIANCE ORDER — An order issued by the Code Enforcement Officer pursuant to § 166-16A.

COUNTY — The County of Ulster.

ENERGY CODE — The State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.

INSPECTOR — An inspector appointed pursuant to § 166-4D of this chapter.

OPERATING PERMIT — A permit issued pursuant to § 166-11 of this chapter. The term "operating permit" shall also include an operating permit which is renewed, amended or extended pursuant to any provision of this chapter.

PERMIT HOLDER — The person to whom a building permit has been issued.

PERSON — Includes an individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

STOP-WORK ORDER — An order issued pursuant to § 166-7 of this chapter.

TEMPORARY CERTIFICATE — A certificate issued pursuant to § 166-8D of this chapter.

UNIFORM CODE — The New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time.

§ 166-4. Code Enforcement Officer and inspectors.

The Code Enforcement Officer of the Ulster County Department of Health, Environmental Sanitation Division, shall administer and enforce all the provisions of the Uniform Code, the

Energy Code and this chapter in those localities that have properly opted out of responsibility for enforcement of the Uniform Code. The Code Enforcement Officer of the Ulster County Safety Department shall administer and enforce all the provisions of the Uniform Code, the Energy Code and this chapter for all buildings, premises, and equipment in the custody of or activities related thereto undertaken by the County of Ulster.

A. The Code Enforcement Officer shall have the following powers and duties:

- (1) To receive, review, and approve or disapprove applications for building permits, certificates of occupancy, certificates of compliance, temporary certificates and operating permits and the plans, specifications and construction documents submitted with such applications;
- (2) Upon approval of such applications, to issue building permits, certificates of occupancy, certificates of compliance, temporary certificates and operating permits and to include in building permits, certificates of occupancy, certificates of compliance, temporary certificates and operating permits such terms and conditions as the Code Enforcement Officer may determine to be appropriate;
- (3) To conduct construction inspections, inspections to be made prior to the issuance of certificates of occupancy, certificates of compliance, temporary certificates, and operating permits, firesafety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this chapter;
- (4) To issue stop-work orders;
- (5) To review and investigate complaints;
- (6) To issue orders pursuant to § 166-16A of this chapter;
- (7) To maintain records;
- (8) To collect fees as set by § 166-17 of this chapter;
- (9) To pursue administrative enforcement actions and proceedings;
- (10) In consultation with the County's Attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code and this chapter or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code or this chapter; and
- (11) To exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this chapter.

B. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

- C. In the event that the Code Enforcement Officer is unable to serve as such for any reason, an individual shall be named by the corresponding department to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, while serving, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this chapter.
- D. One or more inspectors may act under the supervision and direction of the Code Enforcement Officer and to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this chapter. Each inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and each inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

§ 166-5. Building permits.

- A. Building permits required. Except as otherwise provided in Subsection B of this section, a building permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including but not limited to the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof and the installation of a solid-fuel-burning heating appliance, chimney or flue in any dwelling unit. No person shall commence any work for which a building permit is required without first having obtained a building permit from the Code Enforcement Officer. Building permits for properly opted out localities shall be applied for and obtained through the Environmental Sanitation Division of the Ulster County Department of Health. Building permits with respect to buildings, premises and equipment in the custody of or activities related thereto undertaken by the County of Ulster shall be applied for and obtained through the Ulster County Safety Department. **[Amended 8-17-2010 by L.L. No. 3-2010]**
- B. Exemptions. No building permit shall be required for work in any of the following categories:
- (1) Construction or installation of one-story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses) which are used for tool and storage sheds, playhouses or similar uses, provided that the gross floor area does not exceed 144 square feet (13.38 square meters);
 - (2) Installation of swings and other playground equipment associated with one- or two-family dwellings or multiple single-family dwellings (townhouses);
 - (3) Installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;
 - (4) Installation of fences which are not part of an enclosure surrounding a swimming pool;

- (5) Construction of retaining walls unless such walls support a surcharge or impound Class I, II or IIIA liquids;
 - (6) Construction of temporary motion-picture, television and theater stage sets and scenery;
 - (7) Installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);
 - (8) Installation of partitions or movable cases less than five feet nine inches in height;
 - (9) Painting, wallpapering, tiling, carpeting, or other similar finish work;
 - (10) Installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
 - (11) Replacement of any equipment, provided that the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or
 - (12) Repairs, provided that such repairs do not involve:
 - (a) The removal or cutting away of a load-bearing wall, partition, or portion thereof or of any structural beam or load-bearing component;
 - (b) The removal or change of any required means of egress or the rearrangement of parts of a structure in a manner which affects egress;
 - (c) The enlargement, alteration, replacement or relocation of any building system; or
 - (d) The removal from service of all or part of a fire-protection system for any period of time.
- C. Exemption not deemed authorization to perform noncompliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in Subsection B of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.
- D. Applications for building permits. Application for a building permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:
- (1) A description of the proposed work;
 - (2) The tax map number and the street address of the premises where the work is to be performed;

- (3) The occupancy classification of any affected building or structure;
 - (4) Where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and
 - (5) At least two sets of construction documents (drawings and/or specifications) which:
 - (a) Define the scope of the proposed work;
 - (b) Are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law;
 - (c) Indicate with sufficient clarity and detail the nature and extent of the work proposed;
 - (d) Substantiate that the proposed work will comply with the Uniform Code and the Energy Code; and
 - (e) Where applicable, include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines.
- E. Construction documents. Construction documents will not be accepted as part of an application for a building permit unless they satisfy the requirements set forth in Subsection D(5) of this section. Construction documents which are accepted as part of the application for a building permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp. One set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the code enforcement personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work nor as an indication that a building permit will be issued. Work shall not be commenced until and unless a building permit is issued.
- F. Issuance of building permits. An application for a building permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Code Enforcement Officer shall issue a building permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code.
- G. Building permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.
- H. Work to be accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the building permit. The building permit shall contain such a directive. The permit holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of work. The building permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new

or amended building permit, such change shall not be made until and unless a new or amended building permit reflecting such change is issued.

- I. Time limits. Building permits shall become invalid unless the authorized work is commenced within six months following the date of issuance. Building permits shall expire 12 months after the date of issuance. A building permit which has become invalid or which has expired pursuant to this subsection may be renewed upon application by the permit holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.
- J. Revocation or suspension of building permits. If the Code Enforcement Officer determines that a building permit was issued in error because of incorrect, inaccurate or incomplete information, or that the work for which a building permit was issued violates the Uniform Code or the Energy Code, the Code Enforcement Officer shall revoke the building permit or suspend the building permit until such time as the permit holder demonstrates that:
 - (1) All work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code; and
 - (2) All work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.
- K. Fee. The fee specified in or determined in accordance with the provisions set forth in § 166-17 of this chapter must be paid at the time of submission of an application for a building permit, for an amended building permit, or for renewal of a building permit.

§ 166-6. Construction inspections.

- A. Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an inspector authorized by the Code Enforcement Officer. The permit holder shall notify the Code Enforcement Officer when any element of work described in Subsection B of this section is ready for inspection.
- B. Elements of work to be inspected. The following elements of the construction process shall be inspected, where applicable:
 - (1) Work site prior to the issuance of a building permit;
 - (2) Footing and foundation;
 - (3) Preparation for concrete slab;
 - (4) Framing;
 - (5) Building systems, including underground and rough-in;
 - (6) Fire-resistant construction;
 - (7) Fire-resistant penetrations;

- (8) Solid-fuel-burning heating appliances, chimneys, flues or gas vents;
 - (9) Energy Code compliance; and
 - (10) A final inspection after all work authorized by the building permit has been completed.
- C. Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed or the permit holder shall be notified as to where the work fails to comply with the Uniform Code or Energy Code. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.
- D. Fee. The fee specified in or determined in accordance with the provisions set forth in § 166-17 of this chapter must be paid prior to or at the time of each inspection performed pursuant to this section.

§ 166-7. Stop-work orders.

- A. Authority to issue. The Code Enforcement Officer is authorized to issue stop-work orders pursuant to this section. The Code Enforcement Officer shall issue a stop-work order to halt:
- (1) Any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a building permit is required, and without regard to whether a building permit has or has not been issued for such work;
 - (2) Any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a building permit is required, and without regard to whether a building permit has or has not been issued for such work; or
 - (3) Any work for which a building permit is required which is being performed without the required building permit or under a building permit that has become invalid, has expired, or has been suspended or revoked.
- B. Content of stop-work orders. Stop-work orders shall:
- (1) Be in writing;
 - (2) Be dated and signed by the Code Enforcement Officer;
 - (3) State the reason or reasons for issuance; and
 - (4) If applicable, state the conditions which must be satisfied before work will be permitted to resume.

- C. Service of stop-work orders. The Code Enforcement Officer shall cause the stop-work order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the permit holder, on the permit holder) personally or by certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the stop-work order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work affected by the stop-work order, personally or by certified mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the stop-work order. [Amended 8-17-2010 by L.L. No. 3-2010]

§ 166-8. Certificates of occupancy/certificates of compliance.

- A. Certificates of occupancy/certificates of compliance required. A certificate of occupancy/certificate of compliance shall be required for any work which is the subject of a building permit and for all structures, buildings, or portions thereof which are converted from one use or occupancy classification or subclassification to another. Permission to use or occupy a building or structure, or portion thereof, for which a building permit was previously issued shall be granted only by issuance of a certificate of occupancy/certificate of compliance.
- B. Issuance of certificates of occupancy/certificates of compliance. The Code Enforcement Officer shall issue a certificate of occupancy/certificate of compliance if the work which was the subject of the building permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, the structure, building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Code Enforcement Officer or an inspector authorized by the Code Enforcement Officer shall inspect the building, structure or work prior to the issuance of a certificate of occupancy/certificate of compliance. In addition, where applicable, the following documents prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the certificate of occupancy/certificate of compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the certificate of occupancy/certificate of compliance:
- (1) A written statement of structural observations and/or a final report of special inspections; and
 - (2) Flood hazard certifications.
- C. Contents of certificates of occupancy/certificates of compliance. A certificate of occupancy/certificate of compliance shall contain the following information:
- (1) The building permit number, if any;
 - (2) The date of issuance of the building permit, if any;
 - (3) The name, address and tax map number of the property;

- (4) If the certificate of occupancy/certificate of compliance is not applicable to an entire structure, a description of that portion of the structure for which the certificate of occupancy/certificate of compliance is issued;
 - (5) The use and occupancy classification of the structure;
 - (6) The type of construction of the structure;
 - (7) The assembly occupant load of the structure, if any;
 - (8) If an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;
 - (9) Any special conditions imposed in connection with the issuance of the building permit; and
 - (10) The signature of the Code Enforcement Officer issuing the certificate of occupancy/certificate of compliance and the date of issuance.
- D. Temporary certificate. The Code Enforcement Officer shall be permitted to issue a temporary certificate allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a building permit.
- (1) However, in no event shall the Code Enforcement Officer issue a temporary certificate unless the Code Enforcement Officer determines that:
 - (a) The building or structure, or the portion thereof covered by the temporary certificate, may be occupied safely;
 - (b) Any fire- and smoke-detecting or fire-protection equipment which has been installed is operational; and
 - (c) All required means of egress from the building or structure have been provided.
 - (2) The Code Enforcement Officer may include in a temporary certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and intent of the Uniform Code. A temporary certificate shall be effective for a period of time, not to exceed six months, which shall be determined by the Code Enforcement Officer and specified in the temporary certificate. During the specified period of effectiveness of the temporary certificate, the permit holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.
- E. Revocation or suspension of certificates. If the Code Enforcement Officer determines that a certificate of occupancy/certificate of compliance or a temporary certificate was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.

- F. Fee. The fee specified in or determined in accordance with the provisions set forth in § 166-17 of this chapter must be paid at the time of submission of an application for a certificate of occupancy/certificate of compliance or a temporary certificate.

§ 166-9. Notification regarding fire or explosion.

- A. The chief of any fire department providing fire-fighting services for a property within a properly opted out locality shall promptly notify the Code Enforcement Officer of any fire or explosion involving any structural damage, fuel-burning appliance, chimney or gas vent.
- B. The chief of any fire department providing fire-fighting services for a property owned or leased by Ulster County shall promptly notify the Code Enforcement Officer of the Ulster County Safety Department of any fire or explosion involving any structural damage, fuel-burning appliance, chimney or gas vent. **[Amended 8-17-2010 by L.L. No. 3-2010]**

§ 166-10. Unsafe buildings and structures.

- A. Unsafe structures and equipment in properly opted out localities shall be identified and addressed in accordance with the Division of Environmental Sanitation of the Ulster County Department of Health.
- B. Unsafe structures and equipment located on Ulster County owned/leased property or in any Ulster County owned or leased structure shall be identified and addressed by the Ulster County Safety Department. **[Amended 8-17-2010 by L.L. No. 3-2010]**

§ 166-11. Operating permits.

- A. Operating permits required.
- (1) Operating permits shall be required for conducting the activities or using the categories of buildings listed below:
- (a) Manufacturing, storing, or handling hazardous materials in quantities exceeding those listed in Table 2703.1.1(1), 2703.1.1(2), 2703.1.1(3), or 2703.1.1(4) in the publication titled "Fire Code of New York State" and incorporated by reference in 19 NYCRR 1225.1;
 - (b) Hazardous processes and activities, including but not limited to commercial and industrial operations which produce combustible dust as a by-product, fruit and crop ripening, and waste handling;
 - (c) Use of pyrotechnic devices in assembly occupancies;
 - (d) Buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; and

- (e) Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by the Code Enforcement Officer.
- (2) Any person who proposes to undertake any activity or to operate any type of building listed in this Subsection A shall be required to obtain an operating permit prior to commencing such activity or operation.
- B. Applications for operating permits. An application for an operating permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.
- C. Inspections. The Code Enforcement Officer or an inspector authorized by the Code Enforcement Officer shall inspect the subject premises prior to the issuance of an operating permit.
- D. Multiple activities. In any circumstance in which more than one activity listed in Subsection A of this section is to be conducted at the location, the Code Enforcement Officer may require a separate operating permit for each such activity or the Code Enforcement Officer may, in his or her discretion, issue a single operating permit to apply to all such activities.
- E. Duration of operating permits. Operating permits shall remain in effect until reissued, renewed, revoked, or suspended.
- F. Revocation or suspension of operating permits. If the Code Enforcement Officer determines that any activity or building for which an operating permit was issued does not comply with any applicable provision of the Uniform Code, such operating permit shall be revoked or suspended.
- G. Fee. The fee specified in or determined in accordance with the provisions set forth in § 166-17 of this chapter must be paid at the time of submission of an application for an operating permit, for an amended operating permit, or for reissue or renewal of an operating permit.

§ 166-12. Firesafety and property maintenance inspections.

- A. Inspections required. Firesafety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an inspector designated by the Code Enforcement Officer at the following intervals:
 - (1) Firesafety and property maintenance inspections of buildings or structures which contain an area of public assembly shall be performed at least once every 12 months.

- (2) Firesafety and property maintenance inspections of buildings or structures being occupied as dormitories shall be performed at least once every 12 months.
- (3) Firesafety and property maintenance inspections of all multiple dwellings not included in Subsection A(1) or (2) of this section and all nonresidential buildings, structures, uses and occupancies not included in Subsection A(1) or (2) of this section shall be performed at least once every 12 months for properly opted out localities under the Environmental Sanitation Division, Ulster County Department of Health, and once every six months for County properties performed by the Ulster County Safety Department. **[Amended 8-17-2010 by L.L. No. 3-2010]**

B. Inspections permitted.

- (1) In addition to the inspections required by Subsection A of this section, a firesafety and property maintenance inspection of any building, structure, use, or occupancy or of any dwelling unit may also be performed by the Code Enforcement Officer or an inspector designated by the Code Enforcement Officer at any time upon:
 - (a) The request of the owner of the property to be inspected or an authorized agent of such owner;
 - (b) Receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or
 - (c) Receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist;
- (2) Provided, however, that nothing in this subsection shall be construed as permitting an inspection under any circumstance under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

C. OFPC inspections. Nothing in this section or in any other provision of this chapter shall supersede, limit or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control (OFPC) and the New York State Fire Administrator under Executive Law § 156-e and Education Law § 807-b.

D. Fee. The fee specified in or determined in accordance with the provisions set forth in § 166-17 of this chapter must be paid prior to or at the time of each inspection performed pursuant to this section. This subsection shall not apply to inspections performed by the OFPC.

§ 166-13. Complaints.

The Code Enforcement Officer shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this chapter, or any other local law, ordinance or regulation adopted for administration

and enforcement of the Uniform Code or the Energy Code. The process for responding to a complaint shall include such of the following steps as the Code Enforcement Officer may deem to be appropriate:

- A. Performing an inspection of the conditions and/or activities alleged to be in violation and documenting the results of such inspection.
- B. If a violation is found to exist, providing the owner of the affected property and any other person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation or otherwise proceeding in the manner described in § 166-16 of this chapter.
- C. If appropriate, issuing a stop-work order.
- D. If a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

§ 166-14. Recordkeeping.

- A. The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all code enforcement personnel, including records of:
 - (1) All applications received, reviewed and approved or denied;
 - (2) All plans, specifications and construction documents approved;
 - (3) All building permits, certificates of occupancy/certificates of compliance, temporary certificates, stop-work orders, and operating permits issued;
 - (4) All inspections and tests performed;
 - (5) All statements and reports issued;
 - (6) All complaints received;
 - (7) All investigations conducted;
 - (8) All other features and activities specified in or contemplated by §§ 166-5 through 166-13, inclusive, of this chapter; and **[Amended 8-17-2010 by L.L. No. 3-2010]**
 - (9) All fees charged and collected.
- B. All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by state law and regulation.

§ 166-15. Program review and reporting.

- A. The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of the County of Ulster, on a form prescribed by the Secretary of State, a report of the activities of the County of Ulster relative to administration and enforcement of the Uniform Code.
- B. The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, from the records and related materials the County of Ulster is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of the County of Ulster in connection with administration and enforcement of the Uniform Code.

§ 166-16. Enforcement; penalties for offenses.

- A. Compliance orders. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this chapter. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue a compliance order.
 - (1) The compliance order shall:
 - (a) Be in writing;
 - (b) Be dated and signed by the Code Enforcement Officer;
 - (c) Specify the condition or activity that violates the Uniform Code, the Energy Code, or this chapter;
 - (d) Specify the provision or provisions of the Uniform Code, the Energy Code, or this chapter which is/are violated by the specified condition or activity;
 - (e) Specify the period of time which the Code Enforcement Officer deems to be reasonably necessary for achieving compliance;
 - (f) Direct that compliance be achieved within the specified period of time; and
 - (g) State that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time.
 - (2) The Code Enforcement Officer shall cause the compliance order, or a copy thereof, to be served on the owner of the affected property personally or by certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the compliance order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work being performed at the affected property, personally or by certified mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the compliance order.
[Amended 8-17-2010 by L.L. No. 3-2010]

- B. Appearance tickets. The Code Enforcement Officer and each inspector are authorized to issue appearance tickets for any violation of the Uniform Code.
- C. Civil penalties. In addition to those penalties prescribed by state law, any person who violates any provision of the Uniform Code, the Energy Code or this chapter, or any term or condition of any building permit, certificate of occupancy/certificate of compliance, temporary certificate, stop-work order, operating permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this chapter, shall be liable to a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subsection shall be recoverable in an action instituted in the name of the County of Ulster.
- D. Injunctive relief. An action or proceeding may be instituted in the name of the County of Ulster in a court of competent jurisdiction to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this chapter, or any term or condition of any building permit, certificate of occupancy/certificate of compliance, temporary certificate, stop-work order, operating permit, compliance order, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this chapter. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this chapter, or any stop-work order, compliance order or other order obtained under the Uniform Code, the Energy Code or this chapter, an action or proceeding may be commenced in the name of the County of Ulster in the Supreme Court, or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subsection shall be commenced without the appropriate authorization from the executive officer the County of Ulster or, where appropriate or otherwise required under federal, state or local law, by the Legislature of the County of Ulster.
- E. Remedies not exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or penalty available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in § 166-7 (stop-work orders) of this chapter, in any other section of this chapter, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in § 166-7 (stop-work orders) of this chapter, in any other section of this chapter, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in Subdivision 2 of § 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in Subdivision 2 of Section § 382 of the Executive Law.

§ 166-17. Fees. [Amended 8-17-2010 by L.L. No. 3-2010]

A fee schedule shall be established by resolution of the Legislature of the County of Ulster. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications; the issuance of building permits, amended building permits, renewed building permits, certificates of occupancy/certificates of compliance, temporary certificates, and operating permits; firesafety and property maintenance inspections; and other actions of the Code Enforcement Officer described in or contemplated by this chapter. The Ulster County Commissioner of Health shall, for any localities that have properly opted out, with the approval of the Ulster County Board of Health, establish and from time to time amend the fees to be collected for building permits, certificates of occupancy/certificates of compliance, temporary certificates, operating permits, firesafety and property maintenance inspections and other actions of the Code Enforcement Officer. Such fees shall be effective upon filing of the same with the Ulster County Clerk's office. A schedule of such fees shall be made available upon request to the Environmental Sanitation Division of the Ulster County Department of Health. All requirements for payment of fees otherwise payable by applicants pursuant to such fee schedule shall be waived as they pertain to enforcement of the Uniform Code with respect to buildings, premises and equipment in the custody of or activities related thereto undertaken by the County of Ulster.

§ 166-18. Intermunicipal agreements.

The Legislature of the County of Ulster may, by resolution, authorize a locality within Ulster County to enter into an agreement, in the name of the County of Ulster, with other governments to carry out the terms of this chapter, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

Chapter 169

CONSUMER PROTECTION

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|---|---|
| § 169-1. Legislative intent. | § 169-7. Penalties for offenses; enforcement. |
| § 169-2. Word usage. | § 169-8. Consumer rights when overcharged by store. |
| § 169-3. Applicability. | § 169-9. Disposition of fines and penalties. |
| § 169-4. Definitions. | § 169-10. Consent decrees and agreements. |
| § 169-5. Item pricing required. | |
| § 169-6. Waiver of item pricing based on checkout accuracy. | |

[HISTORY: Adopted by the County Legislature of the County of Ulster by L.L. No. 5-2000; amended in its entirety 7-11-2007 by L.L. No. 12-2007. Subsequent amendments noted where applicable.]

§ 169-1. Legislative intent.

This chapter updates Local Law Number 5 of 2000. The Ulster County Legislature recognizes that clear, accurate pricing and checkout accuracy are basic consumer rights. It is the intent of this chapter to ensure that consumer goods offered for sale in Ulster County are clearly, accurately and adequately marked as to their selling prices.

§ 169-2. Word usage.

In this chapter, unless the context otherwise requires:

- A. Words in the singular number include the plural, and words in the plural include the singular.
- B. Words of the masculine, feminine or neuter gender include the feminine, neuter and/or masculine gender.

§ 169-3. Applicability.

- A. This chapter applies to every person engaged in the business of the selling consumer commodities in Ulster County, as the term "consumer commodities" is defined in § 214-h of the New York State Agriculture and Markets Law.
- B. Nothing in this chapter shall be construed to limit or restrict any right or remedy to which a person may be subject under common law or any other federal, state or local statute.

- C. Pursuant to this section, and provided that the selling prices are clearly displayed in Arabic numerals on signs clearly designating the consumer goods to which they refer, this chapter shall not apply to any retail store which:
- (1) Has as its only full-time employee the owner thereof, and the parent or the spouse or the child of the owner, and (in the addition thereto) not more than two other full-time employees;
 - (2) Had annual gross sales in a previous calendar year of less than \$500,000, unless the retail store is part of a network of subsidiaries, affiliates or other member stores under direct or indirect common control which, as a group, had annual gross sales in a previous calendar year of \$500,000 or more; or
 - (3) Engages primarily in the sale of food for consumption on the premises or in a specialty trade that the Legislature decides, by resolution, would be inappropriate for item pricing.

§ 169-4. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

COMPUTER-ASSISTED CHECKOUT SYSTEM — Any electronic device, computer system or machine, including but not limited to laser scanners, which determines the selling price of consumer goods by interpreting coded information.

CONSUMER COMMODITIES — The following, however packaged or contained:

- A. Food, including all material, solid, liquid or mixed, whether simple or compound, used or intended for consumption by human beings or domestic animals normally kept as household pets and all substances or ingredients to be added thereto for any purpose;
- B. Napkins, facial towels, toilet tissue, foil wrapping, plastic wrapping, paper toweling, and disposable plates;
- C. Detergents, soaps and other cleansing agents; and
- D. Nonprescription drugs, female hygiene products and toiletries.

CONSUMER GOODS — Consumer commodities sold by any person, firm, partnership, corporation or association who or which sells, offers for sale or exposes for sale at retail in a food store or grocery department of a general merchandise store a consumer commodity as defined in § 214-h of the New York State Agriculture and Markets Law.

FOOD STORE — A store selling primarily food at retail, which store is not primarily engaged in the sale of food for consumption on the premises or which is not primarily engaged in a specialty trade which the Legislature determines, by regulation, would be inappropriate for unit pricing. **[Amended 8-17-2010 by L.L. No. 3-2010]**

LARGE FOOD STORE — A food store containing retail space of more than 15,000 square feet.

LARGE OVERCHARGE — An error of \$0.25 or more on any individual item.

PERSON — Includes without limitation any individual, firm, joint venture, association, copartnership, group, corporation or any other legal entity or combination of entities whatsoever.

PRICE LOOKUP FUNCTION — The capability of any checkout system to determine the retail price for an item of consumer goods by way of either automatic or manual entry into the system of a code assigned to that particular item.

SMALL FOOD STORE — A food store containing retail space of up to 15,000 square feet.

STOCKKEEPING ITEM (SKI) — Each individual item within a stockkeeping unit.

STOCKKEEPING UNIT (SKU) — Each group of items offered for sale of the same brand name, quantity of contents, variety and retail price.

§ 169-5. Item pricing required.

- A. The selling price shall be clearly stamped, tagged, labeled or otherwise marked in Arabic numerals on each item of consumer goods offered for sale in Ulster County.
- B. The provisions of this Subsection A of this section shall not apply to the following consumer goods, provided that the selling price and the unit of measure are clearly displayed in Arabic numerals on a sign, clearly designating the particular consumer goods to which it refers, located as close as practical, and closer than other signs, to the location at which the goods are displayed:
 - (1) Fresh milk.
 - (2) Fresh eggs.
 - (3) Consumer goods which are displayed loose in bulk, not packaged prior to sale, and which are packaged for or by the consumer at the time of sale, such as but not limited to fresh produce, fresh baked goods, and coffee beans.
 - (4) Frozen food.
 - (5) Foods sold for consumption on the premises as well as foods prepared for immediate consumption but sold as takeout or sold from vending machines operated by the consumer.
 - (6) Snack food, such as but not limited to gum, candy, cakes, chips and nuts, offered for sale in single packages, weighing five ounces or less and costing less than \$1.
 - (7) Cigarettes and cigars sold by the pack or by the carton.
 - (8) Single containers of nonalcoholic beverages where the selling prices for different flavors packaged in identical sizes or quantities are the same.
 - (9) Nonfood stockkeeping units which are under three cubic inches in size and weigh less than three ounces and are priced under \$1.

- (10) Baby foods in containers with a net weight of six ounces or less.
 - (11) Yogurt packaged and sold in single containers.
 - (12) Packaged nonrefrigerated gelatin, pudding and gelatin or pudding products.
- C. The provisions of Subsection B of this section may be subsequently modified either by adding or deleting consumer goods from the list of exemptions, provided that a resolution supporting such modification is passed by the Ulster County Legislature.
- D. The County Sealer of Weights and Measures may further direct the manner in which the selling price of the exempted consumer goods shall be posted.
- E. It shall be a violation of this chapter to:
- (1) Stamp, tag, label or otherwise mark more than one selling price upon an item of consumer goods offered for sale in Ulster County unless the prior selling price is unmistakably deleted or obliterated or is otherwise marked so as to indicate clearly that the prior selling price is not the current selling price.
 - (2) Stamp, tag, label or otherwise mark any item of consumer goods at a selling price greater than the selling price advertised or displayed for that item.
 - (3) Sell or offer for sale any consumer goods or services at a greater price than the price displayed or advertised therefor.
 - (4) Sell or offer for sale any consumer goods that do not have a selling price displayed in conformity with Subsection A or B of this section.
 - (5) Use a computer-assisted checkout system or price lookup function that determines a retail selling price that exceeds the lower of any shelf, sale or advertised price for any item of consumer goods offered for sale.

§ 169-6. Waiver of item pricing based on checkout accuracy.

- A. Every person, store, firm, partnership, corporation, or association which uses a computer-assisted checkout system and which would otherwise be required to item price as provided in § 169-5 of this chapter may make application in writing to the County Sealer of Weights and Measures (County Sealer) for a waiver of said item pricing requirement. A separate application shall be required for each store. Each application shall be subject to a nonrefundable processing fee to cover the cost of conducting scanner accuracy inspections as provided in Subsection B of this section. The County Sealer shall determine the processing fee and may revise it from time to time, but in no event shall said fee exceed \$1,500 per application for a large food store or \$1,000 per application for a small food store.
- B. Upon receipt of an application and fee as provided in Subsection A of this section, the County Sealer shall cause to be conducted two scanner accuracy inspections of the store for which the application has been submitted. These inspections shall be conducted on two separate days and shall consist of comparing the shelf, sale or advertised price of any stockkeeping unit (SKU) with the computer-assisted checkout system price. Such

inspection shall consist of at least 100 SKUs, but no more than 500, selected at the discretion of the County Sealer. In the event that any violations are detected, penalties shall be assessed as provided in § 169-7F, G and H of this chapter. If, considering both inspections together, the number of SKUs found in violation does not exceed 2% of all SKUs inspected, the County Sealer shall grant to the applicant a one-year revocable waiver from the item pricing requirement. Any store with a current waiver shall be exempt from the requirements of § 169-5 of this chapter.

- C. A waiver from item pricing shall be valid for a period of one year from the date of issuance. Stores may reapply annually for renewal of a waiver. A processing fee and two inspections shall be required for each annual renewal application, as required for an original waiver application.
- D. In the event that total violations in excess of 2% are discovered in the inspections provided for in Subsection B or C of this section, the County Sealer shall deny a waiver to the applicant. If the owner of the store still wishes a waiver, such store must promptly reapply for a waiver and pay the required fee to the County Sealer within five business days after being notified of the failure. Stores that do not reapply must promptly come into compliance with all requirements of § 169-5 and may not again reapply for a waiver until at least one year after denial by the County Sealer.
- E. In the event that the County Sealer is unable to conduct inspection pursuant to Subsection B of this section within 90 days of receipt of a complete waiver application and proper processing fee, the County Sealer may grant a temporary waiver pending completion of inspections. The County Sealer shall cause said inspections to be completed as soon as practicable. If, upon completion, the inspections detect a violation rate of 2% or less, the County Sealer shall issue a regular waiver with an expiration date one year from the commencement date of the temporary waiver. If the inspections detect a violation rate in excess of 2%, the temporary waiver shall be immediately revoked and compliance with § 169-5 shall be required and the provisions of Subsection D of this section shall apply. **[Amended 8-17-2010 by L.L. No. 3-2010]**
- F. As a condition of the waiver from item pricing pursuant to this section, each store that accepts a waiver must agree to meet the following requirements, and no regular or temporary waiver shall be granted to a store that has not agreed to these requirements in writing:
 - (1) The store shall designate and make available price check scanners to enable consumers to confirm the prices of stockkeeping items (SKIs). These price check scanners shall be in locations convenient to consumers with signs of sufficient sized lettering identifying these units to consumers. Stores will submit their proposals for signs, numbers of devices and device locations to the County Sealer for approval.
 - (2) The store shall not charge any customer a price for any SKI that exceeds the item, shelf, sale or advertising price of the SKI, whichever is least.
 - (3) The store shall cause to be posted in a conspicuous location, accessible by all consumers and approved by the County Sealer, a sign explaining the rights of consumers consistent with § 169-7 of this chapter. The County Sealer will specify

- the content and size of the sign by regulation. The store is also required to post the temporary or annual waiver in the area designated for handling price discrepancies.
- (4) The store shall make payment to consumers who have been overcharged as provided in § 169-7 of this chapter. Each store is required to designate at least one individual who is authorized to issue these payments during all of the store's operating hours.
 - (5) The store shall correct all pricing errors identified by consumers at store level within one hour and, if applicable, at their firm, partnership, corporation, or association within 24 hours.
 - (6) The store shall clearly display the selling price at the point of SKU display by either placing signs or shelf tags as close as practical to the location at which the SKUs are displayed and/or by stamping, tagging, labeling or otherwise marking each stockkeeping item. Failure to display the selling price for a SKU, consistent with this subsection, constitutes a scanner error.
 - (7) At any time, the Sealer of Weights and Measures may direct compliance inspections of any store accepting a waiver. These inspections shall consist of comparing the item, shelf, sale or advertised price of any stockkeeping unit (SKU) with the computer-assisted checkout system price. Such inspection shall consist of not fewer than 100 nor more than 500 SKUs selected at the discretion of the County Sealer. In the event that any violations are detected, penalties shall be assessed as provided in § 169-7F, G and H of this chapter. In the event that the number of SKUs found in violation equals or exceeds 2% of all SKUs inspected, the County Sealer may revoke the store's waiver from the item pricing requirement. A store may promptly reapply for a waiver and pay the required fee to the County Sealer within five business days after being notified of the failure. Stores that do not reapply must promptly come into compliance with all the requirements of § 169-5 and may not again reapply for a waiver until at least one year after revocation.

§ 169-7. Penalties for offenses; enforcement.

- A. Any person who violates any provision of this chapter, or who fails to comply with any order made by an enforcement officer pursuant to this chapter, shall be guilty of a violation and subject to a civil penalty. Noncompliance within a stockkeeping unit shall constitute a single violation, unless otherwise indicated by this chapter.
- B. For failure to clearly, accurately or adequately mark consumer goods as to their selling prices as required by this chapter, civil penalties shall be imposed and fixed by the County Sealer of Weights and Measures.
- C. For failure to clearly, accurately or adequately mark consumer goods as to their selling prices as required by this chapter, penalties shall not exceed \$500 for each violation nor exceed a total penalty of \$15,000 per day.

- D. The primary responsibility for administration and enforcement of this chapter shall be with the County Sealer of Weights and Measures, except where otherwise noted herein. The County Sealer of Weights and Measures and his designees shall act as enforcement officers for this chapter, and the County Sealer may bring an action in any court of competent jurisdiction to recover any penalties and shall also recover in such action as an additional penalty reasonable attorney fees to be fixed and assessed by the court, irrespective of whether or not the County Sealer is represented by the County Attorney in such action.
- E. In stores with computer-assisted checkouts, enforcement officers shall be permitted to compare the item, shelf, sale or advertised price of any consumer goods with the programmed computer price. A store representative shall afford the enforcement officer access to the test mode of the checkout system in use or to a comparable function of the checkout system and to the retail price information contained in the price lookup function.
- F. For violations resulting from a computer-assisted checkout system or price lookup function that determines a retail selling price exceeding the lower of any item, shelf, sale or advertised price for any item of consumer goods offered for sale, penalties shall not exceed \$500 for each violation nor exceed a total penalty of \$15,000 per day.
- G. An enforcement officer shall have the authority to issue a stop-removal order with respect to any device, system or consumer goods being used, handled, offered for sale or exposed for sale in violation of § 169-5 of this chapter.
- (1) Any stop-removal order issued with respect to any stockkeeping item shall be in writing, shall list the violations and shall direct that any stockkeeping unit in violation shall not be sold, offered for sale or exposed for sale until the violations are corrected.
 - (2) Any stop-removal order issued with respect to any device or system shall be in writing and shall list the violations. Such stop-removal order shall be stayed for up to two hours after the inspector provides the written stop-removal order to the retail store, provided that, until the violations are corrected, either the stockkeeping units which are affected by the violations are not sold, offered for sale or exposed for sale or signs are posted conspicuously at or near each checkout which clearly disclose to store employees and consumers which stockkeeping units are affected by the violations and their correct price, and the retail store ensures that consumers are charged the correct prices.
- H. The County Attorney, in the name of the County, may, upon request of the County Sealer of Weights and Measures, in addition to any other action authorized hereunder, maintain an action or proceeding in court of competent jurisdiction on behalf of the County Sealer of Weights and Measures to compel compliance with or restrain by injunction any violation of this chapter, notwithstanding any other provision hereof providing for a penalty or other punishment.

§ 169-8. Consumer rights when overcharged by store.

- A. Any consumer who suffers a loss because the price charged for a SKI is greater than the item, shelf, sale, or advertised price may seek a super-refund. A super-refund entitles the consumer to receive the overcharged SKI free, the difference between the price charged and the lower of the item, sale, shelf or advertised price, plus an amount equal to 10 times that difference but not less than \$1 nor more than \$10. Within the same transaction, each subsequent overcharge for the same SKU entitles a consumer to an additional refund equal to the difference between the price charged and the lower of the item, sale, shelf or advertised price, plus \$1.
- B. To collect a super-refund, a consumer must notify the store in person or in writing that the price charged is more than the item, sale, shelf, or advertised price. The consumer shall provide evidence of the overcharge. As soon as practical, and in any case within one hour after receipt of such notification and verification of the overcharge, the store shall compensate the consumer as specified in Subsection A of this section.
- C. If the store fails to tender a super-refund within the time set forth in this chapter, the consumer may request a review by the County Sealer. Within 10 working days of the receipt of such a request, the County Sealer shall determine what payment, if any, is due under this section. A store that fails to comply with the County Sealer's determination or any other provision of this section is considered in violation and subject to penalties under § 169-7 of this chapter.
- D. A store may set an overcharge refund policy more generous than required by this chapter, provided that policy is approved by the Sealer of Weights and Measures and a copy of the Sealer's approval is kept on file in the store.

§ 169-9. Disposition of fines and penalties.

All fines and penalties imposed and collected by reason of civil enforcement of this chapter shall be paid to the County of Ulster and credited to the general fund.

§ 169-10. Consent decrees and agreements.

On consent of the County Sealer of Weights and Measures and a person accused of violating this chapter, a consent decree or agreement may be entered into. No such consent decree or agreement shall restrict any legal right or remedy to which any consumer complaining of the matter which is the subject of such consent decree or agreement might otherwise be entitled, unless such consumer is a party thereto.

Chapter 181

DREDGE MATERIAL SITES AND DISPOSAL FACILITIES

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| § 181-1. Legislative findings and intent. | § 181-5. Enforcement; penalties for offenses. |
| § 181-2. Definitions. | § 181-6. Additional penalties. |
| § 181-3. Permit required. | § 181-7. Moratorium. |
| § 181-4. Powers of Public Health Director; permits; rules and regulations. | § 181-8. Environmental compliance. |

[HISTORY: Adopted by the County Legislature of the County of Ulster by L.L. No. 3-1997. Amendments noted where applicable.]

§ 181-1. Legislative findings and intent.

The Ulster County Legislature hereby finds that dredge material such as that from the Hudson River or New York harbor is often contaminated with polychlorinated biphenyls (PCBs), dioxin or other toxic chemicals so that its disposal on land in Ulster County can imperil the health and safety of the residents of the County by affecting water and air quality and producing direct or indirect exposure of the population to these various toxic chemicals. Because of Ulster County's topography, geology, population concentrations, numerous public water supplies, and the existence of parks and preserves, there exist a relatively small number of sites for disposal of dredge material. This chapter is intended to regulate disposal of such dredge material so as to ensure that unacceptable toxic chemicals not be released or discharged into the environment and to eliminate the aforementioned effects by requiring that such disposal take place only upon sites which have been approved under the terms and conditions of a permit issued by the County's Public Health Director.

§ 181-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

DISPOSAL — The discharge, deposit, injection, dumping, spilling, leaking or placing of any dredge material so that such dredge material or any related constituent thereof may enter the environment, or the abandonment of any dredge material. "Disposal" also means the thermal destruction, decontamination, treatment and/or soil washing of dredge material.

DREDGE MATERIAL — Earth, sediment, rock, sludge or other matter dredged or otherwise removed or excavated from the Hudson River or any other body of water, wherever located, which is navigable in fact or which is being made navigable in fact by dredging.

DREDGE MATERIAL DISPOSAL FACILITY — Any facility employed beyond the initial dredge material collection process, including but not limited to dredge material, rail haul or barge haul facilities, processing systems, or other facility reducing dredge material volume, landfills, plants and facilities for compacting, composting or pyrolyzation of dredge material, incinerators and dredge material disposal, reduction or conversation facilities.

DREDGE MATERIAL SITE — Any lands in Ulster County upon which dredge material is placed.

ENVIRONMENT — Air, water, minerals, flora or fauna.

NAVIGABLE IN FACT — Navigable in its natural or unimproved condition, affording a channel for useful commerce of a substantial and permanent character conducted in the customary mode of trade and travel on water. A theoretical or potential navigability, or one that is temporary, precarious and unprofitable, is not sufficient, but to be navigable in fact a lake or stream must have practical usefulness to the public as a highway for transportation.

PERSON — Any individual, public or private corporation, political subdivision, government agency, municipality, industry, copartnership, association, firm, trust, estate or any other legal entity whatsoever.

PUBLIC HEALTH DIRECTOR — The Public Health Director of Ulster County or Commissioner of Health of Ulster County, if any.

TOXIC CHEMICAL — Any chemical substance whose exposure to human life causes or is reasonably suspected to cause human disease, or as specifically designated by the rules and regulations of the Public Health Director as hereinafter authorized.

§ 181-3. Permit required.

No person shall own or operate any dredge material disposal facility or any dredge material site or, being the owner thereof, place or allow, suffer or permit any other person to place dredge material upon any dredge material site or engage in the disposal of dredge material without a permit therefor issued by the Public Health Director of Ulster County and then only in accordance with the terms and conditions of such permit.

§ 181-4. Powers of Public Health Director; permits; rules and regulations.

- A. The Public Health Director of Ulster County is authorized to issue permits for the ownership and/or operation of dredge material sites and/or dredge material disposal facilities.
- B. Before issuing any such permit the applicant therefor shall satisfy the Public Health Director by appropriate scientific evidence and studies that the proposed site is so located and will be so constructed and managed as to eliminate any measurable discharge of toxic chemicals into underground or surface water and minimize discharge into the atmosphere to not exceed levels fixed by the Public Health Director. The Public Health Director may condition the issuance and continuation of any such permit upon such terms and conditions as will ensure compliance with this standard.
- C. The Public Health Director may revoke any such permit upon a finding, made after a hearing held in accordance with the provisions of § 71-1709 of the Environmental Conservation Law, that the permit holder has violated any of such terms and conditions. The Public Health Director in his discretion may also impose a penalty of \$10,000 for each such violation.

D. The Public Health Director is authorized to adopt and amend rules and regulations governing the issuance and continuation of permits authorized under this chapter and the terms and conditions thereof and governing the operation, siting, design and construction of dredge material sites and dredge material facilities.

(1) Such rules and regulations:

(a) Shall be directed at the prevention or reduction of:

[1] Water pollution;

[2] Air pollution;

[3] Noise pollution;

[4] Obnoxious odors;

[5] Unsightly conditions caused by uncontrolled release of materials;

[6] Infestation of flies and vermin; and

[7] Other conditions inimical to the public health, safety and welfare.

(b) May identify specific toxic chemicals and acceptable levels of discharge thereof into the atmosphere, if any.

(c) May require the posting of a performance bond as a condition of permit issuance to insure compliance with permit terms and conditions.

(d) Shall be effective upon filing with the Ulster County Clerk.

(2) In addition, in adopting such rules and regulations, the Public Health Director shall give due regard to the economic and technological feasibility of compliance herewith. Any rule or regulation promulgated pursuant hereto may differ in its terms and provisions as between particular types of dredge material or dredge material facilities and as between particular areas of the County.

E. In accordance with Chapter 304, Solid Waste, Article I, § 304-3, no dredge material originating outside the County may be deposited, or caused or allowed to be deposited, in any refuse disposal area within the County of Ulster. **[Added 8-17-2010 by L.L. No. 3-2010]**

§ 181-5. Enforcement; penalties for offenses.

This chapter may be enforced by an action for injunctive relief brought in the name of the County by the County Attorney. In addition, the Public Health Director, after a hearing held in accordance with the provisions of § 71-1709 of the Environmental Conservation Law, may assess a civil penalty in the amount of \$10,000 per day for each day that a violation of this chapter continues, to be recovered in an action brought in the name of the County against any violator of this chapter.

§ 181-6. Additional penalties.

- A. In addition to the penalties set forth in § 181-5, the Public Health Director, after the hearing referred to in such section, shall have the power to order:
- (1) The violator to restore the affected dredge material site or dredge material disposal facility or area immediately adjacent thereto to its condition prior to the violation, insofar as that is possible within a reasonable time and under the supervision of the Public Health Director.
 - (2) The forfeiture to the County of Ulster of any equipment or vehicles used in committing the violation, whether or not such equipment or vehicles are owned by the violator.
- B. Any such order under this section may be enforced by an action brought in the name of the County by the County Attorney against the violator and/or owner of any such equipment or vehicle.

§ 181-7. Moratorium.

For the purpose of maintaining the status quo and allowing the Public Health Director to develop rules and regulations pursuant to the provisions of § 181-4 hereof, the Public Health Director shall not be authorized to issue any permits for the activities described in § 181-3 hereof for a period of nine months following the date this chapter becomes effective. The Public Health Director may however undertake and participate in any procedure required for State Environmental Quality Review Act¹ review of any such activities during such period.

§ 181-8. Environmental compliance.

All actions and proceedings by the Public Health Director hereunder shall be in compliance with the New York State Environmental Quality Review Act and rules and regulations promulgated thereunder. It is hereby found and determined that the adoption of this chapter will not have a significant effect on the environment.

1. Editor's Note: See Art. 8, § 8-0101 et seq. of the Environmental Conservation Law.

Chapter 198
FEES AND CHARGES

ARTICLE I
Enhanced 911 Surcharge

- § 198-1. Findings.
- § 198-2. Authority; surcharge imposed.
- § 198-3. Exceptions.
- § 198-4. Commencement of service.
- § 198-5. Commencement of surcharge collection.

ARTICLE II
Family Court Petitions

- § 198-6. Probation Department authorized to prepare petitions.
- § 198-7. Authorization to charge fee.

- § 198-8. Waiver of fee.

ARTICLE III
Administrative Fee for Probationers

- § 198-9. Legislative findings.
- § 198-10. Authorization to charge fee.
- § 198-11. Waiver of fee.
- § 198-12. Use of fees collected.

ARTICLE IV
Surcharge on Wireless Communications Devices

- § 198-13. Authority; surcharge imposed.
- § 198-14. Effective date.

[HISTORY: Adopted by the County Legislature of the County of Ulster as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Enhanced 911 Surcharge
[Adopted by L.L. No. 3-1990]

§ 198-1. Findings.

The Ulster County Legislature, in order to provide for the protection of the health, safety and welfare of persons in the County, finds it in the public interest for there to be an enhanced 911 emergency telephone system operating in Ulster County.

§ 198-2. Authority; surcharge imposed.

Pursuant to the authority granted to the Legislature by County Law § 303, there is hereby imposed a surcharge of \$0.35 per month on each local telephone exchange access line in the County, subject to the restrictions contained herein.

§ 198-3. Exceptions.

The surcharge herein shall not apply to:

- A. More than 75 local exchange access lines per customer per location.
- B. Any "lifeline" customers of local telephone service suppliers.
- C. The access lines of the County of Ulster.

§ 198-4. Commencement of service.

The estimated target date for the commencement of enhanced 911 emergency telephone service in Ulster County is September 30, 1993.

§ 198-5. Commencement of surcharge collection.

All suppliers of local telephone exchange access lines shall begin to add the surcharge of \$0.35 per month as herein provided to all service bills issued after January 1, 1991, or as soon as possible thereafter, subject to the exclusions contained herein.

ARTICLE II
Family Court Petitions
[Adopted by L.L. No. 6-1991]

§ 198-6. Probation Department authorized to prepare petitions.

The Ulster County Probation Department is hereby authorized to prepare petitions for Family Court within the limits of its resources.

§ 198-7. Authorization to charge fee.

The Ulster County Probation Department is hereby authorized to charge a fee of \$25 for each petition prepared or such other fee as may be from time to time established by resolution of the County Legislature.

§ 198-8. Waiver of fee.

The Director of the Probation Department is hereby authorized to waive the charging of each fee when the petitioner is a recipient of social services or, in his discretion, where the petitioner has established to the Director's satisfaction that the petitioner is unable to pay such fee.

ARTICLE III
Administrative Fee for Probationers
[Adopted by L.L. No. 1-1993]

§ 198-9. Legislative findings.

The Ulster County Legislature hereby determines that those persons sentenced to a period of probation upon conviction of any crime under Article 31 of the Vehicle and Traffic Law¹ should be required to pay a fee to offset the administrative costs of the probation.

§ 198-10. Authorization to charge fee.

The Ulster County Probation Department is hereby authorized to charge an administrative fee of \$30 per month to individuals currently serving or who shall be sentenced to a period of probation upon conviction of any crime under Article 31 of the Vehicle and Traffic Law of the State of New York.

§ 198-11. Waiver of fee.

The Department shall waive all or part of such fee where, because of the indigence of the offender, the payment of said surcharge would work an unreasonable hardship on the person convicted, his or her immediate family, or any other person who is dependent on such person for financial support.

§ 198-12. Use of fees collected.

Moneys collected pursuant to this article shall be utilized for probation services for the local Probation Department but shall not be used to replace federal funds otherwise for probation services.

ARTICLE IV
Surcharge on Wireless Communications Devices
[Adopted 8-1-2002 by L.L. No. 2-2002]

§ 198-13. Authority; surcharge imposed.

Pursuant to the authority granted to the Legislature by County Law § 308-a, there is hereby imposed a surcharge of \$0.30 per month on each wireless communication device within the County of Ulster, as is more particularly set forth in said statute.

§ 198-14. Effective date.

Each wireless communication service supplier shall begin to add such surcharge to the billings of its customers on October 1, 2002, or 45 days after receiving written notice hereof, whichever occurs later.

1. Editor's Note: Article 31 is titled "Alcohol and Drug-Related Offenses and Procedures Applicable Thereto."

Chapter 205
FOOD SERVICE

ARTICLE I
Menu Labeling

§ 205-1. Title.

§ 205-2. Calorie information for menu items.

§ 205-3. Legislative findings.

§ 205-4. Definitions.

§ 205-5. Enforcement; penalties for offenses.

§ 205-6. When effective.

[HISTORY: Adopted by the County Legislature of the County of Ulster as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Menu Labeling
[Adopted 4-7-2009 by L.L. No. 1-2009]

§ 205-1. Title.

This article shall be known as the "Ulster County Menu Labeling Act of 2009."

§ 205-2. Calorie information for menu items.

Chain food service establishments shall post on menu boards, menus, and food display tags the calorie content values (in kcal) for each menu item next to the listing of each menu item.

- A. Menu boards and menus. The term "calories" or "cal" shall appear as a heading above a column listing the calorie content value of each menu item or directly adjacent to the calorie content value for each menu item.
- (1) Menu boards. On menu boards, calorie content values shall be legible, posted clearly and conspicuously, and displayed in a color as or more prominent than the color in which the name of the menu item or price of the menu item is displayed. Calorie content values shall also be posted in a size and typeface at least as large as the name of the menu item or price, whichever is larger.
 - (2) Menus. On printed menus, calorie content values shall be legible, printed conspicuously, and displayed in a color as or more prominent than the color in which the name of the menu item or price of the menu item is displayed. Calorie content values shall also be printed in a size and typeface at least as large as the name or price of the menu item.
 - (3) Food display tags. If a restaurant or similar retail food establishment provides a salad bar, buffet line, cafeteria service, food display case, or arrangement where food is on display, it must provide calories per standard item next to where the

item is offered in a size and typeface that are prominent and legible from where customers are choosing those items.

- B. For menu items that come in different flavors and varieties but that are listed as a single menu item, such as, but not limited to, soft drinks, ice cream, pizza, and doughnuts, the median value for calories for all flavors or varieties shall be listed on menus and menu boards if the calorie values for all flavors or varieties are within 20% of the median. If the calorie values are not within 20% of the median, then the range for all the flavors or varieties of that menu item shall be listed from the lowest to the highest value. If a menu item that comes in different varieties is on display with a name placard or similar signage, the calories per serving as offered for sale shall be listed on the placard along with the name. If a menu item is not on display, nutrition information for each individual flavor or variety shall be provided in writing at the point of ordering.
- C. Chain food service establishment owners or operators shall provide to the Department, if requested, information documenting the accuracy of the calorie labeling required by this section.
- D. The Ulster County Board of Health may promulgate rules and regulations as may be necessary to outline parameters and procedures and as may otherwise be necessary to effectuate the purposes of this article.

§ 205-3. Legislative findings.

- A. The Healthy Eating and Living (HEAL Ulster County) Initiative was created in 2007 to quantify the severity of childhood obesity in Ulster County schools and develop initiatives that combat this public health crisis on a local level. In February 2007, a body mass index screening study was commissioned to help determine the scope of childhood obesity in Ulster County. HEAL Ulster initiated a survey of all school districts in Ulster County to understand the level and type of data collection and if they would be willing to participate in a body mass index (BMI) screening for grades one to three.
- B. The participating school nurse, the school's health practitioner or the child's personal physician recorded data from the 2006-2007 school year. Data was used from 2,105 students, 1,027 first graders and 1,078 second graders. Of the 2,105 children, 2% were underweight, 61.85% were of a healthy weight, 16.58% were at risk of becoming overweight, and 19.57% were overweight with 4.75% being extremely overweight. In total, 36.15% of the children (18.48% males and 17.67% females), or one in three, are overweight or at risk of becoming overweight.
- C. One of the goals for Healthy People 2010 is to "promote health and reduce chronic disease associated with diet and weight" by reducing the proportion of children age six to 11 who are overweight or obese to 5% (United States Department of Health and Human Services). [Healthy Eating and Living (HEAL) body mass index screening study: <http://www.ulstercountyny.gov/health/UHDBMISStudyfinal.pdf>.]
- D. According to the United States Centers for Disease Control, since the mid seventies, the prevalence of overweight and obesity has increased sharply for both adults and children. Data from two national health and nutrition examination surveys shows that among

adults aged 20 years, the prevalence of obesity increased from 15.0% (in the 1976 survey) to 32.9% (in the 2003 survey). The two surveys also show increases in overweight among children and teens. For children aged two years, the prevalence of overweight increased from 5.0% to 13.9%; for those aged six years, the prevalence increased from 6.5% to 18.8%; and for those aged 12 years, the prevalence increased from 5.0% to 17.4%. These increasing rates raise concern because of their implications for Americans health. Being overweight or obese increases the risk of many diseases and health conditions, including the following: hypertension, dyslipidemia (for example, high total cholesterol or high levels of triglycerides), type 2 diabetes, coronary heart disease, stroke, gallbladder disease, osteoarthritis, sleep apnea and respiratory problems, and some cancers (endometrial, breast and colon). A prime cause of overweight and obesity is eating too many calories and not getting enough physical activity. **[Amended 8-17-2010 by L.L. No. 3-2010]**

- E. A key recommendation of a recent Food and Drug Administration sponsored expert group report on obesity and eating away from the home was that "Away-from-home food establishments should provide consumers with calorie information in a standard format that is easily accessible and easy to use. Participants believe that information should be provided in a manner that is easy for consumers to see and use as part of their purchasing and eating decisions. Information should be provided for any standard menu item offered on a regular and ongoing basis that is prepared from a standardized recipe, whether the item is an entire meal or a meal component."
- F. This article will require chain food service establishments in Ulster County to list the calorie content values of menu items on menus and menu boards. Such information, clearly displayed at the point of decision, will allow consumers in Ulster County to exercise personal responsibility and make informed choices for a growing part of their diets.

§ 205-4. Definitions.

For purposes of this article, the meaning of terms used in this article shall be as follows:

CHAIN FOOD SERVICE ESTABLISHMENT — A food service establishment which is permitted for operation by the Ulster County Department of Health and that is one of a group of 15 or more food service establishment locations in the United States, whether in Ulster County or elsewhere, offering for sale substantially the same menu items, in servings that are standardized for portion size and content, that operate under common ownership or control or as franchised outlets of a parent business or do business under the same name.

DEPARTMENT — The Ulster County Department of Health.

FOOD DISPLAY TAG — A written or printed description of a food or beverage placed in the vicinity of the item, such as a label or placard identifying a type or the price of ice cream, pastry or doughnut.

MENU — A printed list or pictorial display of food items, and their price(s), that are available for sale from a chain food service establishment and shall include menus distributed or provided outside of the establishment.

MENU BOARD — Any list or pictorial display of food items and their price(s) posted in and visible within a chain food service establishment or outside of a chain food service establishment for the purpose of ordering, such as from a drive-through window.

MENU ITEM — Any individual food item, or combination of food items, listed or displayed on a menu board, menu or food display tag that is sold by a chain food service establishment.

§ 205-5. Enforcement; penalties for offenses.

- A. For the purpose of this article, the term "enforcement officer" shall mean the Ulster County Board of Health or its designee. The enforcement officer may cause to have issued and served upon the person complained against a written notice, together with a copy of the complaint made against him, which shall specify the provisions of this article of which such person is said to be in violation and a statement of the manner in which that person is said to violate it and shall require the person so complained against to answer the charges of such complaint at a public hearing before the Board of Health or its designated hearing officer at a time not less than 15 days after the date of service of notice. The Board of Health may serve, together with a copy of complaint, a stipulation offer to the person complained against to enter into a stipulation under the terms and conditions as set forth in the stipulation offer. The person complained against shall have the option of entering into the stipulation or proceeding with a formal hearing.
- B. If the enforcement officer determines after a hearing that a violation of this article has occurred, a civil penalty may be imposed by the enforcement officer pursuant to Subsection F of this section. Nothing herein shall be construed to prohibit an enforcement officer from commencing a proceeding for injunctive relief to compel compliance with this article.
- C. Any person who desires to register a complaint under this article may do so with any appropriate enforcement officer.
- D. The decision of any hearing officer shall be reviewable pursuant to Article 78 of the Civil Practice Law and Rules.
- E. The enforcement officer, subsequent to any appeal having been finally determined, may bring an action to recover the civil penalty provided in Subsection F of this section.
- F. Any person who violates any provision of this article shall be guilty of a violation punishable by a civil penalty not to exceed \$200 a day.

§ 205-6. When effective.

This article shall take effect 180 days after its adoption by the Ulster County Legislature.

Chapter 221

INSURANCE

ARTICLE I

Fire Insurance Claims

§ 221-1. Release or returns of proceeds upon restoration of premises.

[HISTORY: Adopted by the County Legislature of the County of Ulster as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Fire Insurance Claims

[Adopted by L.L. No. 3-1980]

§ 221-1. Release or returns of proceeds upon restoration of premises.

Pursuant to § 22, Subdivision 4 of the General Municipal Law of the State of New York, in cases where the County has claimed against the proceeds of a policy of fire insurance insuring the interests of an owner and issued on real property located therein pursuant to said provision of law, there shall be released or returned to the insured any amount which the County would otherwise be entitled to claim, provided that the insured agrees with the County in writing to restore the affected premises to the same or improved condition that it was in prior to the time that the lien of the County against such proceeds as provided by law arose, subject to such conditions as shall be provided by resolution of the County Legislature to guarantee performance of such obligations.

Chapter 245

MOBILE HOMES AND MANUFACTURED HOMES

§ 245-1. Findings and legislative intent.

§ 245-4. Right to sell.

§ 245-2. Definitions.

§ 245-5. Enforcement and remedies.

§ 245-3. Grounds for eviction.

[HISTORY: Adopted by the County Legislature of the County of Ulster by L.L. No. 7-1989. Amendments noted where applicable.]

§ 245-1. Findings and legislative intent.

- A. This Legislature hereby finds and declares that the shortage of decent affordable housing for persons of low and moderate income remains significant and must be addressed in new and innovative ways; that a particular housing problem exists for homeowners residing in manufactured or mobile home parks,¹ wherein there is the potential for serious dislocation of families and loss of equity through the sale of manufactured or mobile homes; that manufactured or mobile home park residents frequently lack the resources to purchase new homes or move existing homes; and that in Ulster County there are over 82 manufactured or mobile home parks in which several thousand manufactured or mobile home owners reside. These manufactured or mobile home owners are a unique combination of homeowner and tenant since they own their home but rent the lot on which it is situated. The present vacancy rate of lots in manufactured or mobile home parks in Ulster County is estimated to be very low, and as vacancies have occurred park owners have required that only new homes may be placed on these lots. These circumstances make it imperative that laws be enacted which protect manufactured or mobile home owners from arbitrary eviction and guarantee their right to sell their homes in place. Without such protections for manufactured or mobile home owners, their investment in a home in Ulster County is fraught with unreasonable risk.
- B. Manufactured or mobile homes are generally more affordable than conventionally built homes, and this Legislature wants to encourage the ownership of manufactured or mobile homes under conditions which afford protection of the expectation of such homeowners that the equity in their homes will grow over time as long as they maintain their homes in good condition. This chapter is based on a determination by this Legislature that the current state law to protect manufactured or mobile home owners, Real Property Law § 233, is ambiguous and inadequate to protect the rights of manufactured or mobile home owners to stay in parks and sell their homes in place when they leave.

§ 245-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

1. Editor's Note: Throughout this chapter, the term "mobile home" was amended to read "manufactured or mobile home" 8-17-2010 by L.L. No. 3-2010.

EVICTION — In addition to its ordinary meaning, the cessation or nonrenewal of a lease or of the occupancy of a manufactured or mobile home or from a manufactured or mobile home park as a result of an act of a manufactured or mobile home park owner or operator.

MANUFACTURED HOME — As defined in Real Property Law § 233, Subdivision a(4).
[Added 8-17-2010 by L.L. No. 3-2010]

MANUFACTURED OR MOBILE HOME OWNER — One who holds title to a manufactured or mobile home and rents a space for it in a manufactured or mobile home park.

MANUFACTURED OR MOBILE HOME PARK — A contiguous parcel of privately owned land which is used for the accommodation of three or more manufactured or mobile homes occupied for year-round living.

MANUFACTURED OR MOBILE HOME PARK OWNER OR OPERATOR — The person in charge of a manufactured or mobile home park. This term shall include, but not be limited to, the owner of the land, the manager, assistant manager or any other person in charge of the operations or activities of a manufactured or mobile home park.

MOBILE HOME — As defined in Real Property Law § 233, Subdivision a(5). **[Added 8-17-2010 by L.L. No. 3-2010]**

§ 245-3. Grounds for eviction.

- A. A manufactured or mobile home park owner or operator may not evict a manufactured or mobile home owner other than for the following reasons:
- (1) The manufactured or mobile home owner has defaulted in the payment of rent and a proper demand with at least 30 days' notice in writing has been made for such delinquent rent. On payment of such delinquent rent, together with allowable costs, any action instituted for nonpayment of rent shall be terminated. **[Amended 8-17-2010 by L.L. No. 3-2010]**
 - (2) The manufactured or mobile home owner is persistently late in the payment of rent. It shall be presumed that a manufactured or mobile home owner is persistently late in the payment of rent if, within any twelve-month period, the manufactured or mobile home owner has tendered the rent more than 10 days beyond the due date more than three times and the manufactured or mobile home park owner or operator has given the manufactured or mobile home owner written notice by certified mail warning the manufactured or mobile home owner that further late payment of rent will cause the manufactured or mobile home park owner or operator to institute an eviction proceeding.
 - (3) The manufactured or mobile home or rented space is used for any illegal trade or business.
 - (4) The manufactured or mobile home owner is in violation of a federal, state or local law or ordinance which may be deemed detrimental to the safety and welfare of any persons residing in the manufactured or mobile home park. The manufactured or mobile home park owner shall give prior written notice to the manufactured or

mobile home owner of the specific law being violated, and said owner shall have failed to correct such violation within 10 days after receiving such notice.

- (5) The manufactured or mobile home tenant or anyone occupying the manufactured or mobile home is in violation of any lease term or rule or regulation established by the manufactured or mobile home park owner or operator pursuant to this section and has continued in violation for more than 10 days after the manufactured or mobile home park owner or operator has given written notice of such violation to the manufactured or mobile home tenant setting forth the lease term or rule or regulation violated and directing that the manufactured or mobile home tenant correct or cease violation of such lease term or rule or regulation within 10 days from the receipt of said notice. Upon expiration of such period, should the violation continue or should the manufactured or mobile home tenant or anyone occupying the manufactured or mobile home be deemed a persistent violator of the lease term or rules and regulations, the park owner or operator may serve written notice upon the manufactured or mobile home tenant directing that such tenant vacate the premises within 30 days of the receipt of said notice.
 - (6) The manufactured or mobile home park owner or operator proposes a change in the use of the land comprising the manufactured or mobile home park, or a portion thereof, on which the manufactured or mobile home is located, from manufactured or mobile home lot rentals to some other use, provided that the manufactured or mobile home owner is given at least six months' written notice, or longer if a longer term remains in a rental agreement, of the proposed change of use and the manufactured or mobile home owner's need to secure other accommodations.
 - (7) The manufactured or mobile home tenant continues in possession of any portion of the premises after the expiration of his term without the permission of the manufactured or mobile home park owner or operator. **[Added 8-17-2010 by L.L. No. 3-2010]**
- B. No manufactured or mobile home owner shall be denied a continuance or renewal of a lease so long as he or she has, during the period of occupancy, complied with the terms of the lease and the rules and regulations of the manufactured or mobile home park then in effect. In the event that a manufactured or mobile home owner or operator wishes to deny the continuance or renewal of a lease based upon the failure of the manufactured or mobile home owner to comply with the terms of the lease and the rules and regulations of the manufactured or mobile home park then in effect, said manufactured or mobile home park owner or operator shall give 90 days' advance notice of his or her intent to deny such continuance of renewal, which shall be delivered by registered or certified mail, return receipt requested.

§ 245-4. Right to sell.

- A. No manufactured or mobile home park owner or operator shall require the removal of or increased rental for a manufactured or mobile home occupying a lot in a manufactured or mobile home park solely on the grounds of the age, size or model of such manufactured or mobile home.

- B. No manufactured or mobile home park owner or operator shall deny any manufactured or mobile home owner the right to sell his manufactured or mobile home in the manufactured or mobile home park or require the manufactured or mobile home owner or subsequent purchaser to remove the manufactured or mobile home from the manufactured or mobile home park based solely on the sale thereof, provided that the manufactured or mobile home owner shall give the manufactured or mobile home park owner or operator 20 days' written notice of his intention to sell. The manufactured or mobile home park owner or operator may reserve the right to approve the purchaser of said manufactured or mobile home as a tenant in the park, but such approval shall not be unreasonably withheld. Approval of a purchaser must be granted or denied within 15 days from the date the manufactured or mobile home park owner or operator is notified by registered or certified mail, return receipt requested, of the name, address and information as to the credit worthiness of the prospective purchaser. If the manufactured or mobile home park owner or operator rejects a purchaser as a prospective tenant, he or she shall notify the prospective seller of the reasons therefor in writing.
- C. If the manufactured or mobile home park owner or operator fails to act within the fifteen-day period, the purchaser shall have been deemed approved.
- D. If the manufactured or mobile home park owner or operator unreasonably withholds permission, the manufactured or mobile home owner may sue for any damages resulting therefrom. If it is found by the court that the manufactured or mobile home park owner or operator unreasonably or in bad faith withheld such approval, the manufactured or mobile home owner may recover attorney fees in addition to any other available remedy at law or in equity. If a claim or counterclaim is found to be frivolous, the court may award costs and attorney fees pursuant to Civil Practice Law and Rules § 8303-a.
- E. If a manufactured or mobile home park owner or operator chooses to sign an agreement with a lending institution to enable the prospective purchaser to get a loan using a manufactured or mobile home as collateral, no charges can be levied for such agreement.
- F. Whenever a lending institution repossesses a manufactured or mobile home due to a default on its loan, the lending institution shall have the right to keep the manufactured or mobile home on the space until it secures a buyer who meets the reasonable approval of the park owner as a tenant so long as the lending institution pays the park owner all past due rentals and a monthly fee for use and occupancy equal to the monthly rent of the defaulting tenant and maintains the home and premises according to the rules of the park.

§ 245-5. Enforcement and remedies.

A violation or failure to comply with any provision of this chapter may be raised as a complete defense, or as a counterclaim, by a manufactured or mobile home owner in any action or proceeding brought by a manufactured or mobile home park owner or operator who seeks the eviction of a manufactured or mobile home owner in Ulster County. In the event that the manufactured or mobile home owner shall prevail in such action or proceeding as a result of such violation or failure to comply with this chapter, the manufactured or mobile

home owner shall be awarded and recover attorney fees in addition to any other damages suffered.

Chapter 249

MOTOR VEHICLE FUEL, SALE OF

§ 249-1. Legislative intent.

§ 249-2. Definitions.

§ 249-3. Test methods.

§ 249-4. Right of entry.

§ 249-5. Gasoline distributors.

§ 249-6. Duties of operator.

§ 249-7. Penalties for offenses.

§ 249-8. Enforcement.

§ 249-9. Hearing provisions.

[HISTORY: Adopted by the County Legislature of the County of Ulster by L.L. No. 5-1989. Amendments noted where applicable.]

§ 249-1. Legislative intent.

This chapter prescribes regulations regarding the sale of motor vehicle fuel and the prohibition of water contamination or lead contamination and the proper labelling of motor vehicle fuels for use in motor vehicles and motor vehicle engines. These regulations are based upon a determination by this Legislature that contamination of a fuel or its improper use will endanger the public health or impair, to a significant degree, the performance of a motor vehicle emission control device and for the prevention of fraudulent practices which may occur in the sale of motor vehicle fuels and certain other findings.

§ 249-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

DIRECTOR — The Director of Weights and Measures. **[Amended 8-17-2010 by L.L. No. 3-2010]**

DISTRIBUTOR — Any person who transports or stores or causes the transportation or storage of gasoline from any point to any other point.

GASOLINE — Any fuel sold in Ulster County for use in motor vehicles and motor vehicle engines and commonly or commercially known or sold as gasoline.

GASOLINE STATION — Any motor vehicle fuel dispensing facility, service station, repair shop or other place or premises where gasoline is sold, offered for sale or allowed to be sold to the general public at retail. **[Amended 8-17-2010 by L.L. No. 3-2010]**

LEADED GASOLINE — Gasoline which contains more than 0.005 gram of lead per gallon.

MOTOR VEHICLE FUEL — Liquid used as fuel for internal combustion engines. This term shall specifically include, but not be limit to, gasoline and diesel fuel. **[Amended 8-17-2010 by L.L. No. 3-2010]**

OCTANE — The rating of the anti-knock characteristics of a grade or type of automotive gasoline as more fully defined in 15 U.S.C. § 2821 and the applicable federal regulations pursuant thereto.

OPERATOR — The person in charge of the gasoline station. This term shall specifically include, but is not limited to, the owner, lessee, manager, assistant manager or any other person in charge of the operations or activities of a gasoline station.

PERSON — Any natural person, corporation, unincorporated association, firm, partnership, joint venture, joint-stock association or any other entity or business organization of any kind.

STORAGE TANK — Any reservoir or container used for holding of motor vehicle fuel. This term includes, but is not limited to, aboveground gasoline tanks, underground gasoline tanks, and delivery gasoline tanks or trucks. **[Amended 8-17-2010 by L.L. No. 3-2010]**

UNLEADED GASOLINE — Gasoline containing not more than 0.05 gram of lead per gallon and not more than 0.005 gram of phosphorous per gallon.

§ 249-3. Test methods.

The water, octane, lead and phosphorus content of gasoline will be determined by such tests as may be approved by the Director. Any certificate duly signed by a chemist, analyst or other expert employed by the Director or any analysis, examination or investigation made by such analyst, chemist or expert with respect to any sample of gasoline which the Director has caused to be examined shall be presumptive evidence of the facts therein stated.

§ 249-4. Right of entry.

The Director or the Director's authorized representative shall have the right to enter any gasoline station or the premises or property of any operator or distributor and shall have the right to make inspections, take samples and conduct tests to determine compliance with this chapter. All distributors and operators shall be required to produce their records of the purchase, storage and sale of motor vehicle fuel, and particularly any and all records required to be kept pursuant to this chapter.

§ 249-5. Gasoline distributors.

No distributor shall sell to any distributor or operator any gasoline which is falsely described or labeled. A distributor shall be liable for the transfer of gasoline into the proper storage tank.

§ 249-6. Duties of operator.

- A. No operator, distributor or its employee or agent shall sell, introduce or cause or allow the introduction of leaded gasoline into any motor vehicle which is labeled "unleaded gasoline only."

- B. No operator, distributor or its employee or agent shall sell, expose for sale or offer for sale any gasoline in any manner whatsoever so as to deceive or tend to deceive the purchaser as to the nature, quality and identity of the gasoline so sold or offered for sale.
- C. Each operator shall affix to each gasoline pump stand a permanent legible label as follows:
- (1) For gasoline pump stands containing pumps for the introduction of unleaded gasoline into motor vehicles, the label shall state "unleaded gasoline".
 - (2) For gasoline pump stands containing pumps for the introduction of super unleaded gasoline or premium unleaded gasoline into motor vehicles, the label shall state "premium unleaded gasoline."
 - (3) For gasoline pump stands containing pumps for the introduction of leaded gasoline into motor vehicles, the label shall state "leaded gasoline."
 - (4) For gasoline pump stands containing pumps for the introduction of diesel fuel into motor vehicles, the label shall state "diesel fuel."
 - (5) Each gasoline pump shall clearly identify the octane rating of the gasoline dispensed from said pump.
 - (6) The Ulster County Bureau of Weights and Measures shall issue stickers that state the Ulster County Consumer Fraud Bureau telephone number and the Ulster County Bureau of Weights and Measures Consumer Complaint telephone number to every operator which shall be affixed to each gasoline pump. **[Added 9-24-2013 by L.L. No. 4-2013]**
- D. Any label required under Subsection C of this section shall be located so as to be readily visible to the operator's employees and customers.
- E. The operator of a gasoline station shall be required to measure the level of water contained in each gasoline storage tank located at such facility at least once each day on any day during which the facility is open to the public for any portion of such day.
- F. The operator of a gasoline station shall be required to measure the level of water contained in each gasoline storage tank located at such facility within one hour after delivery of gasoline has been made to any such storage tank, except that if a delivery of gasoline is made during a time in which the gasoline station is not open to the public, then the operator shall measure the level of water contained in each gasoline storage tank into which gasoline was delivered within one hour after the gasoline station facility opens to the public.
- G. No operator shall sell or offer for sale any gasoline which draws from a storage tank at a gasoline station which contains more than two inches of water.
- H. No operator shall sell or offer for sale gasoline from a pump which draws from any storage tank during the time in which a delivery of gasoline is being made to or into such tank unless the operator of the gas station shall have measured the level of water

contained in any storage tank immediately before the delivery begins and determined that the storage tank contains no more than two inches of water.

- I. Every gasoline station in this County shall cause to be posted in a conspicuous place:
- (1) The name of the station.
 - (2) The kind of entity it is.
 - (3) The operators of the station as defined in this chapter.
 - (4) The post office address of the station.

§ 249-7. Penalties for offenses.

- A. Any distributor who violates this chapter shall be subject to a civil penalty and shall pay to Ulster County the amount of \$5,000 for each and every day of the continuance of such violation. Violation shall be presumed to have begun on the last delivery of gasoline to that pump's storage tank.
- B. Any operator who violates this chapter shall be subject to a civil penalty and shall pay to Ulster County the amount of \$1,000 for each and every day of continuance of such violation. Violation shall be presumed to have begun on the last delivery of gasoline to that pump's storage tank. **[Amended by L.L. No. 4-1991]**
- C. Where there is evidence of intent to defraud, the Director may refer evidence of such violation to the Ulster County District Attorney or, in the absence of intent to defraud, refer the violation to the Ulster County Attorney for commencement of a civil action in the name of Ulster County to recover a civil penalty in the amount prescribed in this chapter. A cause of action for recovery of such penalty may be released, settled or compromised by the Director before the matter is referred to the Ulster County Attorney and thereafter by the Ulster County Attorney.
- D. All moneys collected shall be deposited in the general fund of the County of Ulster.

§ 249-8. Enforcement.

- A. This chapter shall be enforced by the Ulster County Consumer Fraud Bureau, Division of Weights and Measures, which shall have the authority to condemn any equipment used in dispensing gasoline in violation of this chapter or to order such a condition rectified within 24 hours. **[Amended 8-17-2010 by L.L. No. 3-2010]**
- B. Any condemnation of equipment shall be in accordance with the procedure set forth in Article 16 of the State of New York Agriculture and Markets Law.

§ 249-9. Hearing provisions.

- A. Initiation of action; hearing officer; notice of hearing.

- (1) The Director may cause to be held a formal hearing on any alleged violation of this chapter. A formal hearing shall be on due and adequate notice to the person(s) concerned and shall be set down for a day certain.
 - (2) The Director is empowered to appoint a hearing officer who shall conduct a formal hearing. The hearing officer may be an impartial employee of the Consumer Fraud Bureau, Division of Weights and Measurers, and who has not been involved in any way with the action in question. **[Amended 8-17-2010 by L.L. No. 3-2010]**
 - (3) The notice of hearing shall set forth:
 - (a) The time and place of the hearing.
 - (b) The purpose of the hearing.
 - (c) The charges and violations complained of.
 - (d) The right to present evidence.
 - (e) The right to examine and cross-examine witnesses.
 - (f) The right to be represented by counsel.
 - (4) On the return day of the hearing:
 - (a) The hearing officer shall note the appearance of persons attending the hearing.
 - (b) Witnesses shall be sworn and testimony shall be recorded.
 - (c) The testimony shall be transcribed within a reasonable time after the conclusion of the hearing.
 - (5) The hearing officer shall thereafter prepare findings of fact, conclusions, and recommendations on which the Director shall make a formal order setting forth the determination, conditions if any to be complied with, and civil penalties, if any.
 - (6) A copy of the order of the Director following the formal hearing shall be served on all respondents.
 - (7) Nothing herein contained shall preclude the Director from taking any action in addition to the formal hearing herein provided for, as may be prescribed by law, nor shall the Director be precluded from taking such other action by virtue of the order made pursuant to this section.
- B. Service of an order or notice of hearing shall be made as follows:
- (1) Enclosing the order or notice in a post-paid envelope directed to the person(s) concerned at the address last known to the Director and depositing such envelope in an official depository maintained by the United States Post Office;
 - (2) Leaving the order or notice with the person concerned or with a person in charge of the premises; or

- (3) Posting the order or notice at the entrance door of the premises involved.
- C. The Director, the designated hearing officer or the Ulster County Attorney may issue subpoenas on the request of any party to the proceedings of any formal hearing set down by the Director.
- D. Evidence; action; minutes.
- (1) The hearing officer shall not be bound by the rules of evidence in the conduct of a hearing, but the determination shall be founded on sufficient factual evidence to sustain it.
 - (2) Proof may be adduced with respect to ongoing violations occurred up to and through the date of the hearing, when those violations are sufficiently similar to those charged, to put the respondent on notice of the nature of the violation.
 - (3) If a respondent has been served with a Director's order in conjunction with a notice of hearing, proof may be adduced with respect to violations of that order after the underlying violation has been proven.
 - (4) On the conclusion of a hearing, the Director shall take such action as he deems proper and shall execute an order carrying the findings and determinations into effect.
 - (5) The action of the Director may include the assessment of civil penalties as provided by law.
 - (6) The minutes of a formal hearing shall be made available to all parties for examination at the office of the Director.
 - (7) Copies of the minutes of a formal hearing may be purchased at the rate per page covering the cost thereof.

Chapter 258

NOTIFICATION OF DEFECTS

§ 258-1. General purposes.

§ 258-2. Written notice in certain tort cases.

[HISTORY: Adopted by the County Legislature of the County of Ulster by L.L. No. 6-1980. Amendments noted where applicable.]

§ 258-1. General purposes.

The County of Ulster must take all possible action to place reasonable limitations upon its tort liability in cases in which the basis of the action is the condition of property which the County is responsible to repair or maintain. Ulster County at this time is particularly desirous of limiting its tort liability because of the increasing number of claims which have been filed against the County in the recent past and the dramatic increase in the dollar amount of recent jury verdicts and out-of-court settlements against Ulster County and other municipalities. In accordance with the favorable view of the New York State courts towards adoption by municipalities of prior notice requirements as conditions precedent to liability in certain tort cases, Ulster County enacts such a requirement for suits involving alleged liability for the condition of certain property. Such requirement will not only save money for Ulster County taxpayers by eliminating certain tort claims, it will also limit injuries to persons and property within the County by providing for written notice of certain defects and consequently affording to the County an opportunity to remedy such defects before accidents have occurred as a result of their existence.

§ 258-2. Written notice in certain tort cases.

No civil action shall be maintained against the County of Ulster for damages or injuries to person or property sustained in consequence of any road, street, highway, bridge, culvert, sidewalk, crosswalk, grating, opening, drain, sewer, parking lot, building, structure, grounds, or real property, or any portion thereof, being defective, out of repair, unsafe, dangerous, or obstructed, including such condition resulting from an accumulation of ice or snow thereon, and including a failure to warn of such condition, unless at least 48 hours prior to the occurrence resulting in such damage or injuries written notice of the defective, unsafe, dangerous and/or obstructed condition of such road, street, highway, bridge, culvert, sidewalk, crosswalk, grating, opening, drain, sewer, parking lot, building, structure, grounds or real property, or any portion thereof, relating to the particular place shall have been filed in the office of the Clerk of the Ulster County Legislature and there was a failure or neglect to remedy or remove the defect, danger or obstruction within a reasonable time after the filing of such notice.

Chapter 265

OBSCENE MATERIALS

ARTICLE I

Display of Material Harmful to Minors

§ 265-1. Legislative intent.

§ 265-2. Definitions.

§ 265-3. Unlawful acts.

§ 265-4. Affirmative defense.

§ 265-5. Penalties for offenses.

[HISTORY: Adopted by the County Legislature of the County of Ulster as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Display of Material Harmful to Minors

[Adopted by L.L. No. 3-1989]

§ 265-1. Legislative intent.

The protection of the health, safety, welfare and morals of minors constitutes a legitimate exercise of the police power of the state through local legislative action. This article fully protects the First Amendment rights of adults to purchase material deemed harmful to minors. While the State of New York has a law addressing the dissemination of material deemed harmful to minors (§ 235.20, New York Penal Law) and a law regarding the public display of offensive sexual material (§ 245.11, New York Penal Law), it has no law with respect to the display of material deemed harmful to minors. This article is intended to fill that void.

§ 265-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

HARMFUL TO MINORS — That quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse when it:

- A. Considered as a whole, predominately appeals to the prurient interest of minors;
- B. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and
- C. Considered as a whole, lacks serious literary, artistic, political and scientific value for minors.

MINOR — A person less than 17 years of age.

NUDITY — The showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered or uncovered male genitals in a discernibly turgid state.

PUBLIC PLACE — Any window, showcase, newsstand, display rack, viewing screen, moving-picture screen, marquee or similar place that is easily visible from or in any public street, sidewalk or thoroughfare, transportation facility, or any place accessible to members of the public without fee or other limit or condition of admission, such as a minimum age requirement, and including but not limited to schools, places of amusement, parks and playgrounds but excluding rooms or apartments designed for actual residence.

SADOMASOCHISTIC ABUSE — Actual or depicted flagellation or torture by or upon a person who is nude or clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed or who is nude.

SEXUAL CONDUCT — Actual or depicted acts of masturbation, homosexuality, bestiality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such a person is a female, breast.

SEXUAL EXCITEMENT — The condition of human male or female genitals when in a state of sexual stimulation or arousal.

§ 265-3. Unlawful acts.

- A. It shall be unlawful for any person knowingly to display in public places any book, pamphlet, magazine, or other printed matter which contains any picture, photograph, drawing, motion-picture film or similar visual representation or image of a person or portion of the human body which depicts nudity, sexual excitement, sexual conduct or sadomasochistic abuse and which, taken as a whole, is harmful to minors.
- B. It shall be unlawful for the owner, operator, manager, employer or person in charge of a retail store or other commercial establishment to knowingly allow his minor employees to sell or handle material which depicts nudity, sexual excitement, sexual conduct or sadomasochistic abuse and which, taken as a whole, is harmful to minors.

§ 265-4. Affirmative defense.

In any prosecution for display of material harmful to minors, it is an affirmative defense that the person having custody, control or supervision of a public place kept the material harmful to minors:

- A. Behind an opaque counter;
- B. In a sealed opaque wrapper showing only the title;
- C. Wrapped in an opaque cover;
- D. In an area separate and apart from that part of the premises which is a public place as defined herein, and such area being clearly marked "adults only," and with a door or fully opaque curtain on the entrance which is kept closed; or
- E. In such other manner as not to display the material which is harmful to minors.

§ 265-5. Penalties for offenses.

- A. The Director of the Consumer Fraud Bureau may prescribe and impose civil penalties for a violation of this article of not more than \$100 for the first offense and not more than \$500 for the second or subsequent offense.
- B. The continuation of a violation of this article for each and every day the offense is continued is a separate and distinct offense hereunder.

Chapter 273

PEACE AND GOOD ORDER

ARTICLE I

Throwing, Tossing or Expelling of Bodily Fluids

§ 273-2. Aggravated harassment of
another person.

§ 273-3. Penalties for offenses.

§ 273-1. Legislative intent and purpose.

[HISTORY: Adopted by the County Legislature of the County of Ulster as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Alarm systems — See Ch. 145.

Obscene materials — See Ch. 265.

Alcoholic beverages and controlled substances — See Ch.
148.

ARTICLE I

Throwing, Tossing or Expelling of Bodily Fluids [Adopted 6-10-2009 by L.L. No. 2-2009]

§ 273-1. Legislative intent and purpose.

- A. Section 240.32 of the New York State Penal Law protects correctional officers and certain other public employees who interact with inmates in a state or local correctional facility or a hospital by charging inmates who cause such employees to come into contact with blood, seminal fluid, urine or feces by throwing, tossing or expelling such fluid and material with aggravated harassment, which is a Class E felony.
- B. No provision of New York State law, however, extends this protection to members of the general public. Recently, an Ulster County woman was victimized when another person threw seminal fluid on her. Incredibly, there is no specific state law that would allow the victim's attacker to be charged with a crime.
- C. The purpose of this article is to protect Ulster County residents from such heinous and depraved attacks and from coming into contact with potentially infectious bodily fluids and/or deadly diseases.

§ 273-2. Aggravated harassment of another person.

A person, which for the purpose of this section means a human being, is guilty of aggravated harassment of another person when, with intent to harass, annoy, threaten or alarm a person, he or she causes or attempts to cause such person to come into contact with blood, seminal fluid, urine or feces by throwing, tossing or expelling such fluid or material.

§ 273-3. Penalties for offenses.

Any violation of the provisions of this article will be an unclassified "A" misdemeanor, punishable by a prison term not to exceed one year and/or a fine not to exceed \$1,000, or both.

Chapter 276

PEDDLING, SOLICITING AND VENDING

§ 276-1. Peddling on County property prohibited.

§ 276-2. Exceptions.

§ 276-3. Penalties for offenses.

[HISTORY: Adopted by the County Legislature of the County of Ulster by L.L. No. 1-1996. Amendments noted where applicable.]

GENERAL REFERENCES

Secondhand dealers — See Ch. 296.

§ 276-1. Peddling on County property prohibited.

No County-owned or County-leased property, parking lots, or buildings and grounds shall be used for soliciting, peddling, vending or for business purposes.

§ 276-2. Exceptions.

- A. Excluded from the foregoing provisions of § 276-1 is the County fairgrounds property on Libertyville Road in the Town of New Paltz, except for those portions which are part of the pool and pool parking lot.
- B. Nothing herein shall be deemed to prohibit the installation of vending machines under contract with the County, where it is deemed necessary and appropriate by the Commissioner of Buildings and Grounds, or the business operations conducted in the business incubator in the former Ulster Shopping Plaza under the auspices of the Community College.

§ 276-3. Penalties for offenses.

A violation of this chapter shall constitute an offense punishable by a fine not exceeding \$100 or by imprisonment not exceeding 30 days, or by both such fine and imprisonment.

Chapter 284

PROPERTY MAINTENANCE

ARTICLE I

Pesticide Applications

- § 284-1. Findings; legislative intent; title.
- § 284-2. Definitions.
- § 284-3. Notification requirements for commercial and residential lawn applications.
- § 284-4. Enforcement.
- § 284-5. Penalties for offenses.
- § 284-6. When effective; filing.

ARTICLE II

Non-Toxic Landscape Maintenance

- § 284-7. Title.
- § 284-8. Definitions.
- § 284-9. Legislative intent.
- § 284-10. Adoption of principle.
- § 284-11. Adoption of policy.
- § 284-12. Advisory Committee on Non-Toxic Pest Management.
- § 284-13. Exemptions.
- § 284-14. Waivers.

[HISTORY: Adopted by the County Legislature of the County of Ulster as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Notification of defects — See Ch. 258.

Solid waste — See Ch. 304.

ARTICLE I

Pesticide Applications

[Adopted 12-6-2006 by L.L. No. 3-2006]

- § 284-1. Findings; legislative intent; title.
 - A. This Legislature finds that individuals and their personal property are, or can be, unwittingly exposed to pesticides applied on their neighbor's property from commercial and residential lawn applications. This Legislature further finds that pesticides may pose health and safety risks to people, particularly children, pregnant women, the elderly and people with infirmities. The intent of this article is to provide information to County residents about certain pesticide applications to which they may be exposed, so that they can take steps to minimize such exposure to themselves, their families, pets, crops, livestock, backyard wildlife and property.
 - B. Accordingly, this Legislature hereby adopts the special notice requirements for commercial and residential lawn applications of pesticides as set forth in § 33-1004 of the New York Environmental Conservation Law. It is intended that this article be read and applied consistently with that section and all other applicable provisions of the Environmental Conservation Law and regulations promulgated thereunder.

C. This article shall be known as the "Ulster County Neighbor Notification Law."

§ 284-2. Definitions.

All terms used herein shall be as defined in Article 33 of the New York Environmental Conservation Law. As used in this article, the following terms shall have the meanings indicated:

ABUTTING PROPERTY — Any property which has any boundary or boundary point in common with the property on which the pesticide is to be applied.

AGENCY — Any state agency; municipal corporation; public authority; college, as that term is defined in the Education Law; railroad, as that term is defined in the Railroad Law; or telegraph, telephone, telegraph and telephone, pipeline, gas, electric, or gas and electric corporation, as those terms are defined in the Transportation Corporations Law, which applies pesticides.

COMMERCIAL LAWN APPLICATION — The application of pesticide to ground, trees, or shrubs on public or private outdoor property. For the purposes of this article, the following shall not be considered "commercial lawn application":

- A. The application of pesticide for the purpose of producing an agricultural commodity;
- B. Residential application of pesticides;
- C. The application of pesticides around or near the foundation of a building for the purpose of indoor pest control;
- D. The application of pesticides by or on behalf of agencies, except that agencies shall be subject to visual notification requirements pursuant to § 33-1003 of the Environmental Conservation Law where such application is within 100 feet of a dwelling, multiple dwelling, public building or public park; and
- E. The application of pesticides on golf courses or turf farms.

COMMISSIONER — The Commissioner of the New York State Department of Environmental Conservation.

DWELLING — Any building or structure or portion thereof which is occupied in whole or in part as the home, residence or sleeping place for one or two families.

GENERAL USE PESTICIDE — A pesticide which does not meet the state criteria for a restricted pesticide as established under the authority of § 33-0303 of the New York Environmental Conservation Law.

MULTIPLE DWELLING — Any dwelling which is to be occupied by or is occupied as the residence or home of three or more families living independently of each other.

PESTICIDE —

- A. Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest; and

- B. Any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

PREMISES — Land and improvements or appurtenances or any part thereof.

RESIDENTIAL LAWN APPLICATION — The application of general use pesticides to ground, trees, or shrubs on property owned by or leased to the individual making such application. For the purposes of this article, the following shall not be considered "residential lawn application":

- A. The application of pesticides for the purpose of producing an agricultural commodity;
- B. The application of pesticides around or near the foundation of a building for the purpose of indoor pest control;
- C. The application of pesticides by or on behalf of agencies, except that agencies shall be subject to visual notification requirements pursuant to § 33-1003 of the New York Environmental Conservation Law where such application is within 100 feet of a dwelling, multiple dwelling, public building or public park; and
- D. The application of pesticides on golf courses or turf farms.

§ 284-3. Notification requirements for commercial and residential lawn applications.

The provisions in this section are adopted in their entirety and without exception pursuant to § 33-1004 of the New York Environmental Conservation Law.

- A. Retail consumer information sign. All retail establishments that sell general use pesticides for commercial or residential lawn application shall display a sign meeting standards established by the Commissioner pursuant to Subdivision 1 of § 33-1005 of the Environmental Conservation Law in a conspicuous place, and such sign shall be placed as close as possible to the place where such pesticides are displayed.
- B. Prior notification of commercial lawn applications.
 - (1) At least 48 hours prior to any commercial lawn application of a pesticide, the person or business making such application shall supply written notice, as defined in Subdivision 3 of § 33-1005 of the Environmental Conservation Law, to:
 - (a) Occupants of all dwellings on abutting property with a boundary that is within 150 feet of the site of such application; and
 - (b) Owners, owners' agents, or other persons in a position of authority for all other types of premises that are on abutting property with a boundary that is within 150 feet of the site of such application. Owners or owners' agents of multiple-family dwellings shall supply such written notice to the occupants of such multiple-family dwellings, and for all other types of premises, owners, owners' agents or other persons in a position of authority shall post such written notice in a manner specified by the Commissioner.

- (2) Such prior notification provisions shall not apply to the following:
- (a) The application of antimicrobial pesticides and antimicrobial products as defined by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) in 7 U.S.C. §§ 136(mm) and 136q(h)(2);
 - (b) The use of an aerosol product with a directed spray, in containers of 18 fluid ounces or less, when used to protect individuals from an imminent threat from stinging and biting insects, including venomous spiders, bees, wasps and hornets. This subsection shall not exempt from notification the use of any fogger product or aerosol product that discharges to a wide area;
 - (c) The use of nonvolatile insect or rodent bait in a tamper-resistant container;
 - (d) The application of a pesticide classified by the United States Environmental Protection Agency as an exempt material under 40 CFR 152.25;
 - (e) The application of a pesticide which the United States Environmental Protection Agency has determined satisfies its reduced risk criteria, including a biopesticide;
 - (f) The use of boric acid and disodium octaborate tetrahydrate;
 - (g) The use of horticultural soap and oils that do not contain synthetic pesticides or synergists;
 - (h) The application of a granular pesticide, where "granular pesticide" means any ground-applied solid pesticide that is not a dust or powder;
 - (i) The application of a pesticide by direct injection into a plant or the ground;
 - (j) The spot application of a pesticide, where "spot application" means the application of pesticide in a manually pressurized or nonpressurized container of 32 fluid ounces or less to an area of ground less than nine square feet;
 - (k) The application of a pesticide to the ground or turf of any cemetery; and
 - (l) An emergency application of a pesticide when necessary to protect against an imminent threat to human health; provided, however, that prior to any such emergency application, the person providing such application shall make a good faith effort to supply the written notice required pursuant to this article. Upon making an emergency application, the person making such application shall notify the Commissioner of the New York State Department of Health, using a form developed by such Commissioner for such purpose, that shall include minimally the name of the person making such application, the pesticide business registration number or certified applicator number of the person making such application, the location of such application, the date of such application, the product name and United States Environmental Protection Agency registration number of the pesticide applied and the reason for such application.

C. Posting of residential lawn applications.

- (1) All persons performing residential lawn applications treating an area more than 100 square feet shall affix markers to be placed within or along the perimeter of the area where pesticides will be applied. Markers are to be placed so as to be clearly visible to persons immediately outside the perimeter of such property. Such markers shall be posted at least 12 inches above the ground and shall be at least four inches by five inches in size.
- (2) Such markers shall be in place on the day during which the pesticide is being applied and shall instruct persons not to enter the property and not to remove the signs for a period of at least 24 hours. Such instruction shall be printed boldly in letters at least 3/8 of an inch in height.

§ 284-4. Enforcement.

Pursuant to § 33-1004 of the New York Environmental Conservation Law, the Ulster County Department of Health shall enforce the provisions of this article administratively, provided that all sanctions, which shall be assessed after providing a hearing or opportunity to be heard, shall be as specified in § 284-5 of this article and shall be payable to and deposited with Ulster County.

§ 284-5. Penalties for offenses.

A. Administrative sanctions.

- (1) A person providing a commercial lawn application who violates any provision of this article shall be liable for a civil penalty not to exceed \$5,000 for a first violation and not to exceed \$10,000 for a subsequent offense.
- (2) An owner or owner's agent of a multiple dwelling or owner, owner's agent or a person in a position of authority for all other types of premises who violates any rule or regulation pursuant to § 284-3B of this article (prior notification of commercial lawn applications), and a person who violates any provision of Subsection C of such section (posting of residential lawn applications), shall for a first such violation, in lieu of a penalty, be issued a written warning and shall also be issued educational materials prepared by the Commissioner pursuant to Subdivision 2 of § 33-1005 of the New York Environmental Conservation Law. Such person shall, however, for a second violation, be liable for a civil penalty not to exceed \$100 and not to exceed \$250 for any subsequent violation.
- (3) A person who violates the provisions of § 284-3A of this article (retail consumer information sign) shall be issued a warning for the first violation and shall be provided seven days to correct such violation and shall be liable for a civil penalty not to exceed \$100 for a second violation and not to exceed \$250 for a subsequent violation.

B. Criminal sanctions for persons providing commercial lawn applications.

- (1) Any person providing a commercial lawn application and having the culpable mental states defined in Subdivision 1 or 2 of § 15.05 of the New York Penal Law

who violates any provision of this article, except an offense relating to the application of a general use pesticide, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed \$5,000 for each day during which such violation continues or by imprisonment for a term of not more than one year, or by both such fine and imprisonment. If the conviction is for a subsequent offense committed after a first conviction of such person under this subsection, punishment shall be by a fine not to exceed \$10,000 for each day during which such violation continues or by imprisonment for a term of not more than one year, or by both such fine and imprisonment.

- (2) Any person providing a commercial lawn application who violates any provision of this article relating to the use of a general use pesticide shall be guilty of a violation and, upon conviction thereof, shall be punished by a fine not to exceed \$2,500. If the conviction is for a subsequent offense committed after the first such conviction of such person under this subsection, punishment shall be a fine not to exceed \$5,000.

§ 284-6. When effective; filing.

This article shall take effect on the first day of January after it shall have been adopted and filed with the office of the Secretary of State. Within 20 days after adoption of this article, the Clerk of the County Legislature shall forward one certified copy thereof to the Commissioner of the New York State Department of Environmental Conservation and one to the New York State Attorney General.

ARTICLE II

Non-Toxic Landscape Maintenance
[Adopted 6-10-2009 by L.L. No. 4-2009]

§ 284-7. Title.

This article shall be known as the "Ulster County Non-Toxic Landscape Maintenance Act."

§ 284-8. Definitions.

For the purpose of this article, the following are defined as follows:

INTEGRATED PEST MANAGEMENT — Technique for agricultural disease and pest control in which as many pest control methods as possible are used in an ecologically harmonious manner to keep infestation within manageable limits.

NATURAL, NON-TOXIC, LEAST TOXIC OR BIOLOGICAL PESTICIDE — A pesticide that is a naturally occurring substance or microorganism that controls pests in a non-toxic manner or, if approved by the Department of the Environment or the Advisory Committee, the least toxic method possible.

NON-TOXIC PEST MANAGEMENT (NPM) — A problem-solving strategy that prioritizes a natural, non-toxic approach to turf grass and landscape management without the use of toxic

and synthetic pesticides. It mandates the use of natural, non-toxic or, as a last resort with the Advisory Committee's approval, least toxic cultural practices that promote healthy soil and plant life as a preventative measure against the onset of turf and landscape pest problems. Essential NPM practices include, but are not limited to:

- A. Regular soil testing;
- B. Addition of approved soil amendments as necessitated by soil test results, following, but not limited to, the recommendations of the Northeast Organic Farmers' Association, Massachusetts and Connecticut Chapters, Organic Land Care Program and/or the Organic Material Review Institute of Eugene;
- C. Selection of plantings using criteria of hardiness; suitability to native conditions; drought, disease and pest resistance; and ease of maintenance;
- D. Using, with the Advisory Committee approval, the least toxic organic or non-toxic nonorganic products, as some organic products are toxic;
- E. Modification of outdoor management practices to comply with organic horticultural science, including scouting, monitoring, watering, mowing, pruning, proper spacing, and mulching;
- F. The use of physical controls, including hand weeding and over seeding;
- G. The use of biological controls, including the introduction of natural predators, and enhancement of the environment of a pest's natural enemies;
- H. Through observation, determining the most effective treatment time, based on pest biology and other variables, such as weather and local conditions; and
- I. Eliminating pest habitats and conditions supportive of pest population increases.

PEST — Any insect, rodent, fungus, weed or any other form of terrestrial or aquatic or animal life or virus, bacteria, or other microorganism (except viruses, bacteria or other microorganisms ordinarily present on or in humans or living animals) which the Commissioner of the New York State Department of Environmental Conservation declares to be a pest.

PESTICIDE — Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest and any substance or mixture of substances intended for use as a plant regulator, defoliator or desiccant. It shall include all pesticide products registered as such by the United States Environmental Protection Agency and the New York State Department of Environmental Conservation and all products for which experimental use permits and provisional registrations have been granted by the United States Environmental Protection Agency and the New York State Department of Environmental Conservation.

TOXIC — Any substance that is harmful to humans. It is recognized that, by their very nature, pesticides and herbicides are toxic to those pests they are designed to eliminate. Obviously, the concern of this article is to limit pesticides' toxicity to humans while preventing pests from multiplying and thereby endangering humans. A pesticide's relative toxicity to humans is the standard that should govern the determination as to which pesticides

should be utilized. Measures of relative toxicity have been determined by measuring their effect upon adult humans, who have greater mass and weights than children. Thus, children are at greater risk from exposures to even low levels of pesticides.

§ 284-9. Legislative intent.

- A. The County of Ulster agrees with the United States Environmental Protection Agency (EPA) that "all pesticides are toxic to some degree...and the commonplace, widespread use of pesticides is both a major environmental problem and a public health issue."
- B. The County of Ulster recognizes that all residents (particularly children), as well as other inhabitants of our natural environment, have a right to protection from exposure to hazardous chemicals and pesticides in particular.
- C. The County of Ulster recognizes that a balanced and healthy ecosystem is vital to the health of the County and its citizens and as such is also in need of protection from exposure to hazardous chemicals and pesticides in particular. **[Amended 8-17-2010 by L.L. No. 3-2010]**
- D. Furthermore, the County of Ulster recognizes that it is in the best interest of public health to eliminate the use of toxic pesticides on County-owned land; to encourage the reduction and elimination of the use of toxic pesticides on private property; and to introduce and promote natural, non-toxic or, as a last resort and with the Advisory Committee's approval, least toxic management practices to prevent and, when necessary, control pest problems on County-owned and -leased land.
- E. Therefore, the County of Ulster seeks to implement non-toxic pest management (NPM) on County-owned and -leased lands.

§ 284-10. Adoption of principle.

The County of Ulster hereby adopts the precautionary principle (as defined by the Wingspread statement) as the basis for its non-toxic pest management (NPM) policy. The precautionary principle states: "When an activity raises threats of harm to the environment or human health, precautionary measures should be taken, even if some cause and effect relationships are not yet fully established."

§ 284-11. Adoption of policy.

The County of Ulster hereby adopts an NPM policy that mandates the following on all properties where the County is responsible to maintain the outside areas, including lawns and grassy areas:

- A. The use and application of toxic chemical pesticides, either by County of Ulster employees or by private contractors, for the purpose of turf and landscape maintenance, are prohibited on all lands maintained by the County of Ulster.

- B. If toxic products must be used, based upon a waiver or exemption, then natural, least toxic turf and landscape cultural practices and maintenance shall be the method of choice to understand, prevent, and control potential pest problems.
- C. All control products used under the terms of this policy shall be in keeping with, but not limited to, those products on the approved list of the Northeast Organic Farming Association, Connecticut and Massachusetts Chapters, Organic Land Care Program or approved by the Advisory Committee.
- D. County of Ulster employees who work with turf grass and the landscape receive education and training in natural, least toxic turf and landscape management to be coordinated by the Advisory Committee if, in its opinion and discretion, such training is necessary.
- E. A listing of all County-maintained lands affected by this policy shall be made available to the public by posting a list on the County website.

§ 284-12. Advisory Committee on Non-Toxic Pest Management.

- A. An Advisory Committee on Non-Toxic Pest Management will be formed with the following members: Commissioner of Public Works or designee, Coordinator of the Department of the Environment or designee, Executive Director of the Soil and Water Conservation District or designee, Director of Cornell Cooperative Extension or designee, and the Chairperson of the Environmental Management Council or designee. The Advisory Committee will oversee and assist in the implementation of the NPM policy, develop an NPM program consistent with this article, and advise the Chairperson of the Ulster County Legislature's committee responsible for environmental issues of any problems encountered or amendments required to achieve the full and successful implementation of this policy.
- B. The Advisory Committee shall seek the participation, advice, and counsel of experts in the fields of non-toxic turf and landscape management and NPM protocol. Broad community participation, including parents, schools, advocates, and local landscaping businesses, shall be encouraged on a nonvoting basis.
- C. Any decision by the Advisory Committee pursuant to this article shall be by majority vote of the entire Committee membership and not merely a majority or those present and voting.

§ 284-13. Exemptions.

All turf and landscape pest management activities taking place on land maintained by the County of Ulster land shall be subject to this article, except as follows:

- A. Pesticides or classes of pesticides classified by the United States Environmental Protection Agency as not requiring regulation under the Federal Insecticide, Fungicide and Rodenticide Act under 40 CFR 152.25 and therefore exempt from such regulation when intended for use and used only in the manner specified.

- B. Biological pesticides, such as *Bacillus thuringiensis* or milky spore, that are not genetically modified.
- C. Pesticides in contained baits for the purpose of rodent control.
- D. Poison ivy and poison oak that constitute a health hazard.
- E. Tick control.
- F. Any property or categories of properties as recommended from time to time by the Ulster County Coordinator of Environmental Resources and approved by the Ulster County Legislature by mere resolution.

§ 284-14. Waivers.

- A. Any County agency or contractor may apply to the Advisory Committee for a single-use waiver of the restrictions established pursuant to this article. Such application shall be in a form and manner prescribed by the Advisory Committee and shall contain such information as the Committee deems reasonable and necessary to determine whether such waiver should be granted. The Advisory Committee may grant such waivers by a majority vote of the voting membership, not merely a majority of those present and voting.
 - (1) In determining whether to grant or deny a request for a waiver, the Advisory Committee shall consider the magnitude of the infestation, whether the pest situation poses an immediate threat to public health, property, or the environment, the availability of effective alternatives consistent with this article, and the likelihood of exposure of humans to the pesticide.
 - (2) No waiver shall be approved unless the following conditions have been met:
 - (a) Any pesticide used of all available choices must have the least acute and chronic toxic effect on human health or safety; and
 - (b) The applicant must submit a plan demonstrating how underlying causes of the pest outbreak will be addressed in a manner consistent with this article to prevent future outbreaks.
- B. If a pest situation poses an immediate threat to human health and warrants the use of pesticides that would otherwise not be permitted under this article, the Ulster County Commissioner of Health or Public Health Director shall have the authority to grant a temporary emergency waiver for a period of 30 days. Notice of the waiver request shall be given to the Advisory Committee for advice on resolving the problem without the use of pesticides. The Commissioner or Public Health Director may extend the waiver for one additional period not to exceed six months. Nothing in this waiver provision prohibits the County of Ulster from adopting additional waivers via resolution for as long as the condition exists. Any County department using a pesticide under such a waiver must comply with all applicable federal and state laws regarding pesticide use and Article I, Pesticide Application, of this chapter.

Chapter 296

SECONDHAND DEALERS

§ 296-1. Legislative findings.

§ 296-2. Definitions.

§ 296-3. Exemptions.

§ 296-4. General license requirements.

§ 296-5. Fees.

§ 296-6. Records required.

§ 296-7. Inspections.

§ 296-8. Prohibited acts.

§ 296-9. Penalties for offenses.

[HISTORY: Adopted by the County Legislature of the County of Ulster by L.L. No. 4-1985. Amendments noted where applicable.]

GENERAL REFERENCES

Peddling, soliciting and vending — See Ch. 276.

§ 296-1. Legislative findings.

This Legislature finds that incidents of burglary and larceny are a continuing problem for the people of Ulster County and that in many instances the proceeds of these crimes have been sold to persons who are in the business of purchasing secondhand property. Further, many of these dealers in secondhand property do not keep records concerning the identity of the person from whom the property was purchased and are not able to provide adequate assistance to law enforcement personnel when property in their possession has been identified as stolen. Also, it is in the public interest that persons who deal in the purchase of secondhand property be licensed and be required to keep certain records concerning the purchase of such property so as to reduce the incidents of burglary and larceny being committed within Ulster County.

§ 296-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

DEALER IN SECONDHAND ARTICLES — Any person, corporation, partnership, or other entity and its employees that as a business and at its place(s) of business is involved in the business of purchasing and selling the following secondhand items or articles:

- A. Items made of precious metals purchased with intent to scrap;
- B. Jewelry:
 - (1) Containing precious metals;
 - (2) Including watches, rings, necklaces, bracelets, earrings, pendants, and stick pins; or
 - (3) Containing diamonds, rubies, pearls, emeralds, birth stones, or other precious stones;

- C. Any articles made out of coin or sterling silver, i.e., flatware, etc.;
- D. Cameras and other optical equipment less than 30 years old;
- E. Electronic business machines and computers;
- F. Working audio, television and similar equipment less than 15 years old; and
- G. Coins if they fall within the following categories:
 - (1) Any coin with a value exceeding \$100;
 - (2) Any gold coin; or
 - (3) All coins purchased for bullion content, except that for identification purposes they may be listed as one item (example: 100 silver quarters purchased at \$1.50 per equals \$150).

PRECIOUS METALS — Gold, silver, platinum, iridium, ruthenium, osmium or any alloys of any one or more of said metals. It does not apply to any item which has a precious metal weight less than 5% of the total weight of the object, i.e., gold-filled or silver-plated objects.

SECONDHAND ARTICLE — An article or object which:

- A. Has been previously sold at retail; or
- B. Has previously been used or is not in new condition.

SECONDHAND ARTICLES ESTABLISHMENT — Any shop, store, residence, place or premises including shows and flea markets operating more than two days per year from which a dealer in secondhand items or articles conducts his business. This shall include any dealer in precious metals and coins even if his residency in Ulster County is less than two days and his activity is limited to buying only.

§ 296-3. Exemptions.

The requirements of this chapter shall not apply to the following:

- A. Charitable organizations;
- B. Events sponsored by charitable organizations which may include shows, flea markets and bazaars;
- C. Wholesale transactions between businesses and their representatives, each of which hold a valid state sales tax or tax-exempt license consistent with form ST-120; and
- D. Any transaction which takes place in the seller's legal residence, except that the buyer shall make a record of the date of sale, the place of the sale and the name of the seller.

§ 296-4. General license requirements.

- A. No person shall engage in any business as a dealer in secondhand articles without obtaining a license therefor in accordance with and subject to the provisions of this chapter.
- B. A licensee shall display the license obtained pursuant to this chapter in the establishment. If a licensee shall maintain more than one establishment within the County of Ulster, he shall obtain duplicate licenses.
- C. All licenses under this chapter shall be issued by the County Clerk of Ulster County. No license shall be issued until:
 - (1) The licensing fees have been paid.
 - (2) The party seeking the license has filed an application for secondhand articles license with the County Clerk of Ulster County.
 - (3) The licensee has been provided with a copy of this chapter.

§ 296-5. Fees.

- A. An application fee of \$25 shall accompany each application for license as a dealer in secondhand articles.
- B. The fee for a dealer in secondhand articles license or renewal thereof shall be \$5.
- C. There shall be no fee for a duplicate license for a second physical establishment.
- D. The license shall be valid for two years from the date of issuance.

§ 296-6. Records required.

- A. Each licensee shall keep records legibly written in English in a bound book. Each entry shall be made in ink at the time of the transaction and shall be serially numbered and shall include:
 - (1) A brief description of the object or thing which has been purchased, including but not limited to the make, model, color and serial number when purchased;
 - (2) The amount paid for the article;
 - (3) The date and time of the transaction;
 - (4) The name, home address, date of birth, sex, race and distinguishing features of the person selling the article; and
 - (5) The type of identification produced by the person selling the article, including, if appropriate, the social security account number, driver's license number or the type of credit card and account number.

- B. No alterations or erasures are to be made in said book. Erroneous entries are to have a single line drawn through them and the corrected entry made on the next line.
- C. The books and records shall be retained in the possession of a licensee for at least three years.
- D. A written receipt shall be issued to the seller of the article or object, with the serial number of the transaction and the information required in Subsection A(1) through (3) of this section.

§ 296-7. Inspections.

All records and books required to be kept pursuant to this chapter shall at all reasonable times, during regular business hours, be open for inspection. An inspection must be authorized by the District Attorney or an Assistant District Attorney of the Ulster County District Attorney's office and after receiving authorization may be conducted by the Sheriff of Ulster County or his authorized agent, the Troop Commander of the New York State Police or his duly authorized agent, or any police officer whose geographical area of employment within Ulster County encompasses the physical location of where the inspection is to be conducted.

§ 296-8. Prohibited acts.

- A. No article or item purchased by a dealer in secondhand articles shall be sold or otherwise disposed of until the expiration of at least three business days from the date of purchase.
- B. All articles subject to this holding shall be available for inspection by the District Attorney of Ulster County or his authorized agent, the Sheriff of Ulster County or his authorized agent, the Troop Commander of the New York State Police within the County or his authorized agent, or any police officer whose geographical area of employment within Ulster County encompasses the physical location of the secondhand articles establishment.
- C. No article shall be purchased from a person who is unable to produce proper and authentic identification.

§ 296-9. Penalties for offenses.

A failure to comply with any provisions of this chapter shall constitute a violation and shall be punishable by a fine not exceeding \$500 or imprisonment for a period not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense shall constitute a separate and distinct violation hereunder for each offense.

Chapter 301

SMOKING

§ 301-1. Findings.

§ 301-2. Applicability.

§ 301-3. Regulation and prohibition of smoking.

§ 301-4. Posting of signs.

§ 301-5. Enforcement.

§ 301-6. Penalties for offenses.

§ 301-7. Other applicable laws.

[HISTORY: Adopted by the County Legislature of the County of Ulster 11-12-2008 by L.L. No. 9-2008.¹ Amendments noted where applicable.]

§ 301-1. Findings.

The Legislature of the County of Ulster finds that smoking shall be prohibited upon all real property owned or leased by the County of Ulster in order to:

- A. Protect the public health, safety and general welfare by eliminating exposure to secondhand smoke.
- B. Acknowledge the need of nonsmokers, especially children, to breathe smoke-free air, recognizing the danger to public health which secondhand smoke causes.
- C. Recognize that the need to breathe air free of the disease-causing toxins in secondhand smoke should have priority over the desire and convenience of smoking on real property owned or leased by the County of Ulster.
- D. Recognize the right and benefit to municipal residents and visitors to be free from unwelcome secondhand smoke while on real property owned or leased by the County of Ulster.

§ 301-2. Applicability.

All real property owned or leased by the County of Ulster shall be subject to the provisions of this chapter. The term "real property" shall include real estate, lands and any structures, buildings or facilities located upon said real estate and lands. The term "real property" shall not include roadways and rights-of-way located within the County road system established under § 115 of the New York State Highway Law.

§ 301-3. Regulation and prohibition of smoking.

- A. "Smoking" shall mean inhaling of, exhaling of, burning of, or carrying of any lighted cigar, cigarette, pipe, weed, or other plant in any manner or any form.

1. Editor's Note: This local law became operative 6-1-2009.

- B. Smoking shall be prohibited upon all real property owned or leased by the County of Ulster as set forth herein, except when located within a moving motor vehicle which is in the process of exiting or entering real property owned or leased by the County of Ulster.

§ 301-4. Posting of signs.

Signs clearly stating "Smoking is Prohibited" or "No Smoking" and/or signs consisting of the universal pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it shall be predominantly and conspicuously posted upon the entrance to all real property where smoking is regulated by this chapter.

§ 301-5. Enforcement.

- A. For the purpose of this chapter, the term "enforcement officer" shall mean the Ulster County Board of Health or its designee. The enforcement officer may cause to have issued and served upon the person complained against a written notice, together with a copy of the complaint made against him, which shall specify the provisions of this chapter of which such person is said to be in violation and a statement of the manner in which that person is said to violate it and shall require the person so complained against to answer the charges of such complaint at a public hearing before the Board of Health or its designated hearing officer at a time not less than 15 days after the date of service of notice. The Board of Health may serve, together with a copy of the complaint, a stipulation offer to the person complained against. The stipulation offer shall allow the person complained against to enter into a stipulation under the terms and conditions as set forth in the stipulation offer. The person complained against shall have the option of entering into the stipulation or proceeding with a formal hearing.
- B. If the enforcement officer determines after a hearing that a violation of this chapter has occurred, a civil penalty may be imposed by the enforcement officer pursuant to § 301-6 of this chapter. Nothing herein shall be construed to prohibit an enforcement officer from commencing a proceeding for injunctive relief to compel compliance with this chapter.
- C. Any person who desires to register a complaint under this chapter may do so with any appropriate enforcement officer.
- D. The decision of any hearing officer shall be reviewable pursuant to Article 78 of the Civil Practice Law and Rules.
- E. The enforcement officer, subsequent to any appeal having been finally determined, may bring an action to recover the civil penalty provided in § 301-6 of this chapter.

§ 301-6. Penalties for offenses.

- A. It shall be unlawful for any person to smoke in any area where smoking is prohibited by the provisions of this chapter.
- B. Any person who violates any provision of this chapter shall be guilty of a violation, punishable by a civil penalty not to exceed \$500.

§ 301-7. Other applicable laws.

This chapter shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

Chapter 304

SOLID WASTE

ARTICLE I Use of Disposal Sites

- § 304-1. Legislative findings and intent.
- § 304-2. Definitions.
- § 304-3. Refuse from outside County.
- § 304-4. Existing refuse disposal operations.
- § 304-5. Penalties for offenses.

ARTICLE II Recycling

- § 304-6. Short title.
- § 304-7. Findings; legislative intent.
- § 304-8. Statutory authority.
- § 304-9. Definitions.
- § 304-10. Administration.
- § 304-11. Procedure for establishing rules and regulations.
- § 304-12. Program established.
- § 304-13. Preparation and separation of regulated recyclable materials.
- § 304-14. Preparation and separation of regulated recyclable materials at multifamily dwellings.
- § 304-15. Commercial and institutional sector recycling.
- § 304-16. Private disposal of regulated recyclable materials.
- § 304-17. Collection and disposal of regulated recyclable materials.
- § 304-18. Collection and disposal of regulated recyclable materials by haulers.
- § 304-19. Preparation, separation and disposal of yard waste.

- § 304-20. Ownership, direction and control of regulated recyclable materials.
- § 304-21. Reporting requirements.
- § 304-22. County household recycling containers.
- § 304-23. Unlawful acts.
- § 304-24. Enforcement.
- § 304-25. Independent Administrative Hearing Officer; assessment of civil penalty.
- § 304-26. Penalties for offenses.
- § 304-27. Recovery of assessed penalties; nonpayment penalty.
- § 304-28. Consent agreement and order.
- § 304-29. Temporary cease-and-desist order.
- § 304-30. Addition or removal of regulated recyclable materials.
- § 304-31. Recycling Oversight Committee.
- § 304-32. Effect on other laws.

ARTICLE III Solid Waste Management

- § 304-33. Short title.
- § 304-34. Findings and legislative purpose.
- § 304-35. Statutory authority.
- § 304-36. Definitions.
- § 304-37. Administration.
- § 304-38. Rules and regulations.
- § 304-39. Hauler licensing requirements.
- § 304-40. Revocation or denial of licenses.

§ 304-41. Regulation and control of collection, transportation and disposal.

§ 304-42. Supersession of other provisions.

[HISTORY: Adopted by the County Legislature of the County of Ulster as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Use of Disposal Sites

[Adopted by L.L. No. 2-1976]

§ 304-1. Legislative findings and intent.

The Ulster County Legislature does hereby find that existing refuse disposal sites within the County are becoming seriously depleted and that such depletion results in a significant hazard to the health, safety and welfare of the residents of the County. It is the purpose and intent of this article to regulate the use of refuse disposal sites in Ulster County by eliminating disposal in Ulster County of refuse originating without the County and thereby promote the longevity of existing disposal sites as well as any which might hereafter be developed within the County.

§ 304-2. Definitions. [Amended by L.L. No. 8-1989]

As used in this article, the following terms shall have the meanings indicated:

DREDGE MATERIAL — Sediment, soil, mud, sand, shells, gravel, other aggregate, earth, rock, sludge or other matter dredged or otherwise removed or excavated from the Hudson River or any other body of water. **[Added by L.L. No. 4-1997]**

GARBAGE — Solid or liquid waste.

INDUSTRIAL WASTE — Solid or liquid material resulting from construction or any business, trade or industrial operation.

REFUSE — Garbage, rubbish, industrial waste and dredge material. **[Amended by L.L. No. 4-1997]**

REFUSE DISPOSAL AREA — Land used for the deposit of refuse.

§ 304-3. Refuse from outside County.

No refuse originating as such outside the County of Ulster, or which has been collected or otherwise obtained outside the County of Ulster and transported or otherwise delivered within said County, shall be deposited, or caused or allowed to be deposited, in any refuse disposal area within the County of Ulster.

§ 304-4. Existing refuse disposal operations.

This article shall not prohibit the continued operation of any refuse disposal areas within the County of Ulster which are being lawfully used in whole or in part on the effective date of this article for the deposit of refuse described herein in § 304-3; provided, however, that the deposit of such refuse subsequent to the effective date hereof in quantities greater than 60 tons per calendar week or on sites greater in area or other than those for which operating permits have already been granted by the New York State Department of Environmental Conservation prior to the effective date hereof shall constitute a violation of this article.

§ 304-5. Penalties for offenses.

- A. Each violation of, or nonconformance with, any provision of this article shall constitute a misdemeanor punishable by a fine of not more than \$2,000 or by imprisonment for not more than six months, or by such fine and imprisonment. **[Amended by L.L. No. 4-1997]**
- B. The County Attorney of Ulster County is authorized to commence an action in any court of competent jurisdiction to enjoin any violation of this article.

ARTICLE II

Recycling

[Adopted by L.L. No. 8-1991; amended in its entirety 9-21-2010 by L.L. No. 4-2010]

§ 304-6. Short title.

This article shall be known as the "Ulster County Mandatory Source Separation and Recycling Law."

§ 304-7. Findings; legislative intent.

The Ulster County Legislature finds that:

- A. The County faces an increasing threat to its environmental and economic well-being from the solid waste disposal crisis.
- B. The solid waste disposal crisis is exacerbated by people discarding in landfills a significant amount of material that can be recycled.
- C. The State Legislature, in order to resolve the solid waste disposal crisis, delegated to the Agency extensive authority, responsibility, and power to plan, construct, operate, maintain, and finance projects for the management of the County's solid waste stream.
- D. The County Legislature, in order to resolve the solid waste disposal crisis, established the Agency as the planning unit to prepare a Solid Waste Management Plan (the plan) for the County and approved the plan.

- E. Maximizing waste reduction, reuse, and recycling ensures the attainment of not only the state's recycling goals as set forth in the 1988 Solid Waste Management Act, but also the County's recycling goals as set forth in the plan.
- F. In order to implement the plan and maximize reduction, reuse, and recycling, the County wishes to adopt this Mandatory Source Separation and Recycling Law.
- G. The Mandatory Source Separation and Recycling Law should, in part, address the solid waste disposal crisis by removing regulated recyclable materials from the solid waste stream, thereby reducing the required capacity of existing and proposed landfills; decreasing the flow of solid waste to landfills; increasing the life expectancy of existing and future landfills; reducing the cost of solid waste disposal; aiding in the conservation of valuable resources; preserving the health, safety and welfare of the public; and preserving the environmental quality of Ulster County.
- H. The Mandatory Source Separation and Recycling Law is consistent with the plan because the purpose of this article is to:
 - (1) Source separate all regulated recyclable materials, as defined in § 304-9, from the solid waste stream in Ulster County;
 - (2) Separate regulated recyclable materials into designated recyclable categories before such materials enter the Municipal Recycling System;
 - (3) Account for all regulated recyclable materials through reporting requirements so that the County may measure its progress in attaining the state and County recycling goals;
 - (4) Direct the flow of regulated recyclable materials so as to:
 - (a) Ensure that such materials are not disposed of in a landfill or incinerator, but recycled; and
 - (b) Ensure the success of the plan which the state has mandated and to which the County has committed a substantial amount of public funds.
 - (5) Ensure that separate regulated recyclable materials are properly and economically aggregated, processed, and sold or delivered to recycling markets;
 - (6) Secure long-term, stable, and environmentally appropriate markets for the County and its municipalities to survive periods of market downturns; and
 - (7) Ensure that education and technical assistance are provided to all persons in the County on source separation and recycling.
- I. The Mandatory Source Separation and Recycling Law will be implemented by the Ulster County Resource Recovery Agency because the Agency has been delegated the authority and responsibility to manage the solid waste stream and has been established as the planning unit for the County.
- J. The Mandatory Source Separation and Recycling Law seeks to maximize recycling by:

- (1) Maintaining a partnership effort between the Agency and private sector;
- (2) Ensuring that a sufficient amount of regulated recyclable materials enters the County's Municipal Recycling System to result in a cost-effective, successful operation.
- (3) Having the Municipal Recycling System serve as the market of last resort; and
- (4) Ensuring that private-sector recycling, which contributes to both County and state recycling goals, is in accordance with the County Solid Waste Management Plan¹ and Article 27 of the Environmental Conservation Law.

§ 304-8. Statutory authority.

This article adopted pursuant to § 120-aa of the General Municipal Law, § 10 of the Municipal Home Rule Law, § 2050-t, Subdivision (3), of the Public Authorities Law, and Article 27 of the Environmental Conservation Law.

§ 304-9. Definitions.

As used in this article, the following terms shall have the following meanings:

AGENCY — The Ulster County Resource Recovery Agency created under Chapter 936 of the Laws of 1986 of the state, as amended.²

CATALOG — A publication, such as a book, pamphlet, or magazine, created for the purposes of advertising or sales as specified by the Agency in the rules and regulations.

CHARITABLE ORGANIZATION — Any charitable organization registered under Article 7-A of the Executive Law.

COMMERCIAL SECTOR — Businesses, industries, and manufacturing enterprises operating for profit.

COMMINGLED PAPER — The process of mixing various categories of recyclable paper as specified by the Agency in the rules and regulations. See also "mixed paper."

COMMINGLED RECYCLING — The process of mixing various regulated recyclables as specified by the Agency in the rules and regulations.

COMPOSTING — The process of aerobic, thermophilic decomposition by microbial degradation of solid organic constituents of solid waste to produce a stable, humus-like material called "compost."

COMPOSTING FACILITY — A solid waste management facility used to provide aerobic, thermophilic decomposition by microbial degradation of solid organic constituents of solid waste to produce a stable, humus-like material.

1. Editor's Note: See Art. III, Solid Waste Management, of this chapter.

2. Editor's Note: See Public Authorities Law § 2050-a et seq.

COMPUTER PAPER — Clean, untreated or uncoated, white sulphite or sulphate papers, with or without colored stripes, manufactured for use in computer printers, which may or may not be imprinted with impact (nonlaser) or laser printing, as specified by the Agency in the rules and regulations; excluding, however, ground-wood computer printout or other contamination.

CONSTRUCTION AND DEMOLITION DEBRIS or C&D — Uncontaminated solid waste resulting from the construction, remodeling, repair and demolition of utilities, structures and roads; and uncontaminated solid waste resulting from land clearing. Such waste includes but is not limited to bricks, concrete and other masonry materials, soil, rock, wood (including painted, treated and coated wood and wood products), land-clearing debris, wall coverings, plaster, drywall, plumbing fixtures, nonasbestos insulation, roofing shingles and other roof coverings, asphaltic pavement, glass, plastics that are not sealed in a manner that conceals other wastes, empty buckets 10 gallons or less in size and having no more than one inch of residue remaining on the bottom, electrical wiring and components containing no hazardous liquids, and pipe and metals that are incidental to any of the above.

CONTAMINATION — The inclusion of substance(s) or condition(s) that render the otherwise recyclable or compostable materials, including regulated recyclable materials and yard waste, less marketable as specified by the rules and regulations.

CORRUGATED CARDBOARD — All clean, dry, brown paperboard, referred to in industry as "old corrugated cardboard." This includes boxes, cartons or other containers or dividers made of either kraft, test liner or jute, with a center fluting between layers, commonly used for packing, mailing, shipping or containerizing goods, merchandise or other material, or other cardboard as specified by the Agency in the rules and regulations; excluding, however, noncardboard materials, plastic, foam, or wax-coated or soiled cardboard.

COUNTY — The entire County of Ulster as constituted and existing under the laws of the state.

DESIGNATED RECYCLABLE CATEGORIES — The categories into which the regulated recyclable materials shall be separated as designated by the Agency through rules and regulations.

ECONOMIC MARKET — Instances in which the full avoided costs of proper collection, transportation, and disposal of source-separated materials are equal to or greater than the cost of collection, transportation, and sale of said material less the amount received from the sale of said material per Subdivision 2 of § 120-aa of New York State General Municipal Law.

ELECTRONIC WASTE or E-WASTE — Any surplus, obsolete, broken, or discarded electrical or electronic devices, including but not limited to televisions, computer monitors, computer peripherals, electronic office equipment, telephones, and electronic entertainment devices as specified by the Agency in the rules and regulations.

GENERATOR — Any person or legal entity that produces solid waste, including regulated recyclable materials requiring off-site disposal.

GLASS — All clean, empty glass containers made from silica or sand, soda ash and limestone, which are transparent or translucent, and are commonly used for the packaging or

bottling of various products. These containers shall include all clear or colored glass bottles, jars, and jugs, as specified by the Agency in the rules and regulations; excluding, however, pottery or ceramics, lead-based glass (such as crystal), plate glass, window or auto pane, mirrors, light bulbs, heat-resistant glass or ovenware, thermopane, laboratory glass, safety glass, or other contaminated glass.

HAULER — Any person engaged in the business or activity of collecting, storing, and transporting regulated recyclable materials.

HOUSEHOLD HAZARDOUS WASTE — Household products that contain corrosive, toxic, ignitable, or reactive ingredients, including but not limited to pesticides, oil-based paints, solvents and certain batteries as specified by the Agency in the rules and regulations.

INSTITUTIONAL SECTOR — Private or public organizations, such as schools, hospitals, prisons, religious establishments, and not-for-profit organizations, whose purpose is to provide for the public welfare.

MAGAZINE — A periodical containing a collection of articles, stories, pictures or other features.

MANDATORY SOURCE SEPARATION AND RECYCLING LAW — Local Law No. 8-1991, passed by the Ulster County Legislature on December 31, 1991, and all subsequent revisions approved by the Legislature.

MARKET — A business which buys, sells, or accepts recyclable materials, including regulated recyclable materials, or compost for the purpose of reuse as a product or in the manufacturing of new products.

MATERIALS RECOVERY FACILITY or MRF — A facility that accepts recyclable commingled materials that have already been separated at the source from municipal solid waste generated by either residential or commercial sources. Material is sorted to specifications, then baled, shredded, crushed, or otherwise prepared for shipment to market. Materials recovery facilities are either dual stream or single stream. A dual-stream MRF is where source-separated recyclables are delivered in a mixed-container stream (typically glass, ferrous metal, aluminum and other nonferrous metals, and PET [No. 1] and HDPE [No.2] plastics) and a mixed-fiber stream (including cardboard, newspaper, magazines, office paper, junk mail, etc.) Single stream is an MRF that accepts and processes all recyclable materials mixed together, both mixed container and mixed fiber.

METAL CANS — Clean, empty metal containers made of aluminum or tin-plated or zinc-plated steel, which are commonly used for packaging food, beverages or other products, as specified by the Agency in the rules and regulations and are free of food, beverage or other contamination.

MIXED PAPER — Various categories of recyclable paper, including but not limited to white and colored paper used in printers, photocopiers and fax machines, white and colored ledger paper, carbonless copy paper, construction paper, office paper, undeliverable mail, mailed promotional letters/advertisements/circulars, magazines, catalogs, envelopes, newspaper, paperboard, soft-cover books, and hard-cover books with the cover removed as specified by the Agency in the rules and regulations.

MULTIFAMILY DWELLING GENERATOR — Solid waste generated from apartment complexes, condominium complexes, cooperative apartment complexes, recreational vehicle or trailer parks, hotels, motels, bungalow or resort colonies, or campgrounds.

MUNICIPAL RECYCLING DROPOFF CENTERS (also known as "transfer stations") — Sites or areas designated by municipalities and registered or permitted by the New York State Department of Environmental Conservation as collection points for regulated recyclable materials.

MUNICIPAL RECYCLING SYSTEM (formerly known as the "Satellite Aggregation Center System") — The entire County system as set forth in the County's Solid Waste Management Plan for maximizing reduction, reuse and recycling, including but not limited to purchasing any and all equipment, constructing and permitting two satellite aggregation centers, establishing a transportation network for regulated recyclable materials, securing long-term, stable markets for the County and its municipalities, and educating the public on how to maximize reduction, reuse and recycling of the solid waste stream.

MUNICIPAL YARD WASTE COMPOSTING FACILITY — Site(s) or area(s) designated by municipalities for the purpose of composting yard waste.

NEWSPAPER — All clean, dry paper commonly referred to as "newspapers" or "newsprint," not sunburned, and free from paper other than news or other contamination, and containing not more than the normal percentage of rotogravure and colored sections, as specified by the Agency in the rules and regulations.

NOT-FOR-PROFIT ORGANIZATION — Any corporation organized according to the New York State Not-for-Profit Corporation Law.

OFFICE PAPER — Clean, white or colored ledger, bond, writing, copier or other paper, with or without printing or writing, but free of glossy, treated, coated or padded stock, carbon, plastic, or other contamination, as specified by the Agency in the rules and regulations.

PAPERBOARD — Clean, flat, pressed, uncorrugated, stiff paper as specified by the Agency in the rules and regulations. Paperboard is also known as thin cardboard or greyboard and is used in products such as cereal boxes. Paperboard cannot be plastic or wax coated.

PERSON — Any natural person, individual, partnership, copartnership, association, owner or manager of a business, commercial or industrial establishment, joint venture, corporation, trust, estate, institution, not-for-profit organization or any other legal entity, including a municipality or any other waste generator.

PHARMACEUTICAL WASTE — Waste containing pharmaceutical substances, including expired, unused, spilt, and contaminated pharmaceutical products, drugs, vaccines, and sera that are no longer required and need to be disposed of appropriately. The category also includes discarded items used in the handling of pharmaceuticals, such as bottles or boxes with residues, gloves, masks, connecting tubing, and drug vials.

PLASTIC — All clean, empty containers made of the plastic resins specified by the Agency in the rules and regulations, including but not limited to plastic bottles or jugs having contained spring water, various beverages or foods, and excluding contamination.

RECYCLABLE MATERIAL — Any solid waste that exhibits the potential to be returned to the economic resource stream in the form of raw materials to be used in place of virgin materials in the manufacture of new products.

RECYCLABLES HANDLING AND RECOVERY FACILITY — A solid waste management facility, properly permitted under the New York State Department of Environmental Conservation rules and regulations, other than collection and transfer vehicles, at which recyclables are separated from the solid waste stream, or at which previously separated recyclables are collected.

RECYCLING OVERSIGHT COMMITTEE — The committee established and appointed pursuant to the Recycling Law.

REGULATED RECYCLABLE MATERIAL — Includes newspaper, mixed paper, glass bottles, jugs and jars, metal cans, plastic, corrugated cardboard, paperboard, and any other materials as may be designated by the Agency in accordance with this article.

RESIDENTIAL GENERATOR — Solid waste generated from single- or multiple-family dwellings and other residential sources.

SELF HAULER — Any person who hauls or transports the regulated recyclable material it generates.

SOLID WASTE — All materials or substances discarded or rejected within the County of Ulster as being spent, useless, worthless, or in excess to the owners at the time of such discard or rejection, including, but not limited to garbage, refuse, industrial and commercial waste, sludges from air or water pollution control facilities or water supply treatment facilities, rubbish, ashes, contained gaseous materials, incinerator residue, demolition and construction debris and offal, but not including sewage and other highly diluted water-carried materials or substances and those in gaseous form, source, special nuclear or by-product material within the meaning of the Atomic Energy Act of 1954, as amended, and waste which appears on the list of hazardous waste promulgated by the Commissioner of Environmental Conservation pursuant to § 27-0903 of the Environmental Conservation Law.

SOLID WASTE MANAGEMENT FACILITY — Any facility, plant, works, system, building, structure, improvement, machinery, equipment, fixture or other real or personal property which is to be used, occupied or employed for or is incidental to the collecting, receiving, transporting, storage, processing or disposal of solid waste as more fully defined in Public Authorities Law § 2050-b, Subdivision (16).

TRANSFER STATION — The location designated by each municipality and registered or permitted by the New York State Department of Environmental Conservation as a municipal dropoff center for regulated recyclable materials, solid waste or yard waste.

ULSTER COUNTY RESOURCE RECOVERY AGENCY — The Agency established pursuant to Chapter 936 of the Session Laws of 1986 and is referred to herein as "the Agency."³

3. Editor's Note: See Public Authorities Law § 2050-a et seq.

YARD WASTE — Grass clippings, leaves, twigs, branches, lawn and garden wastes, weeds, brush, shrubbery clippings, clean wood and clean pallets as specified by the Agency in the rules and regulations, excluding treated, painted or glued wood, construction and demolition wood, or other debris.

§ 304-10. Administration.

This article shall be put into effect, administered, and enforced by the Agency. In order to carry out this responsibility, the Agency, acting consistently with the purposes of this article, shall be empowered to do the following:

- A. Execute contracts.
- B. Establish, revise, amend, and repeal standards, practices, and procedures for the proper preparation, separation, collection, and disposal of regulated recyclable materials.
- C. Establish, revise, amend, and repeal rules and regulations as it shall deem reasonable, necessary and proper to carry out the responsibilities and requirements of this article pursuant to § 304-11.
- D. Designate solid waste management facilities within Ulster County, which may receive, aggregate, or process regulated recyclable materials or compost yard waste.
- E. Direct the flow of regulated recyclable materials to solid waste management facilities that receive, aggregate, or process regulated recyclable materials or compost yard waste.
- F. Add regulated recyclable materials to the solid waste stream based on market availability, technology and other factors subject to § 304-30.
- G. Alter or delete regulated recyclable materials to be removed from the solid waste stream based on market availability, technology and other factors subject to approval by a majority vote of the Recycling Oversight Committee.
- H. Establish reporting procedures to account for all recyclable materials, including regulated recyclable materials and yard waste, in the County.
- I. Secure long-term, stable markets for the recycling of regulated recyclable materials and sell or otherwise market the regulated recyclable materials.
- J. Investigate violations of this article through the subpoena power of the hearing officer and others, issue warnings, seek civil and criminal penalties from the independent administrative hearing officer or in a court of competent jurisdiction, issue temporary cease-and-desist orders, enter into consent agreements, and pursue the collection of penalties in accordance with §§ 304-24, 304-25, 304-26, 304-27, 304-28, and 304-29.

§ 304-11. Procedure for establishing rules and regulations.

When specified in this article, the Agency may, from time to time, promulgate rules and regulations consistent with the provisions of this article in order to effectuate the purposes hereof. This procedure for rule making shall be as follows:

- A. The Executive Director must prepare and submit proposed rules and regulations to the Agency, the community, the appropriate committee of the County Legislature, the County Executive and the Recycling Oversight Committee.
- B. The Agency may authorize notification of a hearing in the official newspaper of the County, as designated by the County Legislature.
- C. The notice shall be published at least 30 days prior to the public hearing and shall:
 - (1) Cite the statutory authority under which the rules and regulations are proposed;
 - (2) Give the date, time, and place of the public hearing;
 - (3) State the proposed rules and regulations or a synopsis thereof;
 - (4) Give the name and address of the Agency representative to whom written comments may be submitted. The express terms of the proposed rules and regulations shall be available to the public on the date such notice is first given pursuant to this subsection.
- D. The Executive Director shall conduct a public hearing and, upon request of the appropriate committee of the County Legislature, appear before that committee in public session to discuss the proposed rule making.
- E. The Executive Director shall prepare the record of the public hearing and a document responding to the comments received at the public hearing.
- F. The record of public comment and the response document shall be made available for public review and submitted to the Agency.
- G. The Agency shall make such changes and modifications in response to public comment as it deems appropriate and shall adopt the final rules and regulations by resolution.
- H. The Executive Director shall publish the final rules and regulations, or a synopsis thereof, in the same manner as the proposed rules and regulations, no less than 10 days after the Agency adopts the final rules and regulations. The final rules and regulations shall take effect 20 days after publication.
- I. The Agency shall post any changes to the rules and regulations, in addition to the full local law, at all designated transfer stations and online.

§ 304-12. Program established.

A program is hereby established within Ulster County for the mandatory source separation of regulated recyclable materials from the solid waste stream. Regulated recyclable materials established under this article shall, as defined in § 304-9, include the following: glass, metal cans, plastics, newspaper, corrugated cardboard, paperboard, and mixed paper. All persons shall separate regulated recyclable materials from solid waste before either setting out solid waste for collection pursuant to lawful procedure or disposing of it in an authorized solid waste management facility.

§ 304-13. Preparation and separation of regulated recyclable materials.

- A. Upon the effective date of this article, all persons in the County shall separate regulated recyclable materials from solid waste for the purpose of collection and recycling.
- B. The Agency, from time to time, may promulgate rules and regulations pursuant to § 304-11, specifying requirements for preparation and separation of regulated recyclable materials. The Agency will provide such rules and regulations to be posted online and at all designated transfer stations.
- C. All persons shall prepare and separate regulated recyclable materials in accordance with the rules and regulations.

§ 304-14. Preparation and separation of regulated recyclable materials at multifamily dwellings.

- A. All residents of multifamily dwellings must source separate regulated recyclable materials from solid waste according to § 304-13 and the rules and regulations promulgated thereunder, and deposit the regulated recyclable materials in the receptacles and/or collection area(s) provided therefor by the lessor, owner, or manager.
- B. Lessors, owners, or managers of multifamily dwellings must establish a program which facilitates the multifamily resident to source separate regulated recyclable materials, which must include providing, in a neat and sanitary condition, receptacles and/or collection area(s) to receive all regulated recyclable materials generated by residents of the multifamily dwelling. In cases where a condominium association exists, the condominium association shall be responsible for provision and maintenance of the receptacles and/or collection area(s).
- C. By March 1, 1992, and every year thereafter, lessors, owners, or managers of all multifamily dwellings of five units or more shall submit to the Agency for approval a Multifamily Dwelling Recycling Plan implementing Subsection B. Such a plan shall include:
 - (1) Location of multifamily dwelling and number of units;
 - (2) Collection system for regulated recyclable materials once the residents have deposited such materials in the receptacles and/or collection area(s);
 - (3) Provisions for publicizing the recycling program; and
 - (4) Implementation date of September 1, 1992.
- D. The Agency, from time to time, may promulgate rules and regulations pursuant to § 304-11 for additional information and implementation of the Multifamily Dwelling Recycling Plan.
- E. All multifamily residents, lessors, owners, or managers shall report as required pursuant to § 304-21.

§ 304-15. Commercial and institutional sector recycling.

- A. All commercial and institutional sector generators shall prepare and separate regulated recyclable materials according to § 304-13 and the rules and regulations promulgated thereunder.
- B. All commercial and institutional sector generators of 10 employees or more shall submit a Commercial/Institutional Solid Waste Reduction and Recycling Plan to the Executive Director. The plan will remain on file with the Agency. All commercial and institutional sector generators shall submit revisions as applicable. Such a plan shall include:
 - (1) Organization identification, including a general description of the business, its location and type of operation and the number of employees;
 - (2) Waste composition analysis, including an identification of the amounts of recyclable and nonrecyclable materials in their solid waste stream;
 - (3) Waste reduction and recycling practices, including an identification of waste reduction efforts, present recycling, potential recycling, and waste exchanges; and
 - (4) Waste disposal for residual waste, including an identification of materials in the organization's waste stream that will not be reduced or recycled, and disposal methods.
- C. The Agency, from time to time, may promulgate rules and regulations pursuant to § 304-11 for additional information and implementation of the Commercial/Institutional Solid Waste Reduction and Recycling Plan.
- D. All commercial and institutional sector generators shall report as required in Section 16.

§ 304-16. Private disposal of regulated recyclable materials.

- A. Nothing shall prevent any commercial sector generators of regulated recyclable materials from directly selling to markets the regulated recyclable materials they generate so long as:
 - (1) All costs of separating, preparing, processing, transporting and marketing such materials are directly and fully absorbed by the generators and no public funds contribute to such separation, preparation, processing, transporting or marketing;
 - (2) A minimum of 30 days' written notice of intent to directly sell or to cease directly selling regulated recyclable materials is provided to the Agency prior to implementing such option; and
 - (3) The generators comply with all reporting requirements of this article and the rules and regulations promulgated hereunder.
- B. Private not-for-profit or charitable organizations may receive donations of regulated recyclable materials from generators as part of an announced fund-raising event, provided that they request and receive the prior written approval of the Executive Director of the Agency.

§ 304-17. Collection and disposal of regulated recyclable materials.

- A. No person shall collect or dispose of regulated recyclable materials except as directed by the Agency pursuant to this article and the rules and regulations promulgated pursuant to § 304-11 or, if the Agency has not acted, the municipality.
- B. All solid waste management facilities, whether public or private, shall provide adequate facilities for the acceptance of regulated recyclable materials.
- C. The Agency is authorized to promulgate rules and regulations pursuant to § 304-11 regulating the collection and disposal of regulated recyclable materials.

§ 304-18. Collection and disposal of regulated recyclable materials by haulers.

- A. No hauler shall collect, transport, or dispose of regulated recyclable materials except as directed by the Agency pursuant to this article and the rules and regulations promulgated pursuant to § 304-11.
- B. The Agency is authorized to promulgate rules and regulations pursuant to § 304-11 regulating collection, transportation, and disposal of regulated recyclable materials by haulers.
- C. All haulers shall collect, transport, maintain, and dispose of regulated recyclable materials separated from the solid waste stream and in a condition specified in the rules and regulations promulgated pursuant to § 304-11.
- D. Source-separated regulated recyclable materials shall be transported and delivered only to a solid waste management facility designated by the Agency that receives, aggregates or processes regulated recyclable materials. If no facility is designated, the hauler may deliver the regulated recyclable materials to a recycling facility or market of its choice.
- E. All haulers shall report as required pursuant to § 304-21.

§ 304-19. Preparation, separation and disposal of yard waste.

- A. All persons shall separate yard waste from solid waste for the purposes of collection and composting.
- B. Each municipality within the County may provide, or obtain rights in, a yard waste composting facility for the disposal of yard waste.
- C. Yard waste may be composted at a composting facility designated by the municipality or at a solid waste management facility that receives and composts yard waste as may from time to time be designated by the Agency. If no facility is designated, the hauler of yard waste may deliver the yard waste to a private composting facility.
- D. This section shall not prohibit private composting or on-site disposal of yard waste by any person in compliance with any existing law.
- E. The Agency may, from time to time, promulgate rules and regulations pursuant to § 304-11 for the preparation, separation, collection, and disposal of yard waste.

- F. All yard waste shall be prepared, separated, collected and disposed of according to the rules and regulations.

§ 304-20. Ownership, direction and control of regulated recyclable materials.

- A. Except as set forth in § 304-16, once regulated recyclable materials are set out for collection, placed in Agency containers, or deposited in the municipal recycling dropoff centers or municipal recycling system, all such materials become the property of the County, and the Agency shall direct and control the processing, transporting and marketing of that property.
- B. The County does not assume ownership of improperly prepared regulated recyclable materials, including those in an improper condition, container, or location.
- C. Improperly prepared regulated recyclable materials must be removed by the generators and properly prepared and separated according to this article.

§ 304-21. Reporting requirements.

- A. All persons shall report information as designated by the rules and regulations promulgated by the Agency pursuant to § 304-11.
- B. The Agency may, from time to time, pursuant to § 304-11, promulgate rules and regulations requiring the reporting on regulated recyclable materials, recyclable materials being studied as possible regulated recyclable materials, regulated recyclable materials directly sold or donated pursuant to § 304-16, categories of solid waste as designated by the Agency or any other information needed to further the purposes of this article, including information needed to study possible economic markets, track flow of regulated recyclable materials, or monitor progress in meeting the state and County recycling goals.

§ 304-22. County household recycling containers.

It shall be a violation for any person to:

- A. Remove a County recycling container from the County;
- B. Take, without authorization, a County recycling container;
- C. Dispose of a County recycling container other than by returning such container to the issuing municipality; and
- D. Use such container for other than the temporary storage of regulated recyclable materials.

§ 304-23. Unlawful acts.

It shall be unlawful for:

- A. Any person to fail to separate, prepare for collection, collect, transport, or dispose of regulated recyclable materials or yard waste in accordance with this article or any rules and regulations promulgated pursuant to § 304-11.
- B. Any person to dispose of any solid waste generated in Ulster County unless such regulated recyclable materials have been removed from such solid waste.
- C. Any person to place regulated recyclable materials at other than a designated location.
- D. Any person to alter regulated recyclable materials or fail to maintain these materials in the condition specified by the Agency in the rules and regulations.
- E. Any person to dispose of or cause to be disposed of regulated recyclable materials or yard waste in a landfill, incinerator, or any other solid waste disposal facility.
- F. Any hauler to collect, transport, store, or deliver regulated recyclable materials that contain solid waste.
- G. Any hauler to deliver regulated recyclable materials to a solid waste management facility not designated by the Agency.
- H. Any solid waste management facility to accept solid waste unless the regulated recyclable materials are separated therefrom.
- I. Any person not authorized under this article to remove regulated recyclable materials once set out for collection or brought to a municipal recycling dropoff center or municipal recycling system.
- J. Any person to fail to report as required by this article or the rules and regulations.
- K. Any person to knowingly make a false material statement or representation in any report required under this article.
- L. Any person to violate, cause, or assist in the violation of any provision herein.

§ 304-24. Enforcement.

- A. The Agency, acting through the Executive Director, is delegated the authority and responsibility to enforce this article by investigating possible violations through the subpoena power of the independent administrative hearing officer provided for hereunder and the courts; seeking civil or criminal penalties for violations of this article or the rules and regulations promulgated pursuant to this article in a court of competent jurisdiction or from the independent administrative hearing officer provided for hereunder; issuing temporary cease-and-desist orders; and collecting penalties pursuant to this article.
- B. The Agency shall employ a dedicated Recycling Compliance Officer(s) who will also act as Recycling Educator. The duties of the Recycling Compliance Officer(s) shall include:
 - (1) Coordination of efforts to educate the public and private sector as to the standing recycling/source separation laws and regulations,

- (2) The responsibility for answering and recording all complaints regarding possible violations of this article, and
 - (3) Inspection of sites to determine compliance with this article. The Recycling Compliance Officer will report at least quarterly to the Recycling Oversight Committee. The Recycling Compliance Officer will report monthly to the Agency Board.
- C. The Executive Director may issue written warnings that include educational material on how to properly comply with this article.
 - D. The Ulster County Health Department shall issue licenses to haulers to collect and transport regulated recyclable materials pursuant to the Sanitary Code and its rules and regulations. The Agency, acting through the Executive Director, may include provisions in the hauler's license as provided by the Sanitary Code and its rules and regulations and may seek enforcement of the Sanitary Code or its rules and regulations.
 - E. Notwithstanding anything in this article or in the Ulster County Sanitary Code to the contrary, no hauler shall be issued a license pursuant to the Sanitary Code to collect, transport, and/or dispose of solid waste unless the hauler also collects and transports regulated recyclable materials in accordance with this article.
 - F. Notwithstanding anything in this section to the contrary, this article may be enforced by the Sheriff of the County or any police agency of the state or any municipality of the County.

§ 304-25. Independent Administrative Hearing Officer; assessment of civil penalty.

- A. An independent Administrative Hearing Officer is hereby created, established and authorized to issue orders assessing civil penalties for violations of this article.
- B. The Officer shall be appointed by the County Legislature to serve at the pleasure of the County Legislature.
- C. The Executive Director and/or the Recycling Compliance Officer(s) as complainant may institute a proceeding with the Officer, seeking an order assessing civil penalties for the violation of this article.
- D. The Officer has the authority to require the attendance of witnesses or the production of documentary evidence by subpoena.
- E. Before issuing an order assessing a civil penalty, the Officer shall give to the person to be assessed such penalty written notice of the proposed order and an opportunity to request a hearing on the proposed order.
- F. The written notice shall include, at a minimum:
 - (1) A concise statement of the factual basis for the violation;
 - (2) The amount of the civil penalty that is proposed to be assessed;

- (3) The provisions of this article alleged to have been violated;
 - (4) The right to request a hearing on the material facts and/or the amount of the civil penalty; and
 - (5) A copy of the rules of the hearing procedures.
- G. The hearing shall provide a reasonable opportunity to be heard, cross-examine witnesses, and present evidence free from interference, coercion, restraint, discrimination, or reprisal, and the respondent shall have the right to be represented by a person of his/her choice at any stage of the hearing and proceedings.
- H. If the respondent fails to appear at the hearing without good cause being shown and the Executive Director presents a prima facie case against the respondent, the respondent may be found in default. The motion for default and a proposed default order shall be served by the officer on all parties, and the defaulting party shall have 20 days from service to reply to the motion. The proposed default order may be set aside for good cause shown in accordance with the Civil Practice Law and Rules. Default by the complainant shall result in the dismissal of the complaint with prejudice.
- I. In determining the amount of the civil penalty, the Officer, in accordance with § 304-26, shall consider the seriousness of the violation(s); any history of such violations; good-faith efforts to comply with the applicable requirements; the number of individual generators the violator employs, services, represents, or is otherwise responsible for; the economic impact (benefit or harm) resulting from the violation(s); the economic impact of the penalty; the Executive Director's recommendation for a penalty; and such other factors as justice may require. Civil penalties shall constitute a judgment as that term is defined in the Civil Practice Law and Rules, which may be enforced in accordance with that statute.
- J. The Officer may establish rules for discovery, administration and implementation of this section, and procedures for conducting hearings and other proceedings.
- K. Any person against whom a civil penalty is assessed under this section may obtain judicial review of such assessment.

§ 304-26. Penalties for offenses.

- A. Criminal penalties. Any person who violates this article shall be guilty of a violation and subject to a fine not to exceed \$1,000 per day per violation and/or up to five days' imprisonment.
- B. Civil penalties. Any person who violates this article shall be liable to pay a civil penalty. If a decision of liability is made by a hearing officer or a court competent jurisdiction, a civil penalty shall be assessed of not more than \$1,000 per day per violation and/or suspension or revocation of collection or disposal privileges in conjunction with solid waste and/or regulated recyclable materials disposed within the County, and/or any other just and equitable remedies available at law.

- C. Each and every act prohibited hereunder shall be deemed a separate violation of this article.
- D. All fines and penalties shall become due and payable to the Agency.

§ 304-27. Recovery of assessed penalties; nonpayment penalty.

If any person fails to pay an assessment of a civil penalty, the Agency may bring a civil action in an appropriate court to recover the amount assessed (plus interest) at currently prevailing rates from the date of the final order or the date of the final judgment, as the case may be. Such person shall be required to pay, in addition to such amount and interest, attorneys' fees and costs for collection proceedings and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be in an amount equal to 20% of the aggregate amount of such person's penalties and nonpayment penalties which are unpaid as of the beginning of such quarter.

§ 304-28. Consent agreement and order.

- A. The Executive Director and respondent or defendant may confer concerning settlement.
- B. The Executive Director and respondent or defendant shall forward a written consent agreement and a proposed consent order to the hearing officer or District Attorney or court of competent jurisdiction, as the case may be, whenever settlement or compromise is proposed.
- C. The consent agreement shall state that, for the purpose of the proceeding, the respondent:
 - (1) Admits the jurisdictional allegations of the complaint;
 - (2) Admits the facts stipulated in the consent agreement or neither admits nor denies specific factual allegations contained in the complaint; and
 - (3) Consents to the assessment of the stated penalty.
- D. The consent agreement shall include any and all terms of the agreement and shall be signed by all parties or their representatives.
- E. No settlement or consent agreement shall dispose of any proceeding without a consent order from the hearing officer or court of competent jurisdiction. In preparing such an order, the hearing officer or court may require that the parties to the settlement appear before him/her to answer inquires relating to the consent agreement or order. All settlements are due and payable to the Agency.

§ 304-29. Temporary cease-and-desist order.

- A. Upon receipt of evidence that an emergency exists, the Agency, acting through the Executive Director, may issue a temporary cease-and-desist order immediately suspending and restraining such activity causing or contributing to the emergency before the holding of a hearing.

- B. The person suspended or restrained shall have an opportunity to have an expedited hearing within five days of the Agency order before the hearing officer on the question of whether an emergency exists.
- C. If the hearing officer determines that such an emergency exists, he/she shall schedule a full hearing to be held in accordance with § 304-25 at least 20 days after the expedited hearing. If the hearing officer determines that an emergency does not exist, he/she shall annul the Agency order.
- D. The Agency order shall be in effect pending the completion of the expedited and full hearing, whatever the case may be.

§ 304-30. Addition or removal of regulated recyclable materials.

- A. In addition to the regulated recyclable materials defined in § 304-9, the Agency, subject to § 304-31, shall be authorized to designate regulated recyclable materials to be separated from other solid waste.
- B. In addition to the regulated recyclable materials defined in § 304-9, the Agency, subject to § 304-31, shall be authorized to remove previously designated regulated recyclable materials from the list of regulated recyclable materials subject to the approval of the Recycling Oversight Committee.
- C. If removal of the regulated recyclable material is based upon the lack of an economic market for the material in accordance with § 120-aa of the General Municipal Law, the Agency shall conduct such studies as it deems necessary and proper to establish the lack of an economic market and shall state specifically, in the notice of its action removing the regulated recyclable material, the grounds for its action and all studies upon which its determination is based.
- D. Such designation or removal shall be made in writing, shall be published in the Environmental News Bulletin and the official newspapers of the County as designated by the County Legislature, and shall take effect 30 days after such publication.

§ 304-31. Recycling Oversight Committee.

- A. Creation; purpose; membership.
 - (1) Creation and purpose. A Recycling Oversight Committee, consisting of one member of the Agency designated by the Agency Board to serve as a nonvoting, ex officio member and not more than 11 voting members to be appointed by the County Legislature, is hereby created and established for the following purposes:
 - (a) Advising the Agency on the addition of materials to the definition of “regulated recyclable materials”;
 - (b) Approving the removal of materials from the definition of “regulated recyclable materials”;

- (c) Advising the Agency and the County Legislature on the progress made towards meeting the percent reduction goals established in the Solid Waste Management Act of 1988 and the plan;
 - (d) Advising the Agency on the adoption, repeal or amendment of rules and regulations provided for in § 304-11 of this article; and
 - (e) Such other matters as the Agency may suggest.
- (2) Membership.
- (a) The members of the Recycling Oversight Committee to be appointed by the County Legislature shall consist of an appointee from the following:
 - [1] Town Supervisor's Association;
 - [2] City of Kingston;
 - [3] Community and Environmental Affairs Committee of the Ulster County Legislature;
 - [4] Ulster County Environmental Management Council;
 - [5] Commercial Waste Hauling Industry;
 - [6] Municipal Recycling Coordinators;
 - [7] Commercial or institutional sector;
 - [8] Multifamily dwelling interest.
 - (b) Additionally, the County Legislature shall appoint three at-large community members with interest and concern, which may include students but shall not include members that fall into previously mentioned categories.
- B. The appointments in Subsection A(1) of this section, other than the Agency appointment, shall be for a three-year term from the date of appointment. Should a member no longer be eligible to serve due to a change in his/her employment status, appointed or elected status, or interest, that member shall serve until the point that he/she is replaced by the County Legislature. Should a member fail to attend at least 50% of the Committee's calendar meetings, that member is eligible for replacement by the County Legislature. Replacement members shall serve out the original member's term. The Chairman shall be elected by the members of the Recycling Oversight Committee at its first regular meeting, and the Committee shall adopt operating bylaws as it deems appropriate.
- C. The Committee shall meet at least quarterly, and the majority of the members shall constitute a quorum. Any recommendation issued by the Committee shall be approved by a majority of its membership.
- D. The Agency shall request and receive the recommendation of the Committee before it orders the addition of any material for designation as a regulated recyclable material, except that if such recommendation is not received within 30 days after written request by the Agency, it may act without such recommendation. The Agency shall request and

receive the approval of the Committee before it orders the removal of any material from designation as a regulated recyclable material, except that, if such approval is not received within 90 days after written request by the Agency, it may act without such approval.

§ 304-32. Effect on other laws.

- A. Pursuant to Section 1 of Chapter 936 of the Laws of 1986 of the State of New York,⁴ this article shall take precedence over and supersede any inconsistent provisions of any local law enacted by any municipality within the County.
- B. A municipality may adopt and enforce its own local law which, at a minimum, must be procedurally and substantively as comprehensive as this article.

ARTICLE III

Solid Waste Management

[Adopted by L.L. No. 9-1991; amended in its entirety 12-4-2012 by L.L. No. 10-2012]

§ 304-33. Short title.

This article shall be known as the "Ulster County Solid Waste Management Law."

§ 304-34. Findings and legislative purpose.

The Ulster County Legislature finds that:

- A. In 1991, the County of Ulster and the Ulster County Resource Recovery Agency (hereinafter the "Agency") prepared a local solid waste management plan pursuant to the provisions of Environmental Conservation Law §§ 27-0106 and 27-0107 in order to define the County's policies with respect to solid waste management. It is the policy of the County, in accordance with the solid waste management policies of the State of New York, to reduce the amount of solid waste generated; reuse material for the purpose for which it was originally intended or recycle material that cannot be reused; recover energy from solid waste that cannot be economically or technically reused or recycled; and dispose of solid waste that is not being reused, recycled or from which energy is not being recovered by land burial or other means approved by law. This article is intended to advance and support the policies expressed in the local solid waste management plan.
- B. The Agency's mission is to provide an efficient, economical and environmentally sound solid waste management system in and for the County of Ulster. The Agency strives to carry out the principles of New York's solid waste hierarchy in its work, emphasizing reuse of materials, reduction of municipal solid waste (MSW), and the carrying out of an effective and user-friendly recycling program, with landfill disposal of MSW that cannot be reused, reduced or recycled. The Agency also provides a pilot organics composting project, and holds household hazardous waste and electronics recycling events for the

4. Editor's Note: See Public Authorities Law § 2050-a.

- residents of the County. Municipal dropoff centers for disposal of solid waste and recycling developed by the Agency offer County residents a convenient alternative to private collection contracts. The Agency routinely negotiates contracts with area solid waste collection firms for disposal of MSW at its two conveniently placed transfer stations, and long hauls through private contractors the processed waste to permitted landfills in New York State.
- C. Together with the preparation of the local solid waste management plan, the County adopted Local Law Number 8 of 1991 (the Ulster County Mandatory Source Separation and Recycling Law)⁵ and Local Law Number 9 of 1991 (the Ulster County Solid Waste Management Law)⁶ with the intent that the provisions of each law should complement the other in the management of solid waste and recyclables collection and disposal in the County.
- D. Section 4 of Local Law Number 9 of 1991 provided for the restriction of competition in solid waste disposal to the extent that waste generated or brought within the County of Ulster could be directed to a solid waste facility designated by the Agency, as authorized by Public Authorities Law § 2050-t(3). Enforcement of Section 4 of Local Law Number 9 of 1991 was suspended following judicial decisions calling similar provisions in the laws of other communities into question on constitutional grounds. In 2007, the United States Supreme Court affirmed the power of local government to direct the flow of solid waste and recyclables to public facilities, and this amendment to Local Law Number 9 of 1991 is adopted to advance the goals of the Ulster County local solid waste management plan in a manner conforming to the standards established by the Court.
- E. Local Law Number 8 of 1991 (the Ulster County Mandatory Source Separation and Recycling Law) has been amended on two occasions: by Local Law No. 8 of 2007 and Local Law No. 4 of 2010. The most recent amendment set forth in Local Law No. 4 of 2010 sets forth findings and legislative purposes with respect to County policy on recycling and solid waste management which the Legislature hereby reaffirms and adopts as additional findings and purposes for this amendment.
- F. In addition, the Legislature finds that the establishment of a requirement for an occupational license for persons engaged in the collection of solid waste and recyclables in Ulster County, together with the reinstatement of flow control over the disposal of solid waste generated within the County will assist the County and the Agency in fulfilling the goals of the local solid waste management plan. The license and flow control requirements established herein are intended to enhance the ability of the Agency to gather information relevant to the generation, type and quantity of waste and recyclables in the County; assist in the environmentally sound and economical disposal of solid waste; provide sufficient user revenue to the Agency to administer the operation of an integrated solid waste management system; reduce the subsidy provided by Ulster County taxpayers to the solid waste system; and assist the County and the Agency in the enforcement of environmental laws and regulations.

5. Editor's Note: See Art. II, Recycling.

6. Editor's Note: See Art. III, Solid Waste Management.

G. The Legislature further finds that the amendments contained herein will assist the Agency in establishing a structured disposal fee for all haulers operating within the County and thereby encourage competition among haulers, for the benefit of all consumers of solid waste services within the County.

§ 304-35. Statutory authority.

This article is adopted pursuant to § 120-aa of the General Municipal Law, § 10 of the Municipal Home Rule Law, § 2050-t(3) of the Public Authorities Law, and Article 27 of the Environmental Conservation Law.

§ 304-36. Definitions.

As used in this article, the following terms shall have the following meanings:

AGENCY — The Ulster County Resource Recovery Agency created under Chapter 936 of the Laws of 1986 of the State, as amended.

AGENCY EXECUTIVE DIRECTOR — The Executive Director of the Ulster County Resource Recovery Agency.

COLLECTION — The pick-up, collection or delivery of solid waste to a hauler at the point of generation.

CONSTRUCTION AND DEMOLITION DEBRIS or C&D — Uncontaminated solid waste resulting from the construction, remodeling, repair and demolition of utilities, structures and roads; and uncontaminated solid waste resulting from land clearing. Such waste includes, but is not limited to, bricks, concrete and other masonry materials, soil, rock, wood (including painted, treated and coated wood and wood products), land-clearing debris, wall coverings, plaster, drywall, plumbing fixtures, nonasbestos insulation, roofing shingles and other roof coverings, asphalt pavement, glass, plastics that are not sealed in a manner that conceals other wastes, empty buckets 10 gallons or less in size and having no more than one inch of residue remaining on the bottom, electrical wiring and components containing no hazardous liquids, and pipe and metals that are incidental to any of the above.

COUNTY — The entire County of Ulster as constituted and existing under the Laws of the State.

DISPOSAL — The post-collection delivery of solid waste to any location for processing, transfer, transportation, or any permanent disposition.

GENERATOR — Any person or legal entity that produces solid waste including regulated recyclable materials requiring off-site disposal.

HAULER — Any person engaged in the business of collecting, storing, and transporting municipal solid waste, including recyclable materials, except where otherwise designated in this article.

INDEPENDENT ADMINISTRATIVE HEARING OFFICER — The meaning set forth in § 304-25 of Article II, Recycling.

MUNICIPALITY — Any county, city, town, village, improvement district, public authority, or other municipal corporation established by law.

MUNICIPAL SOLID WASTE or MSW — That solid waste which is generated at residences, institutions, businesses, or other properties, exclusive of construction and demolition debris and recyclable materials that have been separated from MSW.

PERSON — Any natural person, individual, partnership, copartnership, association, owner or manager of a business, commercial or industrial establishment, joint venture, corporation, trust, estate, institution, not-for-profit organization or any other legal entity, including a municipality or any other waste generator.

RECYCLABLE MATERIALS — Any solid waste that exhibits the potential to be returned to the economic resource stream in the form of raw materials to be used in place of virgin materials in the manufacture of new products.

SOLID WASTE — All materials or substances discarded or rejected within the County of Ulster as being spent, useless, worthless, or in excess to the owners at the time of such discard or rejection, including, but not limited to, garbage, refuse, industrial and commercial waste, sludges from air or water pollution control facilities or water supply treatment facilities, rubbish, ashes, contained gaseous materials, incinerator residue, demolition and construction debris and offal, but not including sewage and other highly diluted water-carried materials or substances and those in gaseous form, source, special nuclear or by-product material within the meaning of the Atomic Energy Act of 1954,⁷ as amended, and waste which appears on the list of hazardous waste promulgated by the Commissioner of Environmental Conservation pursuant to § 27-0903 of the Environmental Conservation Law.

SOLID WASTE MANAGEMENT FACILITY — Any facility, plant, works, system, building, structure, improvement, machinery, equipment, fixture or other real or personal property which is to be used, occupied or employed for or is incidental to the collecting, receiving, transporting, storage, processing or disposal of solid waste as more fully defined in Public Authorities Law § 2050-b(16).

§ 304-37. Administration.

This article shall be implemented, administered, and enforced by the Agency. In order to carry out this responsibility, the Agency, acting consistently with the purposes of this article, shall be empowered to do the following:

- A. Establish, revise, amend, and repeal rules and regulations as it shall deem reasonable, necessary and proper to carry out the responsibilities and requirements of this article pursuant to § 304-38.
- B. Designate solid waste management facilities that may receive, process, transfer, transport or dispose of municipal solid waste.
- C. Issue summonses, notices and administrative complaints to persons in violation of the provisions of this article, adjudicate alleged violations, impose civil penalties and license

7. Editor's Note: See 42 U.S.C. § 2011 et seq.

suspensions and/or revocations as provided herein, and take all lawful action to enforce the provisions of this article, including but not limited to applications to courts of competent jurisdiction.

§ 304-38. Rules and regulations.

When specified in this article, the Agency may, from time to time, promulgate rules and regulations consistent with the provisions of this article in order to effectuate the purposes hereof. The procedure for rule making shall be the procedure set forth in § 304-11 of Article II, Recycling (the Ulster County Mandatory Source Separation and Recycling Law).

§ 304-39. Hauler licensing requirements.

- A. No hauler shall collect, transport or dispose of solid waste and/or recyclable materials generated within the County without obtaining a hauler license issued by the Agency. Licenses issued pursuant to this article shall be in the nature of a privilege subject to the terms and conditions set forth in this article and shall not be deemed to create a property interest with respect to the license in the holder thereof.
- B. The Agency shall be authorized to issue a hauler license to qualified applicants upon submission of a written application containing such information as may be required by the Agency for administrative purposes, including, but not limited to, the following:
- (1) The name and address of the applicant, specifying, in the case of any corporation, the names and addresses of each officer and director thereof.
 - (2) If the applicant conducts business under a trade name or if the applicant is a partnership, the application for a license must be accompanied by a copy of the trade name or partnership certificate duly certified by the Clerk of the county in whose office the certificate was filed.
 - (3) The experience of the applicant in the business of collection and disposal of refuse and similar material.
 - (4) The number of collection vehicles to be operated by the applicant and a description of each such vehicle, including the ownership of the vehicle, the make, year, model of chassis and body type, the cubic capacity or tare weight, and color of vehicle, the current New York State registration number, and the community or communities in which the vehicle will operate. All vehicles shall be marked with the name of the licensee. The Agency shall be authorized to issue identification numbers for each vehicle, to be marked or affixed thereto.
 - (5) The number and location of all waste and recyclable materials containers distributed by the licensee to customers within the County. All such containers shall be marked with the name of the licensee. The Agency shall be authorized to issue identification numbers for each such container, to be marked or affixed thereto.

- (6) The location of any and all terminals proposed to be used by the applicant for the storage of licensed vehicles.
 - (7) The applicant's proposed daily route and pickup schedule for each area and building to be serviced. Within 30 days of occurrence, any changes in the daily route and pickup schedule shall be reported, in writing, to the Agency. This subsection shall not apply to such routes and special districts as are provided for by contract with a municipality.
 - (8) The name, address and telephone number, both day and night, of the applicant or the person in charge of the business.
 - (9) Any other relevant information the Agency may require.
- C. Additional requisites for obtaining and holding a license.
- (1) Fees. Each application shall be accompanied by an application fee of \$200, plus \$100 for each vehicle to be used by the licensee in the provision of service in the County. A municipality is not subject to the application fee under the provisions of this subsection.
 - (2) Insurance. Before a license may be issued by the Agency, each applicant shall file with the Agency proof of the following insurance coverage, consisting of a certificate of the insurance carrier:
 - (a) Workmen's compensation insurance or proof of exemption.
 - (b) Disability benefits insurance.
 - (c) Bodily injury liability insurance in an amount not less than \$1,000,000 for each occurrence, and in an amount not less than \$1,000,000 general aggregate.
 - (d) Property damage liability insurance in an amount not less than \$1,000,000 for each occurrence and in an amount of not less than \$1,000,000 general aggregate.
 - (3) Duty to keep records. Every licensee shall keep complete and accurate books of account with respect to the operation of its business, in which shall be entered and shall show, among other things, all income derived or received from each of its customers and/or other sources, together with details of all expenses disbursements made or incurred in the operation of its business. Such books of account shall be kept current on a monthly or quarterly basis and brought up-to-date not later than 30 days after the expiration of such period. All such records shall be retained by the licensee for at least three years.
 - (4) Right of inspection. The Agency shall have the right to inspect books of account and records maintained by the licensee. Every hauler shall keep and maintain records of every customer serviced by the hauler. Such records shall be available for inspection and examination at any time upon demand by the Agency, or its duly authorized agent or employee, and shall be preserved for a period of three

years, except that the Agency may consent to their destruction within that period or may require that they be kept longer. Such consent shall be in writing and signed by the Agency Executive Director.

- (5) Global positioning system. Each licensee may be required, at the discretion of the Agency, to install and maintain equipment to be identified by the Agency for the tracking of collection vehicles by satellite or other means. If the Agency determines that it is necessary to install a GPS system, then, in that event, the Agency shall give the licensee 30 days' notice prior to the date of required installation of the GPS system. It shall be the responsibility of the licensee to bear the cost of the GPS system.
- D. Term of license. Each license issued pursuant to this section shall be valid for a term expiring on December 31 of the year of issuance, unless issued in the month of December, in which case it shall expire the 31st day of December of the next year. License renewals shall be considered in the same manner and subject to the same conditions as original applications.
- E. Licenses not transferable. Licenses issued pursuant to this article shall not be transferable or assignable by the licensee. Changes in ownership or control of a licensed entity shall be reported to the Agency within 10 days.

§ 304-40. Revocation or denial of licenses.

- A. The Agency shall be authorized to deny an application or suspend or revoke a hauler license issued pursuant to this article where one or more of the following situations is found to exist:
- (1) That the hauler has failed and refused, without reasonable cause, to collect and dispose of municipal solid waste, except in a situation where a contract has been lawfully terminated.
 - (2) That the hauler has failed to account or pay, without reasonable cause, any disposal bills to the Agency.
 - (3) That the hauler is insolvent or has made a general assignment for the benefit of creditors or has been adjudged as bankrupt, or a money judgment has been secured against it upon which an execution has been returned wholly or partly unsatisfied.
 - (4) That the hauler has failed to keep and maintain records or has refused to allow the inspection thereof as otherwise provided in this article.
 - (5) That the hauler has violated any of the provisions of this article or the provisions of Article II, Recycling as it currently exists or may be amended from time to time.
 - (6) That the hauler has ceased to operate as a private refuse collector for which a license was previously issued.

- (7) That the hauler has been convicted of a felony or misdemeanor which in the judgment of the Agency renders such person unfit or undesirable to hold such license.
 - (8) That the hauler has failed to abide by any rule or regulation promulgated by the Agency and implemented in furtherance of its administrative or enforcement efforts.
- B. Procedure. Whenever, in the judgment of the Executive Director of the Agency, sufficient evidence exists to support a determination that a license held by any hauler should be suspended or revoked, or that civil penalties should be imposed pursuant to this article, the Agency shall serve written notice of such suspension or revocation, and/or the amount of civil penalty imposed, upon the hauler, together with notice of the effective date of such suspension, revocation or penalty, which date shall be not less than 20 days from the date of such notice. Written notice of suspension or revocation of a license shall be served personally or by certified mail, return receipt requested, addressed to such hauler's last-known address; and if by certified mail, a copy of the notice shall be posted on the hauler's premises as stated in the license application. Such notice shall contain factual allegations sufficient to inform the hauler of the nature and circumstances of the violation charged, and shall further inform the hauler of the right to a hearing to contest the suspension, revocation and/or penalty. The hauler may invoke the right to a hearing by serving a written demand for hearing upon the Agency at any time prior to the effective date of the suspension, revocation or penalty, and service of such demand shall serve to stay such suspension, revocation or penalty pending the determination of the Independent Administrative Hearing Officer, pursuant to the procedures set forth in § 304-25 of Article II, Recycling. Any applicant aggrieved by the denial of a license after application pursuant to this section may request that the Agency hold a hearing on such denial.
- C. Nothing herein shall prevent the Agency from enforcement of the provisions of this article, and all rules, regulations, orders and determinations made pursuant thereto, by actions or proceedings for legal and/or equitable relief, brought in the name of the Agency or the County in any court of competent jurisdiction.

§ 304-41. Regulation and control of collection, transportation and disposal.

- A. All municipal solid waste generated within the County of Ulster shall be delivered for disposal to a Solid Waste Management facility designated by the Agency. The County hereby intends to regulate and control the collection, transportation and disposal of all municipal solid waste, by whomever collected, within the municipalities within the County and to authorize the Agency to establish standards and promulgate regulations to accomplish such control. The Agency's designation may include a determination that a particular Solid Waste Management facility shall be the only facility used for the disposal of municipal solid waste generated within all of, or a described area within, the County of Ulster or by a particular person or persons.
- B. In administrative proceedings under Article II, Recycling to enforce the provisions of this section there shall be rebuttable evidentiary presumptions that:

- (1) The placement of a municipal solid waste container that is marked or identified with the name of a hauler holding or required to hold a license for the collection of municipal solid waste pursuant to this article at any location within the County shall be presumptive evidence that such hauler is providing solid waste collection service at said location.
- (2) Evidence of municipal solid waste in a container located in the County as described in Subsection B(1) above, and subsequent observation of the same container empty, shall be presumptive evidence that municipal solid waste was collected from the container by the hauler whose name is marked on the container.
- (3) The failure to deliver any municipal solid waste to an Agency-designated Solid Waste Management facility within three days of the collection of municipal solid waste from any location within the County shall be presumptive evidence of a violation of this section.

C. Penalties. Any hauler who violates any of the provisions of this § 304-40 of this article, or who fails to perform any duty imposed by this article or any rule or regulations promulgated pursuant thereto, may be liable for a civil penalty not to exceed \$5,000 and/or revocation of all licenses issued pursuant to this article.

§ 304-42. Supersession of other provisions.

Pursuant to Title 13-G of the Public Authorities Law of the state, this article takes precedence over and shall supersede any inconsistent provisions of any local law enacted by any municipality within the County.

Chapter 306

STREETS AND ROADS

ARTICLE I

Hydraulic Fracturing Brine Prohibition

§ 306-1. Title.

§ 306-2. Definitions.

§ 306-3. Use of brine prohibited.

§ 306-4. Statement to be included in bid.

§ 306-5. Duty of employees to be familiar with this article.

§ 306-6. Penalties for offenses.

§ 306-7. Severability.

§ 306-8. When effective.

[HISTORY: Adopted by the County Legislature of the County of Ulster as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Hydraulic Fracturing Brine Prohibition

[Adopted 7-25-2012 by L.L. No. 6-2012]

§ 306-1. Title.

This article shall be known by and may be cited as the "Hydraulic Fracturing Brine Prohibition Act."

§ 306-2. Definitions.

As used in this article, the following terms shall have the following meanings:

APPLICATION — The physical act of placing brine on one or more County roads or one or more pieces of County property. Each physical act shall be deemed separate when the person committing the act stops for any reason the placement of the brine for any purpose, including but not limited to stopping a vehicle used in the placement of the brine, stopping work for any reason, reloading or replacing any material or equipment necessary to apply the brine.

BRINE —

- A. Production brine; or
- B. Produced waters; or
- C. Flowback; or
- D. Flowback fluids; or
- E. Hydraulic fracturing fluid, any or all, which are generated as a result of drilling for, or seeking gas in wells, including but not limited to high-volume hydraulic fracturing, as defined herein.

COMMISSIONER — The Commissioner of the Department of Public Works, except for the use of the word "commissioner" in § 306-5 may mean any other commissioner designated by the County Executive or may mean the Commissioner of Public Works as determined by the County Executive.

FLOWBACK — Liquids and solids produced during initial completion and cleanup of the well or cleanup of a well following a refracture or workover.

FLOWBACK FLUIDS — Liquids produced following drilling and initial completion and cleanup of the well or cleanup of a well following a refracture or workover.

HIGH-VOLUME HYDRAULIC FRACTURING — A natural gas well stimulation technique consisting of the injection into the earth of a water and chemical mix with the intent of increasing the ability to extract natural gas from very tight rock.

HYDRAULIC FRACTURING FLUID — Fluid used to perform hydraulic fracturing and includes the primary carrier fluid and all applicable additives.

MUNICIPALITY — The County of Ulster.

PRODUCTION BRINE or PRODUCED WATERS — Liquids coproduced during oil and gas production.

PROPERTY — Real property, improved or otherwise, which the County of Ulster owns or controls.

ROADS — Public roads, streets, or bridges owned or controlled by the municipality.

§ 306-3. Use of brine prohibited.

No brine shall be applied to or placed upon property or roads of the municipality. In any bid for materials, services, or equipment which relate to property maintenance or road improvements or road construction, the municipality in a bid specification or bid document describing the nature of the services or equipment sought, and any agency or division of the municipality, shall expressly state in capitalized, bold font:

"THE PLACEMENT OF BRINE ON ANY ROAD OR PROPERTY OF THE COUNTY OF ULSTER IS UNLAWFUL. ANY BIDDER SHALL FILE A SWORN STATEMENT WITH THEIR BID THAT NO BRINE AS DEFINED BY LOCAL LAW OF THE MUNICIPALITY WILL BE SOLD TO THE MUNICIPALITY AS PART OF THE BID, OR UTILIZED ON OR PLACED ON ANY PROPERTY OR ROAD OF THE COUNTY OF ULSTER. BIDDERS ARE DIRECTED TO CHAPTER 306 OF THE LAWS OF THE COUNTY OF ULSTER FOR THE DEFINITION OF BRINE."

§ 306-4. Statement to be included in bid.

The statement provided for in § 306-3, which shall be a sworn statement under penalty of perjury, shall read substantially as follows:

"We, _____ hereby submit a bid for materials, equipment, or labor for the _____ of _____. The bid is for bid documents titled _____. We hereby certify under penalty of perjury that no brine will be used by the undersigned bidder or any contractor, subcontractor, agent, or vendor thereof in connection with the bid; nor will the undersigned bidder or any subcontractor, agent, or vendor thereof and/or therefor apply or supply any brine to any property or road(s) of the County of Ulster as a result of the submittal of this bid if selected." The statement shall otherwise be sworn to under penalty of perjury in a form satisfactory to the County Attorney.

§ 306-5. Duty of employees to be familiar with this article.

The County Executive or, at the County Executive's option, a department head or a commissioner of any department appointed by the County Executive is authorized to develop policies to ensure County employees are familiar with this article and take such steps as are directed by the County Executive or such department head or commissioner to ensure a diligent effort by the County that materials supplied to the County or used on County roads or property comply with this article. This shall not excuse noncompliance by a contractor or vendor of the County.

§ 306-6. Penalties for offenses.

- A. Breach of contract. A violation of the provisions of this article shall be deemed a breach of contract and shall authorize the Director of Purchasing, in cooperation with the County Attorney and any other officer or employee of the County deemed necessary by the County Attorney, to commence a civil breach of contract action against the violator of the provisions of this article. Damages sought shall be determined by the County Attorney but may include, but shall not be limited to, the cost of any consequential damages of the breach of contract. In addition, a determination by the Director of Purchasing that the contract was awarded through shall make a finding that the contractor was not a responsible bidder and shall cause notice of such irresponsibility to be circulated in a form approved by the County Attorney to each other county in New York State. The County Attorney is further authorized to commence any necessary action to enjoin any violation of this article he or she believes to be occurring.
- B. Criminal penalties. In addition to prosecution for perjury as determined by the District Attorney, any person who violates this article shall be guilty of an unclassified misdemeanor and subject to a fine not to exceed \$25,000 per violation and/or up to 15 days' imprisonment. Each application of brine shall constitute a separate and distinct violation.

§ 306-7. Severability.

If any sentence, clause, paragraph, subdivision, sub-paragraph, part or provision of this article or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been

rendered and shall not affect or impair the validity of the remainder of this article or the application thereof to other persons or circumstances and the Legislature hereby declares that it would have enacted this article or the remainder thereof had the invalidity of such provision or application thereof been apparent.

§ 306-8. When effective.

This act shall take effect 30 days after it shall have been filed with the Secretary of State.

Chapter 308
STORM SEWERS

ARTICLE I
**Illicit Discharges, Activities and
Connections**

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[HISTORY: Adopted by the County Legislature of the County of Ulster as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Illicit Discharges, Activities and Connections
[Adopted 12-12-2007 by L.L. No. 18-2007]

§ 308-1. Purpose, intent and findings.

The purpose of this article is to provide for the health, safety, and general welfare of the citizens of the County of Ulster through the regulation of stormwater and nonstormwater discharges, as regulated hereunder, to the municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and state law. This article establishes methods for controlling the introduction of pollutants into the MS4 in order for the County of Ulster to comply with requirements of the SPDES general permit for municipal separate storm sewer systems.

A. Among the several purposes of this article are the following:

- (1) To meet the requirements of the SPDES general permit for stormwater discharges from MS4s, Permit No. GP-02-02, or as amended or revised;
- (2) To regulate the contribution of pollutants to the MS4;
- (3) To prohibit illicit connections, activities and discharges to the MS4;
- (4) To establish legal authority to carry out all inspection, monitoring and enforcement procedures necessary to ensure compliance with this article; and
- (5) To promote public awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, grease, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment and other pollutants into the MS4.

B. Based upon the record had before this Legislature, the following findings are made in consideration of this article:

- (1) This Legislature finds and determines that the regulation of nonstormwater discharges to the County-owned municipal separate storm sewer system, to the maximum extent practicable, is essential to protect the health, safety and general welfare of the citizens of Ulster County.
- (2) This Legislature further finds and determines that controlling the introduction of polluted stormwater and nonstormwater pollutants into the County-owned municipal separate storm sewer system is critical in order to comply with requirements of the state Pollution Discharge Elimination System General Permit No. GP-02-02 for municipal separate storm sewer systems.
- (3) In addition to the enforcement processes and penalties provided herein, any condition caused or permitted to exist in violation of any of the provisions of this article which is deemed to be an imminent threat to public health, safety, and/or welfare may further be declared and deemed a nuisance and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such violation and/or nuisance may be taken in accordance with the procedures set forth within this article.
- (4) This article shall apply to all MS4 designated areas situate within the County of Ulster.

§ 308-2. Definitions.

Whenever used in this article, unless a different meaning is stated in a definition applicable to only a portion of this article, the following terms will be defined and shall have meanings set forth below:

AGRICULTURAL STORMWATER RUNOFF — Any stormwater runoff from farm operations and other nonpoint source agriculture and agricultural uses, but not discharges from

concentrated animal feeding operations as defined in 40 CFR 122.23 or discharges from concentrated aquatic animal production facilities as defined in 40 CFR 122.24.

AGRICULTURE — All agricultural operations and activities related to a farm operation, as such term is defined in § 301, Subdivision 11, of the Agriculture and Markets Law (AML) or governed by the AML of the State of New York and the guidelines and opinions issued by the New York State Commissioner of Agriculture and Markets to the extent that such practices are consistent with 6 NYCRR 663.2 and not excluded thereby.

BEST MANAGEMENT PRACTICES (also referred to as "BMPs") — Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. Best management practices also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

CLEAN WATER ACT — The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) and any subsequent amendments thereto.

CONSTRUCTION ACTIVITY — Activities requiring authorization under the SPDES permit for stormwater discharges from construction activity, GP-02-01 and GP-02-02, as amended or revised. These activities include construction projects resulting in land disturbance of one or more acres unless otherwise excluded from regulation under GP-02-01 and/or GP-02-02. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

COUNTY-OWNED MUNICIPAL SEPARATE STORM SEWER SYSTEM (also referred to as "MS4") — A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, manholes, gutters, ditches, man-made channels, or storm drains) owned or operated by the County of Ulster which includes roads, infrastructure and facilities designed or used for collecting or conveying stormwater that is not a combined sewer and which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR 122.2. A copy of a listing of County-owned roads and properties shall be included herein as Exhibit A¹ and a copy shall be kept on file with the Clerk of the Ulster County Legislature. Said listing shall include any and all new roadways and County-owned properties as required under the MS4 regulations.

DEPARTMENT — The New York State Department of Environmental Conservation.

DEPARTMENT OF PUBLIC WORKS — The Ulster County Department of Public Works is the County department of which the Stormwater Management Office forms a part in accordance with the provisions of this article.

DISCHARGE — Any addition or introduction of any pollutant, stormwater, or any other regulated substance whatsoever into the municipal separate storm sewer system (MS4) or into waters of the United States.

1. Editor's Note: Exhibit A is included as an attachment to this chapter.

DISCHARGER — Any person, as defined herein, who causes, allows, permits, or is otherwise responsible for a discharge into a municipal storm sewer.

EPA — The Environmental Protection Agency of the United States of America.

FACILITY — Any lands and appurtenances, including but not limited to construction sites, required by the Federal Clean Water Act to have a permit to discharge stormwater associated with industrial activity and/or any other regulated activity.

FARM OPERATION — The land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other. (See § 301, Subdivision 11, of the Agriculture and Markets Law and the definition herein contained for "agriculture.")

HAZARDOUS MATERIAL — Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

ILLCIT CONNECTION — Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the County-owned municipal separate storm sewer system, including but not limited to:

- A. Any conveyances as regulated under this article which allow any nonstormwater discharge, including treated or untreated sewage, process wastewater, and wash water, to enter the County-owned municipal separate storm sewer system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
- B. Any drain or conveyance connected from a commercial or industrial land use to the County-owned municipal separate storm sewer system that has not been documented in plans, maps, or equivalent records and lawfully approved by an authorized enforcement agency.

ILLCIT DISCHARGE — Any direct or indirect regulated nonstormwater discharge to the County-owned municipal separate storm sewer system, except as exempted in § 308-6 of this article.

ILLCIT DISCHARGE BOARD OF APPEALS — A County of Ulster appeals board consisting of, at minimum, one representative of each of the following departments and which representatives shall be appointed by the department heads of each of the departments so designated: the Department of the Environment, the Department of Health and the Planning Department. Said Board shall follow the procedures set forth within § 308-15 of this article.

INDUSTRIAL ACTIVITY — Activities requiring the SPDES permit for discharges from industrial activities except construction, GP-98-03, as amended or revised.

MUNICIPALITY or COUNTY — The County of Ulster.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) — The system of conveyances (including but not limited to sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and/or operated and/or maintained by the County and designed or used for collecting or conveying stormwater.

NONPOINT SOURCE — Any source of any discharge that is not a point source.

NONSTORMWATER DISCHARGE — Any discharge to the County-owned municipal separate storm sewer system that is not composed entirely of stormwater.

OPERATOR — The party or parties that either individually or taken together meet the following two criteria:

- A. They have operational control over the site activities (including the ability to make modifications in activities); and
- B. They have such operational control as to those activities at the site necessary to ensure compliance with SWPPP requirements and any related permit conditions.

PERSON — Any individual, association, organization, partnership, firm, company, corporation, trust, estate, governmental entity (including the County of Ulster), or other entity recognized by law and acting as either the owner or as the owner's agent. This term shall also include owners, operators, dischargers and all other entities as set forth within this article.

POINT SOURCE — Any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, fissure, container, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged and as regulated under this article and/or the Clean Water Act.

POLLUTANT — Includes, but is not limited to, dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, filter backwash, munitions, hazardous waste, chemical wastes, biological materials, toxic materials, radioactive materials, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, recreational, regulated, and agricultural waste and other regulated wastes discharged into the municipal separate storm sewer system which may cause or might reasonably be expected to cause pollution of the waters of the state in contravention of the standards set forth within this article and the Clean Water Act (33 U.S.C. § 1251 et seq.).

PREMISES — Any building, structure, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks, parking strips, roadways and other appurtenances.

RELEASE — Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of illicit discharges into surface water, groundwater, subsurface soils, surface soils and/or by any other direct or indirect discharge which is made to the municipal separate stormwater sewer system (MS4), the waters of New York State and/or the waters of the United States.

SPECIAL CONDITION — The condition in the County-owned municipal separate storm sewer system permit that applies if a TMDL is approved in the future by EPA for any water body or watershed into which a County-owned municipal separate storm sewer system discharges. Under this condition the municipality must review the applicable TMDL to see if it includes requirements for control of stormwater discharges. If an MS4 is not meeting the TMDL stormwater allocations, the municipality must, within six months of the TMDL's approval, modify its stormwater management program to take all necessary actions to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

SPECIAL CONDITION 303(d) LISTED WATERS — The condition in the County-owned municipal separate storm sewer system permit that applies where the County-owned municipal separate storm sewer system discharges to a 303(d) listed water. Under this condition the County stormwater management program must ensure no increase of the listed pollutant of concern to the 303(d) listed water.

SPECIAL CONDITION DISCHARGE COMPLIANCE WITH WATER QUALITY STANDARDS — The condition that applies where a municipality has been notified pursuant to this article that the discharge of stormwater authorized under its County-owned municipal separate storm sewer system permit may have caused, or has the reasonable potential to cause or contribute to, the violation of an applicable water quality standard. Under this condition the municipality must take all necessary actions to ensure future discharges do not cause or contribute to a violation of water quality standards.

SPECIAL CONDITION TOTAL MAXIMUM DAILY LOAD (TMDL) STRATEGY — The condition in the County-owned municipal separate storm sewer system permit where a TMDL, including requirements for control of stormwater discharges, has been approved by EPA for a water body or watershed into which the County-owned municipal separate storm sewer system discharges.

STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (also referred to as "SPDES") STORMWATER DISCHARGE PERMIT — A permit issued by the Department that authorizes the discharge of pollutants to waters of the state.

STORMWATER — Rainwater, surface runoff, snowmelt and drainage.

STORMWATER MANAGEMENT OFFICE — The County office that is responsible for administering, enforcing and promulgating regulations and fees pursuant to this article. Upon adoption of this article, said office shall be designated by the County Legislature as being a part of and organized as a division of and under the County of Ulster Department of Public Works, and the Stormwater Management Officer shall be appointed by the department head of the Ulster County Department of Public Works. Budgetary, employment and other customary administrative procedures associated with the Stormwater Management Office shall be the responsibility of the Ulster County Department of Public Works.

STORMWATER MANAGEMENT OFFICER (also referred to as "SMO") — A person, persons, or other public official(s) designated by the Stormwater Management Office to monitor activities, inspect areas and enforce this article. The Stormwater Management Officer may also be designated to accept, review, and inspect stormwater pollution prevention plans, among his/her other responsibilities.

STORMWATER POLLUTION PREVENTION PLAN — A plan required by a SPDES permit to discharge stormwater associated with regulated activities, including but not limited to industrial activities and construction, and which describes and provides for pollutants in stormwater discharges associated with regulated activities.

303(d) LIST — A list of all surface waters in the state for which beneficial uses of the water (drinking, recreation, aquatic habitat, and industrial use) are impaired by pollutants, prepared periodically by the Department as required by Section 303(d) of the Clean Water Act.² 303(d) listed waters are estuaries, lakes and streams that fall short of state surface water quality standards and are not expected to improve within the next two years.

TOTAL MAXIMUM DAILY LOAD (also referred to as "TMDL") — The maximum amount of a pollutant to be allowed to be released into a water body so as not to impair uses of the water, allocated among the sources of that pollutant.

WASTEWATER — Any water that is not stormwater, is contaminated with pollutants and is or will be discarded. This term shall not include stormwater which is not contaminated by pollutants.

§ 308-3. Applicability.

This article shall apply to all water entering the County-owned municipal separate storm sewer system within MS4 designated areas as generated on any developed and undeveloped lands unless explicitly exempted hereunder or unless explicitly exempted by the Department acting as the authorized enforcement agency.

§ 308-4. Administration.

The Stormwater Management Officer (SMO) shall administer, implement, and enforce the provisions of this article. Such powers granted or duties imposed upon and granted to the authorized enforcement official may be delegated in writing by the Stormwater Management Officer as may be authorized by the Stormwater Management Office. Such written delegation shall be kept and maintained within the Stormwater Management Officer's files, and copies shall further be provided by the Stormwater Management Officer to the County Attorney. The Stormwater Management Office shall possess the authority to promulgate rules and regulations as necessary to administer, enforce and forward this article and its purposes, including but not limited to the institution and use of permits, forms, fees and other regulatory mechanisms to advance the purposes of this article.

§ 308-5. Illegal discharges.

No person shall discharge or cause to be discharged into the County-owned municipal separate storm sewer system any materials other than lawful discharges of stormwater, except as provided in § 308-6. The commencement, conduct or continuance of any illegal discharge to the County-owned municipal separate storm sewer system is prohibited except as described in § 308-6.

2. Editor's Note: See 33 U.S.C. § 1313(d).

§ 308-6. Exemptions.

- A. The following discharges are exempt from discharge prohibitions established by this article, unless the Department or the County has, pursuant to law, officially determined such discharges to be substantial contributors of pollutants:
- (1) Waterline flushing or other potable water sources, landscape irrigation or lawn watering, existing diverted stream flows, rising groundwater, uncontaminated groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains, crawl space or basement sump pumps, air-conditioning condensate, irrigation water, springs, water from individual residential car washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, residential street wash water, water from fire-fighting activities, agricultural stormwater runoff from lawful agricultural practices and any other water source not containing pollutants. In no event shall this article be read to create, permit or authorize agriculture discharge exemptions beyond those which are in effect pursuant to the Clean Water Act.
 - (2) Discharges approved in writing by the Stormwater Management Officer to protect life or property from imminent harm or damage, provided that such approval shall not be construed to constitute compliance with other applicable laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the Stormwater Management Officer may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this article.
 - (3) Dye testing in compliance with applicable state and local laws.
 - (4) Activities and uses essential to ensure emergency police, fire, and rescue functions and emergency response undertaken by either the County or by a nonprofit organization authorized by contract with the County to provide these public services; essential activities to promote public health, safety, and well-being of persons and property therein and to implement orders and regulations of the Ulster County Department of Health, the Ulster County Emergency Management Agency and/or the New York State Department of Health with notification to the County Stormwater Management Officer; and any actual and ongoing emergency activity which directly addresses an imminent threat to life, property or structures of any kind. Such emergency activities may include, but are not limited to, fire suppression operations, preventative or remedial activities related to mitigation, cleanup, or control of stormwater and/or the contamination or threatened contamination of groundwater and/or surface water, response to imminent floods, hurricanes and all other storms that follow established emergency response plans, firefighting and public health emergencies.
- B. The prohibition shall not apply to any discharge permitted under a SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Department, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the County-owned municipal separate storm sewer system. A lawfully issued SPDES permit

shall constitute compliance with this subsection in all manner and respects, provided that the person and/or discharger to which the permit is issued is fully compliant therewith.

§ 308-7. Illicit connections prohibited.

The construction, use, maintenance or continued existence of illicit connections to the County-owned municipal separate storm sewer system is prohibited. This prohibition expressly includes, without limitation, connections made in the past, regardless of whether the connection was permissible under law and whether all lawful approvals were granted and/or regardless of whether the connection was previously unregulated pursuant to practices applicable or prevailing at the time of connection. A person is considered to be in violation of this article if the person illegally connects a line conveying sewage to the County-owned municipal separate storm sewer system or allows such an illegal connection to continue.

§ 308-8. Activities contaminating stormwater prohibited.

- A. Activities are prohibited that cause or contribute to a violation of the County-owned municipal separate storm sewer system MS4 SPDES permit or cause or contribute to the County being subject to the special conditions as defined in § 308-2 of this article.
- B. Upon written notification to a person that he is engaged in activities that cause or contribute to violations of the County-owned municipal separate storm sewer system SPDES permit authorization, that person shall, upon receipt of such notice, immediately take all reasonable actions to correct such activities such that he no longer causes or contributes to violations of the County's MS4 SPDES permit authorization.

§ 308-9. Use of best management practices.

- A. Where the Stormwater Management Officer has identified illicit discharges as defined in § 308-2 or by way of activities contaminating stormwater as defined in § 308-8, the County may, among other remedies as set forth within this article, require the implementation of best management practices (BMPs) to control those illicit discharges and activities.
- B. The owner or operator of a commercial or industrial establishment shall provide, at his own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the County-owned municipal separate storm sewer system through the use of structural and nonstructural BMPs.
- C. Any owner, discharger or operator or other person responsible for a property or premises which is or may be the source of an illicit discharge as defined in § 308-2 or an activity contaminating stormwater as defined in this article may be required to implement, at said person's expense, additional structural and nonstructural BMPs to reduce or eliminate the source of pollutant(s) to the County-owned municipal separate storm sewer system.
- D. Compliance with all terms and conditions of a valid SPDES permit authorizing the discharge of stormwater associated with industrial and/or other regulated activities shall be deemed compliance with the provisions of this section.

§ 308-10. Suspension of access to system; illicit discharges in emergency situations.

- A. Imminent danger. The Stormwater Management Officer may, without prior notice, suspend County-owned municipal separate storm sewer system discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and/or substantial danger to the environment, to the health or welfare of persons, or to the County-owned municipal separate storm sewer system. The Stormwater Management Officer shall notify the person of such suspension within a reasonable time thereafter in writing of the reasons for the suspension. If the violator fails to comply with a suspension order issued in an emergency, the Stormwater Management Officer may take such steps as deemed necessary to prevent or minimize damage to the County-owned municipal separate storm sewer system or to minimize and abate any and all danger to persons.
- B. Suspension due to the detection of illicit discharge. Any person discharging to the County-owned municipal separate storm sewer system in violation of this article may have its County-owned municipal separate storm sewer system access terminated if such termination would abate or reduce an illicit discharge. The Stormwater Management Officer will notify an alleged violator in writing of the proposed termination of its County-owned municipal separate storm sewer system access and the reasons therefor. Within 15 days of the issuance of such notice, the alleged violator may petition the Stormwater Management Officer for a reconsideration and hearing. Access to the MS4 may be granted by the Stormwater Management Officer if he/she finds that the illicit discharge has ceased and the discharger has taken steps to prevent its recurrence. Access to the MS4 may be denied if the Stormwater Management Officer determines in writing that the illicit discharge has not ceased or is likely to recur. A person commits an offense if the person reinstates County-owned municipal separate storm sewer system access to premises terminated pursuant to this section without the prior approval of the Stormwater Management Officer or a court of competent jurisdiction.

§ 308-11. Industrial or construction activity discharges.

Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form reasonably acceptable to the Stormwater Management Officer prior to the allowing of discharges to the County-owned municipal separate storm sewer system. Upon such proof being provided, the Stormwater Management Officer shall render his/her determination as to acceptability and shall provide the person with a written confirmation of such determination.

§ 308-12. Access to facilities and monitoring of discharges.

- A. Applicability. This section applies to all facilities that the Stormwater Management Officer must inspect to enforce any provision of this article or whenever the authorized enforcement agency has probable cause to believe that there exists, or potentially exists, in or upon any premises, any condition that constitutes a violation of this article.

- B. Access to facilities. Upon compliance with the requirements of this article, the Stormwater Management Officer shall be permitted to enter and inspect facilities subject to regulation under this article as often as may be necessary to determine compliance with this article. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the reasonable and necessary arrangements to allow access to the Stormwater Management Officer.
- (1) Facility operators shall allow the Stormwater Management Officer ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records as may be required to implement this article.
 - (2) Unreasonable delay in allowing the County access to a facility subject to this article is a violation of this article. A person who is the operator or owner or discharger of a facility subject to this article commits an offense if the person denies the Stormwater Management Officer reasonable access to the facility for the purpose of conducting any activity authorized or required by this article.
 - (3) If the Stormwater Management Officer has been refused access to any part of the premises from which stormwater is discharged and he/she is able to demonstrate probable cause to believe that there may be a violation of this article or that there is a need to inspect and/or sample as part of such inspection and sampling program designed to verify compliance with this article or any order issued hereunder, then the Stormwater Management Officer may seek issuance of a search warrant from any court of competent jurisdiction.
- C. Monitoring. Following any adjudicated violation of this article, the County shall have the right to set up on any facility subject to this article such devices as are necessary in the reasonable determination of the Stormwater Management Officer to conduct monitoring and/or sampling of the facility's stormwater discharge. In connection therewith, the County has the right to require the facilities subject to this article to install monitoring equipment as is reasonably necessary to determine compliance with this article. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger or the owner at its own expense. All devices used to measure stormwater flow and quality shall be properly calibrated to ensure their accuracy, and proof of such calibration shall be furnished to the Stormwater Management Officer following request therefor.

§ 308-13. Notification of spills.

Notwithstanding any other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which are resulting or may result in illicit discharges or pollutants discharging into the County-owned municipal separate storm sewer system, said person shall take such necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services and/or the County Stormwater Management Officer. In the

event of a release of nonhazardous materials, said person shall notify the County Stormwater Management Officer in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the County within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be promptly provided to the Stormwater Management Officer and such records shall be retained on site for at least five years.

§ 308-14. Enforcement.

- A. When the County's Stormwater Management Officer determines that a person has violated a prohibition or failed to meet a requirement of this article, he/she may order compliance by written notice of violation to the owner and the discharger, if different than the owner, as the alleged responsible person. Such notice and/or subsequent enforcement remedies may require, without limitation:
- (1) The elimination of illicit connections or discharges;
 - (2) That violating discharges, practices or operations shall cease and desist;
 - (3) The abatement and/or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
 - (4) The performance of monitoring, analyses and reporting;
 - (5) Payment of a fine and/or recoupment of all quantified County expenditures as necessary to abate the violation;
 - (6) The implementation of source control or treatment BMPs; and
 - (7) Order that all permits, approvals and/or authorizations be obtained, if lawfully permitted by statute, for any continuing discharges, practices and/or operations.
- B. If abatement of a violation and/or restoration of affected property is ultimately required, written confirmation shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work may be undertaken and completed by a designated County governmental agency or a County-retained contractor and all expenses thereof shall be charged to the discharger and/or the owner as the violator.
- C. Prior notice shall not be required in the event that the Stormwater Management Officer reasonably determines that an imminent threat to life may exist as a result of the violation of this article.

§ 308-15. Appeal of notice of violation.

- A. Procedure. Any person receiving a notice of violation may appeal the determination of the Stormwater Management Officer within 15 days of its issuance. Said appeal shall be filed with the Stormwater Management Officer, who shall transmit his original findings and the appeal to the Illicit Discharge Board of Appeals, which shall consist of one representative of each of the following County departments: the Department of the Environment, the Department of Health and the Planning Department. Such Board members shall be appointed by the department heads of each of the foregoing agencies. The Illicit Discharge Board of Appeals shall hear the appeal within 30 days after the filing of the appeal and, within five days of making its written decision, file its decision in the office of the County Clerk and mail a copy of its decision by certified mail to the discharger.
- B. Relief. Persons who may be individually, jointly or severally aggrieved by any determination made by the Stormwater Management Officer and/or the Appeals Board may apply to the Supreme Court of the State of New York for review of such decision under Article 78 of the Civil Practice Laws and Rules of the State of New York.

§ 308-16. Corrective measures after appeal.

- A. If an appeal under this article has been pursued and the violation has not been corrected pursuant to the requirements set forth in the notice of violation which has been administratively adjudicated under this article, then within five business days of the decision of the County authority upholding the decision of the Stormwater Management Officer, the Stormwater Management Officer shall request the owner's permission for access to the subject private property to take any and all measures reasonably necessary to abate the violation and/or restore the property.
- B. If refused access to the subject private property, the Stormwater Management Officer may seek a warrant in a court of competent jurisdiction to be authorized to enter upon the property and make any and all determinations which are authorized pursuant to this article. Upon determination that a violation has occurred and/or is continuing, the Stormwater Management Officer may seek a court order to take any and all measures reasonably necessary to abate the violation and/or restore the property. The cost of implementing and maintaining such measures shall be the sole responsibility of the discharger as set forth within § 308-14.
- C. Nothing in this section shall be read to limit, abrogate or otherwise affect the authority possessed by the Stormwater Management Officer pursuant to § 308-10A of this article.

§ 308-17. Penalties for offenses.

- A. Administrative sanctions. Any person who violates the provisions of this article, including any provision of any authorization issued, any condition set or fee required pursuant to this article, shall be liable to the County of Ulster for a civil penalty of not more than \$3,000 for every such violation. Each consecutive day of the violation will be considered a separate offense. Such civil penalty may be recovered in any action brought

by the County at the request and in the name of the County in any court of competent jurisdiction. Such civil penalty may be released or compromised by action of the County, and any action commenced to recover the same may be settled and discontinued by the County. Any such penalty of the County shall be enforceable in an action brought in any court of competent jurisdiction. Any civil penalty or order issued by the County pursuant to the criteria set forth herein shall be reviewable in a proceeding pursuant to Article 78 of the State Civil Practice Law and Rules.

- B. Criminal sanctions. Any person who violates the provisions of this article, including any provision of any authorization issued, any condition set or fee required pursuant to this article, shall, in addition, for the first offense, be guilty of a violation punishable by a fine of not less than \$500 and not more than \$1,000; for a second and each subsequent offense he/she shall be guilty of a misdemeanor punishable by a fine of not less than \$1,000 nor more than \$2,000 or a term of imprisonment of not less than 30 days nor more than six months, or both. Each violation shall be deemed a separate and distinct offense, and, in the case of continuing violation, each day in continuance thereof shall be deemed a separate and distinct offense.
- C. Final determination; costs. In addition to the foregoing remedies, any person who violates the provisions of this article and is found guilty by a final administrative determination and/or a final adjudicated determination by a court of competent jurisdiction shall be responsible for paying over to and reimbursing the Stormwater Management Office for all quantified costs, penalties and/or fines as may result from, or be imposed by, the Department, the EPA and/or any other enforcement agency pursuant to the Clean Water Act, the State Pollutant Discharge Elimination System (SPDES) requirements and/or any other applicable statutory authority for such violation. **[Amended 8-17-2010 by L.L. No. 3-2010]**

§ 308-18. Injunctive relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. If a person has violated or continues to violate the provisions of this article, the Stormwater Management Officer may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement and/or remediation of the violation and/or for such other further relief as any court of competent jurisdiction may order.

§ 308-19. Alternative remedies.

- A. Where a person has been charged with violations of this article and/or when a person has been determined to have violated a provision of this article, he/she may be eligible for alternative remedies in lieu of a civil and/or criminal penalty, upon written recommendation of the County Attorney and concurrence of the Stormwater Management Officer, where a written determination is made that:
- (1) The violation was unintentional;
 - (2) The violator has no history of previous violations of this article;

- (3) Any environmental damage was minimal;
 - (4) The violator acted quickly to remedy violation; and
 - (5) The violator cooperated in investigation and resolution.
- B. Alternative remedies may consist of one or more of the following:
- (1) Attendance at stormwater management compliance workshops.
 - (2) Storm drain stenciling and/or storm drain marking.
 - (3) Participation in community outreach programs concerning stormwater management.
- C. In the event of noncompliance with the foregoing alternative remedies, the County reserves the right to enforce any and all provisions of this article.

§ 308-20. Remedies not exclusive. [Amended 8-17-2010 by L.L. No. 3-2010]

The remedies listed in this article are not exclusive of any other remedies available under any applicable federal, state or local law, and it is within the discretion of the Stormwater Management Office to make such determinations. Nothing in this article shall be read to preclude the enforcement by the County of Ulster of any other laws as may be applicable to illicit discharges, including but not limited to statutory authorizations as set forth within the New York State Highway Law, the New York State County Law and the New York State Public Health Law.

§ 308-21. Annual review.

The Stormwater Management Officer shall submit an annual report to the County Legislature not later than the first day of November of each year concerning the administration, efficacy and enforcement of this article. Such reports and recommendations shall assist the County to monitor and evaluate the extent to which the intent and purpose of this article have been served.

§ 308-22. Compliance with environmental regulations.

This article has been duly reviewed and a determination as to significance upon the environment and associated findings have been rendered by the County in accordance with the State Environmental Quality Review Act (SEQRA)³ prior to this article's adoption by the County (6 NYCRR 617 et seq.).

3. Editor's Note: See § 8-0101 et seq. of the Environmental Conservation Law.

§ 308-23. Conflict with other regulations.

Where the standards and legal requirements of this article are in conflict with other environmental and/or land use regulations and/or other environmental protective measures, the more restrictive standards and legal requirements shall apply.

§ 308-24. Interpretation.

This article shall be interpreted under, construed by and governed pursuant to the laws of the State of New York.

STORM SEWERS

308 Attachment 1

Ulster County

Exhibit A
County Properties Within the MS4 Area

Building Name	Address	Property by SBL	Within Municipality of
Information Services	27 South Manor Avenue	48.82-1-34	City of Kingston
Carr Building	1 Pearl Street	48.331-5-20	City of Kingston
Hutton Building	Golden Hill Lane	56.40-1-19	City of Kingston
Persen House	74 John Street	48.331-7-1	City of Kingston
Flatbush Annex	300 Flatbush Avenue	48.74-3-14.100	City of Kingston
Probation Building	17 Pearl Street	48.331-5-16	City of Kingston
Public Works Building	313-317 Shamrock Lane	48.79-1-1	City of Kingston
Court House	285 Wall Street	48.331-7-5	City of Kingston
Ulster Avenue Office Complex	Development Court	48.66-1-6	Town of Ulster
U.C. Probation Department	733 Broadway	56.92-2-19.111	City of Kingston
U.C.A.T	1 Danny Circle, Golden Hill	56.40-1-19	City of Kingston
Mental Health Building	Golden Hill Drive	56.40-1-19	City of Kingston
Infirmary	Golden Hill Drive	56.40-1-19	City of Kingston
Health Related Facility	Golden Hill Drive	56.40-1-19	City of Kingston
Ulster County Jail	Golden Hill Drive	56.40-1-19	City of Kingston
U.C. Law Enforcement Center	380 Boulevard	56.48-2-6	City of Kingston
Community Correctional Facility	Golden Hill Drive	56.40-1-19	City of Kingston
Emergency Management	Golden Hill Drive	56.40-1-19	City of Kingston
Ulster County Office Building	244 Fair Street	48.331-5-1	City of Kingston
U.C. Record Storage	300 Foxhall Avenue	48.82-1-27	City of Kingston

ULSTER COUNTY CODE

Building Name	Address	Property by SBL	Within Municipality of
U.C. Highland Substation	171 Chapel Hill Road	95.2-6-13	Town of Lloyd

STORM SEWERS

308 Attachment 2

Ulster County

Road List Within the MS4 Area

County Road No.	County Road Name	Mileage	Town	Catch Basin
89	Malden Turnpike	1.0	Saugerties	22
32	Kings Highway	0.5	Saugerties	4
118	Glasco Turnpike	1.5	Saugerties	47
34	Glasco Turnpike	1.6	Saugerties	6
33	Kings Highway	1.5	Saugerties	8
41	Leggs Mill Road	3.0	Ulster	11
90	Sawkill Road	0.1	Ulster	0
42, 10	Sawkill Road	1.0	Ulster/Kingston	17
157	Boices Lane	0.9	Ulster	47
152	Kukuk Lane	0.7	Ulster	1
124	Ulster Avenue	0.2	Esopus	0
151	Hurley Avenue Extension	3.0	Ulster/Hurley	45
94	Zendhoak/DeWitt Mills Road	3.5	Hurley	17
50	Lucas Avenue Extension	3.4	Ulster/Hurley	14
59	Lucas Turnpike	0.6	Rosendale	0
123	Lucas Turnpike	0.7	Rosendale	0
147	Kallop Road	0.5	Rosendale	0
8	Hurley Mountain Road	0.1	Hurley	2
65	DeWitt Lake Road	1.5	Ulster/Rosendale	0
153	Eddyville Mountain Road	0.6	Ulster	0
146	Eddyville-Creek Locks Road	1.5	Ulster/Rosendale	0
73	Bloomington-Creek Locks-Rosendale Road	3.8	Rosendale	11
57	New Salem Street	0.7	Esopus	28
81	River Road	0.5	Esopus	4
113	Elting Road	1.5	Rosendale	28

ULSTER COUNTY CODE

County Road No.	County Road Name	Mileage	Town	Catch Basin
18A	Springtown Road	0.6	Rosendale	12
11	South Street	0.6	Lloyd	3
159	New Paltz Road	3.3	Lloyd	20
84	Riverside Road	1.4	Lloyd	3
24A	Tuckers Corners Road	0.3	Plattekill	0
67	Pancake Hollow Road	0.3	Plattekill/Lloyd	0
116	Crescent Avenue	0.1	Plattekill/Lloyd	1
55	Orchard Road	0.8	Marlborough/Lloyd	3
108	Chapel Hill Road	1.1	Lloyd	15
16	Milton Turnpike	0.1	Marlborough	0
119	Milton-Milton Landing Road	0.1	Marlborough	5
85	Lattintown Road	1.2	Marlborough	4
17	Lattintown Road-Western Avenue	1.5	Marlborough	43
69	Marlborough-Plattekill Road	2.3	Marlborough	11
25	Plattekill-Ardonia Road	1.0	Plattekill	2
112	Plains Road	0.8	Shawangunk	0
122	Wallkill Avenue	0.1	Shawangunk	15
Total mileage within the MS4 area		49.5	Ulster County	449

STORM SEWERS

308 Attachment 3

Ulster County

Bridge List Within the MS4 Area

Bridge No.	Name	Feature Crossed	Town	Road Name
30	Mt. Marion	Plattekill Creek	Ulster/Saugerties	Leggs Mill Road (County Road 41)
70	Sauer	Esopus Creek	Saugerties	Glasco Turnpike (County Road 34)
77	Conyes	Plattekill Creek	Saugerties	Snyder Road (Town Road)
179	Bert Law	Plattekill Creek	Saugerties	Glasco Turnpike (County Road 34)
152	Leggs Mill	Esopus Creek	Ulster	Leggs Mill Road (County Road 41)
169	Sawkill School	Sawkill Creek	Ulster	Sawkill Road (County Road 42)
149	Sawkill Church	Sawkill Creek	Kingston	Sawkill Road (County Road 10)
74	Hurley	Esopus Creek	Hurley	Wynkoop Lane (County Road 8)
71	Port Ewen	Mill Brook	Esopus	Salem Street (County Road 57)
143	Rosendale	Rondout Creek	Rosendale	Elting Road (County Road 113)
206		Abandoned RR ROW – West	Lloyd	Old New Paltz Road (County Road 159)
207		Abandoned RR ROW – East	Lloyd	Old New Paltz Road (County Road 159)
127	Wallkill	Wallkill River	Shawangunk	Hoagerburgh Road (County Road 70)

Chapter 312

TAXATION

ARTICLE I

Exemption for Improvements for Handicapped Access

- § 312-1. Purpose; statutory authority.
- § 312-2. Exemption granted.

ARTICLE II

Exemption for Senior Citizens

- § 312-3. Purpose.
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ARTICLE III

Hotel and Motel Room Occupancy Tax

- § 312-5. General provisions.
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Exemption from Increase in Assessed Value Resulting from Certain Construction

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ARTICLE IX

Exemption for Volunteer Firefighters and Ambulance Workers

§ 312-37. Statutory authority.

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ARTICLE X

Exemption for Cold War Veterans

§ 312-40. Findings and statutory authority.

§ 312-41. Exemption granted.

§ 312-42. Maximum exemptions.

ARTICLE XI

Alternative Veterans Exemption

§ 312-43. Legislative intent and purpose.

§ 312-44. Statutory authority.

§ 312-45. Maximum exemptions.

ARTICLE XII

First-Time Homebuyer Real Property Tax Exemption

§ 312-46. Legislative intent and purpose.

§ 312-47. Tax exemption.

[HISTORY: Adopted by the County Legislature of the County of Ulster as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Exemption for Improvements for Handicapped Access

[Adopted by L.L. No. 2-1984]

§ 312-1. Purpose; statutory authority.

The purpose of this article is to provide for an exemption for real property taxation pursuant to the provisions of § 459 of the Real Property Tax Law.

§ 312-2. Exemption granted.

An improvement to any real property used solely for residential purposes as a one-, two- or three-family residence shall be exempt from County real property taxation to the extent of any increase in value attributable to such improvement if such improvement is used for the purpose of facilitating and accommodating the use and accessibility of such real property by:

- A. A resident owner of the real property who is physically disabled; or
- B. A member of the resident owner's household who is physically disabled, if such member resides in the real property.

ARTICLE II
Exemption for Senior Citizens
[Adopted by L.L. No. 1-1987]

§ 312-3. Purpose.

The purpose of this article is to grant a partial exemption from taxation to the extent of the scheduled percentage exemption as set forth in § 312-4A of assessed valuation of real property which is owned by certain persons with limited income who are 65 years of age or over, meeting the requirements set forth in § 467 of the Real Property Tax Law.

§ 312-4. Exemption granted. [Amended by L.L. No. 1-1999; L.L. No. 5-1999; 10-7-2008 by L.L. No. 5-2008; 6-19-2012 by L.L. No. 1-2012¹]

Real property owned by persons 65 years of age or over or real property owned by husband and wife one of whom is 65 years of age or over shall be exempt from County taxes to the extent of the scheduled percentage exemption as set forth below in accordance with § 467 of the Real Property Tax Law and subject to the following:

- A. The income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption shall be used to compute the percentage of exemption in accordance with the following schedule:

Annual Income	Percentage Assessed Valuation Exempt from Taxation
\$29,000 or less	50%
\$29,000.01 to \$29,999.99	45%
\$30,000 to \$30,999.99	40%
\$31,000 to \$31,999.99	35%
\$32,000 to \$32,899.99	30%
\$32,900 to \$33,799.99	25%
\$33,800 to \$34,699.99	20%
\$34,700 to \$35,599.99	15%
\$35,600 to \$36,499.99	10%
\$36,500 to \$37,399.99	5%

- B. "Income tax year" shall mean the twelve-month period for which the owner or owners filed a federal personal income tax return or, if no such return was filed, the calendar year.

1. Editor's Note: This local law provided that it would be effective immediately and apply to taxable status dates occurring on or after 1-1-2013.

ARTICLE III
Hotel and Motel Room Occupancy Tax
[Adopted by L.L. No. 5-1991]

§ 312-5. General provisions.

- A. Authority. This article is adopted by the Ulster County Legislature pursuant to the enabling legislation of New York State Tax Law § 1202-1 (Chapter 221 of the Laws of 1991).
- B. Purpose. The purpose of this article is to authorize Ulster County to collect a hotel and motel room occupancy tax due to the need for additional revenue.
- C. Definition. Unless the context requires a different meaning, when used in this article, the following terms shall have the following meanings:

BOARD OR OTHER CHARGE — The charge or charges which an operator shall impose for food and meals or for other services and facilities at a hotel or motel, which charge is included in the cost of occupancy of a room as a common charge or, if such charges are separately stated, is a charge which is not optional and is required to be paid by the occupant as part of the cost of occupancy of a room.

COMMISSIONER OF FINANCE — The Commissioner of Finance of Ulster County or the Commissioner's designee.²

COUNTY — The County of Ulster.

HOTEL or MOTEL — A building or portion of it which is regularly used and kept open as such for lodging on an overnight basis. The term "hotel" or "motel" includes an apartment hotel, motor court or inn, boardinghouse or club, or similar hotel or motel type of accommodations by whatever name designated, whether or not meals are served, and shall include those facilities commonly known as "bed-and-breakfast" and "tourist" facilities. Rent received by operators of bungalow colonies shall not be deemed to be taxable, provided that each occupant shall occupy rooms pursuant to a written agreement providing for the exclusive possession of such room for a period of 90 days or more, and provided further that there are no maid, food or other common hotel services provided.

OCCUPANCY — The use or possession or the right to use or possession of any room in a hotel or motel.

OCCUPANT — A person who, for a consideration, uses, possesses, or has the right to use or possess any room in a hotel or motel under any lease, concession, permit, right of access, license to use or other agreement, or otherwise.

OPERATOR — Any person operating a hotel or motel in the County of Ulster, including but not limited to the owner or proprietor of such premises, lessee, sublessee, mortgagee in possession, licensee or any other person otherwise operating such hotel or motel.

2. Editor's Note: Throughout this chapter, references to the "Treasurer" were amended to "Commissioner of Finance" 8-17-2010 by L.L. No. 3-2010.

PERMANENT RESIDENT — Any occupant of any room or rooms in a hotel or motel for at least 90 consecutive days shall be considered a permanent resident with regard to the period of such occupancy.

PERSON — An individual, partnership, society, association, joint-stock company, corporation, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of the foregoing.

RENT — The consideration received for occupancy valued in money, whether received in money or otherwise.

RETURN — Any return filed or required to be filed as herein provided.

ROOM — Any room or rooms of any kind in any part or portion of a hotel or motel which are available for or let out for any purpose other than a place of assembly.

TAX — The tax imposed pursuant to this article and any increase, reduction or modification hereafter authorized.

- D. Territorial limitations. The tax imposed by this article shall apply only within the territorial limits of the County of Ulster.
- E. Reference to tax. Wherever reference is made in placards, advertising or other publications to the tax imposed by this article, such reference shall be substantially in the following form: "Tax on occupancy of hotel or motel rooms," except that in any bill, receipt, statement or other agreement or memorandum of occupancy or rent charge issued or employed by an operator, the words "occupancy tax" shall suffice.

§ 312-6. Administration; powers of Commissioner of Finance.

- A. Administration. The tax imposed by this article shall be administered and collected by the Commissioner of Finance or other fiscal officers of the County as he may designate by such means and in such manner as are other taxes which are now collected and administered by such officers or as otherwise provided by this article.
- B. General powers of the Commissioner of Finance. In addition to the powers granted to the Commissioner of Finance in this article, the Commissioner of Finance is hereby authorized and empowered to:
 - (1) Make, adopt and amend rules and regulations appropriate to the carrying out of this article and the purposes thereof; provided, however, that no rule or regulation shall become effective until 30 days after such rule or regulation shall have been filed with the Clerk of the County Legislature, except that any regulation adopted within 60 days after adoption of this article shall be effective immediately upon such filing.
 - (2) Extend, for cause shown, the time of filing any return for a period not exceeding three months, provided that not less than 90% of the estimated tax for the period for which the return is required to be filed shall be paid together with the request

for such extension, and for cause shown to remit penalties but not interest computed at the rate and in the manner provided in § 924-a of the Real Property Tax Law on taxes not paid, and to compromise disputed claims in connection with the tax imposed by this article.

- (3) Request information from the Tax Commissioner of the State of New York or the Treasury Department of the United States relative to any person and to afford information to such Tax Commission or Treasury Department relative to any person, any other provision of this article to the contrary notwithstanding.
- (4) Delegate his functions hereunder to a Deputy Commissioner of Finance or any employee or employees of the Commissioner of Finance.
- (5) Prescribe methods for determining the rents for occupancy and to determine the taxable and nontaxable rents.
- (6) Require any operator within the County to keep detailed records of the nature and type of hotel maintained, nature and type of service rendered, rooms available and rooms occupied daily, leases or occupancy contracts or arrangements, rents received, charged and accrued, and the names and addresses of the occupants, whether or not any occupancy is claimed to be subject to the tax, and to furnish such information upon request to the Commissioner of Finance.
- (7) Assess, determine, revise and readjust the taxes imposed under this article and require the filing of estimated tax returns and payments of estimated tax where necessary.
- (8) Request the County Attorney to take such action as may be required to enforce this article, including but not limited to providing representation in any administrative proceeding conducted by the Commissioner of Finance for enforcement of this article or any appropriate proceeding brought in the name of the County in any court of appropriate jurisdiction without any further authorization of the County Legislature.

C. Administration of oaths and compelling testimony.

- (1) The Commissioner of Finance or his employees or agents duly designated and authorized by him shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of their powers and duties under this article. The Commissioner of Finance shall have power to subpoena and require the attendance of witnesses and the production of books, papers, and documents to secure information pertinent to the performance of his duties hereunder and to the enforcement of this article and to examine them in relation thereto and to issue commissions for the examination of witnesses who are out of the state or unable to attend before him or excused from attendance.
- (2) A Justice of the Supreme Court, either in court or at chambers, shall have power summarily to enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and documents called for by the subpoena of the Commissioner of Finance under this article.

- (3) Any person who shall refuse to testify or to produce books or records or who shall testify falsely in any material matter pending before the Commissioner of Finance under this article shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than \$1,000 or imprisonment for not more than one year, or both such fine and imprisonment.
- (4) The officers who serve the summons or subpoena of the Commissioner of Finance and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts of record, except as herein otherwise provided. Such officers shall be the County Sheriff and his duly appointed deputies or any officers or employees of the Commissioner of Finance designated to serve such process.

§ 312-7. Tax imposed; exemptions.

- A. Imposition of tax. On and after the second day of September 1991, there is hereby imposed and there shall be paid a tax of 2%, with a ceiling of \$1 until December 31, 1992, upon the rent for every occupancy of a room or rooms in a hotel or motel in this County, except that the tax shall not be imposed upon:
 - (1) Permanent residents; or
 - (2) Exempt organizations as hereafter set forth.
- B. Statement of tax to be collected; person liable for payment of tax.
 - (1) The tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof, at the time when the occupancy is arranged or contracted for and charged for, and upon every evidence of occupancy or any bill or statement or charge made for said occupancy issued or delivered by the operator, and the tax shall be paid by the occupant to the operator as trustee for and on account of the County, and the operator shall be liable for the collection thereof and for the tax. The operator and any officer of any corporate operator shall be personally liable for the tax collected or required to be collected under this article, and the operator shall have the same right in respect to collecting the tax from the occupant, or in respect to nonpayment of the tax by the occupant, as if the tax were a part of the rent for the occupancy payable at the time such tax shall become due and owing, including all rights of eviction, dispossession, repossession and enforcement of any innkeeper's lien that he may have in the event of nonpayment of rent by the occupant; provided, however, that the Commissioner of Finance or other fiscal officer or officers, employees or agents duly designated by him shall be joined as a party in any action or proceeding brought by the operator to collect or enforce collection of tax.
 - (2) The Commissioner of Finance may, whenever he deems it necessary for the proper enforcement of this article, provide by regulation that the occupant shall file returns and pay directly to the Commissioner of Finance the tax herein imposed, at such times as returns are required to be filed and payment made over by the operator.

- (3) The tax imposed by this article shall be paid upon any occupancy on and after September 2, 1991, although such occupancy is had pursuant to a contract, lease or other arrangement made prior to such date. Where rent is paid or charged or billed or falls due on either a weekly, monthly or other term basis, the rent so paid, charged, billed or falling due shall be subject to the tax herein imposed to the extent that it covers any portion of the period on and after September 2, 1991. Where any tax has been paid hereunder upon any rent which has been ascertained to be worthless, the Commissioner of Finance may by regulation provide for credit and/or refund of the amount of such tax upon application therefor as provided in § 312-8F of this article.
- (4) For the purpose of the proper administration of this article and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents are subject to tax until the contrary is established, and the burden of proving that a rent for occupancy is not taxable hereunder shall be upon the operator, except that, where by regulation pursuant to Subsection B(2) an occupant is required to file returns and pay directly to the Commissioner of Finance the tax herein imposed, the burden of proving that a rent for occupancy is not taxable shall be upon the occupant. Where an occupant claims exemption from the tax under the provisions of Subsection D, the rent shall be deemed taxable hereunder unless the operator shall receive from the occupant claiming such exemption a certificate duly executed by an exempt corporation or association certifying that the occupant is its agent, representative, or employee, together with a certificate executed by the occupant that his occupancy is paid or to be paid by such exempt corporation or association and is necessary or required in the course of or in connection with the occupant's duties as a representative of such corporation or association. Where deemed necessary by the operator, he may further require that any occupant claiming exemption from the tax furnish a copy of a certificate issued by the Commissioner of Finance certifying that the corporation or association therein named is exempt from the tax under Subsection D.

C. Determination of taxable rent.

- (1) If the cost of occupancy of a room includes only the cost of occupancy of the room and board and other charges are separately stated and are incurred at the option of the occupant, rent subject to the tax shall be the charge made by the operator for occupancy of a room and the tax shall be based on the amount.
- (2) If the cost of occupancy of a room shall include only board as a common charge, or where board is separately stated and board is not optional and is required to be paid by the occupant as part of the cost of occupancy of a room, the operator shall use the schedule shown below to determine the percentage of the total charge to be apportioned to rent subject to the tax and collect the tax based on that amount:

Total Charge Includes	Room	Board
Room, breakfast, lunch, dinner	50%	50%
Room, lunch, dinner	65%	35%

Total Charge Includes	Room	Board
Room, breakfast, dinner	65%	35%
Room, breakfast, lunch	75%	25%
Room, dinner	80%	20%
Room, lunch	90%	10%
Room, breakfast	90%	10%

- (3) If the cost of occupancy of a room shall include only other charges, as defined herein, as a common charge, or where other charges are separately stated and such other charges are not optional and are required to be paid by the occupant as part of the cost of occupancy of a room, the operator shall use the schedule shown below to determine the percentage of the total charge to be apportioned to rent subject to the tax and collect the tax based on that amount:

Total Charge Includes	Room	Board
Room, other charge	95%	5%

- (4) If the cost of occupancy of a room shall include charges defined in Subsection C(2) and (3) of this section as a common charge or where such charges are separately stated and such charges are not optional and are required to be paid by an occupant as part of the cost of occupancy of a room, the operator shall use the schedule shown below to determine the percentage of the total charge to be apportioned to rent subject to the tax and collect the tax based on that amount:

Total Charge Includes	Room	Board
Room, breakfast, lunch, dinner, other charge	40%	60%
Room, lunch, dinner, other charge	60%	40%
Room, breakfast, dinner, other charge	60%	40%
Room, breakfast, lunch, other charge	70%	30%
Room, dinner, other charge	75%	25%
Room, lunch, other charge	85%	15%
Room, breakfast, other charge	85%	15%

- (5) When the occupant becomes a permanent resident, the operator shall discontinue collection of the tax.
- (6) If the operator neither separately states the charge for board, other charges or both nor uses the above schedules, the entire charge is taxable until the occupant becomes a permanent resident.
- D. Exempt organizations. Except as otherwise provided in this section, any use or occupancy by any of the following shall not be subject to the tax imposed by this article:

- (1) The State of New York or any public corporation (including a public corporation created pursuant to agreement or compact with another state or Canada), improvement district or political subdivision of the state.
- (2) The United States of America, insofar as it is immune from taxation.
- (3) Any corporation or association, or trust, or community chest, fund or foundation organized and operated exclusively for religious, charitable or educational purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation; provided, however, that nothing in this subsection shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this subsection. Acceptable evidence that such an organization is among such organizations may include a valid New York State sales tax exemption certificate, together with evidence of organization and operation for such purposes.

§ 312-8. Registration; records; returns; payment; refunds.

- A. Registration. Within 10 days after the effective date of this article or, in the case of operators commencing business after such effective date, within three days after such commencement or opening, every operator shall file with the Commissioner of Finance an application for a certificate of authority empowering such operator to collect the tax from the occupant. Upon receipt of such application, the Commissioner of Finance shall issue a certificate of authority to such operator which when authenticated shall constitute the authority for the purposes of this article. Each application for a certificate of authority shall state the hotel or motel to which it is applicable; the name of the operator of such hotel or motel, the address of such operator, the taxpayer identification number assigned to such operator, the state of incorporation and the date upon which such corporation obtained authority to do business in this state, if not organized in this state, the names of each partner, if a partnership, and such other information as the Commissioner of Finance may by rule require. Such certificate of authority shall be prominently displayed by the operator in such manner that it may be seen and come to the notice of all occupants and persons seeking occupancy. Such certificates shall be nonassignable and nontransferable and shall be surrendered immediately to the Commissioner of Finance upon the cessation of business at the hotel or motel named or upon its sale or transfer.
- B. Records to be maintained. Every operator shall keep records of every occupancy and of all rent paid, charged or due thereon and of the tax payable thereon, in such form as the Commissioner of Finance may by regulation require. Such records shall be available for inspection and examination at any time upon demand by the Commissioner of Finance or his duly authorized agent or employee and shall be preserved for a period of three years, except that the Commissioner of Finance may consent to their destruction within that period or may require that they be kept longer.
- C. Returns.

- (1) Every operator shall file with the Commissioner of Finance a return of occupancy and of rents and of the taxes payable thereon for the quarterly periods ending February 28, May 31, August 31 and November 30 of each year, on and after December 1, 1991. Such returns shall be filed within 20 days from the expiration of the period covered thereby. The Commissioner of Finance may permit or require returns to be made by other periods and upon such dates as he may specify. If the Commissioner of Finance deems it necessary in order to ensure the payment of the tax imposed by this article, he may require returns to be made for shorter periods than those prescribed pursuant to the foregoing provisions of this section and upon such dates as he may specify.
 - (2) The forms of returns shall be prescribed by the Commissioner of Finance and shall contain such information as he may deem necessary for the proper administration of this article. The Commissioner of Finance may require amended returns to be filed within 20 days after notice and to contain the information specified in the notice.
 - (3) If a return required by this article is not filed, or a return filed is incorrect or insufficient on its face, the Commissioner of Finance shall take the necessary steps to enforce the filing of such a return or of a corrected return.
- D. Payment of tax. At the time of filing a return of occupancy and of rents, each operator shall pay to the Commissioner of Finance the taxes imposed by this article upon the rents required to be included in such return, as well as all other moneys collected by the operator acting or purporting to act under the provisions of this article; even though it may be judicially determined that the tax collected is invalidly required to be billed, it shall be due from the operator and payable to the Commissioner of Finance on the date limited for the filing of the return for such period, without regard for whether a return is filed or whether the return which is filed correctly shows the amount of rents and the taxes due thereon. Where the Commissioner of Finance, in his discretion, deems it necessary to protect revenues to be obtained under this article, the Commissioner of Finance may require an operator to file with him a bond, issued by a surety company authorized to transact business in this state and approved by the Superintendent of Insurance of this state as to solvency and responsibility, in such amount as the Commissioner of Finance may fix to secure the payment of any tax and/or penalties and interest due or which may become due from such operator. In the event that the Commissioner of Finance determines that an operator is to file such bond, he shall give notice to such operator to that effect specifying the amount of the bond required. The operator shall file such bond within five days after the giving of such notice unless within such five days the operator shall request in writing a hearing before the Commissioner of Finance at which the necessity, propriety and amount of the bond shall be determined by the Commissioner of Finance. Such determination shall be final and shall be complied with within 15 days after the giving of such notice thereof. In lieu of such bond, securities approved by the Commissioner of Finance or cash in such amount as he may prescribe may be deposited which shall be kept in the custody of the Commissioner of Finance, who may at any time without notice to the depositor apply it to any tax and/or interest or penalties due, and for that purpose the securities may be sold by him at public sale without notice to the depositor thereof.

E. Determination of tax. If a return required by this article is not filed, or if a return when filed is incorrect or insufficient, the amount of tax due shall be determined by the Commissioner of Finance from such information as may be obtainable and, if necessary, the tax may be estimated on the basis of external indices, such as number of rooms, location, scale of rents, comparable rents, type of accommodations and service, number of employees and/or other factors. Notice of such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within 30 days after giving of notice of such determination, shall apply to the Commissioner of Finance for a hearing, or unless the Commissioner of Finance of his own motion shall redetermine the same. After such hearing, the Commissioner of Finance shall give notice of his determination to the person against whom the tax is assessed. The determination of the Commissioner of Finance shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by proceeding under Article 78 of the Civil Practice Law and Rules if application therefor is made to the Supreme Court within 30 days after giving of the notice of such determination. A proceeding under Article 78 of the Civil Practice Law and Rules shall not be instituted unless:

- (1) The amount of any tax sought to be reviewed, with penalties and interest thereon, if any, shall be first deposited with the Commissioner of Finance and there shall be first deposited with the Commissioner of Finance an undertaking, issued by a surety company authorized to transact business in this state and approved by the Superintendent of Insurance of this state as to solvency and responsibility, in such amount as a Justice of the Supreme Court shall approve to the effect that if such proceeding is dismissed or the tax confirmed the petitioner will pay all costs and charges which may accrue in the prosecution of the proceeding; or
- (2) At the option of the applicant such undertaking filed with the Commissioner of Finance may be in a sum sufficient to cover the taxes, penalties and interest thereon stated in such determination plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the applicant shall not be required to deposit such taxes, penalties and interest as a condition precedent to the application.

F. Refunds.

- (1) In the manner provided in this section, the Commissioner of Finance shall refund or credit, without interest, any tax, penalty or interest erroneously, illegally or unconstitutionally collected or paid if application to the Commissioner of Finance for such refund shall be made within one year from the payment thereof. Whenever a refund is made by the Commissioner of Finance, he shall state his reason therefor in writing. Such application may also be made by an operator who has collected and paid over such tax to the Commissioner of Finance, provided that the application is made within one year of the payment by the occupant to the operator, but no actual refund of moneys shall be made to such operator until he shall first establish to the satisfaction of the Commissioner of Finance, under such regulations as the Commissioner of Finance may prescribe, that he has repaid to the occupant the amount for which the application for refund is made. The Commissioner of Finance may, in lieu of any refund required to be made, allow credit therefor on payments due from the applicant.

- (2) An application for a refund or credit made as herein provided shall be deemed an application for a revision of any tax, penalty or interest complained of and the Commissioner of Finance may receive evidence with respect thereto. After making his determination, the Commissioner of Finance shall give notice of his determination to the person seeking the refund. Such determination may be reviewable in a proceeding under Article 78 of the Civil Practice Law and Rules if application therefor is made to the Supreme Court within 30 days after the giving of notice of such determination, if a final determination of tax due was not previously made and an undertaking is filed with the Commissioner of Finance in such amount and with such sureties as a Justice of the Supreme Court shall approve to the effect that if such proceedings are dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.
 - (3) A person shall not be entitled to a revision, refund or credit under this subsection of a tax, interest or penalty which had been determined to be due pursuant to the provisions of Subsection E of this section where he has had a hearing or an opportunity for a hearing, as provided in said subsection, or has failed to avail himself of the remedies therein provided. No refund or credit shall be made of the tax, interest or penalty paid after a determination by the Commissioner of Finance made pursuant to Subsection E of this section unless it is found that such determination was erroneous, illegal or unconstitutional or otherwise improper by the Commissioner of Finance after a hearing on the petition of a person liable for payment of the tax brought within 30 days after the filing of a determination of the Commissioner of Finance after a hearing pursuant to Subsection E of this section, or upon the Commissioner of Finance's own motion in a proceeding under Article 78 of the Civil Practice Law and Rules, pursuant to the provisions of said subsection, in which event a refund or credit without interest shall be made of the tax, credit or penalty found to have been overpaid.
- G. Reserves. In cases where the occupant or operator has applied for a refund and has instituted a proceeding under Article 78 of the Civil Practice Law and Rules to review a determination adverse to him on his application for refund, the Commissioner of Finance shall set up appropriate reserves to meet any decision adverse to the County.
- H. Remedies exclusive. The remedies provided by Subsections E and F of this section shall be exclusive remedies available to any person for the review of tax liability imposed by this article, and no determination or proposed determination on any application for refund shall be enjoined or reviewed by an action for declaratory judgment, an action for money had and received or by an action or proceeding in a nature of a certiorari proceeding under Article 78 of the Civil Practice Law and Rules; provided, however, that a taxpayer may proceed by declaratory judgment if he institutes suit within 30 days after a deficiency assessment is made and pays the amount of the deficiency assessment to the Commissioner of Finance prior to the institution of such suit and posts a bond for costs as provided in Subsection E of this section.

§ 312-9. Enforcement of collection of tax; penalties and interest.

A. Proceedings to recover tax.

- (1) Whenever any operator or any officer of a corporate operator or any occupant or other person shall fail to collect and pay over any tax and/or to pay any tax, penalty or interest imposed by this article as herein provided, the County Attorney may, upon the request of the Commissioner of Finance, bring or cause to be brought an action to enforce the payment of the same on behalf of the County of Ulster in any court of the State of New York or of any other state or of the United States. If, however, the Commissioner of Finance in his discretion believes that any such operator, officer, occupant or other person is about to cease business, leave the state or remove or dissipate the assets out of which the tax or penalties might be satisfied and that any such tax or penalty will not be paid when due, he may declare such tax or penalty to be immediately due and payable and may issue a warrant immediately.
- (2) As an additional or alternate remedy, the Commissioner of Finance may issue a warrant, directed to the Sheriff, commanding him to levy upon and sell the real and personal property of the operator or officer of a corporate operator or other person liable for the tax which may be found within the County for the payment of the amount thereof, with any penalties and interest, and the cost of executing the warrant, and to return such warrant to the Commissioner of Finance and to pay to him the money collected by virtue thereof within 60 days after the receipt of such warrant. The Sheriff shall, within five days after the receipt of the warrant, file with the County Clerk a copy thereof, and thereupon such Clerk shall enter in the judgment docket the name of the person mentioned in the warrant and the amount of the tax, penalties and interest for which the warrant is issued and the date when such copy is filed. Thereupon the amount of such warrant so docketed shall become a lien upon the interest in real and personal property of the person against whom the warrant is issued. The Sheriff shall then proceed upon the warrant in the same manner and with like effect as that provided by law in respect to executions issued against property judgments of a court of record, and for services in executing the warrant he shall be entitled to the same fees, which he may collect in the same manner. In the discretion of the Commissioner of Finance, a warrant of like terms, force and effect may be issued and directed to any other officer or employee of the Commissioner of Finance and in the execution thereof such officer or employee shall have all the powers conferred by law upon the Sheriff but shall be entitled to no fee or compensation in excess of the actual expenses paid in the performance of such duty. If a warrant is returned not satisfied in full, the Commissioner of Finance may from time to time issue new warrants and shall also have the same remedies to enforce the amount due thereunder as if the County has recovered judgment therefor and execution thereon has been returned unsatisfied.
- (3) Whenever an operator shall make a sale, transfer, or assignment in bulk of any part or the whole of his hotel or motel or his lease, license or other agreement or right to possess or operate such hotel or motel, or of the equipment, furnishings, fixtures, supplies or stock of merchandise, or said premises or lease, license or

other agreement or right to possess or operate such hotel or motel and the equipment, furnishings, fixtures, supplies and stock of merchandise pertaining to the conduct or operation of said hotel or motel, otherwise than in the ordinary and regular prosecution of business, the purchaser, transferee or assignee shall, at least 10 days before taking possession of the subject of the sale, transfer or assignment or paying therefor, notify the Commissioner of Finance by registered or certified mail, return receipt requested, of the proposed sale and of the price, terms and conditions thereof, whether or not the seller, transferor or assignor has represented to or informed the purchaser, transferee or assignee that it owes any tax pursuant to this article, and whether or not the purchaser, transferee or assignee has knowledge that such taxes are owing, and whether any such taxes are in fact owing.

- (4) Whenever the purchaser, transferee or assignee shall fail to give notice to the Commissioner of Finance as required by the preceding subsection or whenever the Commissioner of Finance shall inform the purchaser, transferee or assignee that a possible claim for such tax or taxes exists, any sums of money, property or choses in action, or other consideration, which the purchaser, transferee or assignee is required to transfer over to the seller, transferor or assignor shall be subject to a first priority right and lien for any such taxes theretofore or thereafter determined to be due from the seller, transferor or assignor to the County, and the purchaser, transferee or assignee is forbidden to transfer to the seller, transferor or assignor any such sums of money, property or choses in action to the extent of the amount of the County's claim. For failure to comply with the provisions of this subsection, the purchaser, transferee or assignee, in addition to being subject to the liabilities and remedies imposed under the provisions of Article 6 of the Uniform Commercial Code, shall be personally liable for the payment to the County of any such taxes theretofore or thereafter determined to be due to the County from the seller, transferor, or assignor, and such liability may be assessed and enforced in the same manner as the liability for tax under this article.

B. Penalties and interest.

- (1) Any person failing to file a return or to pay over any tax to the Commissioner of Finance within the time required by this article shall be subject to a penalty of 5% of the amount of tax due for each month or portion thereof, excepting the first month after such return was required to be filed or such tax became due, during which such tax due shall remain unpaid, but in no event shall such penalty exceed 25% of the tax due plus interest computed at the rate and in the manner provided in § 924-a of the Real Property Tax Law, but in no event shall such interest be less than 1% of such tax for each month of delay, excepting the first month after such return was required to be filed or such tax became due, but the Commissioner of Finance, if satisfied that the delay was excusable, may remit all or part of the penalty but not interest computed at the rate of 6% per year. Such penalties and interest shall be paid and disposed of in the same manner as other revenues of such tax. Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this article.
- (2) Any operator or occupant and any officer of a corporate operator or occupant failing to file a return required by this article, or filing or causing to be filed or

making or causing to be made or giving or causing to be given any return, certificate, affidavit, representation, information, testimony or statement required or authorized by this article which is willfully false, and any operator and any officer of a corporate operator willfully failing to file a bond required to be filed pursuant to § 312-8E of this article or failing to file a registration certificate by such date in connection therewith as the Commissioner of Finance may by regulation or otherwise require or to display or surrender the certificate of authority as required by this article or assigning or transferring such certificate of authority, and any operator and any officer of a corporate operator willfully failing to charge separately from the rent the tax herein imposed or willfully failing to state such tax separately on any evidence of occupancy and on any bill or statement or receipt of rent issued or employed by the operator or willfully failing or refusing to collect such tax from the occupant, and any officer of a corporate operator who shall refer or cause reference to be made to this tax in a form or manner other than that required by this article, and any operator failing to keep the records required by § 312-8B of this article, shall, in addition to the penalties herein or elsewhere prescribed, be guilty of a misdemeanor, punishment for which shall be a fine of not more than \$1,000 or imprisonment for not more than one year, or both such fine and imprisonment. Officers of a corporate operator shall be personally liable for the tax collected or required to be collected by such corporation under this article and subject to the penalties hereinabove imposed.

C. Returns to be secret.

- (1) Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for the Commissioner of Finance or any officer or employee of the Commissioner of Finance to divulge or make known in any manner the rents or other information relating to the business of a taxpayer contained in any return required to be filed pursuant to this article. The officers charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the Commissioner of Finance in an action or proceeding under the provisions of this article or on behalf of any party to the action or proceeding under the provisions of this article when the returns or facts shown thereby are directly involved in such action or proceeding, in either of which events the court may require the production of, and may admit in evidence, so much of said returns or of the facts shown thereby as is pertinent to the action or proceeding and no more. Nothing herein shall be construed to prohibit the delivery to a taxpayer or his duly authorized representative of a certified copy of any return filed in connection with his tax nor to prohibit the publication of statistics so classified as to prevent the identification of particular returns and the items thereof, or the inspection by the County Attorney or other legal representative of the County of the return of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted for the collection of a tax or penalty. Returns shall be preserved for three years and thereafter until the Commissioner of Finance permits them to be destroyed.
[Amended 8-17-2010 by L.L. No. 3-2010]

- (2) Any violation of Subsection C(1) shall be punishable by a fine not exceeding \$1,000 or by imprisonment not exceeding one year, or both, in the discretion of the court, and if the offender is an officer or employee of the County he shall be dismissed from office and be incapable of holding any public office for a period of five years thereafter.

D. Notices and limitations of time.

- (1) Any notice authorized or required under the provisions of this article may be given by mailing the same to the person for whom it is intended in a postpaid envelope addressed to such person at the address given in the last return filed by him pursuant to the provisions of this article or in any application made by him, or if no return has been filed or application made, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom addressed. Any period of time which is determined according to the provisions of this article by giving the notice shall commence to run from the date of mailing of such notice.
- (2) The provisions of the Civil Practice Law and Rules or any other law relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by the County to levy, appraise, assess, determine or enforce the collection of any tax or penalty provided by this article. Except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of filing of a return; provided, however, that where no return has been filed as provided by law, the tax may be assessed at any time.
- (3) Where, before the expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented in writing that such period be extended, the amount of such additional tax due may be determined at any time within such extended period. The period so extended may be further extended by subsequent consents in writing made before the expiration of the extended period.

§ 312-10. Disposition of revenues.

All revenues resulting from the imposition of the tax under this article shall be paid into the treasury of the County and shall be credited to and deposited in the general fund of the County, and thereafter such amount as may be hereafter required to defer necessary expenses of the County in administering such tax shall be applied annually for such purpose. In the event that the cost of administering such tax shall be less than that budgeted in any fiscal year, the amount by which budgeted amount shall be less than the actual expenditures of the County shall be appropriated from the revenues derived from such tax. After deducting the amount necessary for administration of such tax, the greater of 10% of the revenue derived from the tax or \$150,000 shall be credited to and deposited in a special tourism and convention fund, and the collections therefrom shall thereafter be allocated by the County Legislature only for tourism and convention promotion and development. The Chairperson may appoint an advisory committee of up to four persons, which may include members of the County Legislature and public officials, to advise the Legislature concerning such allocation.

§ 312-11. Effective date.

This article shall take effect on September 2, 1991, except that the provisions of this article relating to registration and the authority of the Commissioner of Finance to adopt regulations and take all necessary action to prepare for the implementation and enforcement of this article shall take effect immediately. Notwithstanding anything to the contrary contained in this article, if this article shall be adopted less than 30 days prior to its effective date, the regulations adopted by the Commissioner of Finance after the date of such adoption and the effective date will become effective on the date of filing of the same with the Clerk of the County Legislature.

ARTICLE IV

Redemption Period for Residential and Farm Property

[Adopted by L.L. No. 2-1995;³ amended in its entirety by L.L. No. 2-1997]

§ 312-12. Statutory authority; redemption period.

Pursuant to New York State Real Property Tax Law (RPTL) § 1111, Subdivision 2, all residential property and farm property within the tax district, as those terms are defined in RPTL Article 11, shall have a redemption period of three years after lien date, except that the redemption period for 1995 taxes for such properties shall be four years after lien date.

ARTICLE V

Exemption for Persons with Disabilities and Limited Income

[Adopted by L.L. No. 2-1999]

§ 312-13. Purpose; statutory authority.

The purpose of this article is to grant a partial exemption from County taxes to the extent of the scheduled percentage exemption as set forth below of assessed valuation of real property which is owned by certain persons with disabilities and limited income meeting the requirements set forth in § 459-c of the Real Property Tax Law.

§ 312-14. Exemption granted. [Amended by L.L. No. 6-1999; 10-7-2008 by L.L. No. 6-2008; 6-19-2012 by L.L. No. 2-2012⁴]

Real property owned by persons with disabilities shall be exempt from County taxes to the extent of the scheduled percentage exemption as set forth below in accordance with § 459-c of the Real Property Tax Law and subject to the following:

- A. The income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption shall be used to compute the percentage of exemption in accordance with the following schedule:

3. Editor's Note: State records indicate that this local law was filed as L.L. No. 1-1995.

4. Editor's Note: This local law provided that it would be effective immediately and apply to taxable status dates occurring on or after 1-1-2013.

Annual Income	Percentage Assessed Valuation Exempt from Taxation
\$29,000 or less	50%
\$29,000.01 to \$29,999.99	45%
\$30,000 to \$30,999.99	40%
\$31,000 to \$31,999.99	35%
\$32,000 to \$32,899.99	30%
\$33,800 to \$34,699.99	20%
\$34,700 to \$35,599.99	15%
\$35,600 to \$36,499.99	10%
\$36,500 to \$37,399.99	5%

B. "Income tax year" shall mean the twelve-month period for which the owner or owners filed a federal personal income tax return or, if no such return was filed, the calendar year.

ARTICLE VI
Installment Payment of Delinquent Taxes
[Adopted by L.L. No. 1-2000]

§ 312-15. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ELIGIBLE DELINQUENT TAXES — The delinquent taxes, including interest, penalties and charges, which have accrued against a parcel as of the date on which an installment agreement is executed.

ELIGIBLE OWNER — An owner of real property who is eligible to or has entered into an installment agreement.

INSTALLMENT AGREEMENT — A written agreement between an eligible owner and the Ulster County Commissioner of Finance as enforcing officer providing for the payment of eligible delinquent taxes in installments pursuant to the provisions of § 1184 of the Real Property Tax Law and this article.

SECTION — Section 1184 of the Real Property Tax Law.

§ 312-16. Authorization of installment payment agreements.

The Ulster County Commissioner of Finance, the enforcing officer of Ulster County, is authorized to enter into an installment agreement providing for the payment of eligible delinquent taxes in installments with property owners. Such installment payment of eligible delinquent taxes shall be made available to each eligible owner on a uniform basis pursuant to the provisions of the New York State Real Property Tax Law and this article. Such installment payments of eligible delinquent taxes shall commence upon the signing of an

agreement between the Ulster County Commissioner of Finance and eligible owner. The agreement shall be kept on file in the office of the Ulster County Commissioner of Finance.

§ 312-17. Term of agreement.

The term of the installment agreement shall not exceed 24 months, and equal payments shall thereunder be made monthly. An initial down payment is acceptable but not required.

§ 312-18. Eligibility for agreement.

Eligible properties shall include all properties within Ulster County. A property owner shall not be eligible to enter into an agreement pursuant to this article where:

- A. There is a delinquent tax lien on the same property for which the application is made or on another property owned by such person and such delinquent tax lien is not eligible to be made part of the agreement;
- B. Such person is the owner of another parcel within the tax district on which there is a delinquent tax lien, unless such delinquent tax lien is eligible to be and is made part of the agreement pursuant to this article;
- C. Such person was the owner of property on which there existed a delinquent tax lien and which lien was foreclosed within three years of the date on which an application is made to execute an agreement pursuant to this article; or
- D. Such person defaulted on an agreement executed pursuant to this article within three years of the date on which an application is made to execute an agreement pursuant to this article.

§ 312-19. Time of agreement.

A property owner shall be eligible to enter into an agreement pursuant to this article no earlier than 30 days after the delivery of the return of unpaid taxes to the enforcing officer.

§ 312-20. Amounts due.

The amount due under an installment agreement shall be eligible delinquent taxes plus the interest that is to accrue on each installment payment up to and including the date on which each payment is to be made. The agreement shall provide that the amount due shall be paid, as nearly as possible, in equal amounts on each payment due date. Each installment payment shall be due no later than the last day of the month in which it is to be paid.

§ 312-21. Interest and penalties.

Interest on the total amount of eligible delinquent taxes, less the amount of the down payment made by the eligible owner, if any is required, shall be that amount as determined pursuant to New York State Real Property Tax Law § 924-a. The rate of interest in effect on the date the

agreement is signed shall remain constant during the period of agreement. If an installment is not paid on or before the date it is due, interest shall be added at the rate prescribed by New York State Real Property Tax Law § 924-a for each month or portion thereof until paid. In addition, if any installment is not paid by the end of the 15th calendar day after the payment due date, a late charge of 5% of the overdue payment shall be added.

§ 312-22. Default.

- A. The eligible owners shall be deemed to be in default of the agreement upon:
- (1) Nonpayment of any installment within 30 days from the payment due date;
 - (2) Nonpayment of any tax, special ad valorem levy or special assessment which is levied subsequent to the signing of the agreement by the tax district and which is not paid prior to the expiration of the warrant of the collecting officer; or
 - (3) Default of the eligible owner on another agreement made and executed pursuant to this article.
- B. In the event of a default, the County shall have the right to require the entire unpaid balance, with interest and late charges, to be paid in full. The County shall also have the right to enforce the collection of the delinquent tax lien pursuant to the applicable sections of law, special tax act, charter or local law.
- C. Where an eligible owner is in default and the County does not either require the eligible owner to pay in full the balance of the delinquent taxes or elect to institute foreclosure proceedings, the County shall not be deemed to have waived the right to do so.

§ 312-23. Notification of potential eligible owners.

- A. Within 45 days, or as soon after as is practical, after receiving the return of unpaid taxes from the collecting officer, the enforcing officer shall notify, by first-class mail, all potential eligible owners of their possible eligibility to make installment payments on such tax delinquencies.
- B. The failure to mail any such notice, or the failure of the addressee to receive the same, shall not in any way affect the validity of taxes or interest prescribed by law with respect thereto.
- C. The enforcing officer shall not be required to notify the eligible owner when an installment is due.

§ 312-24. Tax lien to remain in effect.

The provisions of this article shall not affect the tax lien against the property, except that the lien shall be reduced by the payments made under an installment agreement, and the lien shall not be foreclosed during the period of installment payments, provided that the eligible owner is not in default of the agreement.

ARTICLE VII

Veterans Property Tax Exemption for Gold Star Parents
[Adopted 5-12-2005 by L.L. No. 1-2005]**§ 312-25. Statutory authority; definitions.**

This article is enacted pursuant to the authority set forth in and in accordance with the New York State Real Property Tax Law (RPTL) § 458-a, as amended by Chapter 326 of the Laws of 2000. All terms and definitions of RPTL § 458-a shall be equally applicable in this article.

§ 312-26. Qualified owner.

As authorized by Subdivision 7 of RPTL § 458-a, the County of Ulster hereby includes a Gold Star Parent (i.e., parent of a child who died in the line of duty while serving in the United States Armed Forces during a period of war) within the definition of "qualified owner" set forth in RPTL § 458-a, Subdivision 1(c) and property owned by a Gold Star Parent within the definition of "qualifying residential real property" set forth in RPTL § 458-a, Subdivision 1(d), provided that such property shall be the primary residence of the Gold Star Parent. The additional exemption provided for in RPTL § 458-a, Subdivision 2(c), shall not apply to real property owned by a Gold Star Parent.

§ 312-27. When effective.

This article shall take effect immediately and shall apply to taxable status dates occurring on or after January 1, 2006.

ARTICLE VIII

Exemption from Increase in Assessed Value Resulting from Certain Construction
[Adopted 5-10-2006 by L.L. No. 1-2006]**§ 312-28. Purpose.**

The purpose of this article is to exempt, from real property taxes, property owned by persons who construct or reconstruct residential structures for the purpose of providing living quarters for a parent or grandparent of one of the owners, to the extent provided by this article.

§ 312-29. Applicability.

This exemption shall only apply to premises being constructed or reconstructed for a parent or grandparent who has attained the age of 62 years or older prior to the application for the exemption.

§ 312-30. Exemption granted.

Pursuant to the provisions of the New York State Real Property Tax Law § 469, an exemption from taxation is granted to the extent of any increase in assessed value of residential property resulting from the construction or reconstruction of such property for the purpose of providing

living quarters for a parent or grandparent who is 62 years of age or older. Such exemption shall not exceed:

- A. The increase in assessed value resulting from construction or reconstruction of such property;
- B. Twenty percent of the total assessed value of such property as improved; or
- C. Twenty percent of the median sale price of residential property as reported in the most recent sales statistical summary published by the State Board⁵ for the county in which the property is located, whichever is less.

§ 312-31. Conditions for exemption.

No such exemption shall be granted unless:

- A. The property is within the geographical area in which such construction or reconstruction is permitted; and
- B. The residential property so constructed or reconstructed is the principal place of residence of the owner.

§ 312-32. Time restrictions.

Such exemption shall be applicable only to construction or reconstruction which occurred subsequent to the effective date of Real Property Tax Law § 469 and this article and shall only apply during taxable years during which at least one such parent or grandparent maintains a primary place of residence in such living quarters.

§ 312-33. Annual application.

Such exemption from taxation shall be granted upon an application made annually, upon a form to be promulgated by the State Board, by the owner of such property to the assessor of the city, town, village or county having the power to assess property for taxation on or before the appropriate taxable status date of such city, town, village or county. If the assessor is satisfied that the property is entitled to an exemption pursuant to this article, the assessor shall approve the application, and such residential improvements shall be exempt from taxation and special ad valorem levies as provided in this article.

§ 312-34. Definition.

For the purposes of this article, the term "parent or grandparent" shall be deemed to include the natural or adopted grandparents and parents of the owner or the spouse of the owner.

5. Editor's Note: Reference is to the State Board of Real Property Services.

§ 312-35. False statements.

Any conviction of having made any willful false statement in the application for such exemption shall result in the revocation thereof, be punishable by a civil penalty of not more than \$100 and shall disqualify the applicant or applicants from further exemption for a period of five years.

§ 312-36. When effective.

Such exemptions shall apply to improvements on or after the effective date of this article.

ARTICLE IX

**Exemption for Volunteer Firefighters and Ambulance Workers
[Adopted 8-8-2007 by L.L. No. 13-2007]****§ 312-37. Statutory authority.**

The New York State Legislature has, heretofore, amended the Real Property Tax Law (RPTL) to authorize municipalities to permit enrolled volunteer firefighters and volunteer ambulance workers to be eligible for a real property tax exemption as is more particularly set forth in RPTL § 466-h.

§ 312-38. Findings and legislative intent.

The Legislature recognizes the role of the volunteer firefighters and ambulance workers in securing the safety and well-being of our communities. The Legislature hereby finds that it is in the best social and economic interest of the County of Ulster to encourage volunteerism for said purposes. To that end, by providing the following exemption, it is the intent to so encourage volunteerism for our various fire and ambulance companies.

§ 312-39. Exemption granted.

- A. Real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or such enrolled member and spouse residing in Ulster County shall be exempt from taxation to the extent of 10% of the assessed value of such property for County purposes, exclusive of special assessments; provided, however, that such exemption shall in no event exceed \$3,000 multiplied by the latest state equalization rate for the assessing unit in which such real property is located.
- B. Such exemption shall not be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service residing in such County unless:
 - (1) The applicant resides in the city, town or village which is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;

- (2) The property is the primary residence of the applicant;
 - (3) The property is used exclusively for residential purposes; provided, however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and
 - (4) The incorporated volunteer fire company or fire department and incorporated voluntary ambulance service has submitted to the Ulster County Director of Emergency Communication/Emergency Management a complete list of enrolled members, with their respective dates of service for such incorporated voluntary fire company or fire department or incorporated voluntary ambulance service. The Ulster County Director of Emergency Communications/Emergency Management shall then review all potential candidates and certify those that meet the necessary criteria to be eligible for this exemption.
- C. Application for such exemption shall be filed with the Assessor on or before the taxable status date on a form as prescribed by the State Board.⁶
- D. Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than 20 years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service shall be granted the ten-percent exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within this state.

ARTICLE X

Exemption for Cold War Veterans

[Adopted 10-7-2008 by L.L. No. 7-2008]

§ 312-40. Findings and statutory authority.

- A. Section 458-b of the Real Property Tax Law authorizes a limited exemption from real property taxes for residential real property owned by veterans who rendered military service to the United States during the Cold War.
- B. Section 458-b of the Real Property Tax Law authorizes municipalities to establish maximum exemption amounts.
- C. In regard to Cold War veterans who own residential real property within Ulster County, it is the desire of the Ulster County Legislature to authorize the Cold War veterans exemption and establish maximum amounts.

6. Editor's Note: Reference is to the State Board of Real Property Services.

§ 312-41. Exemption granted.

In accordance with the provisions of § 458-b of the Real Property Tax Law of the State of New York, residential real property owned by veterans who rendered military service to the United States during the Cold War shall be exempt from County taxation.

§ 312-42. Maximum exemptions. [Amended 6-19-2012 by L.L. No. 3-2012⁷]

The maximum exemptions allowable from County real property taxation pursuant to § 458-b of the Real Property Tax Law shall be 15% of the property's assessment, not to exceed \$36,000 multiplied by the latest final state equalization rate for service during the Cold War and a percentage of the property's assessment equal to 1/2 of any service-connected disability rating, not to exceed \$120,000 multiplied by the latest final state equalization rate.

ARTICLE XI**Alternative Veterans Exemption****[Adopted 6-19-2012 by L.L. No. 4-2012⁸]****§ 312-43. Legislative intent and purpose.**

- A. Ulster County is indebted to our veterans for the sacrifices they have made on behalf of Ulster County's residents as well as the entire country. In appreciation for their heroic efforts, the County wishes to grant the maximum exemption allowable to veterans under New York Real Property Tax State Law (RPTL).
- B. The Legislature hereby intends to grant to honorably discharged veterans the maximum allowable property tax exemptions as follows: pursuant to RPTL § 458-a(2)(a) an exemption equal to 15% of the assessed value, not to exceed \$36,000; pursuant to RPTL § 458-a(2)(b) for veterans who served in a combat zone, an additional exemption equal to 10% of the assessed value, not to exceed \$24,000; and, pursuant to RPTL § 458-a(2)(c) for veterans who suffered a service oriented disability, an additional exemption equal to the product of the assessed value multiplied by 1/2 of the compensation rating of the veteran as determined by Veterans Affairs, not to exceed \$120,000.

§ 312-44. Statutory authority.

This article is enacted pursuant to Real Property Tax Law (RPTL) § 458-a. All terms and definitions of RPTL § 458-a shall be equally applicable in this article.

7. Editor's Note: This local law provided that it would be effective immediately and apply to taxable status dates occurring on or after 1-1-2013.

8. Editor's Note: This local law provided that it would be effective immediately and apply to taxable status dates occurring on or after 1-1-2013.

§ 312-45. Maximum exemptions.

As authorized by RPTL § 2(d)(ii), Ulster County hereby elects to increase the exemption amounts to the maximum levels allowable. The maximum exemptions are as follows: for exemptions pursuant to Paragraph 2(a), 15% or a maximum of \$36,000 multiplied by the latest state equalization rate; for exemptions pursuant to Paragraph 2(b), 10% or a maximum of \$24,000 multiplied by the latest state equalization rate; and for exemptions pursuant to Paragraph 2(c), the product of the assessed value multiplied by 1/2 of the compensation rating of the veteran, multiplied by the latest state equalization rate with a maximum of \$120,000.

ARTICLE XII

First-Time Homebuyer Real Property Tax Exemption

[Adopted 6-19-2012 by L.L. No. 5-2012⁹]

§ 312-46. Legislative intent and purpose.

- A. The Ulster County Legislature finds and determines that home ownership within the County by persons of moderate income is essential in order to create a positive climate for economic growth and to attract future homeowners.
- B. The Legislature further finds that the New York State Legislature has enacted New York Real Property Tax Law § 457 to allow local municipalities the option to offer a partial County property tax exemption for certain first-time homebuyers of newly constructed homes.
- C. Therefore, the purpose of this article is to enact a local first-time homebuyer partial County property tax exemption pursuant to New York Real Property Tax Law § 457.

§ 312-47. Tax exemption.

- A. Statutory authority. The County of Ulster hereby elects to grant the tax exemption authorized under § 457 of the New York Real Property Tax Law.
- B. Definitions. As used in this article, the following terms shall have the meanings indicated:

FIRST-TIME HOMEBUYER — A person who has not owned a primary residential property and is not married to a person who has owned a residential property during the three-year period prior to his or her purchase of the primary residential property and who does not own a vacation or investment home.

HOUSEHOLD INCOME — The total combined income of all the owners, and of any owners' spouses residing on the premises, for the income tax year preceding the date of making application for the exemption.

9. Editor's Note: This local law provided that it would be effective immediately upon filing with the Secretary of State and apply to taxable years beginning on or after 1-1-2013.

INCOME — The adjusted gross income for federal income tax purposes as reported on the applicant's latest available federal or state income tax return subject to any subsequent amendments or revisions, reduced by distributions, to the extent included in federal adjusted gross income, received from an individual retirement account, and an individual retirement annuity, provided that if no such return was filed within the one-year period preceding taxable status date, "income" shall mean the adjusted gross income that would have been so reported if such a return had been filed. For purposes of this definition, "latest available return" shall mean the federal or state income tax return for the year immediately preceding the date of making application; provided, however, that if the tax return for such tax year has not been filed, then the income tax return for the tax year two years preceding the date of making application shall be considered the latest available.

NEWLY CONSTRUCTED — An improvement to real property which was constructed as a primary residential property, and which has never been occupied and was constructed after the effective date of this article. "Newly constructed" shall also mean that portion of a primary residential property that is altered, improved, or reconstructed.

PRIMARY RESIDENTIAL PROPERTY — Any one- or two-family house, townhouse, or condominium located in this state which is owner-occupied by such homebuyer.

C. Real property tax exemption for first-time homebuyers of newly constructed homes granted.

- (1) Newly constructed primary residential property located within the County of Ulster and purchased by one or more persons, each of whom is a first-time homebuyer and has not been married to a homeowner in the three years prior to applying for this first-time homeowner's exemption, shall be exempt from taxation levied by or on behalf of the County of Ulster, for a period of five years.
- (2) Such exemption shall be computed in accordance with the following table:

Year of Exemption	Percentage of Assessed Valuation Exempt From Tax
1	50%
2	40%
3	30%
4	20%
5	10%
6 or more	0%

D. Eligibility.

- (1) Any newly constructed primary residential real property within the purchase price limits defined by the State of New York Mortgage Agency (SONYMA) low-interest-rate mortgage program in the nontarget, one-family, new category for Ulster County, and in effect on the contract date for the purchase and sale of such

property, shall be eligible for the exemption allowed pursuant to § 312-47C of this article.

- (2) A first-time homebuyer who either as part of a written contract for sale of the primary residential property or who enters into a written contract within 90 days after closing on the sale of the primary residence for reconstruction, alteration or improvements, the value of which exceeds \$3,000, to the primary residential property shall be exempt from taxation to the extent provided by this article. Such exemption shall apply solely to the increase in assessed value thereof attributable to such reconstruction, alteration, or improvement, provided that the assessed value after reconstruction, alteration, or improvements does not exceed 15% more than the purchase price limits as defined in Subsection A of this section. For purposes of this subsection, the terms "reconstruction," "alteration" and "improvement" shall not include ordinary maintenance and repairs.
- (3) A first-time homebuyer shall not qualify for the exemption authorized pursuant to this article if the household income exceeds income limits defined by the SONYMA low-interest-rate mortgage program in the nontarget, one- and two-person-household category for Ulster County in effect on the contract date for the purchase and sale of such property.

E. Applicability to newly constructed property; cutoff date for exemption.

- (1) Newly constructed primary residential property purchased by first-time homebuyers at a sales price greater than the maximum eligible sales price shall qualify for the exemption allowed pursuant to this article for that portion of the sales price of such newly constructed primary residential property equal to the maximum eligible sales price; provided, however, that any newly constructed primary residential property purchased at a sales price greater than 25% above the maximum eligible sales price shall not be allowed any exemption.
- (2) No exemption shall be allowed pursuant to this article for any newly constructed primary residential property purchased by a first-time homebuyer on or after December 31, 2016, unless such purchase is pursuant to a binding written contract entered into prior to December 31, 2016; provided, however, that any first-time homebuyer who is allowed an exemption pursuant to this article prior to such date shall continue to be allowed further exemptions pursuant to § 312-47C of this article.

F. Restrictions on use of eligible property.

- (1) No portion of a single-family newly constructed primary residential property shall be leased during the period of time when the first-time homeowner exemption shall apply to the residence. If any portion of the single-family newly constructed primary residential property is found to be the subject of a lease agreement, the Assessor shall discontinue any exemption granted pursuant to this article.
- (2) In the event that a primary residential property granted an exemption pursuant to this article ceases to be used primarily for residential purposes or title thereto is

transferred to other than the heirs or distributees of the owner, the exemption granted pursuant to this article shall be discontinued.

- (3) Upon determining that an exemption granted pursuant to this article should be discontinued, the Assessor shall mail a notice so stating to the owner or owners thereof at the time and in the manner provided by § 510 of the New York Real Property Tax Law. Such owner or owners shall be entitled to seek administrative and judicial review of such action in the manner provided by law, provided that the burden shall be on such owner or owners to establish eligibility for the exemption.

G. Application for exemption.

- (1) Such exemption shall be granted only upon application by the owner of such building on a form prescribed by the State Board of Real Property Services. The application shall be filed with the Assessor of the pertinent town having the power to assess property for taxation on or before the appropriate taxable status date of Ulster County.
- (2) If satisfied that the applicant is entitled to an exemption pursuant to this article, the Assessor shall approve the application, and such primary residential property shall thereafter be exempt from taxation and special ad valorem levies as provided in this article commencing with the assessment roll prepared on the basis of the taxable status date referred to in Subsection A of this section. The assessed value of any exemption granted pursuant to this article shall be entered by the Assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

- H. Filing. The Clerk of the Ulster County Legislature is hereby directed to file a copy of this article with the State Board of Real Property Services and the 20 town assessors and one city assessor who prepare the assessment roll on which the taxes of this County are levied.

Chapter 325

VEHICLES AND TRAFFIC

ARTICLE I Use of Wireless Handsets

§ 325-1. Title.

§ 325-2. Legislative findings and intent.

§ 325-3. Definitions.

§ 325-4. Ban on use of wireless handsets to compose, read or send text and/or twitter messages while operating motor vehicle.

§ 325-5. Enforcement; penalties for offenses.

§ 325-6. Reverse preemption.

[HISTORY: Adopted by the County Legislature of the County of Ulster as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Use of Wireless Handsets [Adopted 6-10-2009 by L.L. No. 3-2009]

§ 325-1. Title.

This article shall be known as the "Driving While Texting and/or Twittering Law."

§ 325-2. Legislative findings and intent.

- A. The use of mobile phones, also known as "cellular phones," has increased in popularity during the last several years.
- B. According to studies conducted by the American Automobile Association (AAA), any activity that takes a driver's attention off the road for more than two seconds can double a driver's risk of crash.
- C. The federal government estimates that 30% of all crashes in the United States result from driver distraction. Statistics from the 2006 New York State Department of Motor Vehicles also indicated that nearly 30% of accidents in the state involve driver distraction or inattention. According to a 2006 joint report issued by the National Highway Traffic Safety Administration and the Virginia Tech Transportation Institute, nearly 80% of crashes and 65% of near-crashes observed in their study involved a driver distracted in the three seconds prior to an accident.
- D. The New York State Legislature passed a state-wide ban on the use of hand-held cell phones while driving.
- E. When New York State banned motorists from talking on hand-held cellular phones in 2001, text messaging was fairly uncommon. However, since that time, text messaging has become an increasingly popular form of communication. Indeed, according to a trade group for the cell phone industry, the Cellular Telecommunications and Internet

Association - The Wireless Association, in 2006 United States wireless subscribers, of which there are currently 251.45 million, sent 158 billion text messages, an increase of 95% from 2005, which translate into approximately 300,000 text messages per minute.

- F. Text messaging is now one of the latest electronic obsessions and driving dangers. In fact, a January 2007 survey conducted by Nationwide Mutual Insurance Company found that 19% of motorists between the ages of 18 and 60 admitted to text messaging while driving and that 37% of drivers between the ages of 18 and 27 indicated that they do text messaging while operating a motor vehicle (and text messaging is especially dangerous since text messaging requires drivers to take their eyes and mind off of the road, as well as their hands off of the steering wheel, while operating a motor vehicle).
- G. The States of Washington and New Jersey passed laws banning text messaging while driving. Since July 2008, California drivers under the age of 18 are prohibited from using all cell phones and other electronic devices while driving, while older drivers may only use hands-free devices. There are also several bills pending in the New York State Legislature to ban the use of such devices. However, in the absence of a state law addressing text messaging while driving, and until such time as the New York State Legislature does take action, this proposed article is warranted in order to protect motorists and pedestrians in Ulster County.
- H. This article would ban motorists from using wireless handsets to compose, read or send text messages while operating a motor vehicle on any public street or public highway within the County of Ulster. Use of hands-free wireless handsets would be permitted under the proposed law. Notably, the proposed law exempts from its coverage the use of wireless handsets by law enforcement, emergency and fire personnel in the performance of their duties and motorists using such devices to contact law enforcement, emergency and fire personnel. The proposed law also exempts motorists using such devices while their motor vehicle is parked, standing or stopped and is removed from the flow of traffic, in accordance with applicable laws, rules or ordinances, or is stopped due to the inoperability of such motor vehicle. A vehicle is inoperable when such vehicle is incapable of being operated or being operated in a safe and prudent manner due to mechanical failure, including but not limited to engine overheating or tire failure.
- I. The Ulster County Legislature shall request the state to include educating new drivers in prelicensing courses on the hazards of cell phones and electronic devices while driving.

§ 325-3. Definitions.

As used in this article, the following terms shall have the meanings indicated:

HANDS-FREE — The manner in which a wireless handset is operated for the purpose of composing, reading or sending text messages, by using an internal feature or function, or through an attachment or addition, including but not limited to an ear piece, head set, remote microphone or short-range wireless connection, thereby allowing the user to operate said device without use of hands.

INOPERABILITY — A motor vehicle that is incapable of being operated or incapable of being operated in a safe and prudent manner due to mechanical failure, including but not limited to engine overheating, nonfunctioning brakes or tire failure.

MOTOR VEHICLE — Any vehicle that is self-propelled by a motor, including but not limited to automobiles, trucks, vans, construction vehicles, etc.

PERSON — Any natural person, corporation, unincorporated association, firm, partnership, joint venture, joint-stock association or other entity or business organization of any kind.

STOPPED — Not in motion.

TEXT MESSAGE [also referred to as "short messaging service (SMS)"] — The process by which users send, read or receive messages on a wireless handset, including but not limited to text messages, instant messages, electronic messages or e-mails, in order to communicate with any person or device.

TWITTERING — Social networking and using a micro-blogging service that enables its users to send and read other users' updates known as "tweets." Tweets are text-based posts of up to 140 characters in length which are displayed on the user's profile page and delivered to other users who have subscribed to them (known as "followers"). Senders can restrict delivery to those in their circle of friends or, by default, allow anybody to access them. Users can send and receive tweets via a "twitter" website, short message service (SMS) or external applications. The service is free to use over the Internet, but using SMS may incur phone service provider fees.

USE — To hold a wireless handset in one's hand or read or touch one within arm's length of the driver.

WIRELESS HANDSET — A portable electronic or computing device, including but not limited to cellular telephones, portable computers and personal digital assistants (PDAs), capable of transmitting data in the form of a text message.

§ 325-4. Ban on use of wireless handsets to compose, read or send text and/or twitter messages while operating motor vehicle.

- A. No person shall use a wireless handset to compose, read or send text messages and/or twitter messages while operating a motor vehicle on any public street or public highway within the County of Ulster.
- B. Notwithstanding Subsection A, this article shall not be construed to prohibit the use of any wireless handset by:
 - (1) Any law enforcement, public safety or police officers, emergency services officials, first aid or emergency medical technicians and personnel, and firesafety officials in the performance of duties arising out of and in the course of their employment as such;
 - (2) A person using a wireless handset to contact an individual listed in Subsection B(1) in furtherance of obtaining or giving assistance to first responders or

addressing emergency service or public safety matters, except as may be prohibited by other laws; or

- (3) A person using a wireless handset inside a motor vehicle while such motor vehicle is parked, standing or stopped and is removed from the flow of traffic, in accordance with applicable laws, rules or ordinances, or is stopped due to the inoperability of such motor vehicle.
- C. Notwithstanding Subsection A, this article shall not be construed to prohibit a person operating a motor vehicle from utilizing a hands-free wireless handset other than as prohibited above.

§ 325-5. Enforcement; penalties for offenses.

- A. A violation of any provision of this article shall constitute an offense and be punishable by a fine of \$250 imposed on any person violating this article and a fine of \$1,000 for anyone violating this article while driving in a school zone or where highway workers are present, for each single violation. Each such violation shall constitute a separate and distinct offense.
- B. This article shall be enforced by the Ulster County Sheriff's Department, and shall be enforced by any other law enforcement agency having jurisdiction to act in the County of Ulster, which shall enforce the provisions of this article by the issuance of a summons to a party violating the provisions of this article.

§ 325-6. Reverse preemption.

This article shall be null and void on the day that statewide legislation goes into effect incorporating either the same or substantially similar provisions as are contained in this article or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Ulster. The Ulster County Legislature may determine by resolution whether or not identical or substantially similar statewide legislation or pertinent preempting state or federal regulations have been enacted for the purposes of triggering the provisions of this section.

APPENDIX

Chapter A400

ELLENVILLE HOSPITAL

§ A400-1. Legislative findings and intent.

§ A400-2. Authorization for contracts.

§ A400-3. Conditions and limitations to contracts.

§ A400-4. Requirement of local agreements.

§ A400-5. When effective.

[HISTORY: Adopted by the County Legislature of the County of Ulster 3-11-2004 by L.L. No. 1-2004. Amendments noted where applicable.]

§ A400-1. Legislative findings and intent.

- A. The area of the Village of Ellenville ("Ellenville area") is located in an economically depressed area of the County. The Village is located in the Town of Wawarsing and its economic base had declined significantly since the 1980s. Numerous employers have entirely ceased operations (such as Channel Master Corporation), the hotel and hospitality industry has shrunk, and, most recently, Imperial-Shrade Cutlery has eliminated jobs. It is one of a few areas in the country which are part of a rural economic area partnership zone. Ellenville and Wawarsing are in lower income zones than the rest of the County. Census data from 2000 indicates that the median household income for Ellenville was 64.6% of the median income for the whole of the County and that of Wawarsing was about 84%. Twenty-three percent of households were below the poverty level in Ellenville and 17% in Wawarsing, compared with 10.5% of households in the County as a whole. Significant numbers of children are included in those percentages.
- B. The needs of the Ellenville area for basic emergency and local community hospital care are presently met by the Ellenville Regional Hospital (hereinafter "Ellenville Hospital" or "Hospital"), a facility licensed for 51 beds but which generally operates at less than 25% of that capacity.
- C. The Ellenville Hospital is an assumed name for the Westchester-Ellenville Hospital, a nonprofit corporation, which is a wholly controlled subsidiary (through another nonprofit corporation) of Westchester County Health Care Corporation, a public benefit corporation organized and existing pursuant to Chapter 11 of the Laws of 1997.
- D. The Ellenville Hospital is presently operating under the protection of the bankruptcy statutes, having initiated a voluntary proceeding in the fall of 2003, and its operations over the last several years have produced significant deficits, amounting to \$6.8 million in 2002 and \$1.9 million in 2003.
- E. The Hospital has applied for and expects to receive later in 2004 a designation as a critical access hospital (CAH), which will improve its allowable reimbursement charges, and expects that this change, coupled with renegotiations of rates paid by health maintenance organizations and insurers and, eventually, the reorganization of the

Hospital's operations and services so that they are more reflective of the actual demands and needs of the area served ("reorganization"), will eliminate future deficits.

- F. At the present time, and until the changes outlined in the preceding subsection are implemented, the Hospital continues to operate at a deficit and will close completely and cease operations in March 2004 unless it secures additional revenue.
- G. The unplanned and unexpectedly sudden closure of this Hospital will create an immediate gap in the availability of medical services in the Ellenville area, as there is no other hospital within about 40 to 45 minutes driving time from this Hospital and no other existing resource for needed hospital care, emergency care and auxiliary care in the form of outpatient services, such as radiology, in the Ellenville area. In 2003, there were 219 inpatient Medicaid visits to the Hospital and 6,010 outpatient visits paid for by the County, according to County records. In addition, the Hospital provides a substantial level of care which is paid for by the bad debt and charity care pool, the recipients of which are largely unable to pay for care.
- H. The Hospital has been pursuing and will continue to pursue all other sources of funds to remain open, both public and private.

§ A400-2. Authorization for contracts.

For the purposes of ensuring the temporary continuation of hospital care, associated emergency care and other auxiliary services, such as radiology, for the benefit of the needy and children of the Ellenville area, in particular, and to prevent closure of the Ellenville Hospital without other provision for continuation of such services, the County, acting through its Legislative Chairperson or Purchasing Agent, may contract with the Westchester County Health Care Corporation and the Hospital for the hospital care, emergency care, and related auxiliary medical services, such as radiology, as are now provided and as will be provided pursuant to such contract by the Ellenville Regional Hospital, within the limits of appropriations provided for such purpose by and as authorized by resolution of the Ulster County Legislature, subject to the conditions of this local law.

§ A400-3. Conditions and limitations to contracts.

Any such contract entered into under the provisions of this local law:

- A. Shall provide that any moneys payable hereunder shall be expended for the provision of current medical care and services during the period thereof and shall not be used to pay any creditors of the Hospital in its pending bankruptcy, nor to pay any past or current charges for use by the Hospital of the facilities and/or land in and upon which the Hospital is located, nor to reimburse or repay any person or entity for any moneys or services advanced to the Hospital prior to such contract, except as the County Legislature shall specifically approve by resolution.
- B. Shall provide that the Hospital present to the County Legislature, within 90 days, a detailed plan for obtaining funds from other public and private sources and for its reorganization and the redeployment of its resources as a critical access hospital, which

shall allow the continuation of hospital care, emergency care and related auxiliary medical services in the Ellenville area without the necessity of contracting for services under the authority of this local law. Such plan shall be subject to the review and approval of the County Legislature.

- C. Shall not allow for advance payments for services to be provided but may provide for payment on a weekly basis after rendition thereof.
- D. Shall be approved by the bankruptcy court having jurisdiction over the Hospital's proceedings in bankruptcy within 30 days, but this provision shall not prevent the making of payments for services prior to such approval.
- E. Shall be for an initial period which shall not be less than four months nor greater than six months but may be extended, renewed, or renegotiated for a greater or different period or with different levels of service within the amount of appropriations provided and upon a specific finding by the County Legislature that substantially the same factual conditions as described in § A400-1 are then in existence and continuing.
- F. May be terminated by the County by resolution of its Legislature on at least 10 days' notice.

§ A400-4. Requirement of local agreements.

Any agreement authorized hereunder and the payment of any funds pursuant thereto shall be contingent upon the existence of substantially similar agreements between both the Town of Wawarsing and the Village of Ellenville and the Hospital and Westchester Health Care Corporation which will each provide substantially the same revenues and payments to prevent closure of the Hospital as any agreement authorized hereunder, or such other or different level and proportion of revenues and payments as may be approved by resolution of the County Legislature.

§ A400-5. When effective.

This local law shall take effect immediately.

Chapter A401

INDUSTRIAL DEVELOPMENT AGENCY

§ A401-1. Legislative findings and purpose.

§ A401-2. Authorization of gift to Industrial Development Agency.

§ A401-3. Environmental review.

§ A401-4. When effective.

[HISTORY: Adopted by the County Legislature of the County of Ulster by L.L. No. 2-1998. Amendments noted where applicable.]

§ A401-1. Legislative findings and purpose.

- A. The former IBM facility in the Town of Ulster (now Tech City) has a railroad siding which is presently unconnected to the Conrail line due to the removal of the switch. The Legislature hereby finds and determines that the reinstallation of the switch would enhance and improve the local freight transportation system and thereby encourage additional tenants to locate at Tech City.
- B. The County may give money to the Industrial Development Agency (IDA) so long as the money is used by the IDA for a project that might be undertaken by the County and a local law is passed authorizing the gift. Since the IDA is authorized by § 858 of the General Municipal Law to acquire, construct and improve railroad facilities and the County has similar authority under § 119-r of the General Municipal Law, it is found and determined that the giving of funds to the IDA for the purposes above set forth is proper, and the purpose of this local law is to provide the necessary authority.

§ A401-2. Authorization of gift to Industrial Development Agency.

For the purpose of allowing the IDA to acquire, reconstruct and improve the railroad siding at Tech City, the County is authorized to give up to \$52,500 to the IDA for such purpose, and the Chairperson is authorized to execute a suitable memorandum with the IDA confirming such use of the moneys.

§ A401-3. Environmental review.

It is found and determined based on the review document filed with the Clerk of the Legislature that the action to be taken hereunder will not have any significant impact on the environment.

§ A401-4. When effective.

This local law shall take effect immediately.

**DISPOSITION
LIST**

Chapter DL

DISPOSITION LIST

§ DL-1. Disposition of legislation.

The following is a chronological listing of legislation of the County of Ulster adopted since the publication of the Code, indicating its inclusion in the Code or the reason for its exclusion. [Enabling legislation which is not general and permanent in nature is considered to be non-Code material (NCM).] The last legislation reviewed for the original publication of the Code was Local Law No. 9-2009, adopted 12-16-2009.

§ DL-1. Disposition of legislation.

Enactment	Adoption Date	Subject	Disposition
L.L. No. 1-2010	5-18-2010	Adoption of local laws: publication of abstracts	Ch. 80, Art. I
L.L. No. 2-2010	7-20-2010	Retirement incentive program	NCM
L.L. No. 3-2010	8-17-2010	Adoption of Code	Ch. 1, Art. I
L.L. No. 4-2010	9-21-2010	Recycling	Ch. 304, Art. II
Res. No. 133	5-18-2010	Ethics and disclosure amendment	Ch. 44
L.L. No. 1-2011	5-17-2011	Designation of legislative districts	NCM
L.L. No. 1-2012	6-19-2012	Tax exemption for senior citizens amendment	Ch. 312, Art. II
L.L. No. 2-2012	6-19-2012	Tax exemption for persons with disabilities and limited incomes amendment	Ch. 312, Art. V
L.L. No. 3-2012	6-19-2012	Tax exemption for cold war veterans amendment	Ch. 312, Art. X
L.L. No. 4-2012	6-19-2012	Alternative tax exemption for veterans	Ch. 312, Art. XI
L.L. No. 5-2012	6-19-2012	First-time homebuyer real property tax exemption	Ch. 312, Art. XII
L.L. No. 6-2012	7-25-2012	Streets and roads: hydraulic fracturing brine prohibition	Ch. 306, Art. I
L.L. No. 7-2012	8-14-2012	Charter amendment; Administrative Code amendment	§ C-53, Art. XVII, footnote only; Art. XVII, footnote only
L.L. No. 8-2012	8-14-2012	Tax bill inserts	Ch. 126

Enactment	Adoption Date	Subject	Disposition
L.L. No. 9-2012	8-14-2012	Charter amendment	§§ C-10, C-11, C-11.1, C-15, C-19, C-20, C-25, C-26, C-29, C-53, C-57, C-60, C-72, C-106, C-116
L.L. No. 10-2012	12-4-2012	Solid waste management amendment	Ch. 304, Art. III
L.L. No. 1-2013	5-14-2013	Administrative Code amendment	Ch. A
L.L. No. 2-2013	7-23-2013	Mental health services: school-based mental health and safety	Ch. 85, Art. I
L.L. No. 3-2013	9-24-2013	Tax bill inserts amendment	Ch. 126
L.L. No. 4-2013	9-24-2013	Sale of motor vehicle fuel amendment	Ch. 249

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ACTING COMMISSIONER OF PUBLIC WORKS

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