

October 7, 2019

Services Committee: 9-23-2019

RESOLUTION NO. 387-2019

**ADOPTING PROPOSED LOCAL LAW A (NO. ) FOR THE YEAR 2019, "SANITARY CODE OF THE ST. LAWRENCE COUNTY PUBLIC HEALTH DEPARTMENT"**

By Mr. Sheridan, Chair, Services Committee

**BE IT ENACTED** by the Board of Legislators of St. Lawrence County as follows:

**Section 1. SHORT TITLE, GENERAL DEFINITIONS, GENERAL PROVISIONS**

A. Short Title:

The rules and regulations herein contained together with any and all amendments thereto shall constitute and comprise the Sanitary Code of the St. Lawrence County Health Department and be known and may be cited as the St. Lawrence County Sanitary Code.

B. General Definitions:

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

**Board** shall mean the Board of Health of St. Lawrence County.

**Code** shall mean the St. Lawrence County Sanitary Code.

**County** shall mean the County of St. Lawrence.

**Department** shall mean the Department of Health of the St. Lawrence County Health District.

**Director** shall mean the Director of Public Health of the St. Lawrence County Health Department or his/her duly authorized representative.

**Health District** shall mean the St. Lawrence County Health District (the area of St. Lawrence County) established pursuant to the provisions of Section 340 of the Public Health Law.

**Municipality** shall mean a city, town, village or special district located within St. Lawrence County.

**Permit** shall mean a written license and/or an authorization to carry on a specified activity or activities as regulated by the St. Lawrence County Sanitary Code, the New York State Sanitary Code, or the New York State Public Health Law, and includes any written approval issued by the Director.

**Permit Application Fee** shall mean the monetary fees to cover a portion of the cost of issuing the permit.

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**Permittee** shall mean a person who holds a valid permit issued by the Director.

**Person** shall mean an individual, group of individuals, partnership, firm, corporation, association, county, city, town, or village or improvement district, and include the plural as well as the singular.

**Public Place** shall mean any place or premises, wherein the general public is or may be invited, regardless of whether or not such place is owned, maintained or operated by a private organization or agency, but shall not be construed as conferring jurisdiction over a state or federal agency.

**Sanitary Code** shall mean and comprise the rules and regulations now or hereafter formulated, promulgated and adopted by the Board of Health of the St. Lawrence County Health District pursuant to Section 347 of the Public Health Law.

**State** shall mean the State of New York.

**State Sanitary Code** shall mean the rules and regulations promulgated by the Public Health Council of the State of New York and designated as the State Sanitary Code.

C. Applicability and Legal Effect:

1. The provisions of the Sanitary Code shall be in force throughout St. Lawrence County.
2. The provisions of the Sanitary Code shall have the force and effect of law.
3. The St. Lawrence County Sanitary Code shall be supplemental to the State Public Health Law, the State Sanitary Code and other New York State laws, and shall supersede all local ordinances heretofore or hereafter enacted or promulgated which are inconsistent with the provisions of this Code.
4. It shall be the duty of the Board and the Director to enforce every provision of the Sanitary Code.
5. Nothing herein contained shall be construed to restrict the power of any city, town or village to adopt and enforce additional or existing ordinances relating to health and sanitation, provided that such ordinances are not inconsistent with the provisions of the New York State Public Health Law or the State Sanitary Code.

D. Legal Presumptions; Evidence, Reports as Evidence:

1. As provided by the Public Health Law, certified copies of the Sanitary Code shall be received in evidence in all courts and proceedings in the state.
2. As provided by the Public Health Law, every rule, regulation, order and direction adopted by the Board shall state the date on which it takes effect and a copy thereof signed by the Director shall be filed as a public record in the Department, in the State Department of Health and in the office of the St. Lawrence County Clerk and shall be published in such manner as the Board may from time to time determine. No such rule,

regulation, or order of direction shall be effective prior to filing as a public record in the New York State Department of Health.

3. As provided by the Public Health Law, the written reports of state and local health officers, inspectors, code enforcement officers, law enforcement officers, environmental conservation officers, investigators, nurses and other representatives of state and local health officers on questions of fact pertaining to, concerning or arising under and in connection with complaints, alleged violations, investigations, proceedings, action, authority and orders related to the enforcement of the Sanitary Code, the Public Health Law, the State Sanitary Code or any local health regulation shall be presumptive evidence of the facts so stated therein, and shall be received as such in all courts and places.

E. Construction:

1. This Sanitary Code is intended to be consistent with applicable federal and state law and shall be construed, whenever necessary, to achieve such consistency.

2. This Sanitary Code shall be liberally construed for the protection of health and safety in the Health District.

F. Severability of Provision:

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

**Section 2. ADMINISTRATION AND ENFORCEMENT**

A. The Board of Health; Officers and Meetings:

1. The purpose of the St. Lawrence County Board of Health is to prevent disease and untimely death, and to promote good health within the county. This is accomplished through an organized effort and the coordination with community agencies, private physicians, and other health care providers.

2. Members of the Board of Health of St. Lawrence County shall be appointed by the County Board of Legislators. The members of the Board of Health serve at the pleasure of the County Board of Legislators. The County Board of Legislators shall select one of the legislators to serve as a voting member on the Board of Health. The Board of Health shall have not less than seven (7) and not more than eight (8) voting members. Three of the members shall be physicians.

a) The voting members of the Board of Health shall be appointed for six (6) year terms, and they are eligible to be re-appointed for an indefinite number of consecutive terms. To preserve continuity, the terms of the voting members shall be staggered.

3. Annually the Board of Health shall elect a President and Vice-President for a term of one (1) year and shall designate the County Public Health Director to act as its Secretary.

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At least one of the two elected officers must be a physician in accordance with Public Health Law. The election shall take place at the July annual meeting. The term of office shall be from one annual meeting until the next or until new officers take office. No member may hold a given office for more than two consecutive terms.

The President shall preside at all meetings of the Board of Health and shall be its official head. The Vice-President shall assist the President in the performance of his/her duties and substitute during his/her absence. The Secretary shall be the custodian of all official records and correspondence and see that an adequate record of activities is kept.

4. The Board of Health shall meet at 6:00 pm on the 3rd Tuesday of each month at the St. Lawrence County Human Services Center in Canton, New York. The President of the Board may schedule special meetings for urgent matters requiring the action of the Board of Health with at least 24 hours prior notice to each member. An annual meeting shall be held during the month of July each year.

- a) A quorum shall be the presence of at least half (1/2) of the voting members of the Board.
- b) A designated staff person shall record minutes of each Board of Health meeting and shall include a record of attendance. After approval of the minutes, they shall be kept on file at the Department of Health.
- c) Members of the public may provide public comment at a Board of Health meeting for a maximum of two (2) minutes per person. The total time allotted for public comments at a Board of Health meeting shall be limited to thirty (30) minutes.

5. The Board of Health shall be vested with the powers and duties as set forth in Article III of the New York State Public Health Law and such other articles as may be applicable.

- a) Annually the Board of Health shall direct the Public Health Director to submit to the St. Lawrence County Administrator an estimate of expenditures and revenues for the following year as required by law.
- b) The members shall serve on a committee for a special purpose when appointed by the President of the Board.
- c) The Board of Health shall require an annual report of expenditures by the St. Lawrence County Department of Health from the Public Health Director.
- d) The Board of Health may adopt or revise the St. Lawrence County Sanitary Code in accordance with the New York State Public Health Law.
- e) The Board of Health may direct the Public Health Director to prepare subpoenas to compel the attendance of witnesses at hearings concerning violations of the Public Health Law, the New York State, or the St. Lawrence County Sanitary Code. The Board of Health may appoint a hearing officer to hold hearings and prepare findings for submission to the Board of Health for a decision concerning penalties that may be imposed, or to issue orders concerning the preservation of health and safety in St. Lawrence County.
- f) The Board of Health may appoint a Professional Advisory Committee to review and advise concerning health care service delivery policies and quality of care for the Home Health Agency.

6. The Board of Health shall appoint a Public Health Director, qualified in accordance with the NYCRR Volume 10 (A) 11.180, to administer the public health programs for the County of St. Lawrence under the direction of the St. Lawrence County Board of Health.

When a Public Health Director is appointed, arrangements for medical consultation will be made subject to the approval of the New York State Health Department.

- a) The Public Health Director may recommend contracts for provisions of therapeutic services subject to approval by the St. Lawrence County Administrator and Board of Legislators.
- b) The Public Health Director shall employ and supervise the personnel of the St. Lawrence County Health Department subject to the approval of the Board of Health and the County Administrator. He/she is responsible for enforcement of the St. Lawrence County Sanitary Code as well as the New York State Sanitary Code and Public Health Law. He/she is responsible for sanitary surveillance, public health promotion, and distribution of information about disease prevention. He/she must secure prompt reporting of communicable diseases as well as birth and death registrations. He/she is required to report the annual expenditures of the Department of Health to the County Administrator. He/she shall also serve as chairperson on the County's Public Health Emergency Preparedness Committee and oversee planning and response for public health emergencies including communicable disease and terrorism events.

7. These bylaws shall be reviewed and/or revised by the Board of Health annually.

- a) Changes to the bylaws require written notification to the voting members at least one (1) week before a meeting of the Board of Health, and approval of the changes requires at least a two-thirds (2/3) majority vote for adoption at the meeting.

B. The Board and Director; Quasi-Judicial Powers:

1. As provided by the Public Health Law, the Board or the Director may:

- a) Issue subpoenas which shall be regulated by the civil practice laws and rules;
- b) Compel the attendance of witnesses;
- c) Administer oaths to witnesses and compel them to testify;
- d) Designate, by resolution, one of its members to sign and issue subpoenas;
- e) Appoint one or more Hearing Officers as shall be necessary to carry out its functions and duties. The Hearing Officer shall have the same powers possessed by the Board to hold hearings and shall make findings of fact and recommendations to the Board;
- f) Issue warrants to any peace officer of any municipality in the County to apprehend and remove such person or persons subject to its orders or regulations; it shall be necessary to do so;
- g) Prescribe and impose penalties for the violation of, or failure to comply with any provision of the Sanitary Code, of the provisions of the State Sanitary Code as provided for in Article 2.0, to be sued for, and recovered by it in any court of competent jurisdiction;
- h) Make such orders and regulations as may be deemed necessary for the suppression of nuisances or other matters in its judgment is detrimental to public health; and to publish or post same in any such manner deemed appropriate; and,
- i) Maintain actions in any court of competent jurisdiction to restrain by injunction violators of their orders, rules and regulation of the Board, or otherwise to enforce such orders and regulations.

C. Director; General Powers:

1. As provided by the Public Health Law, the Director shall:
  - a) Promote the spread of information as to the cause, nature and prevention of prevalent diseases, and the preservation and improvement of health;
  - b) Take such steps as may be necessary to secure prompt and complete reports by physicians of reportable diseases;
  - c) Attend conferences called by the State Commissioner of Health or his/her authorized representatives; and,
  - d) Enforce within the Health District the provisions of the Public Health Law, State Sanitary Code, and Sanitary Code.
  - e) Appoint an officer or employee of the Department to exercise any of the above referenced powers or actions.

D. Filing a Public Health Nuisance Complaint:

1. The St. Lawrence County Public Health Department will make every effort to resolve public health complaints and Public Health Nuisances that fall within its authority. The Board of Health needs citizen participation to assist in the prevention and elimination of hazards to the public health. Both St. Lawrence County Board of Health and citizens have a responsibility in this effort to maintain a healthy environment. The Public Health Nuisance complaint process can be a vital part of this effort when it is used appropriately.
2. A concerned citizen should take the following two steps prior to filing a formal complaint with the Public Health Department:
  - a) Ask if the complaint condition is health related. The enforcement ability of Public Health is limited to conditions which threaten the public health. A condition may certainly be a nuisance to you, but it may not be a public health nuisance. See further articles to determine if the condition is covered under the county regulation.
  - b) Address your concerns to the offending party, and try to work out a solution directly. If you attempt to resolve the problem this way, but are unsuccessful, then it may be appropriate to file a complaint using the appropriate complaint form.
3. A complaint must be submitted in writing before it can be investigated. Citizen complaints are not accepted over the phone. The only exceptions are emergency situations such as a total loss of heat in a rental unit during freezing conditions, and a significant fuel or chemical spill. If a fuel or chemical spill occurs, call 911 immediately.
4. The complaint form (Appendix A) should be filled out in full with directions to the property and the details of the complaint conditions. The complaint must be signed, and an address and daytime phone number provided. It is important that the inspecting sanitarian be able to contact the complainant if more information is needed. Signed complaints will be given priority. Anonymous complaints will be investigated when time is available. Please complete, sign, date and mail to the Public Health Department at the noted address.
5. If you have concerns about signing the form, or becoming identified by a public records request honorable by law, contact a trustee in your township to file the complaint.

Options to investigate, legally enter property and fully resolve are severely limited by anonymous complaints. Contact information must be provided to actively investigate actionable complaints.

6. Complaints are generally investigated in the order in which they are received. Turnaround time is usually a week to ten days, but may be less, depending on the number of complaints received.

7. Once a Public Health Nuisance complaint is filed with our office it becomes a public record. Anyone may obtain a copy of a complaint file upon request.

E. Inspections; General:

1. During their regular business hours, the Director may inspect any premises, matter, or thing, subject to the provisions of this Sanitary Code and the State Sanitary Code.

2. The authorized representatives of the Department may, during their business hours, inspect any record required to be kept pursuant to the Public Health Law, State Sanitary Code, or the Sanitary Code.

F. Inspections; Interference:

1. No person shall interfere with, obstruct or refuse to allow an employee or authorized representative of the Department to enter upon and inspect any premises, place or thing within the jurisdiction of the Department, in the discharge of his/her official duties or Department business.

2. No person shall interfere with, obstruct, harass, molest, resist, or refuse to cooperate with any representative of the Department in the discharge of his/her official duties.

G. Inspection; Taking Samples:

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

H. Notices; Postings:

1. Notices shall be in the English Language, provided, however, if the Department is of the opinion that the person or persons to whom a required warning, notice or instructional sign is addressed may not understand the English Language, the Department may require that such warning, notice or sign shall appear legibly both in English and other designated languages.

2. No person shall remove, mutilate, conceal, obstruct or tear down any notice or placard of the Department posted in or on any premises or public place without written permission of the Director or his/her designee.

I. Service of Notice:

1. Unless otherwise expressly provided by the Public Health Law, by any other provision of this Sanitary Code, or by the State Sanitary Code, service of Notice of Hearings shall be made in the manner prescribed for personal service of a summons as set forth in the New York State Civil Practice Law and Rules or by registered or certified mail. If service is to be made upon an infant, incompetent, partnership, corporation, governmental subdivision, board or commission, it shall be made upon the person or persons designated to receive personal service pursuant to Article Three of the New York State Civil Practice Law and Rules.

J. Enforcement Office Conferences:

1. The Director or his/her designee may conduct an office conference to address, rectify, and/or correct any application, complaint, circumstances or alleged violation of this Sanitary Code or the State Sanitary Code.

2. Such conference shall be scheduled for a specific date and time, with adequate notice provided to the person or persons concerned. The Respondent may attend any such conference with legal representation, in their discretion and at their expense.

3. Notice for such conference shall set forth the date and time and place of the conference; the name of the person or persons concerned; the purpose of the conference; and general specification with reference to the particular provisions of this Sanitary Code, State Sanitary Code, Public Health Law or other health law or rule or regulation involved, if any.

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

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

6. The person who conducted the conference shall make and file a report with the Board of Health.

7. Subsequent to the office conference, the Director may do one of the following:

- a) Enter into a stipulation with the person(s) concerned, which shall be reviewed by the Board of Health and with Board of Health final approval, shall become a final order.
- b) Set the matter down for a formal hearing.
- c) Direct that any other action shall be taken as authorized by law or this Sanitary Code.



K. Hearings:

1. The Board or the Director may move to hold a formal hearing on any application, complaint, circumstance, or alleged violation of the Public Health Law, Sanitary Code and any other rule, regulation or code under jurisdiction of the Department. For purposes of such hearing, the Board or Director shall appoint a Hearing Officer, who shall be an attorney licensed in New York State.
2. Unless otherwise provided in the Public Health Law or Sanitary Code, such hearings shall be on at least fifteen (15) days' notice to the person or persons concerned.
3. The Notice of Hearing shall set forth:
  - a) The time and place of the hearing;
  - b) The purpose of the hearing;
  - c) Charges and violations complained of, if any, with specific reference to the provisions and section of the Public Health Law, State Sanitary Code, and the Sanitary Code involved;
  - d) The right to present evidence;
  - e) The right to examine and cross-examine witnesses; and
  - f) The right to be represented by counsel
4. Witnesses shall be sworn in and testimony shall be recorded or transcribed by a certified court stenographer or transcriptionist. The copy of audio or digital recording of the hearing shall be provided within a reasonable time after the conclusion of the hearing, if requested by the hearing officer, the respondent or representative of the Department. The Director may employ the use of a Court stenographer or transcriptionist, with the cost for such being borne by the Department.
5. On the return day of the hearing, the Hearing Officer shall note the appearances of the persons attending the hearing. All witnesses shall be sworn and testimony shall be recorded and/or transcribed.
6. The Hearing Officer shall thereafter recommend proposed findings of fact and conclusions, thereafter, the Board or the Director shall make a formal order, setting forth the determination, conditions, if any, to be complied with, and penalties, if any.
7. The order provided for in Article 2.J.6 shall be maintained in the Department and a copy thereof shall be served on all respondents.
8. Nothing herein contained shall preclude the Department from taking any other action, as may be prescribed by law, nor shall the Department be precluded from taking such other action by virtue of the order made pursuant to this section.

L. Hearings; Appearances:

1. At any hearing conducted pursuant to this code, any party to the proceedings may appear personally with or without counsel and shall be given the opportunity to present evidence and to examine and to cross-examine witnesses. All appearances shall be noted on the official record of hearings.

2. At any hearing conducted pursuant to this code, if a party shall appear without counsel, the Hearing Officer shall advise such party of his/her right to obtain counsel and their sole expense; and that if he/she desires to proceed without counsel, that he/she may call witnesses, cross-examine witnesses, and produce evidence in his/her behalf.

M. Investigations; Hearings; Adjournments:

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

N. Investigations; Hearings; Subpoenas:

1. The Hearing Officer or the Director may issue subpoenas upon request of any party to the proceedings of any hearing.

O. Investigations; Hearings; Procedures:

1. The Hearing Officer shall not be bound by the formal rules of evidence in the conduct of a hearing, but the determination shall be founded upon sufficient legal evidence to sustain it.
2. Upon the conclusion of a hearing, the Board or the Director shall take such action as it deems proper, and shall execute an order setting forth its findings and determinations.
3. The action of the Board or the Director may include the assessment of civil penalties as provided by law or this code.
4. An order of suspension or revocation of any permit or license may contain such provisions as to renewal or reinstatement as the Board or the Director shall direct.
5. The Board alone may direct a rehearing or require the taking of additional evidence, and may rescind or affirm a prior determination after such rehearing.
6. The minutes of a formal hearing shall be made available to all parties for examination at the office of the Department. Copies of the transcript of the hearing may be obtained at the Department's current rate for copying of records.

P. Post-Hearing Procedures:

1. The Director shall serve upon the respondent(s) copies of findings of fact, conclusions and orders made as a result of a formal hearing.

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2. Service of findings of fact, conclusions and order(s) shall be made in the manner prescribed for the service of Notice of Hearings.

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

Q. County Code Enforcement: Violations; Criminal Penalties:

1. As provided by Section 348 of the Public Health Law, the provisions of this code shall have the force and effect of law and any non-conformance or non-compliance with any provision thereof shall constitute a violation punishable on conviction by a fine not exceeding two hundred fifty dollars (\$250.00), and/or by a term of imprisonment not exceeding fifteen (15) days for a first offense and for a second or subsequent offense a fine not exceeding five hundred dollars (\$500.00) and/or a term of imprisonment for not exceeding fifteen (15) days.

R. State Sanitary Code, Violation, Penalties:

1. As provided by Section 229 of the Public Health Law, the provisions of the State Sanitary Code shall have the force and effect of law and the non-compliance or non-conformance with any provision thereof shall constitute a violation punishable on conviction for a first offense by a fine not exceeding two hundred fifty dollars (\$250.00), and/or by a term of imprisonment not exceeding fifteen (15) days, and for a second or subsequent offense by a fine not exceeding five hundred dollars (\$500.00) or by a term of imprisonment not exceeding fifteen (15) days.

S. Willful Violation of Health Laws:

1. As provided by Section 12-b of the Public Health Law, a person who willfully violates or refuses or omits to comply with any lawful order or regulation prescribed by the Board or Director, is guilty of a misdemeanor; except, however, that where such order or regulation applies to a tenant with respect to his/her own dwelling unit or to an owner occupied one (1) or two (2) family dwelling unit, such person is guilty of an offense for the first violation punishable by a fine not to exceed fifty dollars (\$50) and for a second or subsequent violation is guilty of a misdemeanor punishable by a fine not to exceed one hundred dollars (\$100) or by imprisonment not to exceed six (6) months or by both such fine and imprisonment.

2. A person who willfully violates any provision of this chapter, or any regulation lawfully made or established by any public officer or board under authority of this chapter, the punishment for violating which is not otherwise prescribed by this chapter or any other law is punishable by imprisonment not exceeding one year or by a fine not exceeding two thousand (\$2,000) dollars or by both.

T. Separate Violation:

1. Each day or part of a day on which the violation occurs shall constitute a separate violation.

U. Violation of Public Health Laws or Regulations; Penalties and Injunctions:

1. As provided by Section 12 of the Public Health Law, any person who violates, disobeys or disregards any term or provision of the Public Health Law, Sanitary Code, any order of the Board or of any lawful notice, order or regulation pursuant thereto for which a civil penalty is not otherwise expressly prescribed by law, shall be liable to the County for a civil penalty not to exceed one thousand dollars (\$1000) for every such violation.
2. The penalty provided for in subdivision one (1) of this section may be recovered by an action brought by the Board or Director in any court of competent jurisdiction.
3. Nothing in this section contained shall be construed to alter or repeal any existing provisions of the law declaring such violations or any of them to be misdemeanors or felonies or prescribing the penalty therefore.

V. Enforcement; Violations, other than by Prosecution:

1. The Department may seek to obtain the voluntary compliance with this code by way of notice, warning or educational means.
2. This Section shall not be construed to require that such non-compulsory methods must be employed or attempted before proceedings by way of compulsory or other legally prescribed procedures.

W. Permits and Licenses; Operation with Permit:

1. The Director shall have the authority and power to order the cessation of operations or construction of any business, establishment, or facility required by the code to obtain a permit.
2. The Director may employ the assistance of law enforcement officers and other officials as provided by the provisions of the Public Health Law and other applicable statutes and rules and regulations to enforce the order herein provided for.
3. The owner or operator of any business, establishment, or facility closed or directed to cease operation or construction pursuant to this section shall be entitled to a hearing to be held within a reasonable time if the owner or operator of the facility requests a hearing, in writing, within ten (10) days of the order of the Director.

X. Duty to Comply:

1. Compliance with the regulation or any portion thereof shall not relieve any person of the duty comply with other municipal, State, or Federal Laws and regulations.

**Section 3. PERMITS AND LICENSES**

A. Permits and Licenses; Applications:

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1. Application for a permit or the renewal of a permit shall be made on forms furnished by the Department and shall contain all information called for by said forms and include the required application fees (Appendix B).
2. Application for a permit or for the renewal of a permit shall be accompanied by such other information, evidence or documentation as the Department may require or as may be provided by the code.
3. A permit issued to a particular person, or for a designated place, purpose, or vehicle, shall not be valid for use by any other person, or for any other place, purpose or vehicle than that designated therein. Such permits or written approvals may contain general and specific conditions and every person who shall have obtained a permit or written approval, as herein required, shall conform to the conditions prescribed in said permit or written approval, and to the provisions of the Code.
4. In addition to the information specifically required to be submitted to the Department, or if no specific information is required for certain permits, the Department shall require the following information:
  - a) The name, residence and business address of the applicant; and, if the applicant is a partnership or group, the name of each partner or member and, if the applicant is a corporation, the name of each officer and director(s) of the corporation;
  - b) Information concerning the applicant, its individual members or officers, relating to education, training or experience, moral character, physical health, and history of prior criminal conviction, including violations and offenses, other than motor vehicle offenses, and record of insolvency or bankruptcy;
  - c) Proof of compliance with the New York State Workers' Compensation Laws;
  - d) The ability of the applicant, or of its individual members or officers, to read and write English or provide an interpreter;
  - e) For the initial permit application, a written official document or a statement issued by the appropriate municipal authority having jurisdiction and concern with the zoning laws, ordinances, or regulations of the municipality in the operation, facility, premises, or use for the permit is sought stating that the operation, facility, activity, premises or use, if permitted, will not violate any existing zoning law, ordinance or regulation of such municipality;
  - f) Application for a permit or for the renewal of a permit shall be accompanied by such other information, evidence or documentation as the Department may require, or as may be otherwise provided by the code.
5. Application for a permit or for the renewal of a permit shall be made by and signed by:
  - a) In the case of an individual who is to be the permittee, by the individual or his/her representative duly authorized in writing; or,
  - b) In the case of a partnership, by a general partner or a representative of the partnership duly authorized in writing; or,

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- c) In the case of an unincorporated association or group, by an officer or representative duly authorized in writing of the association or group authorizing the making of such application; or, corporation, who shall submit a certified copy of a resolution of the board of directors of the corporation, authorizing the making of such application and designating the duly authorized officer or representative to act on behalf of the corporation;
- d) In the case of a municipality, other than the county, by the executive officer or representative duly authorized in writing.

6. Every individual application for a permit or for renewal of a permit shall be eighteen (18) years of age or over; and, in the case of a partnership application, the partner signing the application shall be eighteen (18) years of age or over.

7. Application for a permit or for renewal of a permit shall constitute an agreement that the permittee assumes responsibility for the operation, conduct and maintenance of the activity authorized by the permit, in accordance with the provisions of the Sanitary Code and the conditions required by the permit, and to inspections pertaining thereto.

8. Application for a permit or for renewal of a permit shall constitute consent to fully inspect and investigate the premises including but not limited to: the collection and analysis of samples, testing, photographing and/or videotaping, and interviewing.

#### B. Permit Applications; Fees:

1. The fees as adopted by the Board for various permits must be paid at the time of application for the permit.

2. Application for a permit or for the renewal of a permit shall be accompanied by all outstanding fees and/or previous violation fines, as relating to prior County Sanitary Code enforcement actions levied against the specific facility owner making application for a permit.

3. The Director may also establish and charge reasonable fees for the filing in his/her office of required reports, plans or necessary documents.

#### C. Permits and Licenses; Posting; Expiration:

1. Every permit shall expire on the date stated on the permit and may only be extended by the Department, in writing, for a specified limited time not to exceed sixty (60) days.

2. Every permittee shall apply for a renewal of a permit no later than sixty (60) days prior to the expiration date of such permit unless otherwise required by this code, the State Sanitary Code, or the Public Health Law.

3. It is the responsibility of the permittee to contact the Department for necessary forms for the renewal of permit.

4. A permittee shall comply with the conditions contained in the permit and the provisions and requirements of this code, the Department, the State Sanitary Code, and the Public Health Law under which such permit was issued.

5. Every permit shall be kept on the premises designated or covered by the permit and shall be posted in a conspicuous place on such premises in such manner as to be clearly visible to the public. It shall be available for inspection at all times by the Department.

6. Permits shall remain the property of the Department and shall be surrendered to a duly authorized representative of the Department on demand upon the expiration thereof or when suspended or revoked as herein provided.

D. Permits and Licenses; Not Transferable:

1. Any attempted or purported transfer of a permit to a person not designated as the permittee therein, or for a purpose or place or vehicle not authorized by such permit, shall be cause to revoke such permit.

2. In the event of a reorganization of a permitted entity, the Department may approve, in writing, the continuation of an activity authorized by a permit provided that such change of organization has been duly recorded with the Department within ten (10) days after such change of organization and the Department receives acceptable proof that the reorganized entity is the legal successor to the permitted entity.

3. In the event that the facility is transferred to new ownership and/or operator, if applicable, the owner/operator must improve the facility to meet all applicable current codes prior to this Department issuing a permit.

E. Permits and Licenses; Suspension and Revocation:

1. The Board may suspend or revoke a permit for violation or non-conformance with the conditions or requirements of the permit or provisions of the code under which such permit was issued.

2. The Board may suspend or revoke a permit for cause after due notice and hearing.

F. Permits and Licenses; Refusal to Issue:

1. Except as may be otherwise provided in the Public Health Law or the State Sanitary Code:

- a) The Department may refuse to issue a permit or a renewal thereof when the application is incomplete or not accompanied by the required fee, if any;
- b) The Department may refuse to issue a permit or renewal thereof when the applicant fails to provide information required by the Department;
- c) The Department may refuse to issue a permit or renewal thereof if the application or investigation thereof indicates to the Department that the activity, operation or premises to be covered by the permit applied for does not meet the requirements of the code or other provisions of law; or that the maintenance, conduct or operation of such activity, operation or premises does not meet the requirements or provisions of the law or may result in a public health hazard or in a condition which may be dangerous or harmful to health and life;

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2. Except upon the express written authorization of the Board, no permit shall be issued to a person who previously had a permit revoked, within the preceding six (6) months, nor to a person who was an officer, director, owner or operator of an entity whose permit was revoked within the preceding six (6) months;

3. Approval of an application for a permit shall be denied for any sufficient or competent reason, including but not limited to any of the following:

- a) The proposed construction, location, purpose, business or other act is in violation of the provisions of the Public Health Law, the State Sanitary Code, this code or any local municipal law, ordinance or regulation;
- b) Inaccurate, incomplete, false or misleading information stated in the application, including any plans or other data submitted in support thereof;
- c) Failure of the applicant to demonstrate competency to perform to the satisfaction of the Department;
- d) Conviction in a court of competent jurisdiction of a violation of the Public Health Law, the State Sanitary Code, this code, or any local municipal law, ordinance or regulation within the preceding six (6) months; provided, however, that the Board may waive the application of this provision upon evidence satisfactory to the Board that the convictions are not likely to be repeated, or for other good and substantial reason or reasons;
- e) Failure to correct any existing violations or deficiencies pertaining to any particular place, vehicle or business after service of written notice thereof, whether or not related to the pending application.

4. Notwithstanding any other provision of this Code to the contrary, the Department shall not issue or renew any permit required under this Code to any person who has an outstanding and/or overdue fee, fine and/or unpaid civil penalty imposed by the Department pursuant to provisions of State Public Health Law, State Sanitary Code or the St. Lawrence County Sanitary Code.

G. Permits and Licenses; Denial: Suspension, Revocation; Forfeiture; Effective Date:

1. Except as may otherwise be ordered by the Board or by the Director, the denial of a permit or certificate of approval or the suspension or revocation of a permit or certificate of approval, shall become final upon notice thereof to the applicant or permittee concerned.

2. Service of a notice of denial or refusal to issue a permit or certificate of renewal shall be made in the manner provided in the code (Article 2.H) for the service of a notice of hearing.

3. A permit or written approval shall terminate upon service of a written notice from the Department and hearing and be considered forfeit and shall become null and void under any of the following circumstances:

- a) That the process of construction or the operation involved reveals conditions otherwise than as indicated in the approved plans and application; or
- b) That the construction or operation involved is in violation of any ordinance or regulation of any duly constituted government authority or any political subdivision thereof; or



- c) That the construction or operation involved is otherwise than in accordance with standards, rules, and regulations pertaining to such construction or the conditions of a permit or written approval issued pursuant to the provisions of the Public Health Law, the State Sanitary Code, or this Code; or
- d) That no action has been taken under such permit or written approval within the period specified in the permit or if no period is specified, within a period of one (1) year following the date of issuance thereof, or within a period beyond which the purpose, need or usefulness of the permit or written approval no longer exists, whichever is shorter.

H. Permits and Licenses; Denial Appeal:

1. Unless otherwise provided in the Public Health Law or State Sanitary Code, whenever the Department refuses to issue a permit or a renewal thereof or a certificate of approval and no hearing has been had in the matter, the applicant may appeal such action to the Director or Board by serving a notice of appeal in writing on the Department addressed to the Director or to the Board within ten (10) days following the service of notice of denial or refusal to issue the permit.

2. The Notice of Appeal shall set forth in detail the basis for the appeal and shall contain:

- a) The full name of the applicant, permittee or party affected;
- b) The type of permit or certificate of approval for which the application was made or the nature of the action complained of;
- c) The place of business listed in the application to which the appeal relates;
- d) The statement that the applicant or permittee or other party affected appeals to the Board to review the action of the Department; and
- e) The signature of the applicant, permittee or party affected, or if the permittee or party affected is not the individual signature and title of a party or other individual of the partnership or group, or of an officer of a corporate applicant permittee or party affected.

3. Unless otherwise provided in the Public Health Law, within ten (10) days following service of the notice of appeal, the applicant, permittee or party affected shall submit a memorandum addressed to the Director or to the Board containing his/her objection to the action of the Department.

4. The Board may, without hearing, reverse, modify or affirm the action of the Department or may require a hearing upon notice as provided in Article 2 of this code.

I. Operation without a Permit:

1. The Board or Director may issue a written notice to be served upon the person or permittee involved, or upon any person connected with or working in or about an operation to cease the operation, whereupon the operation shall immediately cease, under the following circumstances:

- a) The process of the operation involved reveals conditions otherwise than as indicated in the approved plans and application, and permits as issued; or
- b) The operation involved is in violation of any ordinance or regulation of any duly constituted government authority or any political subdivision; or

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- c) The operation involved is otherwise than in accordance with standards, rules and regulations pertaining to the condition of a permit or written approval issued pursuant to the provisions of the Public Health Law, the Environmental Conservation Law within the jurisdiction of the Department, the State Sanitary Code or this Code.

J. Service of Notice:

1. Service of the written notice shall be made in the manner prescribed in Article 2.H for the service of notice of hearings.

**Section 4: GENERAL SANITATION**

A. Definitions:

**Container** shall mean any device in which material is stored, transported, treated, disposed of, or otherwise handled.

**Garbage** shall mean putrescible solid waste, including animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking or serving of foods. Garbage originates primarily in home kitchens, stores, markets, restaurants and other places where food is stored, prepared or served.

**Hazardous Material** shall mean a material or combination of materials which, because of its quantity, concentration, use, physical, chemical, infectious, or radiological characteristics and/or effects, constitute a nuisance or public health hazard.

**Hazardous Waste** shall mean a waste or combination of wastes which, because of its quantity, concentration, or physical, chemical, infectious, or radiological characteristics and/or effects, may constitute a nuisance or public health hazard.

**Public Health Nuisance** shall mean any activity or failure to act that adversely affects Public Health.

**Offensive Material** shall mean any, garbage, refuse, rubbish, hazardous material, hazardous waste, septage, sewage sludge, sludge, stabilized sludge or any substance or liquid dangerous or detrimental to health.

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

**Public Health Hazard** shall mean a condition, potential condition, event or sequence of events, deemed by the Director, which may impact or threaten the health of the public.

**Refuse** shall mean all waste material including, but not limited to; incinerator residue, street sweepings, blood, fecal matter, manure, dead animals and offal.

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**Rubbish** shall mean solid or liquid waste material including, but limited to, paper and paper products, rags, furniture, cans, crockery, plastic cartons, plastics, chemicals, paint, greases, sludges, oils and some petroleum products, wood, demolition materials, and tires.

**Septage** shall mean the contents of a privy, septic tank, cesspool, chemical toilet, either liquid or solid state or other individual sewage treatment facility which receives domestic sewage wastes.

**Sewage Sludge** shall mean the accumulated semisolid suspension of solids deposited from waste waters.

**Sludge** shall mean any solid, semisolid or liquid waste generated from a municipal, commercial or industrial waste water treatment plant, water supply treatment plant or air pollution control facility. Sludge does not include the treated effluent from a wastewater treatment plant.

**Stabilized Sludge** shall mean sludge that has been treated by a process to reduce putrescibility, significantly reduce pathogenic organisms, and except for lime stabilization, reduce the volatile solids content. Acceptable stabilization processes are defined in 40 CFR Part 257, U.S. Environmental Protection Agency, Code of Federal Regulations.

**Vehicle** shall mean any motor vehicle, water vessel, railroad car, airplane, or other means of transporting offensive material, including hazardous waste.

## B. Removal and Transportation

1. No person shall remove or transport or permit the removal or transportation of any offensive material, garbage, hazardous material, hazardous waste, refuse, septage, sewage sludge, sludge or stabilized sludge except in such a manner and in or by such conveyance as will prevent the creation of a nuisance or the loss or discharge of such material. All such material shall be so handled, covered, or treated that it cannot be released, leached or migrated or be accessible to rodents, flies, or other insects or create a nuisance. All vehicles and implements used in connection therewith shall be kept in a non-offensive and sanitary condition and when not in use shall be stored or kept as to not create a nuisance.

## C. Storage and Disposal

1. No person shall allow any offensive material to be deposited, stored or held on any premises or place or in any building or structure unless such material is treated, screened, covered, or placed as not to create a nuisance detrimental to health. All containers for the storage of such material shall completely confine the material, shall be rodent and insect proof, and shall be kept in a non-offensive and sanitary condition at all times. All offensive material shall be buried at such distance from any source of water supply or be disposed of at other places so that water supplies will not be subject to pollution or where a nuisance will not be created subject to regulations for the protection of public water supplies adopted pursuant to the provisions of the Public Health Law. Such material shall not be discharged into streams, ponds, or other bodies of water or onto the surface of the ground except with the special permission of the Department or unless a permit is issued in accordance with the provisions of the State Public Health Law.

**Section 5. LEAD POISONING CONTROL**

A. Definitions:

1. **Lead Paint** shall be defined as set forth in Subpart 67-2 of Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York.
2. Other definitions set forth in Subpart 67-2 of Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York and as amended are hereby adopted and become part of this code.

B. Use of Lead Paint:

1. Lead paint shall not be applied or otherwise used on or in a dwelling.

C. Investigation, Documentation, and Reporting:

1. Upon receipt of an Elevated Blood Lead Level (EBLL) in a child of 5.0µg/dL or higher as a result of a venous blood test, the County Public Health Department shall investigate all potential sources as they demonstrate a danger or threat to life and health.
2. When an owner of a dwelling fails to follow guidance and recommendations pertaining to the discontinuance of a condition conducive to lead poisoning, the County Public Health Office shall provide supporting evidence and documentation to the District Health Office so they may initiate procedures for enforcement, including formal hearings, receivership and cooperation and assistance from those public officers, departments and agencies of the State and its political subdivisions, as provided in Sections 1373, 1374 and 1375 of the Public Health Law shall be followed.

**Section 6. NUISANCES**

A. Nuisances; Director's Duty to Investigate:

1. The Director shall receive and investigate all complaints concerning nuisances, or causes of danger or injury to life and health in the Health District and may request such complaints to be made in writing in accordance with this Article, Part 8 of the State Sanitary Code and Title 1 of Article 13 of the Public Health Law.

B. Nuisances; Investigation; Reports:

1. The Director may enter to inspect or examine upon or within any place or premises where nuisances or conditions dangerous to life and health are occurring or are reasonably believed to be occurring, or which are reasonably believed to be the cause of nuisances existing elsewhere.
2. The owners, agents and/or occupants of any premises shall permit sanitary examinations and inspections to be made pursuant to the provisions of this Article, Part 8 of the State Sanitary Code, and Title 1 of Article 13 of the Public Health Law.

3. The Director shall furnish the owners, agents and/or occupants of the premises with a written statement of the results and conclusions of any examination or inspection conducted pursuant to this article.

C. Nuisances; Abatement and Suppression:

1. The Board and/or Director may order the suppression and removal of all nuisances and conditions detrimental to life and health found to exist within the Health District.

2. The Board and/or Director may, in the event of non-compliance with any such order, enter upon the premises to remove or suppress such nuisance, condition, or matter to which said order relates.

3. The expenses of such removal and abatement shall be paid and may be collected in the manner prescribed in Public Health Law 1306, 1307, and 1308 (Appendix C).

4. The owner of any dwelling is responsible for remediation of an insect infestation.

5. No dogs, cats, fowl, hogs, goats, cows, horses or other animal shall be kept in a manner which creates a public health nuisance.

6. Dead Animals - A dead domestic or farm animal shall be buried or disposed of in a sanitary manner, at least 200 ft from any water source (i.e., water supply, wetland, river, stream, or surface water source), by its owner within seventy-two (72) hours after its death or after its carcass has been discovered.

D. Nuisances; Enforcement:

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

**Section 7. DWELLINGS**

A. Definitions:

**Dwelling** means any building, house structure, vehicle or portion thereof, which is occupied, in whole or part, or intended to be used as a home, residence, living or sleeping place of one or more human beings, either permanently or temporarily, and not regulated under any other article of this Sanitary Code.

**Dwelling Unit** means any room or group of rooms, within a dwelling, which are used or intended to be used by one or more persons for living and sleeping with or without facilities for cooking and eating.

**Extermination** means the control and elimination of insects, rodents, vermin or other pests by eliminating their harborage places; by removing or making inaccessible material that may serve as their food; by poisoning, spraying, fumigating, trapping, or by any other recognized and legal

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pest elimination methods approved by the County or State authority having such administrative authority.

**New York State Code** means the New York State Uniform Fire Prevention and Building Code.

**Building Inspector and Local Codes Enforcement Officers** means the Municipal Officials who enforce the New York State Code in their municipality.

B. Occupancy without Sewerage Facilities:

1. No person shall occupy any dwelling or vehicle as a place of habitation unless adequate and sanitary facilities for the disposal of sewage shall have been provided.

C. Rental of Dwelling without Water Supply:

1. No person shall lease or rent any dwelling or dwelling unit unless a safe and adequate supply of potable water is available.

D. Garbage and Rubbish Disposal:

1. Every dwelling and every dwelling unit shall be provided with a suitable receptacle(s) as may be necessary to contain all garbage and rubbish and all such receptacles shall be maintained in good repair. Receptacles for garbage shall be watertight and provided with tight fitting covers.
2. Every dwelling including the lot on which such dwelling is located shall be kept free from any excessive accumulation of offensive material.
3. Garbage must be disposed of in accordance with local ordinances and in any case in such fashion as not to serve as a breeding or harboring place for vermin, or to create a nuisance.
4. Garbage shall be removed from a property and disposed of in an approved manner at minimum on a monthly basis to prevent the development of odors and the attraction of insects and other vermin.
5. No garbage shall be allowed to remain exposed in any building or on any premises for a longer time than shall be reasonably necessary to deposit the garbage in proper waste containers or transport to a solid waste facility.
6. No garbage may be stored in a manner such that the resulting odors or flies prevent the use of doors, windows, and other openings for ventilation in neighboring premises.
7. It shall be unlawful for any person to throw, deposit, let fall, or permit to accumulate solid waste on any lot, yard, shed, porch, or other place such that it creates a public health nuisance.
8. The owner of a lot, yard or other property that is not a licensed solid waste facility, where solid waste is creating a public health nuisance, shall have the solid waste removed and disposed of in an approved manner. The owner of a property that is a licensed solid

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waste facility, where solid waste is creating a public health nuisance, shall have the solid waste removed and disposed of in an approved manner, or shall otherwise abate the Public Health Nuisance.

9. No solid waste shall be burned or buried on any property per New York State Department of Environmental Conservation regulation.

E. Flies, Insects, Rodents and Vermin:

1. All means necessary or required shall be taken to eliminate vermin from any habitable building and to prevent the breeding or harboring of such vermin on the premises. Any poison or chemical used for the elimination of vermin must be used in accordance with the U.S. Department of Environmental Protection Agency (EPA) or the New York State Department of Environmental Conservation (DEC) laws and any other statute or regulation governing the use of such poison or chemical.

2. The owner of any dwelling is responsible for remediation of an insect infestation.

3. The owner of any lot in a developed residential area on which pooled or contained water has stagnated and become a breeding place for mosquitoes shall eliminate the stagnant water or otherwise abate the Public Health Nuisance condition.

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

F. Unsanitary Building:

1. In all buildings used or intended to be used for human occupancy, except one-family dwellings, the owner shall maintain the yard, cellar, halls, sheds, and other portions of the property free from accumulations of solid waste when such waste creates a public health nuisance. In all one family dwellings, the occupants shall keep the property clean and free from accumulation of solid waste when such waste creates a public health nuisance.

2. No dwelling unit which is damp, poorly ventilated, or otherwise liable to predispose occupants to disease or illness shall be occupied or permitted to be occupied for living purposes.

3. The owner of any property shall keep the below-grade areas of the dwelling free from accumulations of water or sewage and shall have any such water or sewage pumped out immediately, and have conditions altered so that further accumulations will be prevented.

4. It shall be unlawful for any person to maintain or permit to be maintained any room or rooms in such filthy, vermin-infested or neglected conditions that the health of the occupants or the well-being of the community is endangered.

5. Every dwelling shall have heating facilities which are maintained in safe and good working condition, and are capable of providing a temperature of 68 degrees (F) under ordinary winter conditions as outlined in the New York State Tenants Rights Guide.

6. When the Director determines that any building, dwelling or part thereof is so unsanitary as to be unfit for human habitation or shall cause an unsanitary condition on or adjacent to the premises, a hearing can be scheduled with due notice to the owner. If at the hearing it is determined that the situation constitutes a nuisance or condition detrimental to life and health, the Director may issue an order requiring the owner to abate said nuisance or condition by placing said building or dwelling in a sanitary or habitable condition within a time specified in said order. Upon the failure of said owner to comply with said order, the Director may issue a further order to be affixed conspicuously upon such building or dwelling and served upon the occupant(s) or lessee(s) and upon the owner thereof or his or her agent requiring all persons to vacate such building or dwelling and to discontinue its use at such time as shall be stated in said order. Upon failure of such building or dwelling to be vacated within the time specified, the Board may issue a warrant to the County Sheriff directing that such building or dwelling be vacated and that all persons be removed and the County Sheriff shall forthwith execute such warrant pursuant to law.

G. Local Laws, Ordinances, Enforcement, and Criminal Penalties:

1. In enforcing this Article, the Director will be guided by the Building Codes in effect in the municipality (city, town or village) in which such buildings are located, and such other state laws or regulations, as may apply, provided that such other codes or regulations do not permit lower or less exacting requirements than this Sanitary Code.

2. The Director may request the assistance of a municipality's Building Inspector or Local Codes Enforcement Officer(s) to inspect properties in accordance with the New York State Code or to perform joint inspections of a property or properties with representatives of the Department.

3. In cases of Dwellings and Building Codes enforcement matters involving the Department and the Municipal Building Inspector or Codes Enforcement Officer, the Municipal Building Inspector or Codes Enforcement Officer shall have primary enforcement jurisdiction.

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

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



**Section 8. INDIVIDUAL WATER SUPPLIES**

A. Definitions:

1. All definitions found in Part 5, Subpart 5-1 of the New York State Sanitary Code entitled “Public Water Systems” are hereby adopted and incorporated by reference as definitions applicable to this Article of the Sanitary Code.

B. General Provisions:

1. The Owner shall provide an adequate supply of potable water. When made available to occupants through plumbing, the water system will be continuously maintained in good conditions. The owner shall not shut off or cause to be shut off a water supply except when occupants are notified in advance of such shut off for needed repair work. The owner shall not rent dwelling units unless they are provided with an adequate supply of water from an appropriate source.

2. When a cistern or well is utilized as a potable water supply, the owner shall maintain such well or cistern and its appurtenances so as to prevent contamination of the water supply.

3. When the water in any well or cistern becomes polluted and cannot be corrected to meet the quality standards for potable water, or when a well or cistern is no longer intended for use, the owner shall properly abandon the well or cistern in a manner consistent with the New York State Department of Health.

**Section 9. SEWAGE TREATMENT SYSTEMS**

A. Applicability:

1. This Article shall apply to the construction and use of any new or modified sewage treatment system designed to discharge sewage without the mixture of industrial or other wastes to the ground or surface waters of the County.

B. Definitions:

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

**Dwelling** means any building or structure which is wholly or partly used or intended to be used for living or sleeping by human occupants.

**Individual Sewage Treatment System** means a system of piping, tanks or other facilities for the on-site collection, treatment and disposal of sewage.

**Offensive Material** means any sewage, fecal matter, manure, offal, garbage, dead animals, meat wastes, pool waste water, any putrescible organic matter, the contents of sewage disposal systems (either liquid or solid state), or any substance or liquid dangerous or prejudicial to

health, safety or general welfare, or gives rise to offensive odors as may be determined by the Director or his/her designee.

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

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

**Pollution Hazard** means a condition resulting from the entry of wastes into any of the waters of the County whereby (a) The quality of such waters may be adversely affected in their use for bathing, drinking, culinary and other water supply uses; or (b) A situation determined by the Director to be prejudicial to health and safety of the public is created.

**Privy** means any facility or structure provided for the storage or disposal of human excreta without water carriage.

**Reserve or Replacement Area** means the area on the site that is kept available for the future individual sewage treatment system should the primary individual sewage treatment system fail.

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

**Sewage** means water-carried human waste, human excreta and liquid or water carried waste and laundry wastes from residences and buildings (from water closets, lavatories, sinks, bathtubs, laundry tubs or devices, floor drains or other sanitary fixtures), together with such groundwater infiltration and surface water as may be present, without the admixture of industrial or other wastes.

**Sewage System** means all types of sewage related systems listed and defined in this Article (i.e., Commercial, Community, Individual, Public).

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

C. General Provisions:

1. An abandoned septic tank, seepage pit, or other device or equipment for the treatment of sewage shall be cleaned and filled to the ground surface in a manner acceptable to the Department.
2. Roof water, foundation drain, cistern overflow, or surface or subsoil drainage shall not be discharged into any individual sewage treatment system.

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3. No person shall construct or maintain a Sewage Treatment System, pipe, or drain in the County so as to expose or discharge the sewage contents therefrom to the atmosphere or onto the surface of the ground, by subsurface disposal, by groundwater injection or into any storm sewer, drain or roadside ditch, nor so as to discharge into any watercourse or body of water contained within or touching any part of the land within the County, unless approval for such discharge shall have been issued in accordance with the provisions of the New York State Environmental Conservation Law and the Department is satisfied that such discharges will not adversely affect public health or create a condition which is detrimental to public health.

D. Application, Approval and Permits:

1. All Sewage Systems with a flow of one-thousand (1,000) gallons per day or greater under the jurisdiction of the NYSDEC shall be operated and maintained in accordance with required SPDES permits and any other approvals.

2. All components of Sanitary Sewers and Sewage Systems under the jurisdiction of the Department shall be maintained in an acceptable manner and operating condition in accordance with the design, construction and approval of any amendments and modifications thereof.

3. Each new application for a Construction Permit and each renewal application for a Construction Permit shall be accompanied by the required fee.

4. Applicants for Individual Sewage Treatment System Construction Permits may be required to submit satisfactory evidence that there is not a Public or Community Sewage System available and accessible to the building site to be served.

E. Operation:

1. No person shall construct, operate or maintain any Sewage System so as to expose or discharge the sewage contents or other deleterious liquid or matter therefrom to any Waters of the State, to the atmosphere, or on the surface of the ground or into any storm sewer or drain or so as to cause a pollution hazard, unless an approval and/or permit for such discharge shall have been issued therefor in accordance with the provisions of this Article or other provisions of law.

2. It is the responsibility of the home/building owner to operate and maintain the Individual Sewage Treatment System in full conformance with the standards listed under Article 9.G.1.

3. Wastes, including storm-water, other than sewage or other wastewater for which a Sewage System was designed, shall not be discharged into such Sewage System.

4. When a Sewage System is no longer to be used, it shall be abandoned and every tank or pit in such system shall be opened, emptied of sewage, and be abandoned and completely filled with inert material so as to prevent accidents.

F. Exposure of Sewage:

1. No person shall construct or maintain any privy, cesspool, sewage treatment system, pipe or drain so as to expose or discharge the sewage contents or other deleterious liquid or matter therefrom to the atmosphere or on the surface of the ground or into any storm sewer or drain or so as to endanger any water course or body of water unless a permit for such discharge shall have been issued therefore by the New York State Department of Environmental Conservation and such discharge shall be made in accordance with the requirements thereof.

G. Harmful or Deleterious Substances:

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

H. Construction of Article:

1. Nothing contained in this Article shall be construed to mean that the Department has approved the functional ability or adequacy of the system or systems approved pursuant to the provisions of this Article.

2. The Director may, on written application and after review, grant a waiver or variance from a specific provision of this Article. A variance or waiver may be subject to appropriate conditions. A variance may include a time schedule for compliance where such variance is in harmony with the general purpose and intent of this Article.

I. Modifications of Director's Order:

1. An order issued by the Director pursuant to this Article shall take effect with the period specified in the order.

2. The Director may postpone the effective date of an Order served pursuant to this Article, if such postponement will not result in an immediate danger to the public health; provided, however that no postponement shall be granted unless the Director has determined that the construction, change in treatment or other control measures which may be required to ensure compliance with the Order cannot be completed with the time prescribed by the original effective date because of physical or engineering difficulties, the shortage of necessary materials or equipment or other reasons acceptable to the Department.

**Section 10. COMMUNICABLE DISEASE**

A. Purpose:

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1. To assure the safety and well-being of the residents of St. Lawrence County through the reduction and/or prevention of the spread of communicable diseases through education and mandatory reporting of suspected or confirmed cases.

B. Definitions:

1. “**Communicable Disease**” shall mean an illness caused by an infectious agent or its toxins that occurs through the direct or indirect transmission of the infectious agent or its products from an infected individual or via an animal, vector or the inanimate environment to a susceptible animal or human host.

C. Rabies:

1. All persons shall comply with Article 21, Title 4 of the Public Health Law relating to Rabies and Part 2 of the State Sanitary Code relating to Rabies.

D. Reporting of Cases:

1. The reporting of cases and the reduction and/or prevention of the spread of communicable disease shall be in accordance with the definitions and regulations found in Title 10, Chapter I, Part 2 of the New York Codes, Rules and Regulations and the New York Public Health Law Articles 21, 22 and 23.

E. Duty to Report (Physicians and Institutions):

1. Every physician shall immediately give notice (report) to the Department of every case of communicable disease in St. Lawrence County required by the Department to be reported.

2. If there is no physician in attendance on any case of communicable disease, it shall be the duty of the superintendent or other officer of an institution, householder, hotel or lodging housekeeper, or other person where such case occurs in St. Lawrence County, to give notice (report) to the Department of such case of communicable disease required by the Department to be reported.

**Section 11. UNCONSTITUTIONALITY CLAUSE AND PROVISIONS FOR REVISIONS OR AMENDMENT**

A. Unconstitutionality Clause:

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

B. Provisions for Revision or Amendment:

1. This Sanitary Code may be amended or revised by the Board of Health at any regular meeting of the Board provided that a legal notice of intent is published in the County's official newspaper at least ten (10) days prior to such regular meeting of the Board. Such

October 7, 2019

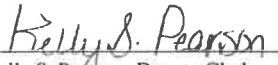
notice shall contain the nature of the proposed change(s) and advise that copies of such change(s) are available upon request in the office of the Department.

**Section 12. EFFECTIVE DATE**

A. Every regulation of the Sanitary Code, unless otherwise specifically stated shall take effect immediately upon filing with the Secretary of State.

STATE OF NEW YORK                    )  
  ) ss:  
COUNTY OF ST. LAWRENCE         )

I, Kelly S. Pearson, Deputy Clerk of the St. Lawrence County Board of Legislators, **DO HEREBY CERTIFY** that I have compared this Resolution No. 387-2019 entitled "Adopting Proposed Local Law A (No. ) for the Year 2019, "Sanitary Code of the St. Lawrence County Public Health Department"", adopted September 9, 2019, with the original record in this office and that the same is a correct transcript thereof and of the whole of said original record.

  
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Kelly S. Pearson, Deputy Clerk  
St. Lawrence County Board of Legislators  
October 9, 2019