

# Introductory Local Law Number 9 Of 2010

## County Of Ulster

### **A Local Law To Create The Department Of Weights And Measures For The County Of Ulster With The Same Powers And Duties Conferred To It Under The Ulster County Charter And The Administrative Code For The County Of Ulster**

BE IT ENACTED, by the County Legislature of the County of Ulster, as follows:

#### **SECTION 1. LEGISLATIVE FINDINGS.**

The Ulster County Charter Article XXIV Consumer Fraud Bureau Section C-94. Director of Weights and Measures reads: *“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.”*

The Administrative Code for the County of Ulster Article XXIV Consumer Fraud Bureau Section A24-1. Consumer Fraud Bureau; Division of Weights and Measures reads: *“There shall be a Consumer Fraud Bureau. Within the Bureau there shall be a division of Weights and Measures.”*

The Administrative Code for the County of Ulster Article XXIV Consumer Fraud Bureau Section A24-4. *Director of Weights and Measures* reads:

- “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.

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- 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.”

The Administrative Code for the County of Ulster Article XXIV Consumer Fraud Bureau Section Section A24-5. Deputy Director of Weights and Measures reads:

- “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.
- 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.”

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Pursuant to Introductory Local Law No. 8 of 2010, to be known upon adoption as Local Law No. XX, the Consumer Fraud Bureau will be/has been combined with the Ulster County District Attorney. The Ulster County Legislature hereby finds and determines that prior to January 1, 2009, the Department of Weights and Measures was a County administrative unit and it is in the best interest of the citizens of the County of Ulster to recreate same with the same powers and duties conferred to it under the Ulster County Charter and the Administrative Code for the County of Ulster.

#### **SECTION 2. ESTABLISHMENT OF THE DEPARTMENT**

Pursuant to the Ulster County Charter Section C-11(D) and the Administrative Code for the County of Ulster Section A2-5(A-4) 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, 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:

*By local law to create, alter, combine or abolish County administrative units\*."*

\*Pursuant to the Ulster County Charter Section C-6 and the Administrative Code for the County of Ulster Section A1-8: "Definitions: Whenever used in this Charter/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 UNIT — Any department, division, bureau, office, board or commission or other agency of County government, or any subordinate part of the foregoing."*

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There is hereby created a Department of Weights and Measures established in accordance with the Ulster County Charter and the Administrative Code for the County of Ulster with the exception that the Director of Consumer Affairs shall be removed from the language as indicated in Section 1. above.

(Pursuant to Local Law No. XX, the Consumer Fraud Bureau has been combined with the Ulster County District Attorney.)

- “A. ~~The Director of Consumer Affairs~~ **There** shall ~~serve ex officio as the~~ be a Director of Weights and Measures, and **who** 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.”

The Administrative Code for the County of Ulster Article XXIV Consumer Fraud Bureau Section Section A24-5. Deputy Director of Weights and Measures reads:

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- “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.
- 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.”

#### **SECTION 3: VALIDITY AND SEVERABILITY.**

If any section or part of this local law, or the application thereof to any person or circumstances, is adjudged invalid or unconstitutional, then such adjudication shall not invalidate or impair the validity or force or effect of any other section or part of this local law or the application of this local law, or any section, provision, or part thereof, to other persons or circumstances.

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**SECTION 4: EFFECTIVE DATE.**

This Local Law shall become effective upon its filing in the Office of the Secretary of State pursuant to Section 27 of the Municipal Home Rule Law.