

Local Law Number 3 Of 2010

County Of Ulster

A Local Law To Provide For The Codification Of The Local Laws Of The County Of Ulster Into A Code To Be Designated The “Code Of The County Of Ulster”

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

ARTICLE I Adoption of Code

§ 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 Only such provisions of former local laws as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-3 below.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of this local law and not contained in such Code or recognized and continued in force by reference therein are hereby repealed from and after the effective date of this local law.

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§ 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.

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- 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

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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

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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

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number references are to the local laws as they have been renumbered and appear in the Code.)

§ 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.

Adopted by the County Legislature: August 17, 2010

Schedule A
(As Referenced in § 1-11B)
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Chapter 44, Ethics and Disclosure.

The definition of "Chief Fiscal Officer" in § 44-3 and § 44-5A(2) are amended to delete "Treasurer."

Subsection A of the definition of "interest" in § 44-3 is amended to change "employment with the municipality" to "employment with the County."

Section 44-6A(1) is amended to change "Director" to "Coordinator" in the entry for the Department of the Environment and to add the following entry:

ULSTER COUNTY DEVELOPMENT CORPORATION
Members of Ulster County Development Corporation and/or Public Authority

Section 44-8C(1)(d) is amended to change "current, prospective and County officer or employee" to "current, prospective and former County officer or employee."

Item 12 of Appendix A, Annual Statement of Financial Disclosure, is amended to revise the second sentence to read as follows:

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.

Chapter 90, Officers and Employees.

Section 90-6 is amended to change "the same of which" to "the cost of which."

Chapter 98, Personnel Policies.

Sections 98-1C, 98-1E, 98-3A, 98-3B, 98-3E and 98-3F are amended to change "Personnel Officer" to "Personnel Director."

Section 98-1C is amended to change "and Local Law No. 6 of 1978 of the County of Ulster" to "and the Administrative Code of the County of Ulster"; to add

"applicant" after "certify an eligible"; and to delete "for" before "with respect to offices."

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Schedule A
(As Referenced in § 1-11B)
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Section 98-1E is amended to add a period after "federal law" and to change "the same of which shall be administered" to "This article shall be administered."

Section 98-2A(2) is amended to delete the words "County Treasurer" and add "County Executive" and "County Comptroller."

Section 98-3F is amended to delete "for review by the Ulster County Personnel Officer."

Chapter 110, Records.

Section 110-3 is amended to change "Director of Data Processing" to "Director of Information Services" and "County Treasurer" to "Commissioner of Finance."

The definition of "archives" in § 110-6 is amended to change "Advisory Committee" to "Advisory Board."

The definition of "records center" in § 110-6 is amended to change "maintained by the department" to "maintained under the jurisdiction of the Ulster County Clerk."

Section 110-13 is amended to delete "the fee for" before "any cover page" and to delete "County of" before "Ulster County Clerk."

Chapter 117, Sheriff's Department.

Section 117-2 is amended to change "Personnel Officer" to "Personnel Director."

Chapter 145, Alarms.

The definition of "911 Coordinator" in § 145-3 is amended to change "Emergency Management Coordinator" to "Director of Emergency Communications/Emergency Management."

Section 145-4B is amended to change "Communications Center" to "Emergency Communications Center."

Chapter 166, Construction Codes, Uniform.

Sections 166-2B, 166-5A, 166-9B, 166-10B and 166-12A(3) are amended to change "Safety Office" to "Safety Department."

Schedule A
(As Referenced in § 1-11B)
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Sections 166-7C and 166-16A(2) are amended to change "registered mail/certified mail" to "certified mail."

Section 166-12A(3) is amended to change "Division of Sanitation" to "Environmental Sanitation Division."

Section 166-14A(8) is amended to delete "including" from the end of the subsection.

Section 166-17 is amended to add the following: "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."

Chapter 169, Consumer Protection.

The definition of "food store" in § 169-4 is amended to change "Commissioner" to "Legislature."

Section 169-6E is amended to change "a violation rate in excess of 2% or less" to "a violation rate of 2% or less."

Chapter 181, Dredge Material Sites and Disposal Facilities.

Section 181-4E is added to read as follows: "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."

Chapter 205, Food Service.

Section 205-3D is amended to change "19760 survey" to "1976 survey" and to change "20034 survey" to "2003 survey."

Chapter 245, Mobile Homes and Manufactured Homes.

Throughout this chapter, "mobile home" is amended to read "manufactured or mobile home."

Schedule A
(As Referenced in § 1-11B)
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The definitions of "manufactured home" and "mobile home" are added in § 245-2 to read as follows:

MANUFACTURED HOME -- As defined in Real Property Law § 233, Subdivision (a)4.

MOBILE HOME -- As defined in Real Property Law § 233, Subdivision a(5).

Section 245-3A(1) is amended to add "with at least 30 days' notice in writing."

Section 245-3A(7) is added to read as follows: "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."

Chapter 249, Motor Vehicle Fuel, Sale of.

The definition of "Director" in § 249-2 is amended to read "The Director of Weights and Measures."

The definitions of "gasoline station," "motor fuel" and "storage tank" in § 249-2 are amended to change "motor fuel" to "motor vehicle fuel."

Section 249-8A is amended to change "Department of Weights and Measures" to "Consumer Fraud Bureau, Division of Weights and Measures."

Section 249-9A(2) is amended to change "Weights and Measures Office" to "Consumer Fraud Bureau, Division of Weights and Measures."

Chapter 284, Property Maintenance.

Section 284-9C is amended to change "health of the town" to "health of the County."

Schedule A
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Chapter 304, Solid Waste.

The definition of "charitable organization" in § 304-9 is amended to add "not" before "operating for profit."

The definition of "corrugated cardboard" in § 304-9 is amended to add "but excluding" before "plastic, foam, or wax-coated or soiled cardboard."

Section 304-31A(1)(a)[1] is amended to change "the addition of materials from the definition" to "the addition of materials to and/or the deletion of materials from the definition."

Section 304-42B is amended to add "facility" after "waste-to-energy."

Chapter 308, Storm Sewers.

Section 308-17C is amended to change "the SPDES regulatory" to "the State Pollutant Discharge Elimination System (SPDES) requirements."

Section 308-20 is amended to add "to make such determinations" after "it is within the discretion of the Stormwater Management Office."

Chapter 312, Taxation.

Throughout this chapter, references to the "Treasurer" are amended to read "Commissioner of Finance."

Section 312-9C(1) is amended to add the following wording after "in any action or proceeding": "in any court, except on behalf of the Commissioner of Finance in an action or proceeding."

