Charter and Code of the County of Broome

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C E R T I F I C A T I O N

COUNTY OF BROOME

Office of the Clerk of the Legislature

I, **Aaron Martin** , Clerk of the Broome County of Legislature, hereby certify that the chapters contained in this volume are based upon the original legislation of a general and permanent nature of the County Legislature of the County of Broome, and that said legislation, as revised and codified, renumbered as to sections and rearranged into chapters, constitutes the Charter and Code of the County of Broome, State of New York, as adopted by local law of the County Legislature on December 19, 2013.

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

s/**Aaron Martin**

_____
County Clerk

PREFACE

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

Contents of Charter and Code

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

Organization of the Publication

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

Table of Contents and Grouping of Legislation

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

Reserved Chapters

Unassigned chapter numbers do not appear in the Table of Contents but are available for assignment to new enactments. In this manner, new subject matter can be included alphabetically.

Pagination

A unique page-numbering system has been used in which each chapter forms an autonomous unit. The first page of each chapter is the number of that chapter followed by a colon and the numeral “1.” Thus, Chapter 6 would begin on page 6:1. By use of this system, it is possible to add or to change pages in any chapter, or add new chapters, without affecting the sequence of subsequent pages.

Numbering of Sections

A chapter-related section-numbering system is employed in which the section number indicates the number of the chapter and the location of the section within that chapter. Thus, the first section of Chapter 30 would be § 30-1, while the sixth section of Chapter 57 would be § 57-6.

Scheme

The scheme is the list of section titles that precedes the text of each chapter. These titles are carefully written so that, taken together, they may be considered as a summary of the content of the chapter. Taken separately, each describes the content of a particular section. For ease and precision of reference, the scheme titles are repeated as section headings in the text.

Histories

At the end of the Scheme (list of section titles) in each chapter is located the legislative history for that chapter. This History indicates the specific legislative source from which the chapter was derived, including the enactment number, if pertinent, and the date of adoption. In the case of chapters containing parts or articles derived from more than one item of legislation, the source of each part or article is indicated in the text, under its title. Amendments to individual sections or subsections are indicated by histories where appropriate in the text.

General References; Editor's Notes

In each chapter containing material related to other chapters in the Charter and Code, a table of General References is included to direct the reader's attention to such related chapters. Editor's Notes are used in the text to provide supplementary information and cross-references to related provisions in other chapters.

Appendix

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

Derivation Table

In order to assist Charter and Code users in the transition to the new Charter and Code's organization, the Derivation Table indicates where chapters and articles of the 1991 Charter and Code have been included in the 2013 Charter and Code, or the reason for exclusion.

Disposition List

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

Index

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

Instructions for Amending the Charter and Code

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

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

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

be used (e.g., a new chapter to be included between Chapters 166 and 167 should be designated Chapter 166A).

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

Supplementation

Supplementation of the Charter and Code will follow the adoption of new legislation. New legislation or amendments to existing legislation will be included and repeals will be indicated as soon as possible after passage. Supplemental pages should be inserted as soon as they are received and old pages removed, in accordance with the Instruction Page which accompanies each supplement.

Acknowledgment

The assistance of the County officials is gratefully acknowledged by the editor. The codification of the legislation of the County of Broome reflects an appreciation of the needs of a progressive and expanding community. As in many other municipalities, officials are faced with fundamental changes involving nearly every facet of community life. Problems increase in number and complexity and range in importance from everyday details to crucial areas of civic planning. It is the profound conviction of General Code that this publication will contribute significantly to the efficient administration of local government. As Samuel Johnson observed, "The law is the last result of human wisdom acting upon human experience for the benefit of the public."

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[HISTORY: Adopted by the Broome County Board of Supervisors (now County Legislature) 11-5-1968 by L.L. No. 9-1968. Amendments noted where applicable.]

GENERAL REFERENCES

Administrative Code — See Ch. A.
Residency requirements — See Ch. 17, Art. I.
Claims approval — See Ch. 21.
Environmental Management Council — See Ch. 49.
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ARTICLE I
Broome County and Its Government

§ C101. Title and purpose.

This Charter, together with any and all amendments hereto, if any, shall provide for and constitute the form of government for Broome County and shall be known and may be cited as the "Broome County Charter." Among other purposes of this Charter are the following: the separation of County legislative and executive functions and responsibilities, the securing of the greatest possible County home rule and the accomplishment of an increased efficiency, economy and responsibility in the Broome County Government. Except as otherwise provided, no function, facility, duty or power of any city, town, village, school district or other district, or of any officer thereof, is or shall be transferred, altered or impaired by this Charter or Administrative Code.[1]

§ C102. County status; powers and duties.

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

§ C103. Charter effect on state laws.

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

§ C104. Charter effect on local laws, ordinances and resolutions.

All laws, including resolutions, ordinances and local laws, heretofore adopted which are contrary to or inconsistent with the provisions of this Charter are hereby repealed. All of the laws of the state relating to the towns, cities, villages or districts of the County of Broome shall continue in full force and effect except to the extent that such laws have been repealed,

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1. **Editor's Note: The Administrative Code is included as Chapter A of this volume.**

amended, modified or superseded in their application to Broome County by the enactment and adoption of this Charter and Administrative Code.

§ C105. Definitions. [Amended 8-17-1982 by L.L. No. 7-1982; 8-14-1984 by L.L. No. 5-1984; 4-4-1991 by L.L. No. 10-1991; 8-19-2010 by L.L. No. 8-2010[2]]

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

ADMINISTRATIVE CODE — The Broome County Administrative Code and all amendments thereto.

ADMINISTRATIVE HEAD — The head of any administrative unit.

ADMINISTRATIVE UNIT — Any department, executive division, institution, office or other agency of County government, except a bureau, division, section or other subordinate part of any of the foregoing.

AUTHORIZED AGENCY — Any agency authorized by this Charter, Administrative Code or applicable law, including but not limited to those authorized by § 224 of the County Law, to receive and expend County funds for a County purpose.

CHARTER and COUNTY CHARTER — The Broome County Charter and all amendments thereto.

COUNTY — The County of Broome.

COUNTY LEGISLATOR — A person elected from a legislative district to represent it on the County Legislature.

COUNTY LEGISLATURE — The elective legislative body of the County of Broome.

EXECUTIVE DIVISION — Includes but is not limited to the Division of Information Technology and such other divisions of the Executive Department as may be hereinafter authorized.

LEGISLATIVE DISTRICT — A geographical area of Broome County which is entitled to elect a County Legislator.

QUORUM — A majority of the whole number of members of the County Legislature and a majority of the whole number of the membership of the commission, body or other group of persons or offices charged with any County public power, authority or duty to be performed or exercised by them jointly, and not less than a majority as required herein may perform and exercise such power, authority or duty.

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2. Editor's Note: This local law provided an effective date of 1-1-2011.

ARTICLE II
Legislative Branch

§ C200. Termination of Board of Supervisors as now constituted.

The terms of Supervisors heretofore elected to the Broome County Board of Supervisors and those elected at the general election of 1968 shall terminate on December 31, 1970.

§ C201. County Legislature; members; qualifications.

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

2. The County of Broome shall be divided into districts to be known as "Legislative Districts," from each of which shall be elected one (1) person to be a member of the County Legislature. Such persons while holding office shall be known as "Legislators."

3. The County of Broome shall be divided into Legislative Districts, bounded and described as follows: **[Amended 4-16-1974 by L.L. No. 6-1974; 3-16-1982 by L.L. No. 3-1982; 4-2-1992 by L.L. No. 5-1992; 2-21-2002 by L.L. No. 5-2002; 6-20-2002 by L.L. No. 7-2002; 4-8-2008 by L.L. No. 1-2008; 8-28-2008 by L.L. No. 9-2008; 1-19-2012 by L.L. No. 1-2012]**

Legislative Districts	Geographic Area
1	City of Binghamton (Election District 12)
	Town of Colesville (Election Districts 1, 2, 3)
	Town of Fenton (Election Districts 3, 4, 5, 6)
	Town of Kirkwood (Election District 1)
2	Town of Kirkwood (Election Districts 2, 3, 4)
	Town of Sanford (Election Districts 1, 2, 3)
	Town of Windsor (Election Districts 1, 2, 3, 4, 5)
3	Town of Binghamton (Election Districts 1, 2, 3)
	Town of Conklin (Election Districts 1, 2, 3, 4)
	Town of Vestal (Election Districts 18, 19)
4	Town of Vestal (Election Districts 4, 5, 9, 10, 11, 12, 13)
5	Town of Vestal (Election Districts 1, 2, 3, 6, 7, 8, 14, 15, 16, 17)
6	Town of Maine (Election District 1)
	Town of Union (Election Districts 1, 2, 4, 19, 20, 21, 22, 23)
7	Town of Maine (Election District 3)
	Town of Union (Election Districts 3, 5, 6, 7, 8, 24, 25, 26)
8	Town of Union (Election Districts 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38)

Legislative Districts	Geographic Area
9	Town of Barker (Election Districts 1, 2)
	Town of Lisle (Election Districts 1, 2)
	Town of Maine (Election Districts 2, 4)
	Town of Nanticoke (Election District 1)
	Town of Triangle (Election Districts 1, 2)
10	Town of Chenango (Election Districts 1, 2, 3, 4, 5, 6, 7, 8)
	Town of Fenton (Election Districts 1, 2)
11	City of Binghamton (Election Districts 13, 14, 20)
	Town of Union (Election Districts 13, 15, 16, 17, 18, 39)
12	City of Binghamton (Election District 2)
	Town of Dickinson (Election Districts 1, 2, 3, 4)
	Town of Union (Election Districts 9, 10, 11, 12, 14, 37)
13	City of Binghamton (Election Districts 1, 5, 15, 16, 17, 18, 21, 22)
14	City of Binghamton (Election Districts 3, 4, 6, 7, 8, 9, 10, 11, 19)
15	City of Binghamton (Election Districts 23, 24, 25, 26, 27, 28, 29, 30, 31, 32)

Reference to "Election Districts" in the above description refers to Election Districts established as of May 1, 2012.

The maps of the districts referred to above, as well as maps showing the Legislative Districts into which Broome County is herein divided, shall be filed with the Clerk of the Broome County Legislature and shall remain on file and shall be considered and hereby made a part hereof.

4. Each County Legislator shall be a resident elector of the district he represents at the time of his nomination and election throughout his term of office. He shall also be a resident elector of the district he represents if he is appointed to fill a vacancy throughout that term of office. No elective or appointive official of any town, village or city, or any other municipality, shall be eligible to hold office as a County Legislator.

5. After each federal decennial census, including that of 1970, the Clerk of the County Legislature shall determine the results of said census, publicly announce such results and file the same with the County Legislature. The County Legislature shall thereupon reconsider its representation and, if necessary, redraw legislative district boundaries. Any amendment to this Charter reapportioning representation on the County Legislature shall be subject to a referendum on petition in the manner provided for by the terms and provisions of § 24 of the Municipal Home Rule Law. **[Amended 12-4-1973 by L.L. No. 5-1973]**

§ C202. Terms of office.

The terms of office of the members of the County Legislature shall be for two (2) years and shall begin on the first day of January immediately succeeding their election.

§ C203. Powers and duties.

The County Legislature shall be the governing body of the County and shall be the legislative, appropriating and policy-determining body of the County and shall have and exercise all powers and duties of the County now or hereafter conferred or imposed on the County Legislature by applicable law and any and all powers necessarily implied or incidental thereto, together with such powers and duties as are provided for in this Charter and Administrative Code. In addition to all powers conferred by the foregoing or other provisions of this Charter and Administrative Code, the County Legislature shall have the power, among others:

(A) To make appropriations, levy taxes, incur indebtedness and adopt a budget, including a capital program;

(B) To exercise all powers of local legislation in relation to enacting, amending or rescinding local laws and legalizing acts, ordinances or resolutions;

(C) By local law to adopt, amend or repeal an Administrative Code, which shall set forth the details of administration of the County government consistent with the provisions of this Charter and which Administrative Code may contain revisions, simplifications, consolidations, modifications and restatements of special laws, local laws, ordinances, resolutions, rules and regulations consistent with this Charter or amendments thereto;

(D) By local law to create, alter, combine or abolish County administrative units not headed by elective officials;

(E) To adopt by resolution all necessary rules and regulations for its own conduct and procedure;

(F) Subject to the Constitution and general laws of the State of New York, to fix the number of hours constituting a legal day's work for all classes of County employees and grant to the employing officer or board the power to stagger working hours;

(G) To fix compensation of all officers and employees paid from County funds, except members of the judiciary, and of such other officers and employees when specifically authorized by statute;

(H) To fix the amount of bonds of officers and employees paid from County funds;

(I) To make such studies and investigations as it deems to be in the best interests of the County and, in connection therewith, to obtain and employ professional and technical advice, appoint temporary advisory boards of citizens, subpoena witnesses, administer oaths and require the production of books, papers and other evidence deemed necessary or material to such study or inquiry;

(J) To legalize and validate any act had and taken in connection with a lawful municipal purpose or for a lawful municipal object or purpose by the governing board or other local

body, officer or agency of a municipality wholly within the County, in the manner provided by § 227 of the County Law;

(K) To create and establish the office of deputy or deputies to the head of any department, administrative unit or to any principal executive County officer with power vested in such deputy to act generally for and in place of his principal;

(L) To determine and make provision for any matter of County government not otherwise provided for, including, but not by way of limitation, any necessary matter involved in the transition to this Charter form of government;

(M) To establish the County Equalization Rate for the City of Binghamton and each town as provided by the Real Property Tax Law; and

(N) To award all contracts for professional services where the amount involved exceeds $15,000, except that the award of contracts for expert witness services for litigation shall be in accordance with the provisions of the Broome County Purchase Procurement Process Manual. **[Amended 9-27-1976 by L.L. No. 5-1976; 10-15-1992 by L.L. No. 13-1992; 8-15-1996 by L.L. No. 6-1996; 1-22-2009 by L.L. No. 1-2009]**

§ C204. Chairman of the County Legislature.

The County Legislature shall elect one (1) of its members to be Chairman for a term for which the members of the County Legislature were elected. Said Chairman shall have all the powers and perform all the duties prescribed by applicable statutes, local laws or resolutions heretofore and hereafter adopted until the same shall be amended or repealed.

§ C205. Vacancy. [3]

A vacancy occurring in the County Legislature, otherwise than by expiration of term, shall be filled by an affirmative vote of a majority of the members thereof, who shall appoint a qualified person to fill the vacancy having the same political affiliation as the person last elected to that office. The term of such person so appointed in a nonelection year shall be until the commencement of the calendar year next succeeding the first general election after the happening of the vacancy. If the vacancy occurs after September 20 of any nonelection year, then the term of such person shall be until the commencement of the second calendar year next succeeding the first general election after the happening of the vacancy. If the vacancy occurs during an election year, the office shall be filled until the expiration of the current term of that office. Such appointee shall be a resident elector of the district he represents at the time of his appointment and throughout his term of office.

§ C206. Veto. [Amended 8-16-1977 by L.L. No. 5-1977]

Except as otherwise provided in this Charter and Administrative Code, the County Executive shall have power, within ten (10) days after its presentation to him by the Legislative Clerk, to veto any legislation passed by the County Legislature, except local laws and any such

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3. Editor's Note: Amended at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I).

legislation which relates to the internal organization and operation of the County Legislature and appointments made by the Legislature required by law or by this Charter. A copy of such legislation shall immediately after its passage be separately certified by the Clerk of the County Legislature and filed by the Clerk with the County Executive within five (5) days after its passage. If the County Executive approves it, he shall sign it and return it to the Clerk, and the legislation shall thereupon take effect. If he vetoes it, he shall return it to the Clerk with his objections stated, in writing, and the Clerk shall present the same with such objections to the County Legislature at its next regular or special meeting called for that purpose, and such objections shall be entered in its journal. The County Legislature, within forty-five (45) days after its return to the Clerk, may, by a three-fifths vote of the whole number of its members, override such veto. Only one (1) vote shall be had to override such veto, which shall be taken by roll call and entered in the journal. If any of such legislation shall not be returned by the County Executive within ten (10) days after it shall have been presented to him, or if it shall be returned within such period without the County Executive's approval or veto, it shall be deemed to be adopted with like effect as if he had approved and signed it.

The procedures to be followed and the powers of the County Executive and County Legislature relative to the passage and veto of local laws shall be governed by and in accordance with Article 3 of the Municipal Home Rule Law of the State of New York.

§ C207. Local laws; definitions; power to adopt, amend and repeal; effect on legislative acts.

A local law is a law adopted pursuant to this Charter within the power granted by the State Constitution, act of the Legislature or provision of this Charter and shall not include a resolution, ordinance or legalizing act.

The County Legislature may adopt, amend or repeal a local law. A local law shall be passed by not less than a majority of the whole number of members of the County Legislature and may relate to property, affairs and government of the County or any other subject matter of County concern. In the exercise of such power, and within the limitations provided by Article 4 of the Municipal Home Rule Law, the County may change, supersede or amend any act of the New York State Legislature. Such power shall include but shall not be limited to a power or powers vested in any county in the State of New York or the elective governing body thereof to adopt, amend or repeal local laws granted by any provisions of general laws, special laws, charters, special acts or local laws. The provisions of Article 3 of the Municipal Home Rule Law are hereby made applicable except as the same may be inconsistent with any provisions of this Charter.

§ C208. Form and procedure. [Amended 4-4-1991 by L.L. No. 10-1991]

Every local law shall be entitled "Local Law No. _____, Year ___..." (amending, etc., or otherwise as the case may be). If a local law amends a specific state statute or specific local law, the matter to be eliminated shall be enclosed in brackets or parenthesis and the new matter underscored or italicized.

Except as may otherwise be provided in this Charter, the procedure for the adoption of a local law, including referendum, mandatory or permissive, shall be as provided in Articles 3 and 4 of the Municipal Home Rule Law.

§ C209. Filing and publication of local laws; judicial notice. [Amended 6-24-1986 by L.L. No. 5-1986; 4-4-1991 by L.L. No. 10-1991]

The filing and publication of local laws shall be as provided by § 27 of the Municipal Home Rule Law, and the Court shall take judicial notice of all local laws and of rules and regulations adopted pursuant thereto.

Within five (5) days after the taking of effect of a local law, the Clerk of the County Legislature shall file a certified copy thereof in the office of the County Clerk, and three (3) copies in the office of the Secretary of State. Such certified copy shall contain the text only of the local law without the brackets and the matter within the brackets, or the italicizing or underscoring, if any, to indicate the changes made by it. At the same time, the Clerk of the County Legislature shall cause to be published at least once as a County charge in the designated newspaper of general circulation published in the County a notice that such local law was adopted, a brief description of such local law and that the full text of such local law may be examined during regular business hours in the office of the Clerk of the County Legislature, provided that failure to do so shall not affect the validity of such local law.

§ C210. Referendum.

A local law shall be subject to mandatory or permissive referendum when required by this Charter or applicable law. Where no mandatory or permissive referendum is so required, the County Legislature may nevertheless provide in a local law that a referendum shall be had or that it shall be subject to permissive referendum.

§ C211. Effective date.

After adoption, every local law shall become effective when filed in the office of the Secretary of the State of New York or on such later date as may be provided in said local law.

§ C212. Ordinances. [Amended 4-4-1991 by L.L. No. 10-1991]

Ordinances may be adopted by the County Legislature, and the procedure shall be the same as herein provided for the adoption of local laws, except that an ordinance shall not be subject to referendum, mandatory or permissive, except also for any filing requirements. An ordinance may provide for any subject matter of County concern not required to be provided by local law, legalizing act or resolution of the County Legislature.

Such ordinance may provide for its enforcement by legal or equitable proceedings in a court of competent jurisdiction, may prescribe that violations thereof shall constitute offenses or misdemeanors and may provide for punishment of violations by civil penalty or by fine or imprisonment or by two (2) or more such penalties or punishments. Ordinances and their

application, including particular subjects and form, may be further provided in the Administrative Code.

§ C213. Public Hearings. [Added 4-7-2015 by L.L. No. 1-2015]

All public hearings held by the County Legislature, the County Executive, or any agency or department of the County of Broome must be held no earlier than 5:00 p.m.

ARTICLE III
Executive Branch

§ C301. County Executive; election; term. [Amended 8-17-1976 by L.L. No. 3-1976; 4-4-1991 by L.L. No. 10-1991]

The Executive Branch of the County government shall be administered by the County Executive.

An elective County Executive shall be elected at the general election in November 1969 and shall serve for a three-year term. He shall thereafter be elected at the general election in November 1972 for a four-year term of office and shall be elected every fourth year thereafter.

No elective official of any town, village, city, county or any other municipality shall be eligible to hold the office of County Executive.

Effective January 1, 1977, the County Executive shall be required to give his whole time to the duties of his office and shall not engage in the practice of any profession or the conduct of any business, trade, occupation or employment. Nothing contained herein, however, shall preclude the County Executive from receiving income derived from personally held investments or securities, from rentals or from businesses, partnerships or corporations in which he may have an interest, so long as he does not actively participate in the operation or conduct thereof.

§ C302. Powers and duties.

The County Executive, in addition to any other powers and duties provided by this Charter, shall:

(A) Be the chief executive officer and administrative head of the County government.

(B) Supervise and direct the internal organization and reorganization of each department or other administrative unit the head of which he has the power to appoint.

(C) Be the chief budget officer of the County and be responsible for preparation of the operating and capital budgets of the County.

(D) Determine and fix real property tax equalization rates among the various taxing districts of the County for County purposes and file the same with the County Legislature on or before the first day of November in each year. If the County Legislature fails to act, by a

majority vote of the whole number of its members, upon these rates by the 20th day of November, the determination by the County Executive of the tax equalization rates shall be final. Said rates shall be subject to confirmation and revision by the County Legislature, and the County Executive shall have no veto power over the final determination by the County Legislature.

(E) Have authority to appoint and terminate one (1) or more temporary advisory boards or committees of citizens of the County who shall, without compensation other than such necessary expenses as may be provided in the budget, advise in the consideration of County administrative policies and programs.

(F) Designate one (1) or more depositaries located within the County for the deposit of all moneys received by the Director of the Office of Management and Budget, and determine what funds may be invested and in what securities according to law. **[Amended 8-19-2010 by L.L. No. 8-2010[4]]**

(G) Examine and approve or disapprove the sufficiency of sureties on official bonds and undertakings of the Directors of the Office of Management and Budget and the Division of Information Technology. The sufficiency of sureties of all other official bonds and undertakings shall be examined and approved or disapproved by the County Legislature. **[Amended 8-17-1982 by L.L. No. 7-1982; 8-14-1984 by L.L. No. 5-1984; 8-17-1995 by L.L. No. 14-1995; 3-19-1998 by L.L. No. 3-1998; 8-19-2010 by L.L. No. 8-2010[5]]**

(H) Report to the County Legislature annually at the close of the fiscal year or as soon thereafter as practicable, but in no event later than the first day of March, and at such other times as the County Legislature shall direct the activities of the several administrative units of the County during the preceding fiscal year, in such detail as the County Legislature shall direct.

(I) Appoint a member of the County Legislature to serve as Chairman of such board for the remainder of the calendar year in case the County Legislature has failed to select a Chairman on or before February 1, or for the unexpired term of the previous Chairman, in case the County Legislature has failed to select a Chairman within thirty (30) days after a vacancy has occurred in the office of the Chairman.

(J) Administer the workers' compensation programs as now provided by local law and the laws of the State of New York applicable thereto.

(K) Perform such other duties and have such other powers as may be prescribed for him by law.

(L) Have all necessary incidental powers to perform and exercise any of the duties and functions specified above or lawfully delegated to him.

§ C303. Removal of County Executive.

The County Executive may be removed by the Governor in the manner provided in the Public Officers Law for the removal of County officers.

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4. Editor's Note: This local law provided an effective date of 1-1-2011.

5. Editor's Note: This local law provided an effective date of 1-1-2011.

§ C304. Deputy County Executives; appointment; duties. [Amended 8-17-1982 by L.L. No. 9-1982; 10-4-1983 by L.L. No. 14-1983]

The County Executive may appoint three (3) Deputy County Executives, subject to confirmation by the County Legislature, who shall hold office at the pleasure of the County Executive. The Deputy County Executives shall have the authority to act generally for and in place of the County Executive. The appointment and confirmation of Deputy County Executives shall be in the same manner as the appointment and confirmation of the heads of departments or other administrative units.

The County Executive shall designate, in writing, a Deputy County Executive who shall be a Deputy for Administration, a Deputy County Executive who shall be a Deputy for Physical Services and a Deputy County Executive who shall be a Deputy for Human Services, without impairing their authority to act generally for and in place of the County Executive. Such designation shall be made, in writing, at the time of appointment, and no appointment shall be valid unless said designation is made. A change in designation shall be made in the same manner as an appointment and shall be subject to confirmation by the County Legislature in the same manner as an appointment.

The County Executive may designate, in writing, the order of succession among the Deputy County Executives for performing the duties of the County Executive during the latter's inability to perform by reason of absence from the County or disability. Such designation shall be filed with the Clerk of the County Legislature, and any such designation may be revoked or modified, in writing, at any time by the County Executive by filing with the Clerk of the Legislature a revocation or a new designation. In the event that the County Executive does not designate an order of succession among the Deputy County Executives, then the order of succession shall be: first, the Deputy for Administration; second, the Deputy for Physical Services; and third, the Deputy for Human Services.

§ C305. (Reserved) [6]

§ C306. Acting County Executive; how designated; when to act; appointment; duties. [Amended 10-4-1983 by L.L. No. 14-1983]

The County Executive may designate, in writing, one (1) or more appointive department or executive division heads to perform the duties of the County Executive as hereinafter provided. Such appointment, with the order of succession specified, shall be filed with the Clerk of the County Legislature, and any such designation may be revoked at any time by the County Executive by filing a new designation with the Clerk of the County Legislature.

The Acting County Executive shall perform the duties of the County Executive:

(1) If no Deputy County Executives have been appointed pursuant to § C304 herein and the County Executive is unable to perform his duties by reason of absence from the County or disability; or

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6. Editor's Note: Former Section 305, Administrator for Human Services and Administrator for Physical Services; Appointment; Duties, added 8-17-1982 by L.L. No. 6-1982, was repealed 10-4-1983 by L.L. No. 14-1983.

(2) If Deputy County Executives have been appointed pursuant to § C304 herein and both the County Executive and Deputy County Executives are unable to perform their duties by reason of absence from the County or disability.

In the event that no acting County Executive has been designated, the County Legislature may designate an appointive department or executive head to perform the duties of the County Executive as provided hereinabove.

§ C307. (Reserved) [7]

§ C308. (Reserved) [8]

§ C309. (Reserved) [9]

§ C310. Division of Information Technology; Director; appointment; powers and duties; deputies. [Added 10-21-1975 by L.L. No. 8-1975; amended 8-17-1995 by L.L. No. 14-1995; 3-19-1998 by L.L. No. 3-1998]

There shall be in the office of the County Executive a Division of Information Technology headed by a Director who shall be appointed by the County Executive, subject to confirmation by the County Legislature, and shall serve at the pleasure of the County Executive. Said Director shall be in the unclassified service of the civil service.

The Director shall:

(A) Have such power and duties as prescribed in the Administrative Code and by the County Executive or the County Legislature.

(B) Supervise, control and administer all of the information services of the County and establish procedures for the effective utilization of voice and data services by the several departments and units of County government.

(C) Supervise centralized word processing, including dictaphone services, mail and courier services, printing, stationery stores, graphic arts and accounting responsibilities.

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7. Editor's Note: Former § C307, Division of Budget and Research; Director; appointment; powers and duties, as amended, was repealed 8-19-2010 by L.L. No. 8-2010, effective 1-1-2011.

8. Editor's Note: Former Section 308, Division of Purchase; Director; Appointment; Powers and Duties, as amended 10-22-1980 by L.L. No. 10-1980, was repealed 8-17-1982 by L.L. No. 7-1982. Replacement § C308, Division of Purchasing; Director; appointment, added 12-23-1997 by L.L. No. 1-1998, was repealed 12-20-2012 by L.L. No. 2-2013.

9. Editor's Note: Former § C309, Division of Solid Waste Management, added 12-30-1988 by L.L. No. 3-1989, was repealed 3-16-2000 by L.L. No. 5-2000. See now § C903.

(D) Appoint such deputies as may be authorized by the County Legislature, and all such deputies shall be in the exempt class of the civil service and shall serve at the pleasure of the Director of Information Technology.

§ C311. Administrative heads; interim appointment; appointment of other officers and employees. [Amended 10-21-1975 by L.L. No. 8-1975; 8-17-1982 by L.L. No. 7-1982; 8-14-1984 by L.L. No. 5-1984; 12-30-1988 by L.L. No. 3-1989; 4-4-1991 by L.L. No. 10-1991; 8-17-1995 by L.L. No. 14-1995; 8-19-2010 by L.L. No. 8-2010[10]]

Except as otherwise provided in this Charter, the County Executive shall appoint to serve at his pleasure, or for such term as may be specified in this Charter, the head of every department or other administrative unit not administered by an elective official. The appointment by the County Executive of the head of each department or other administrative unit shall be subject to confirmation by the County Legislature. The County Executive may appoint one (1) head for two (2) or more departments or other administrative units, subject to all requirements as to qualifications, or may himself so serve. All appointments shall be in writing, signed by the County Executive, and filed in the office of the Clerk of the County Legislature and the County Clerk within ten (10) days after the date of appointment. No such appointee shall hold office beyond the term of the County Executive by whom the appointment was made, except that, unless removed, he shall continue to serve until his successor is appointed and has qualified or until an interim appointment is made, unless otherwise provided in this Charter. Upon confirmation by the County Legislature and qualifying for the office, an appointee to the position of head of a department or other administrative unit shall enter upon the duties thereof. In the event that the County Legislature has neither confirmed nor rejected by majority of the whole number of members of the County Legislature an appointment by the next regular meeting occurring more than fifteen (15) days after the filing of appointment with the Clerk of the County Legislature, such appointment shall be deemed to be confirmed. Awaiting action by the County Legislature, the County Executive may designate a qualified person to serve as such head. All other officers and employees of each department or other administrative unit shall be appointed by the head thereof, unless otherwise provided by this Charter.

§ C312. Confirmation by County Legislature.

Confirmation of appointment, when required, shall be by affirmative vote of a majority of the whole number of members of the County Legislature taken at a regular or special meeting.

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10. Editor's Note: Amended at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I).

ARTICLE III-A
Department of Purchasing [11]
[Added 12-20-2012 by L.L. No. 2-2013]

§ C301-A. Department of Purchasing; Director; appointment.

There shall be a Department of Purchasing headed by a Director of Purchasing, who shall be appointed by the County Executive and confirmed by the County Legislature. The Director of Purchasing shall:

(A) In accordance with the requirements for advertising and competitive bidding, authorize all purchases and sales of materials, supplies and equipment and contracts for the rental or servicing of equipment for the County.

(B) Approve and execute certain contracts as shall be prescribed by the Administrative Code.

(C) Establish and enforce suitable specifications and standards for all supplies, materials and equipment to be purchased for the County.

(D) Perform such other and related duties as shall be required and delegated by the County Executive or County Legislature.

ARTICLE IV
Department of Audit and Control

§ C401. Department of Audit and Control; Comptroller; appointment; qualifications.

There shall be a Department of Audit and Control headed by a comptroller who shall be appointed by the County Legislature. He shall serve for a term of four years, commencing January 1, 1969.

§ C402. Powers and duties.

The Comptroller shall:

(A) Be the chief accounting and auditing officer of the County.

(B) Keep records of appropriations, encumbrances and expenditures, and prescribe approved methods of accounting for County officers and administrative units.

(C) Examine all requisitions for the encumbering of funds for the expenditures for which the County is responsible and certify as to the availability of funds therefor.

(D) Audit and certify for payment all lawful claims or charges against the County or against funds for which the County is responsible.

(E) Annually, and at such times as he may deem appropriate, and at such other times as directed by the County Executive or County Legislature, audit the financial records and

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11. Editor's Note: Former Article III-A, Department of General Services, consisting of §§ C301-A through C303-A, added 8-17-1982 by L.L. No. 7-1982, as amended, was repealed 8-17-1995 by L.L. No. 14-1995.

accounts of all officers and employees charged with any duty relating to County funds or funds for which the County is responsible.

(F) Procure statements from all depositaries of County funds and funds for which the County is responsible and reconcile such statements with the County accounts.

(G) Submit to the County Legislature and County Executive reports in such form and detail and at such time as may be prescribed by the County Legislature or County Executive.

(H) Perform such other and related duties as shall be required or delegated to him by the County Executive or County Legislature.

ARTICLE V
Office of Management and Budget
[Amended 8-19-2010 by L.L. No. 8-2010[12]]

§ C501. Office of Management and Budget; Director; appointment; qualifications; elective office of Treasurer abolished.

There shall be an Office of Management and Budget headed by a Director who shall be appointed by the County Executive, subject to confirmation by the County Legislature, and shall serve at the pleasure of the County Executive. The elective office of County Treasurer shall be abolished as of January 1, 1969.

§ C502. Powers and duties.

The Director of Management and Budget shall:

(A) Be the chief fiscal officer of the County and have charge of the administration of all its financial affairs.

(B) Collect, receive, have custody of, deposit, invest and disburse all fees, revenues and other funds of the County or for which the County is responsible.

(C) Submit to the County Legislature annually on or before the first day of April, and at such other times as such Legislature may require, a complete financial statement containing a general balance sheet for the County.

(D) Perform all the duties, including, but not limited to, the collection of taxes required by any law to be performed by a County Treasurer.

(E) Submit annually, on or before the first day of September, to the County Executive proposed County tax equalization rates consistent with standards prescribed by the Legislature of the State of New York.

(F) Perform all duties in relation to the extension of taxes and such other and related duties in connection therewith as shall be prescribed by the County Executive or County Legislature.

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12. Editor's Note: This local law provided an effective date of 1-1-2011.

(G) Perform such other and related duties as shall be required or delegated to him by the County Executive or County Legislature.

(H) Have all the powers and duties conferred upon a public administrator pursuant to the Surrogate's Court Act of the State of New York.[13]

(I) Assist the County Executive in the preparation and administration of the operating and capital budgets, the capital program and in the study of administrative efficiency.

(J) Initiate such studies as the County Executive, the County Legislature or he himself may deem necessary, except that any such studies shall have some bearing or relation to County government.

(K) Be vested with authority, direction and control over a department, and have the power and authority to appoint and remove officers and employees therein.

ARTICLE VI
Financial Procedures

§ C601. Fiscal year.

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

§ C602. Preparation of proposed budget and capital program. [Amended 4-4-1991 by L.L. No. 10-1991; 8-19-2010 by L.L. No. 8-2010[14]]

The Director of the Office of Management and Budget shall prepare a proposed budget and capital program for submission to the County Executive in such manner and form as shall be prescribed by this Charter and the Administrative Code.

§ C603. Proposed budget and capital program by County Executive. [Amended 3-31-1987 by L.L. No. 2-1987; 11-5-1992 by L.L. No. 14-1992; 10-19-2000 by L.L. No. 15-2000; 2-18-2010 by L.L. No. 14-2010[15]]

The County Executive shall submit to the Clerk of the County Legislature, on or before the 15th day of September of each year, for consideration by such board, a proposed budget for the ensuing fiscal year and capital program for the next six (6) fiscal years.

Upon its submission, the proposed budget and capital program and budget message hereinafter provided shall become a public record of the office of the Clerk of the County Legislature, and copies of the same shall be made available by such Clerk for distribution.

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13. Editor's Note: For current provisions, see the Surrogate's Court Procedure Act, § 101 et seq.

14. Editor's Note: This local law provided an effective date of 1-1-2011.

15. Editor's Note: This local law was approved by the electors of the County of Broome at a general election held on 11-2-2010.

The proposed budget shall present a complete financial plan for the County, its administrative units, the Broome County Veterans Memorial Arena and the Broome County Performing Arts Theater (The Forum) for the ensuing fiscal year, setting forth proposed expenditures and anticipated revenues, and shall include:

(1) An operation and maintenance expense budget; and

(2) The capital budget covering debt service, down payments and other current capital financing and proposed borrowing, if any.

All or any portion of unappropriated, unreserved fund balances at the end of each completed fiscal year, unless otherwise prescribed by statute and except where appropriated for a capital improvement or other authorized continuing project, may be treated as revenues for the County budget of the ensuing fiscal year.

§ C604. Budget message.

The County Executive shall also submit with the proposed budget a message explaining the main features of the budget, including, among other things, a general summary thereof with such supporting schedules as he may deem desirable or the County Legislature may by resolution require. Such schedules shall exhibit the aggregate figures of the proposed budget in such manner as to show a balanced relationship between the total estimated expenditures and the total income for the ensuing fiscal year and shall compare these figures with the actual receipts and expenditures for the last completed fiscal year and the appropriations for the current fiscal year. Such budget message shall also outline the existing and any proposed financial policies of the County relating to the capital program, describing each capital improvement proposed to be undertaken within the ensuing fiscal year, showing the estimated cost, the pending or proposed method of financing it and the projected operation and maintenance expense. The budget message shall contain such additional information or comments as are deemed advisable by the County Executive.

§ C605. Review of proposed budget; capital program and message. [Amended 10-2-1979 by L.L. No. 9-1979]

The County Legislature, or a committee designated by that body, shall review the proposed budget, the capital program and the budget message as submitted by the County Executive and shall file with the Clerk of the County Legislature its report, including any recommendations proposed therein. Such report shall become a public record in the office of the Clerk of the County Legislature, and copies thereof shall be made available by such Clerk for distribution.

§ C606. Public hearings. [Amended 2-18-2010 by L.L. No. 14-2010[16] ; 12-15-2011 by L.L. No. 6-2011]

(A) The Clerk of the County Legislature shall cause to be published in the official newspapers and such other newspapers as may be designated by the County Legislature a notice of the place and time, not less than seven (7) days after such publication nor later than the 31st day of October, at which time the County Legislature will hold an initial public hearing on the proposed budget, the capital program, the budget message submitted by the County Executive and any report, if submitted, by the County Legislature or a committee designated by that body.

(B) The Clerk of the County Legislature shall cause to be published in the official newspapers and such other newspapers as may be designated by the County Legislature a notice of the place and time, not less than seven (7) days after such publication nor later than the 14th day of November, at which time the County Legislature will hold a second public hearing on any items in the proposed budget that the County Legislature intends to strike, reduce or increase pursuant to § C607 of this article.

§ C607. Adoption of budget.

(A) After the conclusion of the initial public hearing as set forth in § C606(A) of this article, the County Legislature may strike, reduce or increase items of appropriation or anticipated revenues in such proposed budget, excepting appropriations required by law or for debt service which may not be reduced, provided that such changes are stated separately and distinctly. **[Amended 2-18-2010 by L.L. No. 14-2010[17]]**

(B) If the budget as submitted by the County Executive is adopted by resolution of the County Legislature with no changes, such budget shall be deemed to have been adopted without any further action by the County Executive. If, however, the budget as passed by the County Legislature contains any changes, the same shall be presented by the Clerk of the County Legislature to the County Executive not later than the 15th day of November for his examination and consideration. If the County Executive approves all the changes, he shall affix his signature to a statement thereof and return the budget, together with such statement, to the Clerk of the County Legislature, and the budget, including the changes as part thereof, shall then be deemed to be adopted. **[Amended 10-2-1979 by L.L. No. 9-1979]**

(C) If the budget, with any changes, is not returned by the County Executive to the Clerk of the County Legislature with his objections on or before the 19th day of November, it shall be deemed adopted. **[Amended 10-2-1979 by L.L. No. 9-1979]**

(D) If the County Executive objects to any one (1) or more of the changes, he shall append to the budget a statement of the changes to which he objects, setting forth his reasons therefor, and shall, not later than the 19th day of November, return the budget with his

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16. Editor's Note: This local law was approved by the electors of the County of Broome at a general election held on 11-2-2010.

17. Editor's Note: This local law was approved by the electors of the County of Broome at a general election held on 11-2-2010.

objections to the Clerk of the County Legislature, who shall present the same to the County Legislature at a meeting to be held not later than the 25th day of November. The County Legislature shall thereupon enter the objections upon its journal and proceed to reconsider the changes to which objection is made by the County Executive. If, upon such reconsideration, three-fifths (3/5) of the whole number of members of the County Legislature vote to approve such changes or any of them, the budget with the changes so approved, together with any changes not so objected to by the County Executive, shall be deemed adopted. If the Legislature fails to act on or to override such objections by said three-fifths (3/5) vote on or before the 27th day of November, the objections shall become final and deemed adopted without the changes objected to by the County Executive. **[Amended 10-2-1979 by L.L. No. 9-1979]**

(E) If a budget has not been adopted as herein provided on or before the 27th day of November, then the proposed budget as submitted by the County Executive, plus all changes as to which he has failed to object, shall be the budget for the ensuing fiscal year. **[Amended 10-2-1979 by L.L. No. 9-1979]**

(F) If any limitation date mentioned in this article falls on a holiday, Saturday or Sunday, then any time limitations required herein shall be extended to the next business day of the County.

(G) Five (5) copies of the budget, as adopted, shall be certified by the County Executive and by the Clerk of the County Legislature, and one (1) each of such copies shall be filed in the office of the County Executive, the Comptroller, the Director of Management and Budget, the Clerk of the County Legislature and the Department of Audit and Control, State of New York. The budget, as so certified, shall be printed or otherwise reproduced and copies shall be made available. **[Amended 8-19-2010 by L.L. No. 8-2010[18]]**

§ C608. Levy of taxes; inclusion of reserve for uncollected taxes.

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

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

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18. Editor's Note: This local law provided an effective date of 1-1-2011.

§ C609. Appropriations; supplemental and emergency.

If during any fiscal year there are available for appropriation revenues received from sources not anticipated in the budget for that year or revenues received from anticipated sources but in excess of the budget estimated therefor, the County Legislature may make supplemental appropriations for the year, not in excess, however, of such additional revenues.

§ C610. Appropriations; reduction and transfer after budget adoption. [Amended 3-31-1987 by L.L. No. 2-1987; 12-16-2010 by L.L. No. 1-2011]

If at any time during the fiscal year it appears that the revenues available will be insufficient to meet the amounts appropriated, the County Executive shall report to the County Legislature without delay the estimated amount of the deficit, remedial action taken by him and his recommendations as to further action. The County Legislature shall take such action as it deems necessary to prevent or minimize any deficit. For that purpose, it may, by resolution, reduce one (1) or more appropriations; but no appropriation for debt service may be reduced, and no appropriation may be reduced by more than the unencumbered balance thereof or below any amount required by law to be appropriated. The Legislature may also, if it so desires, borrow temporarily pursuant to the Local Finance Law in any amount not greater than such deficit for that purpose.

The County Executive may, at any time during the fiscal year, transfer part or all of any unencumbered appropriation balance between classifications of expenditures within the same administrative unit, provided that prior approval by resolution of the County Legislature shall be required if the proposed transfer would affect any salary rate or salary total, and further provided that prior approval by resolution of the County Legislature shall be required if the proposed transfer would affect the total appropriations for the Broome County Veterans Memorial Arena or the Broome County Performing Arts Theater (The Forum). Transfers within administrative units affecting salary totals in grant budgets shall not require approval of the County Legislature.

If the County Executive so requests in writing, the County Legislature, by resolution effective immediately, may transfer part or all of any unencumbered appropriation balance from one County administrative unit to another or a contingent fund to any administrative unit; provided, however, that no such transfer shall be made from appropriations for debt service, and no appropriation may be reduced below any amount required by law to be appropriated.

§ C611. Certain obligations and payments prohibited.

No payment shall be authorized or made and no obligation incurred against the County except in accordance with appropriations duly made or except as permitted otherwise by the Local Finance Law, provided that this shall not be construed to prevent contracting for capital improvements to be financed by borrowing or entering into any lawful contract or lease providing for the payment of funds beyond the end of the current fiscal year.

§ C612. Performance of acts; scheduling.

Whenever the scheduling of the performance of an act shall be fixed by this article, the same may be changed by the Administrative Code or an amendment thereof.

§ C613. Sale or assignment of tax sale certificates. [Added 8-3-1993 by L.L. No. 11-1993]

Notwithstanding the requirements of the bulk tax sale provisions of the Real Property Tax Law, the County of Broome is hereby authorized and empowered to sell or assign a portion or all of the County's tax sale certificates at private sale without public advertisement or public auction and without regard to the provisions of the Real Property Tax Law relating to the qualifications of bidders.

The County Executive is authorized to negotiate the contracts for sale or assignment of tax sale certificates for a price that reflects market values, interest rates, financing and transactional costs and other pricing factors as negotiated by the County Executive. Any such contract may contain such other covenants, terms and conditions, to the extent permitted by the Real Property Tax Law or otherwise permitted by law, as the County Executive may determine to be necessary to effect the sale or assignment of the tax sale certificates, including, specifically, but without limitation, an obligation by the County to repurchase unredeemed tax sale certificates for a negotiated price at any time prior to the issuance of tax deeds, provided that the repurchase price does not exceed the aggregate face amount of the tax sale certificates repurchased plus accrued interest and penalties to the date of repurchase.

The County Executive is authorized to make, sign, execute and implement all contracts for the assignment or sale of the tax sale certificates negotiated in accordance with the provisions of this section. The County Executive shall have all necessary and incidental powers to perform and exercise any of the duties and functions delegated by this section.

ARTICLE VII
Department of Health

§ C701. Department of Health; Commissioner or Director; appointment; qualifications. [Amended 4-3-1979 by L.L. No. 6-1979]

There shall be a Department of Health, headed by a commissioner or a director who shall be appointed by the County Executive, subject to confirmation by the County Legislature, and shall serve at the pleasure of the County Executive.

The Commissioner or Director of Health shall be experienced in public health administration and shall possess such qualifications as are prescribed in the State Sanitary Code or otherwise by the Public Health Council of the State of New York.

§ C702. Powers and duties. [Amended 4-3-1979 by L.L. No. 6-1979]

The Commissioner or Director of Health shall have all the powers and perform all the duties conferred or imposed upon county or part-county health commissioners and/or county or

part-county boards of health by law, except as may otherwise be provided by this Charter or Administrative Code. In addition thereto, he shall perform such other and related duties as shall be required or delegated to him by the County Executive or the County Legislature.

§ C703. Health Advisory Board.

There shall be in the Department a Health Advisory Board. The Chairman of the County Legislature shall be a member of this Board. The members of the Health Advisory Board shall be appointed in the manner as provided by the Administrative Code.

§ C704. Sanitary Code. [Amended 4-3-1979 by L.L. No. 6-1979]

The County Legislature shall adopt, amend or repeal all rules and regulations, orders and directions relating to health in the county or part-county district in such manner and form provided in and not inconsistent with the Public Health Law or the State Sanitary Code. The Health Advisory Board may, subject to the approval of the Commissioner or Director, recommend and submit to the County Legislature for adoption, amendment or repeal thereof such rules, regulations, orders and directions relating to health in the county or part-county district in such manner and form provided in and not inconsistent with the Public Health Law or the State Sanitary Code. Any such rules, regulations, orders and directions so adopted, amended or repealed by the County Legislature shall be known as the "Broome County or Part-County Sanitary Code."[19]

§ C705. Organization of the Department.

The Department of Health shall be organized into such divisions and bureaus as shall be prescribed in the Administrative Code.

ARTICLE VIII
Department of Mental Health

§ C801. Department of Mental Health; Commissioner; appointment; qualifications.

There shall be a Department of Mental Health, headed by a commissioner who shall be appointed by the County Executive, subject to confirmation by the County Legislature, and shall serve at the pleasure of the County Executive.

The Commissioner of Mental Health shall be appointed on the basis of his administrative experience and his qualifications for the duties of this office. Such qualifications shall meet the standards fixed by the State Commissioner of Mental Hygiene.

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19. Editor's Note: See Ch. 305, Sanitary Code.

§ C802. Powers and duties.

The Commissioner of Mental Health shall have all the powers and perform all the duties now or hereafter conferred or imposed upon a director of community mental health or community mental health boards by law. He shall perform such other and related duties as shall be required or delegated to him by the County Executive or County Legislature.

§ C803. Community Services Board. [Amended 8-18-1994 by L.L. No. 14-1994]

There shall be in the Department a Community Services Board. The Chair of the County Legislature, or a County Legislator designated by the Chair, shall be a member of this Board. The members of the Community Services Board shall be appointed in the manner as provided by the Administrative Code.

§ C804. Organization of department.

The Department of Mental Health shall be organized into such divisions and bureaus as shall be prescribed in the Administrative Code.

ARTICLE IX
Department of Public Works, Parks, Recreation and Youth Services
[Amended 8-16-1977 by L.L. No. 6-1977; 12-30-1988 by L.L. No. 3-1989; 6-18-1998 by L.L. No. 8-1998; 3-16-2000 by L.L. No. 5-2000; 7-17-2008 by L.L. No. 5-2008; 11-8-2012 by L.L. No. 8-2012]

§ C901. Department of Public Works, Parks, Recreation and Youth Services; Commissioner; appointment; qualifications.

There shall be a Department of Public Works, Parks, Recreation and Youth Services headed by a commissioner who shall be appointed by the County Executive, subject to confirmation by the County Legislature, and shall serve at the pleasure of the County Executive.

§ C902. Powers and duties.

The Commissioner of Public Works, Parks, Recreation and Youth Services shall:

A. Have all the powers and duties of a county engineer and a county superintendent of highways pursuant to the Highway Law or other applicable law.

B. Except as otherwise provided in Articles XI and XIV of this Charter, have charge and supervision of the design, specifications, construction, alterations, maintenance and repair of all County buildings and grounds, parking fields, drives and walks, together with all structures, roads, parking areas, equipment and appurtenances, but not including custodial care, and such grounds work as provided for in the Administrative Code.

C. Furnish engineering and other related services to the County Legislature, the County Executive, the Department of Planning and other County departments.

D. Have charge of and have the duty of performing such other functions concerning County property, public works and other matters as the County Legislature or the County Executive may from time to time direct.

E. Any professional engineering work required to be practiced by said Commissioner in the exercise of the powers and duties of his office shall be delegated to one or more licensed professional engineers unless said Commissioner shall be a licensed professional engineer.

F. Have charge and supervision and control of the design, construction, operation, maintenance and repair of all grounds, parking fields, drives and walks, together with all structures, roads, parking areas, equipment and appurtenances relating to parks and recreational facilities.

G. Have charge and supervision and control of the operation, maintenance and use of the Broome County Veterans Memorial Arena and the Broome County Performing Arts Theater (The Forum).

H. Have charge and supervision of programs for the aid and betterment of County youth and shall have the duties of Executive Director of the Youth Bureau.

I. Perform such other and related duties as shall be required of or delegated to the Commissioner by the County Executive or the County Legislature.

§ C903. Divisions of Department.

There shall be within the Department of Public Works, Parks, Recreation and Youth Services the following divisions: the Division of Highways, the Division of Buildings and Grounds, the Division of Engineering, the Division of Security, the Division of Solid Waste Management, the Division of Drainage, Sanitation and Water Supply, the Division of Parks, Recreation and Youth Services, and such other divisions as may be created within the Department by local law or resolution of the County Legislature. The Commissioner shall assign a deputy to each division who shall act for and on behalf of the Commissioner with respect to such division, as provided by the Administrative Code, local law or by directives of the Commissioner. Such division heads shall be subject to reassignment or transfer by the Commissioner to other duties within the Department, including the responsibility of being the head of more than one division. The Commissioner may, when authorized by the County Executive, act as the head of any division in the Department. There shall be, within the Division of Buildings and Grounds, an Animal Control Branch which shall consist of the County Dog Warden and any personnel, equipment and facilities employed in connection with the County's animal control function. The Animal Control Branch shall be administered by the Dog Warden under the direction, jurisdiction and supervision of the Deputy Commissioner of Public Works, Parks, Recreation and Youth Services for Buildings and Grounds, subject to the overall supervision of the Commissioner of Public Works, Parks, Recreation and Youth Services. The Dog Warden shall be appointed by the County Executive pursuant to § C2405 of this Charter.

§ C904. Deputies.

The Commissioner of Public Works, Parks, Recreation and Youth Services shall appoint such deputies as may be authorized by the County Legislature. All Deputy Commissioners shall serve at the pleasure of the Commissioner of Public Works, Parks, Recreation and Youth Services.

§ C905. Rules and regulations.

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

ARTICLE X
Department of Public Transportation
[Amended 8-20-1974 by L.L. No. 8-1974; 9-27-1976 by L.L. No. 5-1976; 5-6-1980 by L.L. No. 3-1980]

§ C1001. Department of Public Transportation; Commissioner; appointment.

There shall be a Department of Public Transportation, headed by a commissioner who shall be appointed by the County Executive, subject to confirmation by the County Legislature, and who shall serve at the pleasure of the County Executive. Said Commissioner shall be in the unclassified service of the civil service.

§ C1002. Powers and duties.

The Commissioner of Public Transportation shall:

(A) Have the power to operate and manage a bus transit system, hereinafter referred to as the "Broome County Transit System," for the County of Broome.

(B) Proceed as effectively as possible in the direction and control of the conduct, maintenance, extension, repair, care and operation of the Broome County Transit System.

(C) Have charge, supervision and custodial care of all vehicles, buildings and any other real or personal property, things or matters appurtenant thereto relating to the Broome County Transit System.

(D) Have charge of and have the duty of performing other functions concerning the transit system and other modes of transportation as the County Executive and/or County Legislature may from time to time direct.

§ C1003. Deputies. [Amended 9-4-2013 by L.L. No. 8-2013]

The Commissioner of Aviation shall appoint a Deputy Commissioner of Aviation for Operations and Administration and a Deputy Commissioner of Aviation for Finance and such

other deputies as may be authorized by the County Legislature. All Deputy Commissioners shall serve at the pleasure of the Commissioner of Aviation, and such Deputy Commissioners shall be in the exempt class of the civil service.

§ C1004. Rules and regulations.

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

ARTICLE X-A
Department of Aviation

[Added 5-6-1980 by L.L. No. 3-1980]

§ C1001-A. Department of Aviation; Commissioner; appointment.

There shall be a Department of Aviation, headed by a commissioner who shall be appointed by the County Executive, subject to confirmation by the County Legislature, and shall serve at the pleasure of the County Executive. Said Commissioner shall be in the unclassified service of the civil service.

§ C1002-A. Powers and duties.

The Commissioner of Aviation shall:

(A) Have all powers and duties in relation to the County Airport facility subject to such control by federal and state aviation agencies and statutes as may be applicable.

(B) Have charge, supervision and custodial care of all buildings or other County-owned facilities located upon or used in connection with the County Airport.

(C) Have charge and supervision of the County Airport, including the maintenance, repair and alterations of all runways and other airport facilities which are subject to control by federal and state aviation agencies.

(D) Have charge of and have the duty of performing other functions concerning the airport facilities and other modes of transportation as the County Executive and/or County Legislature may from time to time direct.

§ C1003-A. Deputies.

The Commissioner of Aviation shall appoint such deputies as may be authorized by the County Legislature. All Deputy Commissioners shall serve at the pleasure of the Commissioner of Aviation, and such Deputy Commissioners shall be in the exempt class of the civil service.

§ C1004-A. Rules and regulations.

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

ARTICLE XI
(Reserved) [20]

§ C1101. through § C1105. (Reserved)

ARTICLE XII
Board of Acquisition and Contract

§ C1201. Board created; powers and duties. [Amended 3-7-1979 by L.L. No. 2-1979; 5-15-2008 by L.L. No. 2-2008; 11-8-2012 by L.L. No. 8-2012]

There shall be a Board of Acquisition and Contract which shall consist of the County Executive, the Commissioner of Public Works, Parks, Recreation and Youth Services and the Chairman of the County Legislature.

The Board of Acquisition and Contract shall contract for and acquire by purchase or condemnation all lands, buildings and other real property, the acquisition of which has been authorized by the County Legislature, and shall award all contracts for the construction, reconstruction, repair or alteration of all public works or improvements involving an expenditure of more than $7,000.

§ C1202. Execution of contracts. [Amended 10-4-1983 by L.L. No. 16-1983; 10-15-1992 by L.L. No. 12-1992; 5-15-2008 by L.L. No. 2-2008]

All contracts, except for the purchase of equipment, supplies, materials and services incidental thereto, shall be executed on behalf of the County by the County Executive in accordance with the provisions of General Municipal Law § 103. Whenever such contract involves the expenditure of an amount greater than the limitation provided by General Municipal Law § 103, except contracts for the acquisition of real property, the contracts shall be awarded to the lowest responsible bidder in a manner as set forth in the Administrative Code. A copy of each contract, when executed, shall be filed with the Comptroller, together with a copy of the local law, resolution or ordinance of the County Legislature upon which the right to make such contract rests other than the annual appropriation act.

§ C1203. Prequalification of bidders.

If directed by the County Legislature, the Board of Acquisition and Contract shall require prequalification of bidders on any contract. Otherwise, the Board may require the

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20. Editor's Note: Former Art. XI, Department of Parks and Recreation, as amended 3-31-1987 by L.L. No. 2-1987, was repealed 11-8-2012 by L.L. No. 8-2012.

prequalification of bidders on any contract, subject to such conditions as shall be established by the County Legislature.

ARTICLE XIII
Department of Social Services

§ C1301. Department of Social Services; Commissioner; appointment; qualifications. [Amended 4-4-1991 by L.L. No. 10-1991]

There shall be a Department of Social Services, headed by a commissioner who shall be appointed by the County Executive, subject to confirmation by the County Legislature, except that the person serving as Commissioner of Social Services at the time immediately prior to this Charter taking effect shall continue to serve as the Commissioner of the Department of Social Services until December 31, 1970, and thereafter the Commissioner of the Department of Social Services shall be appointed as provided herein for a term prescribed by the Social Services Law.

The Commissioner shall be appointed on the basis of his administrative experience and his qualifications for the duties of the office as prescribed by the Social Services Law and the rules and regulations made pursuant thereto.

§ C1302. Powers and duties.

The Commissioner of Social Services shall:

(A) Have all the powers and perform all the duties conferred on or required of a county commissioner of social services under the Social Services Law or other applicable law. **[Amended 4-4-1991 by L.L. No. 10-1991]**

(B) Manage and supervise such social service institutions of the County as may be authorized by the County Executive and approved by the County Legislature.[21]

(C) Perform such other and related duties as shall be required of or delegated to him by the County Executive or the County Legislature.

ARTICLE XIV
Department of Nursing Homes and Health-Related Facilities
[Added 9-27-1976 by L.L. No. 5-1976[22]]

§ C1401. Department; Administrator.

There shall be a Department of Nursing Homes and Health-Related Facilities headed by an administrator. The Administrator shall be appointed by the County Executive, subject to

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21. Editor's Note: Amended at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I).

22. Editor's Note: Former Art. XIV, Department of Aviation, was repealed 8-20-1974 by L.L. No. 8-1974. See now Art. X-A.

County Legislature confirmation, and shall continue to serve at the pleasure of the County Executive.

The Administrator shall be certified and licensed by the State of New York.

§ C1402. Powers and duties.

The Administrator shall have and exercise all the powers and duties heretofore or hereafter lawfully granted or imposed by the Charter, the Administrative Code, local law, ordinance or resolution of the County Legislature, order or direction of the County Executive or by any applicable provision of any act of the State Legislature not inconsistent with the Charter or Code.

§ C1403. Reports.

On or before March 1 in each year, the Administrator shall make an annual report for the immediately preceding calendar year covering generally the work of his Department. He shall make such other reports at such times as may be required by the County Legislature, County Executive or any other applicable law. Copies of all reports shall be filed with the Clerk of the County Legislature and the County Executive.

§ C1404. Nursing Home Advisory Board. [Amended 9-22-1983 by L.L. No. 10-1983[23]]

There shall be a Nursing Home Advisory Board established in conformity with § A1404 of the Administrative Code.

§ C1405. Deputies. [Added 4-16-1998 by L.L. No. 5-1998]

The Administrator may appoint three deputies, who shall be the Deputy Nursing Home Administrator for Fiscal Services, the Deputy Nursing Home Administrator for Health Services and the Deputy Nursing Home Administrator for Administration Services. All Deputy Nursing Home Administrators shall serve at the pleasure of the Administrator.

ARTICLE XV
Department of Planning and Economic Development
[Amended 12-20-1983 by L.L. No. 2-1984]

§ C1501. Department of Planning and Economic Development; Commissioner; appointment; qualifications.

There shall be a Department of Planning and Economic Development headed by a commissioner who shall be appointed by the County Executive, subject to confirmation by the County Legislature, and shall serve at the pleasure of the County Executive.

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23. Editor's Note: Amended at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I).

The Commissioner shall be a person qualified as provided in § A1501 of the Administrative Code. **[Amended 4-4-1991 by L.L. No. 10-1991]**

§ C1502. Powers and duties.

The Commissioner of Planning and Economic Development shall have and exercise all the powers and duties of a county, metropolitan or regional planning board as authorized by law. He shall perform such other and related duties as shall be required or delegated to him by the County Executive or County Legislature.[24]

ARTICLE XVI
Department of Personnel

§ C1601. Application of Article XVI; Broome County Civil Service Commission abolished.

This article shall become effective January 1, 1970, and on such date the Broome County Civil Service Commission shall be abolished.

§ C1602. Department of Personnel; Personnel Officer; appointment; term; qualifications.

There shall be a Department of Personnel, headed by a personnel officer who shall be appointed by the County Executive. He shall serve for a term as provided by the Civil Service Law.

The Personnel Officer shall be appointed on the basis of his administrative experience and his qualifications for the duties of the office. The Personnel Officer shall be appointed by the County Executive, subject to confirmation by the County Legislature, and shall serve at the pleasure of the County Executive. **[Amended 4-4-1991 by L.L. No. 10-1991]**

§ C1603. Powers and duties.

The Personnel Officer shall have, with reference to the civil service of the County, the powers and duties of a county personnel officer as provided in the Civil Service Law, and he shall be subject to such supervision and control by the State Civil Service Commission as are county personnel officers. He shall perform such other and related duties as shall be required of or delegated to him by the County Executive or the County Legislature.

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24. Editor's Note: Former § C1503, Planning and Economic Development Advisory Board, which immediately followed this section, was repealed 5-19-2011 by L.L. No. 3-2011.

ARTICLE XVII
Department of Law

§ C1701. Department of Law; County Attorney; appointment; qualifications.

There shall be a Department of Law, headed by a county attorney who shall be appointed by the County Executive, subject to confirmation by the County Legislature, and shall serve at the pleasure of the County Executive.

§ C1702. Powers and duties.

The County Attorney shall:

(A) Be the sole legal advisor for the County.

(B) Advise all County officers and employees in all County legal matters of a civil nature.

(C) Prosecute or defend all actions or proceedings of a civil nature brought by or against the County.

(D) Prepare resolutions, ordinances, legalizing acts and local laws, together with notices and other items in connection therewith, to be presented for action by the County Legislature.[25]

(E) Perform such other and related duties as may be prescribed by law, the County Executive or the County Legislature.

§ C1703. Assistant County Attorney.

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

ARTICLE XVIII
Coroners

§ C1801. Coroners; appointment; term; qualifications; elective office of Coroner abolished.

There shall be four (4) Coroners who shall be appointed by the County Executive, subject to confirmation by the County Legislature, and shall serve at the pleasure of the County Executive. The elective office of Coroner shall be abolished as of January 1, 1969.

The Coroners shall be physicians duly licensed to practice in the State of New York.

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25. Editor's Note: Original Section 1702(e), relating to the supervision of the Real Estate and Tax Map Office, which followed this subsection, has been deleted since original Section 1703, Real Estate and Tax Map Office, was repealed 9-27-1976 by L.L. No. 5-1976.

§ C1802. Powers and duties.

The Coroners shall make inquiry into unnatural deaths within Broome County as prescribed by law. They shall perform such additional and related duties as may be prescribed by law and directed by the County Executive or County Legislature.

ARTICLE XIX
Fire Advisory Board and Fire Coordinator
[Amended 12-30-1974 by L.L. No. 2-1975]

§ C1901. Fire Advisory Board; appointments.

There shall be and there hereby is created a Broome County Fire Advisory Board, which advisory board shall consist of twenty-one (21) members, all of whom shall be appointed annually for one-year terms by the County Executive, subject to confirmation by a majority of the County Legislature. Three (3) such Board members so appointed shall be members of the Broome County Legislature, including the Chairman of the Public Safety Committee of said County Legislature; nine (9) members so appointed shall be members of the Board of Directors of the Broome County Fireman's Association; and nine (9) members so appointed shall be members of the Board of Directors of the Broome County Fire Chiefs' Association.

The members of the Fire Advisory Board, except for the County Legislator members thereof, shall serve at the pleasure of the County Executive. The members of the County Fire Advisory Board shall be County officers and shall serve without compensation, but may, within the limitations of any funds provided for such purposes by the County Legislature, receive reimbursement for the approved reasonable value of expenses incurred in the performance of their appointed duties as members of said Fire Advisory Board. The Fire Advisory Board shall elect annually from among its members a Chairman, Vice Chairman and Secretary.

§ C1902. Powers and duties of Fire Advisory Board.

The Broome County Fire Advisory Board, subject to any limitations contained herein or elsewhere in the Broome County Charter and the Administrative Code or otherwise established by this County Legislature, shall have the following powers and duties:

(A) To develop and maintain fire training and mutual aid in cases of fire and other emergencies in which the services of firemen would be used.

(B) To cooperate with the New York State Office for Local Government and the State Division of Safety in effecting the purposes for which said agencies were established in relation to such programs for fire training and mutual aid.

(C) To act as an advisory body to the Broome County Legislature and to the County Fire Coordinator, if any, in connection with County participation in such programs for fire training and mutual aid and in connection with any County establishment and maintenance of a County fire training school and mutual aid programs in cases of fire and other emergencies in which the services of firemen would be used.

(D) To cooperate with the County Fire Coordinator, if any.

(E) To administer the fire training program on the local level until such time as the position of County Fire Coordinator is established.

(F) To perform such other duties as the County Legislature may from time to time prescribe in relation to fire training and mutual aid in case of fire and other emergencies in which the services of firemen would be used.

§ C1903. (Reserved) [26]

§ C1904. Fire Coordinator; appointment; compensation.

If and when the County Legislature creates such a position, there shall be a Broome County Fire Coordinator who shall be appointed by the County Executive, subject to confirmation by the County Legislature, and shall serve at the pleasure of the County Executive.

The Fire Coordinator shall be a County officer and the amount of his compensation, if any, shall be fixed by the County Legislature.

§ C1905. Powers and duties of Fire Coordinator. [Amended 11-4-1981 by L.L No. 6-1981]

The Fire Coordinator shall administer the County programs for fire training and mutual aid in cases of fire and other emergencies in which the services of firemen would be used. He shall act as chief liaison officer between the County government and the fire-fighting forces in the County and the governing boards and bodies thereof and shall perform such other duties as the County Executive or the County Legislature may direct.

§ C1906. Deputies. [Added 11-4-1981 by L.L. No. 6-1981]

The Fire Coordinator shall appoint such deputies as may be authorized by the County Legislature. All Deputy Fire Coordinators shall serve at the pleasure of the Fire Coordinator.

ARTICLE XX
Department of Records

§ C2001. Department of Records; County Clerk; election; term; qualifications. [Amended 9-27-1976 by L.L. No. 5-1976]

There shall be a Department of Records headed by a county clerk. The election of the County Clerk, together with his term of office, shall be as provided in Article XIII of the New York State Constitution. At the time of his election and throughout his term of office, he shall be a qualified elector of the County. Throughout his term of office, the County Clerk and his

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26. Editor's Note: Original Section 1903, Fire Training Administrator, was repealed 11-4-1981 by L.L. No. 6-1981.

deputies shall devote their whole time to the duties of their offices, shall hold no other elective office and shall hold no other public office or be engaged in any employment, business or professional activity with any governmental unit without compliance with § C2610 of the Charter.

§ C2002. Powers and duties. [Amended 9-27-1976 by L.L. No. 5-1976]

The County Clerk shall have and exercise all the duties and shall be subject to all the obligations and liabilities heretofore and hereafter lawfully granted or imposed by the Charter, Code, local law, resolution or ordinance of the County Legislature or order or direction of the County Executive not inconsistent with those powers and duties under the New York State Constitution vesting in said office.

§ C2003. Deputy County Clerks.

The County Clerk shall appoint such deputies as may be authorized by the County Legislature. All Deputy County Clerks shall serve at the pleasure of the County Clerk.

ARTICLE XXI
District Attorney

§ C2101. District Attorney; election; term; qualifications. [Amended 9-27-1976 by L.L. No. 5-1976]

There shall be a district attorney's office headed by a district attorney. The election of the District Attorney, together with his term of office, shall be as provided in Article XIII of the New York State Constitution and § 400 of the County Law of the State of New York. At the time of his election and throughout his term of office, he shall be a qualified elector of the County. Throughout his term of office, the District Attorney and his assistants shall devote their whole time to the duties of their office, shall hold no other elective office and shall hold no other public office or be engaged in any employment, business or professional activity with any governmental unit without compliance with § C2610 of the Charter. The District Attorney and the Assistant District Attorneys shall be precluded from the private practice of law whatsoever.

The District Attorney shall be duly admitted to the practice of law in the State of New York.

§ C2102. Powers and duties. [Amended 9-27-1976 by L.L. No. 5-1976]

The District Attorney shall have and exercise all the powers and duties heretofore or hereafter lawfully granted or imposed by the Charter, Code, local law, ordinance or resolution of the County Legislature or order or direction of the County Executive not inconsistent with those powers and duties under the New York State Constitution vesting in said office.

§ C2103. Assistant District Attorneys.

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

ARTICLE XXII
Public Defender

§ C2201. Public Defender; appointment; qualifications. [Amended 2-6-1990 by L.L. No. 1-1990[27]

There shall be a public defender who shall be appointed by the County Executive, subject to confirmation by the County Legislature, chosen in the following manner:

Upon the vacancy of the office of the Public Defender, the County Executive shall choose a new Public Defender, subject to the approval of the Legislature, from a list submitted by the Merit Selection Committee. The Merit Selection Committee shall advertise, accept applications and interview candidates for the position of Public Defender. After completing its interview process, the Merit Selection Committee shall submit to the County Executive a list of at least three (3) candidates in order of preference unless it determines that there are fewer than three (3) candidates who are qualified for the position. In that event, the Committee will submit the names of those candidates it feels are qualified. The Committee's decisions will be based on a simple majority of the Committee.

The Merit Selection Committee shall be comprised of the following individuals:

1. The chair of the Criminal Justice Committee of the Broome County Bar Association.
2. Two (2) members of the Broome County Bar Association, to be chosen by the Board of Directors of the Broome County Bar Association.
3. Three (3) members to be appointed by the County Executive; said members shall not be County officers or employees.
4. One (1) representative from the Broome County Legislature, appointed by the Chairman.

The County Executive shall convene the Committee, and the Committee shall select a Chair at its first meeting.

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27. Editor's Note: This local law was approved at referendum 11-6-1990.

Term. The Public Defender shall be appointed to serve a term of five (5) years. The first six (6) months of such term shall constitute a probationary period, during which time the Public Defender may be removed at the pleasure of the County Executive. After the probationary period, the Public Defender may be removed only in accordance with the provisions of § 75 of the Civil Service Law of the State of New York. This provision is not intended to convey civil service status upon the position of Public Defender. In the event that there is a vacancy of the office of the Public Defender prior to the expiration of the term, a new Public Defender shall be chosen pursuant to the merit selection process. Such new Public Defender shall be appointed for a full five-year term commencing from the date of appointment.

Reappointment. Upon the expiration of the term of a sitting Public Defender, the County Executive, in his/her discretion, may reappoint such Public Defender for a succeeding term without undergoing the merit selection process. If the County Executive decides not to reappoint the Public Defender, then a new Public Defender shall be chosen pursuant to the merit selection process. No later than three (3) months prior to the expiration of the term of the Public Defender, the County Executive shall notify the Public Defender as to whether the term will be renewed. Notice of this decision shall also be given to the President of the Broome County Bar Association. Upon notification of nonrenewal of the Public Defender, the Merit Selection Committee shall commence its selection process.

Nothing herein shall preclude the Public Defender from being renewed for more than one (1) successive term.

He or she shall be duly admitted to the practice of law in the State of New York.

§ C2202. Powers and duties.

The Public Defender shall represent in this County, without charge, at the request of the defendant, or of the court with the consent of the defendant, each indigent defendant who is charged with a crime as defined in § 722-a of the County Law.

§ C2203. Assistant Public Defenders.

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

ARTICLE XXIII
Sheriff

§ C2301. Sheriff; election; term; qualifications. [Amended 9-27-1976 by L.L. No. 5-1976]

There shall be an office of sheriff headed by a sheriff. The election of the Sheriff, together with his term of office, shall be as provided in Article XIII of the New York State Constitution. At the time of his election and throughout his term of office, he shall be a qualified elector of the County.

Throughout his term of office, the Sheriff shall devote his whole time to the duties of his office and shall hold no other elective office; and the Undersheriff, throughout his term of office, shall devote his whole time to the duties of his office and shall hold no elective office; and neither shall hold any other public office or be engaged in any employment, public or professional activity with any governmental unit without compliance with § C2610 of the Charter.

§ C2302. Powers and duties. [Amended 9-27-1976 by L.L. No. 5-1976]

The Sheriff shall have and exercise all the powers and duties heretofore or hereafter lawfully granted or imposed by the Charter, Code, local law, ordinance or resolution of the County Legislature or order or direction of the County Executive not inconsistent with those powers and duties under the New York State Constitution vesting in said office.

§ C2303. Deputies. [Amended 6-19-1973 by L.L. No. 3-1973; 5-4-1976 by L.L. No. 2-1976; 10-17-1988 by L.L. No. 7-1988]

(A) The Sheriff shall have the power to appoint such deputies as may be authorized by the County Legislature, subject to the provisions of this section. All deputies above the rank of Sergeant shall serve at the pleasure of the Sheriff, subject to the provisions of this section. All promotions to the rank of Major shall be made from and with personnel holding the grade or rank of Captain, Lieutenant or Sergeant at the time of such appointment. All promotions to the rank of Captain shall be made from and with the personnel holding the grade or rank of Lieutenant or Sergeant at the time of such appointment, and all promotions to the rank of Lieutenant shall be made from and with the personnel holding the grade or rank of Sergeant at the time of such appointment.

(B) All deputies of the Sheriff of the rank or grade of Sergeant, excluding civil deputies of such ranks or grades, commencing one (1) year prior to the first competitive examination for Deputy Sheriffs of the rank and grade of Sergeant and below the rank and grade of Sergeant, excluding civil deputies of such ranks or grades, are hereby placed in the competitive classified service of the civil service and shall be hired by competitive examinations under the provisions of the Civil Service Law of the State of New York, and such deputies of the ranks or grades of Sergeant and below shall be subject to and governed and controlled by the rules and regulations of the New York State Department of Civil Service and the Broome County Department of Personnel.

(C) Notwithstanding the provisions of the foregoing, however, and excluding the Undersheriff and the deputy or employee designated as the Sheriff's confidential secretary, all present deputies of the Sheriff of the rank or grade of Captain, Lieutenant or Sergeant, excluding civil deputies of such ranks or grades, who have served permanently in such grade for one (1) year prior to the first competitive examination for such position shall have the permanent rank or grade of Sergeant and shall be covered by and shall continue to hold such positions without examination and shall be covered by and have all rights and privileges of the civil service class to which such position of Sergeant may be allocated, and it is further provided that all other deputies below the rank or grade of Sergeant, excluding civil deputies of such rank or grade, who have served permanently in grade for one (1) year prior to the first competitive examination

for such positions shall be covered by and shall continue to hold such positions without examination and shall be covered by and have all the rights and privileges of the civil service class to which such positions may be allocated; provided, however, that after a civil service list has been established all new positions or vacancies in the rank or grade of Sergeant and below shall be filled in accordance with the provisions of the Civil Service Law.

(D) Notwithstanding the foregoing, all deputies and corrections officers of the Sheriff having the rank or grade of Major, Captain or Lieutenant as of August 1, 1988, or as thereafter appointed, shall continue to hold, for purposes of the Civil Service Law, the rank or grade of Sergeant and shall enjoy the rights and privileges of the Civil Service Law as bestowed upon a Sergeant, provided that said Majors, Captains or Lieutenants had held, prior to appointment to said rank or grade, the permanent rank of Sergeant, either by virtue of appointment pursuant to competitive examination in accordance with the Civil Service Law or by operation of the foregoing provisions.

ARTICLE XXIII-A
Broome Community College

[Added 9-7-1990 by L.L. No. 9-1990[28]]

§ C2301-A. Broome Community College; Board of Trustees.

Broome Community College, heretofore established pursuant to the Education Law of the State of New York, shall continue to operate in accordance with said law of the State of New York and in accordance with this Charter. The Board of Trustees shall continue as provided by law, except that the power of appointment of those Trustees authorized by state law to be appointed by the local sponsor is transferred to and shall be exercised by the County Executive, subject to confirmation by the County Legislature.

In addition to any notices required by law, the Board shall notify the Chairman of the Education and Recreation Committee and the County Executive or his designee of its meetings to afford the sponsor the ability to participate in the Trustees' meeting. This participation shall not include the parliamentary privilege conferred on voting members of the Board of Trustees by § 6306 of the Education Law.

§ C2302-A. Board of Trustees; powers and duties. [Amended 8-19-2010 by L.L. No. 8-2010[29]]

In addition to the powers and duties specified in § 6306 of the Education Law of the State of New York (such as the power to appoint a president and to appoint or delegate the appointment of other members of the staff, the power to adopt curricula and the responsibility of proposing budgets for and managing capital improvement programs), and notwithstanding

28. Editor's Note: This local law was approved at referendum 11-16-1990.

29. Editor's Note: Amended at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I).

any provisions of this Charter to the contrary, the Board of Trustees shall have the following powers and duties, to be exercised in accordance with applicable state and federal laws:

1. The Board shall have the power to acquire by deed, gift, devise, bequest or lease real or personal property to be used for college purposes, but no lands, goods, buildings, facilities or equipment shall be purchased or leased unless an appropriation has been made therefor or unless otherwise authorized by law. Title to personal property so acquired shall vest in such Board of Trustees in its own name, and such property shall be held and used by such Board for college purposes. Title to real property so acquired shall vest in and be held by the local sponsor in trust for the uses and purposes of the college.

2. The Board shall have the power to sell or lease personal property held in trust by the Board which is surplus, obsolete or otherwise no longer needed for college purposes.

3. The Board of Trustees shall have the authority to authorize the Treasurer to establish and maintain petty cash funds, not in excess of two hundred dollars ($200) each, for specified college purposes or undertakings, from which may be paid, in advance of audit, properly itemized and verified or certified bills for materials, supplies or services furnished to the college for the conduct of its affairs and upon terms calling for the payment of cash to the vendor upon delivery of any such materials or supplies or rendering of such services. Lists of all expenditures made from such petty cash funds shall be presented to the Trustees at each regular meeting thereof together with the bills supporting such expenditure, for audit, and the Board shall direct the reimbursement of such petty cash funds from the appropriate budgetary item or items in an amount equal to the total of such bills which the Board shall so audit and allow.

   Any such bills or any portion of any such bills as shall be disallowed upon audit shall be the personal responsibility of the Treasurer, and such Treasurer shall forthwith reimburse such petty cash fund in the amount of such disallowances.

   The Treasurer shall file a report with the County Director of Management and Budget and the Comptroller detailing the expenditures in each petty cash fund within ten (10) days of the Board meeting where such expenditures were presented for audit and allowance.

4. The Board shall specifically have the power to contract with other public corporations, as defined in the General Corporation Law, or with other public authorities, including but not limited to the federal government, for purposes of participation in federal student loan programs; provided, however, that the County shall not be liable for any portion of any defaults which the Board has agreed to assume pursuant to any such agreement.

5. The Board is not authorized to contract for general attorneys' services or insurance without the approval of the County; provided, however, that in the event of a conflict of interest between the County and the college where such conflict is proclaimed by a majority vote of the Board of Trustees, said Board shall be authorized to employ separate counsel to represent it at its own expense.

6. The Board shall have the power to appoint a treasurer, establish a bank account or accounts in the name of the college and deposit therein moneys received or collected by

the college, including moneys appropriated and paid by the local sponsor, moneys received from tuition, fees, charges, sales of products and services and from all other sources. The Board shall have the authority to adopt investment policies which are consistent with the restrictions on investments imposed by the New York State Comptroller and other applicable laws.

7. The Board shall have the power to pay salaries and wages.

8. The Board shall have the authority to require college officers to execute a bond or official undertaking to the Board of Trustees in such sum and with such sureties as the Board may require; provided, however, that the Board shall require the treasurer of the college to execute a bond or official undertaking in accordance with this section, the expense of which shall be a college charge.

9. The Trustees may accept and administer all grants and awards made to the college by outside services. They shall not accept awards requiring matching funds on the part of the County except where such funds can be obtained from an authorized budget source. They additionally shall have the authority to authorize employment of outside consultants to teach courses requiring a high degree of technical expertise where sufficient income is generated from said course to offset college or County expenses.

   The Trustees are hereby authorized and empowered to enter into agreements with business and nonprofit organizations for the purpose of conducting "contract courses" wherein, under the terms of the agreement, all expenses, including college overhead costs, are ultimately borne by said organization.

   The Trustees are hereby authorized and empowered to make increases to the college budget in both appropriations and revenues with regard to minicourses when the original authorizations are sufficient to conduct the number of said courses which are offered, provided that the expenses, including overhead, for said minicourses are offset by revenues for said courses.

   The Treasurer of the College and the County Comptroller are hereby authorized to perform all bookkeeping and accounting procedures, including the creation of the necessary budget lines to accomplish the above.

10. The Board shall have such other powers and duties as set out in Article XXIII-A of the Administrative Code.

ARTICLE XXIV
Other County Boards, Offices, Institutions and Functions

§ C2401. Board of Elections.

The Board of Elections, its powers and duties and the method of appointment of the members thereof by the County Legislature shall continue as provided by law.

§ C2402. Probation Office; Director. [Amended 9-27-1976 by L.L. No. 5-1976]

There shall be an Office of Probation, headed by a Probation Director who shall be appointed by the County Executive, subject to confirmation by the Broome County Legislature, and shall have such powers and duties as are provided by law.

§ C2403. (Reserved) [30]

§ C2404. Traffic Safety Board. [Amended 4-4-1991 by L.L. No. 10-1991]

The Traffic Safety Board, its powers and duties and the method of appointment of the members thereof by the County Legislature shall continue as provided by law. See § A2404 of the Administrative Code.

§ C2405. Additional appointments by County Executive. [Amended 12-30-1982 by L.L. No. 1-1983]

Subject to confirmation by the County Legislature, and except as otherwise provided in this Charter, the County Executive shall appoint the head of any other or additional administrative unit of the County, including, among others, the following: Civil Defense Director; Veterans Service Director; representatives on the County Extension Service; Dog Warden; and Alcoholic Beverage Control Board.

§ C2406. Miscellaneous administrative functions.

Administrative functions not otherwise assigned by this Charter shall be assigned by the County Executive to an administrative unit.

§ C2407. Office for the Aging; Director; appointment; powers and duties; deputy. [Added 6-5-1973 by L.L. No. 2-1973]

There shall be a department, to be known as the "Office for the Aging," headed by a director who shall be appointed by the County Executive, subject to confirmation by the County Legislature, and shall serve at the pleasure of the County Executive. Said Director shall be in the unclassified service of the civil service. Except as otherwise provided in this Charter and the Administrative Code, the Director of the Office for the Aging shall have all powers and duties to supervise, control and direct programs and facilities as may be authorized by the County Legislature or the County Executive so as to provide for the needs of the elderly and aged persons in the County of Broome, to include the establishment of multipurpose senior centers; the providing of a County-wide information and referral service for older persons; conducting workshop and training programs for the aged; encouraging greater volunteer service opportunities for older persons; establishing a comprehensive data profile on older persons in Broome County; developing proposals for new programs for older persons; and

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30. Editor's Note: Original Section 2403, Broome Technical Community College, was repealed 9-7-1990 by L.L. No. 9-1990. For current provisions, see Art. XXIII-A above.

utilizing all available resources in the County to formulate a County-wide service system for older persons. Said Director shall also have charge of and have the duty of performing such other related duties concerning the Office for the Aging as the County Executive or the County Legislature may direct. The Director of the Office for the Aging shall appoint a deputy if such position is authorized by the County Legislature. Such Deputy Director shall serve at the pleasure of the Director of the Office for the Aging and shall be in the exempt class of civil service.

§ C2408. Board of Directors. [Added 11-6-1974 by L.L. No. 11-1974; amended 12-16-1975 by L.L. No. 9-1975]

There shall be appointed to the Broome County Veterans Memorial Arena and Broome County Performing Arts Theater (The Forum) a Board of Directors. The number of Directors, terms and powers of this Board shall be determined by this Legislature, and such Board, in addition to such other powers and duties as may be delegated to it, shall approve all gifts to the Arena and The Forum, recommend operational and maintenance procedures, establish rules and regulations for public health and safety, approve facility utilization, approve all performances and uses of the Arena and The Forum, review equipment requirements, coordinate proper administration and management in such areas as promotion, bookkeeping, contract negotiations, ticket sales and crowd management, and approve all contracts, leases, licenses or permits (agreements) for a particular use of the Arena and The Forum which can be performed in less than a year. Notwithstanding any provision in this section to the contrary, no agreement shall be effective unless signed by the County Executive, and all agreements which contain any exclusivity provision for a year or more or which cannot be performed within a year shall not be effective unless approved by this Legislature.

Said Board of Directors shall perform the above responsibilities consistent with the advice and direction, where applicable, of the Department of Law, the Department of Personnel and the Department of Audit and Control, and in accordance with the provisions of any resolutions now or hereafter adopted by the County Legislature.

§ C2409. Real Property Tax Service Agency. [Added 9-27-1976 by L.L. No. 5-1976]

There shall be a Real Property Tax Service Agency headed by a director who shall be appointed by the County Executive and subject to confirmation by the County Legislature and who shall be appointed and serve pursuant to the statutes of the State of New York.

The office shall:

(A) Keep a record of all real property owned and acquired by the County. Such record shall show the date the property was acquired, the tax map description thereof and the town in which the property is located and shall be properly cross-indexed to the original deeds of acquisition.

(B) Prepare tax maps for the use of the assessors of all the assessing units in the County, except for the City of Binghamton; on such maps shall be shown each separately assessed parcel of real property with its boundaries properly marked, pursuant to the Real Property Tax Law. The County Legislature may authorize the preparation of tax maps as

required herein for the City of Binghamton, provided that the consent of the City is obtained and terms are mutually agreed upon between the City and the County Legislature.

(C) Keep a record of the transfer of title to real property in each tax district and immediately notify the town clerk or the city commissioner of assessment of all such transfers in each town or city, as the case may be.

(D) Pursuant to § 1532 of the Real Property Tax Law of the State of New York, through the Director, act as the enforcing officer of the County for the purpose of the collection of tax liens on real property pursuant to Article 11 of the Real Property Tax Law of the State of New York. **[Added 10-4-1983 by L.L. No. 15-1983[31]]**

§ C2410. Emergency Medical Services Advisory Board. [Added 9-20-1978 by L.L. No. 5-1978; amended 4-4-1991 by L.L. No. 9-1991; 11-22-1994 by L.L. No. 17-1994]

There shall be and there hereby is created a Broome County Emergency Medical Services Advisory Board, which advisory board shall consist of the County Executive and his or her designee, the Chair of the Public Safety and Emergency Services Committee of the Broome County Legislature or his or her designee, and one (1) member from each member agency appointed by the County Executive, subject to confirmation by a majority of the County Legislature. Member agencies shall be volunteer emergency squads, private and municipal ambulance services, fire department emergency squads, first responder units and any other agencies that render prehospital emergency care, possess a New York State Department of Health EMS provider number and are authorized by same to provide said care in Broome County.

Each member agency shall every two (2) years recommend an individual from its agency to the County Executive for appointment to the Advisory Board. Each member agency may also recommend an individual from its agency to the County Executive for appointment as an alternate member of the Advisory Board, subject to confirmation by the County Legislature. Alternate members may attend and participate in meetings of the Advisory Board but shall not be entitled to vote except in the absence of the member from that agency. The term of office of members and alternate members shall be two (2) years. Members of the Emergency Medical Services Advisory Board, except for the Chair of the Public Safety and Emergency Services Committee of said County Legislature, shall serve at the pleasure of the County Executive. The members of the Broome County Emergency Medical Services Advisory Board shall be County officers and shall serve without compensation, but may, within the limitation of any funds provided for such purpose by the County Legislature, receive reimbursement of the approved reasonable value of expenses incurred in the performance of their appointed duties as members of said Advisory Board. The Advisory Board shall elect from among its members a Chair, Vice Chair and Secretary. The Advisory Board may adopt bylaws which shall not be inconsistent with the Broome County Charter or Administrative Code, any law or regulation, or any resolution of the County Legislature.

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31. Editor's Note: Amended at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I).

The Broome County Emergency Medical Services Advisory Board, subject to any limitations contained herein or elsewhere in the Broome County Charter and the Administrative Code, or otherwise established by this County Legislature, shall have the following powers and duties:

(A) To develop and maintain a liaison to encourage cooperation and communication in the operation of emergency medical services in Broome County.

(B) To cooperate with the New York State Department of Health and other authorized state agencies in effectuating the purposes for which said agencies were established in relation to such emergency medical services programs.

(C) To act as an advisory body to the Broome County Executive, the Broome County Legislature, the Emergency Medical Services Coordinator and the Director of Emergency Services, if any, of Broome County in connection with County participation in connection with training, mutual assistance and cooperation in the operation of such services and in connection with any County establishment and maintenance of a county emergency medical service training school and manual assistance and communication programs connected with emergency medical services available in Broome County.

(D) To recommend and coordinate any emergency medical services training program on the local level as may be requested by the several local emergency medical services and as, from time to time, approved and authorized by the Broome County Legislature.

(E) To perform such other duties as the County Executive or the County Legislature may, from time to time, request or prescribe in relation to emergency medical services in cases of emergency or disaster in cases where emergency medical services may be used or required.

(F) To consider problems or suggestions that may be presented by any group or individual relative to emergency medical services or in connection with problems of mutual cooperation and assistance between the several such services available in Broome County.

ARTICLE XXV
Service Relationships

§ C2501. Contracts with public corporations and authorities. [Amended 4-4-1991 by L.L. No. 10-1991]

The County of Broome shall have power to contract with any public corporation, including but not limited to a municipal, district or public benefit corporation, as defined in § A2501 of the Administrative Code, or with any public authority or combination of the same for the establishment, maintenance and operation of any facility and the rendering of any service which each of the contracting parties would have legal authority to establish, maintain, operate or render for itself. The costs and expenses incurred, as well as charges for central facilities and administrative services relating thereto, shall be borne proportionately by each such contracting party as agreed upon.

ARTICLE XXVI
General Provisions

§ C2601. Administrative and advisory boards. [Amended 4-4-1991 by L.L. No. 10-1991]

The Board of Trustees of Broome Community College shall have such powers and only such powers as those specified in the Educational Law of the State of New York. Except as provided in such Education Law, such Board shall be advisory and subject to the provisions of this Charter and Administrative Code.

Except as otherwise provided in this Charter, every other board the members of which are appointed shall be an advisory board consisting of such members, and the members thereof shall be appointed for such terms as are or may be provided in the Administrative Code.

§ C2602. Approval of contracts.

All contracts entered into by the County shall be executed in the manner as provided in this Charter or Administrative Code or as directed by the County Legislature.

§ C2603. Civil service rights continued; status of certain County officers previously appointed; removal of certain County officers.

The civil service status and rights of all County employees and their beneficiaries, including but not limited to those with respect to retirement and social security, shall not be affected by this Charter and Administrative Code. Except as otherwise provided in this Charter, the terms of all County officers whose appointment under this Charter is vested in the County Executive shall terminate on December 31, 1968, provided that any such officer, unless removed, shall continue to serve until his successor is appointed and has qualified or until an interim appointment is made. Any County officer appointed by the County Executive or County Legislature, except as otherwise provided by state law, may be removed after receipt of written notice from the appointing authority. A copy of such notice shall be filed in the office of the Clerk of the County Legislature.

§ C2604. Classified service; exemptions. [Amended 8-17-1982 by L.L. No. 7-1982; 8-14-1984 by L.L. No. 5-1984; 8-17-1995 by L.L. No. 14-1995; 3-19-1998 by L.L. No. 3-1998; 8-19-2010 by L.L. No. 8-2010[32]]

All positions in all departments, offices, institutions and agencies of the County shall be in the classified service, except those held by the following: (1) elective officers; (2) heads of departments; (3) members of all boards, commissions and committees; and (4) the Commissioner of Jurors. For the purpose of this section, the heads of the divisions within the Executive Branch, including but not limited to the Division of Information Technology, shall be deemed to be heads of departments. The following positions in the classified service shall be included in the exempt class: (1) deputies who are authorized to act generally for and on behalf of their principals; (2) the confidential secretary to any officer or department head; (3)

32. Editor's Note: This local law provided an effective date of 1-1-2011.

calendar clerk; (4) Personnel Officer; (5) Assistant District Attorneys; (6) Assistant County Attorneys; (7) Assistant Public Defenders; and (8) contractors and their employees engaged to perform specified services.

§ C2605. Filling vacancy in elective office of County Executive.

A vacancy occurring otherwise than by expiration of term or by creation upon passage of this Charter in the office of County Executive shall be filled by appointment by the County Legislature of a qualified elector of the County having the same political affiliation as the person last elected to that office. The term of such person so appointed shall be until the commencement of the calendar year next succeeding the first general election after the happening of the vacancy if the vacancy occurs before September 20 of any year. If the vacancy occurs after September 20 of any year, then the term of such person so appointed shall be until the commencement of the second calendar year next succeeding the first general election after the happening of the vacancy, at which election a County Executive may be elected for the balance of the unexpired term, if any.

§ C2606. Filling vacancy in elective office of District Attorney, Sheriff and County Clerk. [Amended 6-17-2010 by L.L. No. 6-2010]

A vacancy occurring otherwise than by expiration of term in any elective County office, including but not limited to the offices of District Attorney, Sheriff and County Clerk, shall be filled in accordance with § 400 of the County Law of the State of New York.

§ C2607. Filling other vacancies.

Except as otherwise provided in this Charter, a vacancy in the office of the head of any administrative unit, the head of which by virtue of this Charter the County Executive or the County Legislature shall have the power to appoint or remove, shall be filled by a person who shall be appointed on the basis of his administrative experience and his qualifications for the duties of such office by the County Executive, subject to confirmation by the County Legislature. Except as otherwise provided in this Charter, the head of any administrative unit shall have the power to fill vacancies occurring within such administrative unit pursuant to the Civil Service Law.

§ C2608. Power to administer oaths and issue subpoenas. [Amended 4-4-1991 by L.L. No. 10-1991]

The County Legislature shall be empowered to conduct investigations into any subject matter within its jurisdiction. It shall have the power to issue subpoenas requiring witnesses to attend at such investigations for examination in reference to any matter within the scope of said investigation and, in a proper case, to require the production of all books, records, papers and documents material or relevant to such investigation and to administer oaths or affirmations in connection therewith.

The County Executive shall be empowered to conduct investigations into the performance of the official duties of any officer or employee within the Executive Branch. He shall have the

power to issue subpoenas requiring witnesses to attend at such investigations for examination in reference to any matter within the scope of said investigation and, in the proper case, to require the production of all books, records, papers and documents material or relevant to such investigations and to administer oaths or affirmations in connection therewith.

§ C2609. Officers and employees engaging in other transactions.

No officer or employee of the County or member of the County Legislature shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity, or incur any obligation of any nature which is in substantial conflict with the proper discharge of his duties in the public interest.

§ C2610. Officers and employees engaging in other duties. [Amended 4-4-1991 by L.L. No. 10-1991]

No officer or employee of the County shall accept employment or engage in any business or professional activity with any other governmental unit, including an elective office, unless prior written consent is given by a three-man board, consisting of the County Executive, the Chairman of the County Legislature and the Personnel Officer. Such consent must be filed with the Clerk of the County Legislature. Prior to granting a consent, the board must make a finding that the requested employment or engagement in business or professional activity does not conflict with the officer's or employee's duties to the County of Broome.

ARTICLE XXVII
Application of Charter

§ C2701. Adoption of Charter; when effective.

This Charter shall, upon approval by referendum in the manner provided by law, become effective as of January 1, 1969, except that the Board of Supervisors shall have the power to appoint the first County Executive prior to January 1, 1969, as provided in § C301 of this Charter. The Administrative Code may be adopted and amended by local law at any time subsequent to the approval and adoption of this Charter.

§ C2702. Amendment of Charter.

This Charter may be amended in the manner provided by law. Except as otherwise provided by this Charter, any local law which would create or abolish an elective County office, change an elective office to appointive or an appointive office to elective, or change the powers of an elective County officer shall be subject to mandatory referendum. No local law which would abolish or change an administrative unit prescribed in this Charter or the power of an appointive County officer in the Executive Branch shall be enacted before January 1, 1969.

§ C2703. Continuity of authority; completion of unfinished business.

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

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

For the purpose of this section, a public authority shall not be deemed a County commission, board or agency.

§ C2704. Separability.

If any clause, sentence, paragraph, section or article of this Charter shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or article thereof directly involved in the proceeding in which such adjudication shall have been rendered.

§ C2705. Charter to be liberally construed.

This Charter shall be liberally construed to effectuate its objectives and purposes.

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ADMINISTRATIVE CODE

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[HISTORY: Adopted by the Broome County Legislature 9-27-1976 by L.L. No. 4-1976. Amendments noted where applicable.]

GENERAL REFERENCES

Charter — See Chapter C.
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Environmental Management Council — See Ch. 49.
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Use of County property — See Ch. 222.
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Sanitary Code — See Ch. 305.
Solid waste management — See Ch. 317.

ARTICLE I
Broome County and Its Government

§ A101. Title and purpose.

This Code, together with any and all amendments hereto, if any, shall be known and may be cited as the "Broome County Administrative Code." The purpose of this Code is to set forth the details of administration of the Broome County Government consistent and in harmony with the purposes, intent and provisions of the Broome County Charter.

§ A102. County status; powers and duties.

Broome County, upon adoption of this Code, as hereinafter provided, shall be and remain a municipal corporation under its then name and shall exercise all the rights, privileges, functions and powers conferred upon it by the Charter, Code or any other applicable statute not inconsistent with the Charter or Code, including all powers necessarily incidental to or which may be fairly implied from the powers specifically conferred upon such County.

§ A103. Effect on state laws. [Amended 4-4-1991 by L.L. No. 10-1991]

The Charter and Code provide a form and structure of County government in accordance with the provisions of Article 4 of the Municipal Home Rule Law of the State of New York, and all special laws relating to Broome County and all general laws of the State of New York shall continue in full force and effect to the extent that such laws have not been repealed, amended, modified or superseded in their application to Broome County by enactment and adoption of the Charter and Code. Within the limitations prescribed in said Article 4 of the Municipal Home Rule Law, wherever and whenever any state law, general, special or local in effect, conflicts with the Charter or Code or is inconsistent therewith, such law shall be deemed, to the extent of such conflict or inconsistency, to be superseded by the Charter and Code insofar as the County of Broome and its government are affected.

§ A104. Effect on local laws, ordinances and resolutions.

All laws, including resolutions, ordinances and local laws, proceedings, legalizing acts, rules and regulations, heretofore adopted which are contrary to or inconsistent with the provisions of the Charter are hereby repealed. All of the laws of the state relating to the towns, cities, villages or districts of the County of Broome shall continue in full force and effect except to the extent that such laws have not been repealed, amended, modified or superseded in their application to Broome County by the enactment and adoption of the Charter and Code.

§ A105. Definitions. [Amended 8-17-1982 by L.L. No. 7-1982; 8-14-1984 by L.L. No. 5-1984; 4-4-1991 by L.L. No. 10-1991; 8-19-2010 by L.L. No. 8-2010[1]]

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

ADMINISTRATIVE HEAD — The head of any administrative unit.

ADMINISTRATIVE UNIT — Any department, executive division, institution, office or other agency of County government except a bureau, division, section or other subordinate part of any of the foregoing.

AUTHORIZED AGENCY — Any agency authorized by the Charter, Code or applicable law, including but not limited to those authorized by § 224 of the County Law, to receive and expend County funds for a County purpose.

CHARTER and COUNTY CHARTER — The Broome County Charter and all amendments thereto.

CODE — The Broome County Administrative Code and all amendments thereto.

COUNTY — The County of Broome.

COUNTY LEGISLATOR — A person elected from a legislative district to represent it on the County Legislature.

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1. **Editor's Note: This local law provided an effective date of 1-1-2011.**

COUNTY LEGISLATURE — The elective legislative body of the County of Broome.

EXECUTIVE DIVISION — Includes but is not limited to the Division of Information Technology and such other divisions of the Executive Department as may be hereinafter authorized.

LEGISLATIVE DISTRICT — A geographical area of Broome County which is entitled to elect a County Legislator.

QUORUM — A majority of the whole number of members of the County Legislature and a majority of the whole number of the membership of the commission, committee, body or other group of persons or officers charged with any County public power, authority or duty to be performed or exercised by them jointly, and not less than a majority as required herein may perform and exercise such power, authority or duty.

§ A106. County Seal.

(A) The following design is hereby adopted as the official and standard design of the Seal of the County of Broome.

(B) Such seal shall be used for all authorized and requisite purposes.

ARTICLE II
Legislative Branch

§ A201. County Legislature; members; qualifications.

(A) The elective legislative body of Broome County shall be known as the "County Legislature of the County of Broome."

(B) The County of Broome shall be divided into districts to be known as "Legislative Districts," from each of which shall be elected one person to be a member of the County Legislature. Such person, while holding office, shall be known as a "Legislator."

(C) The County of Broome shall be divided into Legislative Districts, bounded and described as follows: **[Amended 2-21-2002 by L.L. No. 5-2002; 6-20-2002 by L.L. No. 7-2002; 4-8-2008 by L.L. No. 1-2008; 8-28-2008 by L.L. No. 9-2008; 1-19-2012 by L.L. No. 1-2012]**

Legislative Districts	**Geographic Area**
1	City of Binghamton (Election District 12)
	Town of Colesville (Election Districts 1, 2, 3)
	Town of Fenton (Election Districts 3, 4, 5, 6)
	Town of Kirkwood (Election District 1)
2	Town of Kirkwood (Election Districts 2, 3, 4)
	Town of Sanford (Election Districts 1, 2, 3)
	Town of Windsor (Election Districts 1, 2, 3, 4, 5)
3	Town of Binghamton (Election Districts 1, 2, 3)
	Town of Conklin (Election Districts 1, 2, 3, 4)
	Town of Vestal (Election Districts 18, 19)
4	Town of Vestal (Election Districts 4, 5, 9, 10, 11, 12, 13)
5	Town of Vestal (Election Districts 1, 2, 3, 6, 7, 8, 14, 15, 16, 17)
6	Town of Maine (Election District 1)
	Town of Union (Election Districts 1, 2, 4, 19, 20, 21, 22, 23)
7	Town of Maine (Election District 3)
	Town of Union (Election Districts 3, 5, 6, 7, 8, 24, 25, 26)
8	Town of Union (Election Districts 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38)
9	Town of Barker (Election Districts 1, 2)
	Town of Lisle (Election Districts 1, 2)
	Town of Maine (Election Districts 2, 4)
	Town of Nanticoke (Election District 1)
	Town of Triangle (Election Districts 1, 2)
10	Town of Chenango (Election Districts 1, 2, 3, 4, 5, 6, 7, 8)
	Town of Fenton (Election Districts 1, 2)
11	City of Binghamton (Election Districts 13, 14, 20)
	Town of Union (Election Districts 13, 15, 16, 17, 18, 39)
12	City of Binghamton (Election District 2)

Legislative Districts	Geographic Area
	Town of Dickinson (Election Districts 1, 2, 3, 4)
	Town of Union (Election Districts 9, 10, 11, 12, 14, 37)
13	City of Binghamton (Election Districts 1, 5, 15, 16, 17, 18, 21, 22)
14	City of Binghamton (Election Districts 3, 4, 6, 7, 8, 9, 10, 11, 19)
15	City of Binghamton (Election Districts 23, 24, 25, 26, 27, 28, 29, 30, 31, 32)

Reference to "Election Districts" in the above description refers to Election Districts established as of May 1, 2012.

The maps of the districts referred to above, as well as maps showing the legislative districts into which Broome County is herein divided, shall be filed with the Clerk of the Broome County Legislature and shall remain on file and shall be considered and hereby made a part hereof.

(D) Each County Legislator shall be a resident elector of the district he represents at the time of his nomination, his election and throughout his term of office. He shall also be a resident elector of the district he represents if he is appointed to fill a vacancy and throughout his term of office. No elective or appointive official of any town, village or city or any other municipality shall be eligible to hold office as a County Legislator.

(E) After each federal decennial census, including that of 1980, the Clerk of the County Legislature shall determine the results of said census, publicly announce such results and file the same with the County Legislature. The County Legislature shall thereupon reconsider its representation and, if necessary, redraw legislative district boundaries. Any amendment to this Code reapportioning representation on the County Legislature shall be subject to a referendum on petition in the manner provided for by the terms and provisions of § 24 of the Municipal Home Rule Law.

§ A202. Term of office.

The term of office of a County Legislator shall be for two years and shall begin on the first day of January immediately succeeding his election.

§ A203. Powers and duties.

The County Legislature shall be the governing body of the County and shall be the legislative, appropriating and policy-determining body of the County and shall have and exercise all powers and duties of the County now or hereafter conferred or imposed on the County Legislature by applicable law and any and all powers necessarily implied or incidental thereto, together with such powers and duties as are provided for in the Charter and this Code. In

addition to all powers conferred by the foregoing or other provisions of the Charter and this Code, the County Legislature shall have the power, among others:

(A) To make appropriations, levy taxes, incur indebtedness and adopt a budget, including a capital program.

(B) To exercise all powers of local legislation in relation to enacting, amending or rescinding local laws, legalizing acts, ordinances or resolutions.

(C) By local law to adopt, amend or repeal this Code, which shall set forth the details of administration of the County government consistent with the provisions of the Charter and which Code may contain revisions, simplifications, consolidations, modifications and restatements of special laws, local laws, ordinances, resolutions, rules and regulations consistent with the Charter or amendments thereto.

(D) By local law to create, alter, combine or abolish County administrative units not headed by elective officials.

(E) To adopt by resolution all necessary rules and regulations for its own conduct and procedure.

(F) Subject to the Constitution and general laws of the State of New York, to fix the numbers of hours constituting a legal day's work for all classes of County employees and grant to the administrative head or board the power to stagger working hours.

(G) To fix compensation of all officers and employees paid from County funds, except members of the judiciary, and of such other officers and employees when specifically authorized by statute.

(H) To fix the amount of bonds of officers and employees paid from County funds and to examine and approve or disapprove the sufficiency of sureties on all official bonds or undertakings of County officers and employees, except those for Director of the Office of Management and Budget and Director of Information Technology. **[Amended 8-17-1982 by L.L. No. 7-1982; 8-14-1984 by L.L. No. 5-1984; 8-17-1995 by L.L. No. 14-1995; 3-19-1998 by L.L. No. 3-1998; 8-19-2010 by L.L. No. 8-2010[2]]**

(I) To make such studies and investigations as it deems to be in the best interests of the County and, in connection therewith, to obtain and employ professional and technical advice, appoint temporary advisory boards of citizens, subpoena witnesses, administer oaths and require the production of books, papers and other evidence deemed necessary or material to such study or inquiry.

(J) To legalize and validate any act had and taken in connection with the lawful municipal purpose or for a lawful municipal object or purpose by the governing board or other local body, officer or agency of a municipality wholly within the County, in the manner provided by § 227 of the County Law.

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2. Editor's Note: This local law provided an effective date of 1-1-2011.

(K) To create and establish the office of deputy or deputies to the head of any department, administrative unit or to any principal executive County officer, with power vested in such deputy to act generally for and in place of his principal.

(L) To determine and make provision for any matter of County government not otherwise provided for, including, but not by way of limitation, any necessary matter involved in the transition to the Charter form of government.

(M) To establish the County Equalization Rate for the City of Binghamton and each town as provided by the Real Property Tax Law.

(N) To create and establish the office of Clerk of the County Legislature and to appoint a person to such office for a term for which the members of the County Legislature were elected.

(O) To award all contracts for professional services where the amount involved exceeds the amount specified in § C203(N) of the Charter. **[Amended 4-4-1991 by L.L. No. 10-1991]**

(P) To authorize the employment of officers or employees by the County with a salary in excess of the minimum for the grade of the position.

§ A204. Chairman of the County Legislature.

The County Legislature shall elect one of its members to be Chairman for a term for which the members of the County Legislature were elected. The Chairman shall have all the powers and perform all the duties prescribed by the Charter, applicable statutes, local laws or resolutions not inconsistent with the Charter heretofore or hereafter adopted.

§ A205. Clerk of the County Legislature.

The County Legislature shall appoint a clerk of its body for a term for which the members of the County Legislature were elected. The Clerk shall have all the powers and perform all the duties prescribed by the Charter, applicable statutes, local laws or resolutions not inconsistent with the Charter heretofore or hereafter adopted. The Clerk may, when such positions are authorized by the County Legislature, and within the budgetary appropriation provided therefor, appoint to serve at his pleasure such deputies as he may deem necessary for the performance of his duties.

§ A206. Vacancy.

A vacancy occurring in the County Legislature otherwise than by expiration of term shall be filled by an affirmative vote of a majority of the members thereof, who shall appoint a qualified person to fill the vacancy having the same political affiliation as the person last elected to that office. The term of such person so appointed in a nonelection year shall be until the commencement of the calendar year next succeeding the first general election after the happening of the vacancy. If the vacancy occurs after September 20 of any nonelection year, then the term of such person shall be until the commencement of the second calendar

year next succeeding the first general election after the happening of the vacancy. If the vacancy occurs during an election year, the office shall be filled until the expiration of the current term of that office. Such appointee shall be a resident elector of the district he represents at the time of his appointment and throughout his term of office.

§ A207. Veto. [Amended 8-16-1977 by L.L. No. 5-1977]

Except as otherwise provided in the Charter and Code, the County Executive shall have power, within 10 days after its presentation to him by the Legislative Clerk, to veto any legislation passed by the County Legislature, except local laws and any legislation which relates to the internal organization and operation of the County Legislature and appointments made by the Legislature required by law or by the Charter. A copy of all legislation enacted by the County Legislature shall immediately after its passage be separately certified by the Clerk of the County Legislature and filed by the Clerk with the County Executive within five days after its passage. Except as otherwise provided in the Charter and Code, the County Executive shall have the power, within 10 days after presentation to him, to veto any such legislation, except local laws and any legislation which relates to the internal organization and operation of the County Legislature and appointments made by the Legislature required by law or by the Charter. If the County Executive approves it, he shall sign it and return it to the Clerk. If he vetoes it, he shall return it to the Clerk with his objections stated in writing, and the Clerk shall present the same with such objections to the County Legislature at its next regular or special meeting called for that purpose, and such objections shall be entered in its journal. The County Legislature, within 45 days after its return to the Clerk, may, by a three-fifths vote of the whole number of its members, override such veto. Only one vote shall be had to override such veto, which shall be taken by roll call and entered in the journal. If any of such legislation shall not be returned by the County Executive within 10 days after it shall have been presented to him, or if it shall be returned within such period without the County Executive's approval or veto, it shall be deemed to be adopted with like effect as if he had approved and signed it.

The procedures to be followed and the powers of the County Executive and County Legislature relative to the passage and veto of local laws shall be governed by and in accordance with Article 3 of the Municipal Home Rule Law of the State of New York.

§ A208. Local laws; definitions; powers to adopt, amend and repeal; effect on legislative acts.

A local law is a law adopted pursuant to the Charter within the power granted by the State Constitution, act of the Legislature or provision of the Charter and shall not include a resolution, ordinance or legalizing act. The County Legislature may adopt, amend or repeal a local law. A local law shall be passed by not less than a majority of the whole number of members of the County Legislature and may relate to property, affairs of government of the County or any other subject matter of County concern. In the exercise of such power, and within the limitations provided by Article 4 of the Municipal Home Rule Law, the County may change, supersede or amend any act of the New York State Legislature. Such power shall include but shall not be limited to a power or powers vested in any county in the State of New York or the elective governing body thereof to adopt, amend or repeal local laws granted by

any provisions of general laws, special laws, charters, special acts or local laws. The provisions of the Municipal Home Rule Law are hereby made applicable for the adoption and publication subsequent thereto of all local laws.

§ A209. Form and procedure. [Amended 6-24-1986 by L.L. No. 5-1986; 4-4-1991 by L.L. No. 10-1991]

Every local law shall be entitled "Local Law No. _____, Year _____ ..." (amending, etc., or otherwise as the case may be). If a local law amends a specific local law, the matter to be eliminated shall be enclosed in brackets or parentheses and the new matter underscored or italicized.

Except as may otherwise be provided in the Charter, the procedure for the adoption of a local law, including referendum, mandatory or permissive, shall be as provided in Articles 3 and 4 of the Municipal Home Rule Law.

Within five days after the taking of effect of a local law, the Clerk of the County Legislature shall file a certified copy thereof in the office of the County Clerk and three copies in the office of the Secretary of State. Such certified copy shall contain the text only of the local law without the brackets and the matter within the brackets or the italicizing or underscoring, if any, to indicate the changes made by it. At the same time the Clerk of the County Legislature shall cause to be published at least once as a County charge in the designated newspaper of general circulation published in the County a notice that such local law was adopted, a brief description of such local law and that the full text of such local law may be examined during regular business hours in the office of the Clerk of the County Legislature, provided that failure to do so shall not affect the validity of such local law.

§ A210. Filing and publication of local laws; judicial notice.

The filing and publication of local laws shall be as provided by § 27 of the Municipal Home Rule Law, and the Court shall take judicial notice of all local laws and of rules and regulations adopted pursuant thereto.

§ A211. Referendum.

A local law shall be subject to mandatory or permissive referendum when required by the Charter or applicable law. Where no mandatory or permissive referendum is so required, the County Legislature may nevertheless provide in a local law that a referendum shall be had or that it shall be subject to permissive referendum.

§ A212. Effective date.

After adoption, every local law shall become effective when filed in the office of the Secretary of the State of New York or on such later date as may be provided in said local law.

§ A213. Ordinances. [Amended 4-4-1991 by L.L. No. 10-1991]

Ordinances may be adopted by the County Legislature, and the procedure shall be the same as herein provided for the adoption of local laws, except that an ordinance shall not be subject to referendum, mandatory or permissive, and except for the filing provisions. An ordinance may provide for any subject matter of County concern not required to be provided by local law, legalizing act or resolution of the County Legislature.

Such ordinance may provide for its enforcement by legal or equitable proceedings in a court of competent jurisdiction, may prescribe that violations thereof shall constitute offenses or misdemeanors, and may provide for punishment of said violations by civil penalty or by fine or imprisonment or by two or more such penalties or punishments.

§ A214. Conference expenses.

The Chairman of the County Legislature shall have the power to designate and authorize any member, officer or employee of the Legislative Branch to attend an official or unofficial convention, conference or school for the betterment of County government. Within the appropriations provided therefor and when so authorized, all necessary and actual expenses, including but not limited to registration fees not exceeding the amount fixed by the General Municipal Law and mileage as fixed by the County Legislature, shall be paid from County funds.

§ A215. Travel reimbursement. [Added 2-24-1982 by L.L. No. 1-1982]

The County Legislature may authorize, under such rules and procedures as it may establish and within the appropriations provided therefor, the reimbursement of mileage and/or other necessary and actual travel expenses incurred by members of the County Legislature in travel to and from and in attendance at those events where attendance by said members would be beneficial to County government.[3]

§ A216. Petty cash funds.

(A) The County Legislature may establish a revolving petty cash fund for any administrative unit or subdivision thereof or officer in such amounts as it deems necessary. Any petty cash fund heretofore established by the County Legislature shall be continued in existence as a petty cash fund for the administrative unit or subdivision thereof or officer for which it was established or the successor of such unit or officer created pursuant to the provisions of the Charter and Code. The County Executive shall determine which administrative unit, subdivision or officer shall be considered to be the successor administrative unit, subdivision or officer for the purpose of this section. The County Legislature may increase, decrease or abolish any petty cash fund established or continued pursuant to this section. Any petty cash fund shall otherwise continue in existence from year to year until abolished.

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3. Editor's Note: See also Ch. 169, Travel Expenses.

(B) Expenditure from a petty cash fund may be made only for payment, as authorized by the Comptroller in advance of audit, of properly itemized and verified or certified bills for materials, supplies or services other than regular employment, furnished to the County for the conduct of its affairs, and upon terms calling for payment to the vendor upon the delivery of any such materials or supplies or the rendering of any such services. Moneys in any such fund also may be used for the purpose of making change when such is required in the performance of official duties. Moneys in any such fund established for the offices of the Sheriff, District Attorney or Public Defender may also be used to advance travel funds to personnel of the Sheriff's, District Attorney's or Public Defender's office when required to travel on official business.

(C) Upon audit of bills, the petty cash fund shall be reimbursed from the appropriate budgetary item or items in the amount equal to the amount audited and allowed. The Comptroller immediately shall notify the Director of Management and Budget, in writing, of the disallowance of any such bills or any portion thereof, stating the amount in each case disallowed and the reason therefor. Any of such bills or any portion thereof as shall be disallowed upon audit shall be the personal liability of the official responsible for the use of the petty cash fund from which payment on account thereof was made. Such official, upon direction of the Comptroller, shall forthwith reimburse the petty cash fund in the amount disallowed. If such reimbursement is not promptly made, the amount thereof shall be deducted from the official's salary by order of the Comptroller and paid into the petty cash fund until repaid in full. **[Amended 8-19-2010 by L.L. No. 8-2010[4]]**

ARTICLE III
Executive Branch

§ A301. County Executive; elective County Executive; term. [Amended 4-4-1991 by L.L. No. 10-1991]

The Executive Branch of the County government shall be administered by the County Executive.

An elective County Executive shall be elected at the general election in November for a term of four years.

No elective official of any town, village, city, county or any other municipality shall be eligible to hold the office of County Executive. The County Executive shall not be an officer, director or a stockholder of any depositary of County funds. The County Executive shall be required to give his whole time to the duties of his office and shall not engage in the practice of any profession or the conduct of any business, trade, occupation or employment. Nothing contained herein, however, shall preclude the County Executive from receiving income derived from personally held investments or securities, from rentals or from businesses, partnerships or corporations in which he may have an interest, so long as he does not actively participate in the operation or conduct thereof.

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4. Editor's Note: This local law provided an effective date of 1-1-2011.

§ A302. Powers and duties.

The County Executive shall have all the powers and duties and shall be subject to all the obligations and liabilities heretofore or hereafter lawfully granted or imposed by the Charter, Code or any applicable provision of any act of the State Legislature, local law, ordinance or resolution of the County Legislature not inconsistent with the Charter or Code.

In addition to any other powers and duties, the County Executive shall have the following duties and functions:

(A) Be the chief executive officer and administrative head of the County government.

(B) Supervise and direct the internal organization and reorganization of any administrative unit the head of which he has the power to appoint, which supervision and direction may include the organization and reorganization of any such administrative unit into divisions, bureaus, sections or other subordinate parts, and make such assignments of powers and duties among them as he may consider advisable.

(C) Be the Chief Budget Officer of the County and be responsible for preparation of the proposed tentative budget and capital program of the County.

(D) Determine and fix real property tax equalization rates among the various taxing districts of the County for County purposes. On or before the first day of November in each year, after reviewing the proposed County tax equalization rates submitted to him by the Director of Management and Budget, and after obtaining such additional information or holding such hearings thereon as he may deem necessary or advisable, the County Executive shall file said rates, together with an abstract of evidence upon which the rates are based, with the County Legislature. The proposed rates shall be subject to confirmation and revision by the County Legislature, and the County Executive shall have no veto power over the final determination by the County Legislature. If the County Legislature fails to act by a majority vote upon these proposed rates by the 20th day of November, the determination by the County Executive of the tax equalization rates shall be final. The documentary evidence used in determining the County equalization rates shall be preserved by the County Executive, and an abstract of the same shall be published with the County equalization rates in the proceedings of the County Legislature.[5] **[Amended 8-19-2010 by L.L. No. 8-2010[6]]**

(E) Appoint and terminate one or more temporary advisory boards or committees of citizens of the County who shall, without compensation other than such necessary expenses as may be provided in the budget, advise in the consideration of County administrative policies and programs.

(F) File an annual report to the County Legislature required by § C302(H) of Article III of the Charter; present to the County Legislature, from time to time, pertinent information concerning the affairs of County government as he may deem necessary or the County Legislature by resolution may require; and recommend, from time to time, such measures in connection with the affairs of County government as he shall deem necessary.

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5. Editor's Note: See also Ch. 330, Taxation, Art. VII, Tax Equalization Rates.

6. Editor's Note: This local law provided an effective date of 1-1-2011.

(G) Designate and authorize any officer or employee paid from County funds, except any member, officer or employee of the Legislative Branch, to attend an official or unofficial convention, conference or school for the betterment of County government; within the appropriations provided therefor and when so authorized, all necessary and actual expenses, including but not limited to registration fees, not exceeding the amount as fixed by the General Municipal Law and mileage as fixed by the County Legislature, shall be paid from County funds.

(H) Transfer employees temporarily between administrative units or subdivisions thereof.

(I) Determine the County officer who shall perform a particular power or duty, the performance of which is not otherwise clearly defined by the Charter, Code or enactment of the County Legislature, and report any such determination to the County Legislature.

(J) Declare an emergency in the event of circumstances affecting the life, health or safety of inhabitants of Broome County and perform all necessary acts for the protection of the life, health or safety of said inhabitants and report any such declaration of emergency to the County Legislature.

(K) Designate one or more depositaries located within the County for the deposit of all moneys received by the Director of Management and Budget and determine what funds may be invested and in what securities according to law. **[Amended 8-19-2010 by L.L. No. 8-2010[7]]**

(L) Examine and approve or disapprove the sufficiency of sureties on official bonds and undertakings of the Directors of the Office of Management and Budget and Division of Information Technology. **[Amended 8-17-1982 by L.L. No. 7-1982; 8-14-1984 by L.L. No. 5-1984; 8-17-1995 by L.L. No. 14-1995; 3-19-1998 by L.L. No. 3-1998; 8-19-2010 by L.L. No. 8-2010[8]]**

(M) Appoint a member of the County Legislature to serve as Chairman of such Legislature:

(1) For the remainder of the calendar year, in case the County Legislature has failed to select a Chairman on or before February 1; or

(2) For the unexpired term of the previous Chairman, in case the County Legislature has failed to select a Chairman within 30 days after a vacancy has occurred in the office of the Chairman.

(N) Administer the compensation program as now provided by local law and the laws of the State of New York applicable thereto.[9]

(O) Execute all contracts on behalf of the County, unless otherwise specifically prohibited by the Code.

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7. Editor's Note: This local law provided an effective date of 1-1-2011.

8. Editor's Note: This local law provided an effective date of 1-1-2011.

9. Editor's Note: See also Ch. 180, Workers' Compensation Self-Insurance Plan.

(P) Perform such other duties and have such other powers as may be prescribed for him by law.

(Q) File a copy of any monthly report, annual report or audit with the Clerk of the County Legislature within 10 days of the receipt thereof, where such filing in the office of the County Executive is required pursuant to the provisions of the Charter or Code.

(R) Refund taxes erroneously assessed on the tax roll of any town, upon the affidavit of the Assessor or assessors and with the consent of the Supervisor of the particular town.

(S) Direct the cancellation of unpaid taxes levied by the County Legislature against property of the State of New York where it is determined that a lien on such tax cannot be enforced; and direct the refunding of taxes paid upon property owned by the State of New York upon the affidavit of the Assessor or assessors and with the consent of the Supervisor of the particular town.

(T) Settle claims for or against the County not exceeding $1,500. A written report shall be filed with the County Legislature within 30 days after the settlement of any claim.[10]

§ A303. Removal.

The County Executive may be removed by the Governor in the manner provided in the Public Officers Law for the removal of county officers.

§ A304. Deputy County Executives and Acting County Executive. [Amended 10-4-1983 by L.L. No. 4-1983]

The acts performed by the Deputy County Executives, if appointed, and/or Acting County Executive, pursuant to §§ C304 and C306 of Article III of the Charter, shall have the same force and effect as if performed by the County Executive. Pursuant to §§ C304 and C306 of Article III of the Charter, the Deputy County Executives and/or Acting County Executive shall have and exercise all the powers of the County Executive except the power of removal as provided in § A309 of this Code.

§ A305. (Reserved) [11]

§ A306. (Reserved) [12]

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10. Editor's Note: Former Subsection (U), providing for the appointment of an Administrator for Human Services and an Administrator for Physical Services, added 8-17-1982 by L.L. No. 6-1982, and which immediately followed this subsection, was repealed 10-4-1983 by L.L. No. 14-1983.

11. Editor's Note: Former § A305, Division of Budget and Research, as amended, was repealed 8-19-2010 by L.L. No. 8-2010, effective 1-1-2011.

12. Editor's Note: Former Section 306, Division of Purchase, amended 9-20-1978 by L.L. No. 6-1978, was repealed 8-17-1982 by L.L. No. 7-1982. Replacement § A306, Division of Purchasing, added 12-23-1997 by L.L. No. 1-1998, was repealed 12-20-2012 by L.L. No. 2-2013.

§ A307. (Reserved) [13]

§ A308. Division of Information Technology. [Amended 8-17-1995 by L.L. No. 14-1995; 3-19-1998 by L.L. No. 3-1998]

There shall be in the Office of the County Executive a Division of Information Technology headed by a director, who shall be appointed by and serve at the pleasure of the County Executive, and said Director shall be in the unclassified service of the civil service.

(A) The Director of Information Technology shall:

(1) Have such power and duties as prescribed in the Charter and Administrative Code and by the County Executive or the County Legislature.

(2) Establish, maintain and supervise such facilities for word processing, central mailing, printing and reproduction, central storage and stockpiling of materials, supplies and equipment as may be provided by the County Legislature.

(B) The Director of Information Technology shall give a surety bond to the County, pursuant to Article III, § C302(G), of the Charter. The bond shall be approved as to form by the County Attorney and as to the sufficiency of surety by the County Executive and filed with the Department of Records.

§ A309. Administrative heads; interim appointment.

(A) Except as otherwise provided in the Charter, the County Executive shall appoint, to serve at his or her pleasure or such term as may be specified in the Charter, the head of every administrative unit not administered by an elected official. The appointment by the County Executive of the head of each administrative unit shall be subject to the confirmation by the County Legislature. The County Executive may appoint one head for two or more departments or other administrative units, subject to any and all requirements as to qualifications and confirmation, or may himself or herself so serve without such confirmation all without substantial salary for so serving. **[Amended 8-17-1982 by L.L. No. 7-1982; 8-17-1982 by L.L. No. 10-1982; 8-14-1984 by L.L. No. 5-1984; 12-30-1988 by L.L. No. 3-1989; 4-4-1991 by L.L. No. 10-1991; 8-17-1995 by L.L. No. 14-1995; 12-23-1997 by L.L. No. 1-1998; 8-19-2010 by L.L. No. 8-2010**[14] **]**

(B) Appointments.

(1) Each appointment by the County Executive shall be in writing, signed by the County Executive and filed in the office of the Clerk of the County Legislature and Department of Records within 10 days after the date of the appointment. No appointee shall hold office beyond the term of the County Executive by whom the appointment was made, except that, unless removed, he shall continue to serve

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13. Editor's Note: Former § A307, Division of Solid Waste Management, added 12-30-1988 by L.L. No. 3-1989, was repealed 3-16-2000 by L.L. No. 5-2000. See now § A904.

14. Editor's Note: Amended at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I).

until his successor is appointed and has qualified or until an interim appointment is made, unless otherwise provided in the Charter.

(2) Upon confirmation by the County Legislature and qualifying for the office, an appointee to the position of head of an administrative unit shall enter upon the duties thereof.

(3) In the event that the County Legislature has neither confirmed nor rejected an appointment made by the County Executive pursuant to the Charter by the next regular meeting occurring more than 15 days after the filing of appointment with the Clerk of the County Legislature, such appointment shall be deemed to be confirmed.

(4) Awaiting action by the County Legislature, the County Executive may designate a qualified person to serve as such head.

(5) Prior to the designation by the County Executive of the head of an administrative unit, the County Executive may designate an acting head of said unit for a period not to exceed six months, unless extended by the Legislature. In the event that such appointee was not a County employee immediately prior to the acting appointment, the appointee shall receive the minimum of the grade for the position; and in the event that the acting appointee was an employee of the County immediately prior to the acting appointment, the appointee shall receive the minimum of the grade for the new position or 5 1/2% of the minimum of the new grade added to the present salary of the appointee, whichever is greater. **[Amended 7-17-1979 by L.L. No. 8-1979; 6-22-1983 by L.L. No. 11-1983]**

(6) All other officers and employees of each administrative unit shall be appointed by the head thereof unless provided by the Charter or Code.

(C) If the Charter or Code prescribes specific qualifications for an appointment made by the County Executive, pursuant to § C311 of Article III of the Charter, the written notice of such appointment required by § C311 shall also contain a statement of the qualifications and a certification by the County Executive that the appointee has the prescribed qualifications.

(D) Unless otherwise provided by the Charter or Code, each administrative head shall appoint his deputies, officers and employees in his administrative unit as may be authorized by the County Legislature and within the appropriations provided therefor. He shall designate, in writing, the relative rank of the deputies, including the order of temporary succession to the duties of the administrative head during absence or disability, and delegate among them such of his powers and duties as he may determine. A copy of all the designations and delegations shall be in writing and filed in the Department of Records, and copies thereof shall be filed with the County Executive and the Clerk of the County Legislature.

(E) If the County Executive appoints one head for two or more administrative units, that appointee shall receive the salary for such position as the County Executive shall designate in the written appointment filed with the County Legislature. If the salary designated exceeds the minimum of the highest grade of said administrative units or the

existing salary paid to the individual while acting as head of said administrative units, approval of the County Legislature shall be required.

(F) The County Executive may remove an administrative head, officer or employee appointed by him to serve at his pleasure by written notice of his removal and the effective date thereof. The notice may be served on the administrative head, officer or employee personally or by registered mail sent to his last known address. The County Executive may make the termination effective on the date of mailing the notice.

§ A310. Confirmation by the County Legislature.

Confirmation of appointment, when required, shall be by affirmative vote of a majority of the whole number of members of the County Legislature taken at a regular or special meeting.

ARTICLE III-A
Department of Purchasing [15]
[Added 12-20-2012 by L.L. No. 2-2013]

§ A301-A. Director; appointment; qualifications.

(1) The Department of Purchasing shall be headed by a Director of Purchasing. The method of choosing a Director shall be as prescribed in § C301-A of the Charter. The qualifications of the Director shall be:

A) Graduation from a regionally accredited or New York State registered college or university with a bachelor's degree and one year of experience in either:

1) A governmental management or administrative capacity which must have included oversight of fiscal management and/or purchasing functions; or

2) A position responsible for large-scale purchasing of a variety of commodities including experience in the preparation of specifications and the awarding of contracts.

OR

B) Graduation from a regionally accredited or New York State registered college or university with an associate's degree and three years of experience in either:

1) A governmental management or administrative capacity which must have included oversight of fiscal management and/or purchasing functions; or

2) A position responsible for large-scale purchasing of a variety of commodities including experience in the preparation of specifications and the awarding of contracts.

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15. Editor's Note: Former Article III-A, Department of General Services, consisting of §§ A301-A through A306-A, added 8-17-1982 by L.L. No. 7-1982, as amended, was repealed 8-17-1995 by L.L. No. 14-1995.

OR

C) Graduation from high school or possession of an equivalency diploma and five years of experience in either:

1) A governmental management or administrative capacity which must have included oversight of fiscal management and/or purchasing functions; or

2) A position responsible for large-scale purchasing of a variety of commodities including experience in the preparation of specifications and the awarding of contracts.

OR

D) An equivalent combination of training and experience as defined by the limits of A), B) and C) above.

(2) Powers and duties of Director of Purchasing.

(A) The Director of Purchasing shall:

(1) Establish and maintain a central purchasing system.

(2) Establish and enforce standard specifications with respect to supplies, materials and equipment.

(3) Inspect and supervise and otherwise provide for the inspection of all deliveries of supplies, materials and equipment and determine their quality, quantity and conformity to contract.

(4) Sell or lease any surplus, obsolete or unused supplies, materials and equipment under the rules and regulations as may be established by resolution of the County Legislature.

(5) Upon request of any city, town, village, school district or any other unit of local government, act as purchasing agent for the same, either for all or any part of its purchases, upon such conditions as may be prescribed by the County Legislature.

(6) In accordance with Article III, § A302(O), of this Code, the County Executive is empowered to delegate to the Director of Purchasing the power to execute all contracts on behalf of the County with respect to the buying, selling or leasing of any supplies, materials and equipment, for an amount not to exceed the sum fixed by the General Municipal Law of the State of New York as the mandatory limit above which the competitive bidding process must be employed.

(7) Perform under the discretion of the County Executive all other duties of a county purchasing agent under the laws of the State of New York not inconsistent with the provisions of this Code.

(8) Arrange for the purchase of supplies, materials and equipment for the County in accordance with any applicable provisions of state, federal or local law.

(9) Perform such other and related duties as the County Executive or County Legislature may direct.

(10) Appoint such deputies, when such positions are authorized by the County Legislature within budgetary appropriations provided therefor, as he or she may deem necessary for the performance of his or her duties.

(B) The Director of Purchasing shall give a surety bond to the County. The bond shall be approved as to form by the County Attorney and as to the sufficiency of the surety by the County Executive and filed with the Department of Records.

ARTICLE IV
Department of Audit and Control

§ A401. Department of Audit and Control; Comptroller.

The Department of Audit and Control shall be headed by a comptroller. The method of choosing a comptroller and term of office shall be as provided in § C401 of Article IV of the Charter. The qualifications of the Comptroller shall be as follows: he shall be graduated from an approved four-year college course with a major in accounting and four years of experience in responsible accounting or auditing work, or graduated from an approved two-year college course with a major in accounting and eight years of experience in responsible accounting or auditing work.

§ A402. Powers and duties.

(A) The Comptroller shall have all the powers and duties and shall be subject to all the obligations and liabilities heretofore or hereafter lawfully granted or imposed by the Charter, this Code, local law, ordinance or any applicable provision of any act of the State Legislature not inconsistent with the Charter or this Code. Such powers and duties, obligations and liabilities shall include, but shall not be limited to, any power, duty, obligation or liability heretofore granted or imposed upon the County Auditor or County Comptroller by any applicable provision of any act of the State Legislature not inconsistent with the Charter or this Code.

(B) The Comptroller shall approve and certify all payrolls for salaries and compensation of all County employees and officers; he shall furnish a certified transcript of said payrolls, as approved, to the Director of Management and Budget. All original payrolls shall be filed with the Comptroller. Before the payrolls are presented to the Comptroller, they shall be certified, in writing, by the head of the appropriate administrative unit or his deputy to the effect that each person named therein was properly appointed to the position set forth therein and that the salary or compensation stated in such payroll is true

and correct. Such certification shall be in the manner and form prescribed by the Comptroller. The Comptroller shall not approve any payroll or item thereof until the Personnel Officer shall have certified that the persons named therein are employed in their respective positions. **[Amended 8-19-2010 by L.L. No. 8-2010[16]]**

(C) The Comptroller shall prescribe, with the approval of the County Attorney, the procedure and form, in accordance with § A403 of this article, for the submission of claims or charges against the County or against funds for which the County is responsible. The forms shall be in accordance with the requirements of any law, rule or regulation applicable to the form, certification or payment of such claim.

(D) The Comptroller shall develop, establish and maintain a cost accounting system for each administrative unit in the County as may be designated by the County Legislature or as the County Executive may designate, subject to the approval of the Legislature.

(E) The Comptroller shall make available to the County Legislature, County Executive or the head of any administrative unit of the County any information from the records and accounts of the Department of Audit and Control which may be required to assist in the performance of official duties.

(F) The Comptroller shall prepare and submit to the Director of Management and Budget, annually on such date and on such forms as the Director shall designate and prescribe, the information required by the Director to assist him in the preparation of the proposed budget and capital program. **[Amended 8-19-2010 by L.L. No. 8-2010[17]]**

(G) The Comptroller shall:

(1) At least monthly, procure bank statements for all depositaries of funds under the custody and control of the Director of Management and Budget and reconcile such statements with the Director's books, and periodically procure bank statements from all other depositaries of County funds and funds for which the County is responsible, and reconcile the statement with the books of such administrative unit. The Comptroller shall have access to the books of the Director of Management and Budget and other administrative units at all times. **[Amended 8-19-2010 by L.L. No. 8-2010[18]]**

(2) Audit and review the records of the Director of Management and Budget with respect to all moneys and funds of whatever name or nature received and disbursed by the Director of Management and Budget, and for that purpose he shall procure, daily, statements from the Director of Management and Budget showing funds and moneys so received and disbursed in such forms as the Comptroller shall direct. **[Amended 8-19-2010 by L.L. No. 8-2010[19]]**

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16. Editor's Note: This local law provided an effective date of 1-1-2011.

17. Editor's Note: This local law provided an effective date of 1-1-2011.

18. Editor's Note: This local law provided an effective date of 1-1-2011.

19. Editor's Note: This local law provided an effective date of 1-1-2011.

(3) Keep books or records which are necessary to record all accounts, claims and demands against the County presented to him for audit and the action taken by him on each. He shall keep separate appropriation accounts for each administrative unit. He shall also keep books and records which may be necessary to carry out the system of accounting prescribed by law and not inconsistent with the Charter or this Code.

(4) Keep a record of all undertakings of the County.

(5) Conduct any audits as are required by § C402(E) of Article IV of the Charter and report to the County Executive and the County Legislature and file copies with the Clerk of the County Legislature, whether or not:

(a) The financial records and accounts of the County have been accurately kept;

(b) All County funds, County properties and funds for which the County is responsible are accounted for; and

(c) The business of the County is being transacted pursuant to the Charter, this Code or any applicable provision of any act of the State Legislature not inconsistent with the Charter or this Code.

(6) Procure from the Director of Purchasing at least annually a certified copy of the inventory maintained by such Director pursuant to § A306(2)(A)(9) of this Code and, in accordance with good accounting practices, periodically verify the accuracy of the same. The certified copy of such inventory and the record of action taken by the Comptroller to determine and certify the same as prescribed herein shall be maintained as a permanent record of his or her Department. The Comptroller shall prescribe the procedure and method for the making of inventories by the head of each administrative unit and by the Director of Purchasing, and a copy of such procedure shall be filed with the Legislative Clerk. **[Amended 8-14-1984 by L.L. No. 5-1984; 8-17-1995 by L.L. No. 14-1995; 8-19-2010 by L.L. No. 8-2010[20]]**

(H) The Comptroller shall:[21] Establish, maintain and supervise such facilities and services for the administration or enforcement of the Broome County Consumer Protection Code, the provisions of Article 16 of the Agriculture and Markets Law of the State of New York and such other state laws or regulations, local laws or resolutions of the County Legislature and orders or directives of the County Executive as are not inconsistent with the Charter or Administrative Code. **[Added 8-17-1995 by L.L. No. 14-1995]**

(I) The Comptroller shall:[22] Appoint a County Director of Weights and Measures, who shall have the qualifications required for and shall have all the powers and duties of a director of weights and measures now or hereafter granted or imposed by Article 16 of the Agriculture and Markets Law of the State of New York, local law, ordinance or resolution of the County Legislature, order or direction of the County Executive or

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20. Editor's Note: This local law provided an effective date of 1-1-2011.

21. Editor's Note: The words "The Comptroller shall" were added for clarity at the request of the County.

22. Editor's Note: The words "The Comptroller shall" were added for clarity at the request of the County.

Comptroller and any applicable provision of any act of the State Legislature not inconsistent with the Charter or Administrative Code. **[Added 8-17-1995 by L.L. No. 14-1995]**

(J) The County Executive shall make the services of the Director of Purchasing in relation to purchasing or procurement functions available to the Comptroller in the preparation of any reports prescribed in the Charter and Code. **[Amended 8-14-1984 by L.L. No. 5-1984; 8-17-1995 by L.L. No. 14-1995; 8-19-2010 by L.L. No. 8-2010[23]]**

§ A403. Procedures for audit of claims. [Amended 4-4-1991 by L.L. No. 10-1991]

The Department of Audit and Control of the County of Broome shall have the right to approve for payment bills, claims or vouchers submitted to the County for the purchase of goods, materials and supplies in accordance with Chapter 21, Claims Approval and Payment.

§ A404. Deputies.

The Comptroller shall, when such positions are authorized by the County Legislature and within the appropriations provided therefor, have the power to appoint deputies who shall have authority to act generally for and in place of the Comptroller. The designation or designations shall be in writing and filed in the Department of Records, and copies thereof shall be filed with the County Executive and the Clerk of the County Legislature.

§ A405. Bond of Comptroller. [Amended 8-19-2010 by L.L. No. 8-2010[24]]

The Comptroller and such of his deputies, officers and employees as may be required by the County Legislature shall furnish a surety bond to the County in a sum fixed by the County Legislature, conditioned for the faithful performance of his or their duties. Each bond shall be approved as to form by the County Attorney and as to the sufficiency of surety by the County Legislature and filed with the Office of Management and Budget.

ARTICLE V
Office of Management and Budget
[Amended 8-19-2010 by L.L. No. 8-2010[25]]

§ A501. Office of Management and Budget; Director; appointment; qualifications.

The Office of Management and Budget shall be headed by a director. The method of choosing a director shall be as provided in § C501 of Article V of the Charter. The qualifications of the Director shall be as follows:

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23. Editor's Note: This local law provided an effective date of 1-1-2011.

24. Editor's Note: This local law provided an effective date of 1-1-2011.

25. Editor's Note: This local law provided an effective date of 1-1-2011.

(1) Graduation with a bachelor's degree from an accredited college having a four-year program, with major work in accounting, together with four years of experience in the accounting field, two of which are preferably with a municipality;

(2) Graduation from a standard senior high school, together with eight years of experience in the accounting field, two of which are preferably with a municipality; or

(3) Any equivalent combination of experience and training indicating ability to do the work.

§ A502. Powers and duties of Director of Management and Budget.

(A) The Director of Management and Budget shall have all the powers and duties and shall be subject to all the obligations and liabilities heretofore or hereafter lawfully granted or imposed by the Charter, this Code, local law, ordinance or resolution of the County Legislature, order or direction of the County Executive or any applicable provision of any act of the State Legislature not inconsistent with the Charter or this Code. Such powers, duties, obligations and liabilities shall include, but shall not be limited to, any power, duty, obligation or liability now or hereafter required by any law to be performed by or imposed upon a county treasurer, the chief fiscal officer of a county or other county officer in relation to the collection of taxes.

(B) The Director of Management and Budget shall:

(1) Have custody of all surety bonds and such other instruments and contracts as the County Executive may direct to remain on file in his office as a public record.

(2) Make and file with the Comptroller, daily, statements of all funds and moneys received and disbursed, of whatever name or nature, in such form as the Comptroller shall direct.

(3) Have charge of the collection, receipt, custody, deposit, investment and disbursement of all fees, taxes, revenues and other funds of the County or for which the County is responsible.

(4) Perform such other related duties as the County Executive or the County Legislature may prescribe.

(5) Assist the County Executive in the preparation of the proposed budget and capital program in accordance with Article VI of this Code.

(6) Investigate and analyze the operation of administrative units to determine budgetary needs.

(7) Maintain necessary contacts in cooperation with organizations and individuals interested in the industrial and commercial development of Broome County.

(8) Under the supervision and direction of the County Executive:

(a) Hold budget hearings on request of administrative units;

(b) Control the operation of the budget and capital program by requesting reports and examining records of administrative units; and

(c) Issue policy statements to administrative units to establish guides in preparation of their budgets.[26]

§ A503. Statement of financial condition.

(A) In addition to the annual report required by § C502(C) of Article V of the Charter, the Director of Management and Budget shall, and at such other times as the County Executive or the County Legislature may by resolution direct, submit to the County Executive, the Comptroller and the County Legislature a statement of the financial condition of the County.

(B) In addition to the foregoing, the statement of financial condition shall:

(1) Set forth all revenues received by the County.

(2) Set forth for each appropriation account the amount appropriated, the amount encumbered but remaining unexpended, the aggregate expenditures and the unencumbered balance.

(3) Include such other information as the County Executive may order or the County Legislature by resolution may direct.

§ A504. Rules and regulations.

The Director of Management and Budget may, except where otherwise provided by law, make rules and regulations relative to the conduct of his Department. The rules and regulations shall not be effective until they have been approved by the County Executive and filed with the Clerk of the County Legislature.

§ A505. Depositary undertakings.

(A) Each depositary designated by the County Executive pursuant to § C302(F) of Article III of the Charter shall, for the benefit of the security of the County and before receiving any such deposit, give to the County a good and sufficient undertaking approved as to the sufficiency of surety by the County Executive and as to form by the County Attorney. An undertaking shall:

(1) Specify the amount which the Director of Management and Budget shall be authorized to have on deposit at any one time with such depositary.

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26. Editor's Note: Original subsection (B)(9), which contained a Charter reference, and which immediately followed this subsection, was repealed at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I).

(2) Ensure that the depositary shall faithfully keep and pay over, in the order or warrant of the Director of Management and Budget or other lawful authority, such deposits and in the agreed interest thereon.

(3) Provide for the payment of bonds or coupons as by their terms are made payable at a bank or banks for the payment of which a deposit shall be made by the Director of Management and Budget. The Director of Management and Budget shall file each undertaking with the Comptroller.

(B) The County Executive may increase the amount which any depositary is authorized to have on deposit at any one time and require additional undertaking therefor. The Director of Management and Budget shall file each undertaking with the Comptroller.

(C) In lieu of each undertaking, a depositary may execute its own undertaking in such form as is approved by the County Attorney and upon such conditions as may be prescribed by law and, as collateral thereto, shall deposit with the Director of Management and Budget outstanding unmatured bonds or other obligations of the United States of America, the State of New York or of any county, town, city, village or school district in the State of New York authorized to be issued by law in the face amount at all times at least equal to the amount on deposit less the amount certified by the depositary as covered by insurance under the Federal Deposit and Insurance Act. The collateral shall be approved as to amount and sufficiency by the Director of Management and Budget. The depositary shall deposit with the Director of Management and Budget an assignment in blank of each collateral. The Director of Management and Budget shall deliver to the depositary a certificate of deposit containing the description of the bonds or other securities so deposited as collateral. In the event of a default on the undertaking of any depositary and the consequent necessity to complete the assignment in blank, the Director of Management and Budget shall complete the assignment and shall be deemed to be the agent of the assignor for such purpose. The Director of Management and Budget may from time to time release securities whenever the amount of the balance on deposit shall be lawfully reduced. Upon the withdrawal of all moneys from any depositary and the closing and settlement of the account therefor, the Director of Management and Budget may require the surrender of the certificate of deposit and thereupon shall return the security so deposited as collateral. Whenever in the judgment of the Director of Management and Budget it appears that additional facilities for the safeguarding of the securities deposited with him are essential, he may lease or rent a safe-deposit box, and the cost thereof shall be audited and paid as a County charge. The depositary, with the consent of the Director of Management and Budget, may deposit such securities in a safe-deposit box maintained by the depositary under the joint control of the depositary and the Director of Management and Budget, or if such depositary has and maintains a separate trust department, said depositary may with like consent deliver such securities to said trust department or may with like consent deposit said securities in escrow in the trust department of any other bank within the State of New York, to be held by and subject to the joint order of the depositary and the Director of Management and Budget, and all expenses in connection therewith shall be borne by the depositary.

(D) The Director of Management and Budget shall not be liable for loss of public funds of the County by reason of the default or insolvency of a designated depositary, provided that such funds have been deposited in accordance with the provisions of this section. In

the event that securities have not been deposited as provided in Subsection (C) of this section, the Director of Management and Budget shall be liable to the extent of any loss sustained.

§ A506. Sale of bonds.

The Director of Management and Budget shall be responsible for the conduct of the sale of all bonds or other obligations as prescribed by the Local Finance Law.

§ A507. Preparation and signing of checks.

The Director shall sign all checks for the payment of payroll and all other lawful claims against the County or against funds for which the County is responsible. No check shall be executed by him for the payment of any claim against or obligation of the County unless the check states the funds against which it is drawn and the appropriation account chargeable therewith. No fund or appropriation account shall be overdrawn, nor shall any check be drawn against a fund or appropriation account to pay a claim properly chargeable to another fund or appropriation account. All County officers and employees shall be paid biweekly.

§ A508. Bond of Director of Management and Budget.

The Director of Management and Budget and such of his deputies, officers and employees as the County Legislature shall require shall each give a surety bond to the County in a sum fixed by the County Legislature conditioned for the faithful performance of his duties. Each bond shall be approved as to form by the County Attorney and as to the sufficiency of surety by the County Legislature and filed with the Office of Management and Budget.

§ A509. Deputies.

The Director of Management and Budget shall appoint such deputies as shall be authorized by the County Legislature. All Deputy Directors shall serve at the pleasure of the Director of Management and Budget and shall have the authority to act generally for and in place of said Director. The designation or designations shall be in writing and filed in the Department of Records, and copies thereof shall be filed with the County Executive and with the Clerk of the County Legislature.

ARTICLE VI
Financial Procedures

§ A601. Fiscal year.

The fiscal year of the County shall be prescribed in § C601 of Article VI of the Charter.

§ A602. Preparation of proposed budget and capital program. [Amended 4-12-1988 by L.L. No. 4-1988; 11-5-1992 by L.L. No. 14-1992; 8-19-2010 by L.L. No. 8-2010[27]]

The Director of the Office of Management and Budget, pursuant to § C602 of Article VI of the Charter, shall prepare the proposed budget and capital program for submission to the County Executive as hereinafter set forth:

(A) Submission of capital program requests. On or before March 15 in each year, or such earlier date as the Director of Management and Budget may prescribe, and upon receipt of at least 15 days' written notice of the Director, the administrative heads shall furnish to the Commissioner of Planning a description, justification and estimate for each project in the capital program which he proposes for development during one or more of the ensuing six fiscal years. Each capital project request shall show recommended priority; development time schedule; estimated useful life, in years; estimated cost for planning, site or right-of-way, construction, equipment and other features; status of plans and land acquisition; anticipated effect of the project on an annual operating budget; proposed method of paying for the project; possible sources of financial aid; recommended expenditures, by years, including total expenditures remaining beyond the six-year period of the capital program, if any; and such other information as the Director may prescribe.

(B) Capital Program Advisory Committee. To assist in the consideration of capital projects and capital program, there shall be a Capital Program Advisory Committee consisting of the County Executive, the Director of Management and Budget, the Commissioner of Planning, the Commissioner of Public Works, Parks, Recreation and Youth Services and such other administrative heads as the County Executive may designate, and the following members of the County Legislature: the Chairman, the Chairman of the Finance Committee and the Chairman of the Public Works Committee. The County Executive shall be responsible for the capital program as submitted to the County Legislature, and no member of the County Legislature shall be obliged to support any capital project by reason of membership on the Capital Program Advisory Committee. The County Executive shall be the Chairman, and the Director of Management and Budget shall be the Vice Chairman of the Committee. **[Amended 11-8-2012 by L.L. No. 8-2012]**

(C) The Commissioner of Planning shall review the capital project requests submitted by the administrative heads. His review shall include consideration of comprehensive plans for the County and for any affected municipality therein. On or before July 1, the Commissioner shall forward his comments and recommendations regarding each proposed capital project to the Director of Management and Budget. On or before July 15, the Director of Management and Budget shall forward to the Capital Program Advisory Committee all departments' capital requests for the ensuing six fiscal years, as well as the comments and recommendations of the Commissioner of Planning. The Director shall submit his own comments and recommendations to the Capital Program Advisory Committee on or before August 15. The Committee shall consider all requested capital projects and, on or before September 1, shall submit its recommendations to the County Executive.

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27. Editor's Note: This local law provided an effective date of 1-1-2011.

(D) Proposed capital program. On or before September 15, the Director of Management and Budget shall prepare and submit to the County Executive a proposed capital program for the next six fiscal years, arranged in such manner as to indicate the order or priority of each project, and to state for each project:

(1) A description of the proposed project and the estimated total cost thereof.

(2) The proposed method of financing, indicating the amount proposed to be financed by direct budgetary appropriation or duly established reserve funds; the amount, if any, estimated to be received from the federal and/or state governments; and the amount to be financed by the issuance of obligations, showing the proposed type or types of obligations, together with the period of probable usefulness for which they are proposed to be issued.

(3) An estimate of the effect, if any, upon operating costs of the County within each of the three fiscal years following completion of the project.

(E) Budgetary appropriation in tentative budget. The tentative budget shall include the amount proposed for the capital program to be financed by direct budgetary appropriation during the next fiscal year.

(F) Proposed capital budget. The first year of the proposed capital program, covering the ensuing fiscal year, shall be incorporated in a proposed capital budget for such year. The capital budget shall indicate debt service charges for previous projects; proposed down payments and other expenditures for new projects and/or for any project continued from prior years; those expenditures, including debt service, if any, expected to be incurred against such projects during the next fiscal year; and the recommended sources of all proposed capital financing, including but not limited to capital reserve funds, sinking funds, current revenues, temporary borrowing, bond sale, and federal and state grants, loans or advances.

§ A603. Preparation of proposed budget. [Amended 11-5-1992 by L.L. No. 14-1992; 8-19-2010 by L.L. No. 8-2010[28]]

The Director of Management and Budget, pursuant to § C602 of Article VI of the Charter, shall prepare the proposed budget for submission to the County Executive.

(A) On or before July 15, or such earlier date as the Director of Management and Budget may prescribe, the administrative head or authorized agency receiving County funds pursuant to contract or otherwise during the current fiscal year, or any other authorized agency applying for County funds, shall furnish to the Director an estimation of revenues and expenditures of his respective administrative unit or authorized agency for the ensuing fiscal year, exclusive of any capital projects. The estimate shall show the sources of revenues and itemize the character and object of expenditures, together with any additional information as the Director shall prescribe.

28. Editor's Note: This local law provided an effective date of 1-1-2011.

(B) Not less than 30 days prior to the date fixed pursuant to Subsection (A) of this section, the Director shall notify, in writing, all administrative heads or authorized agencies of:

(1) The date fixed pursuant to Subsection (A) herein; and

(2) The form and information to be contained in the estimate.

(C) The Director, upon receipt of the estimates, shall proceed to make such review and investigations and conduct such hearings thereon as he may deem necessary. If an administrative head or other authorized agency fails to submit an estimate by the date specified, the Director shall prepare the estimate.

(D) On or before September 1, the Director of Management and Budget shall furnish to the Clerk of the County Legislature, for review by the County Legislature, a copy of the estimations and other information, including sources of revenue and itemization of the character and object of expenditures, submitted by administrative heads and authorized agencies.

(E) After completion of the review and investigation from the administrative heads and authorized agencies, the Director shall prepare and submit to the County Executive the proposed operation and maintenance expense budget in the form as prescribed for a tentative budget in § 355 of the County Law, except for such modifications as may be directed by the County Executive.

§ A604. Tentative budget and capital program.

(A) The County Executive shall review the proposed operation and maintenance expense budget and the proposed capital budget as submitted by the Director, together with any other anticipated items of County expenditure or revenue, and shall prepare the proposed budget for the County for the ensuing fiscal year for both current operating and capital purposes. The budget shall show in parallel columns the following comparative information:

(1) Actual expenditures and revenues for the last completed fiscal year.

(2) The budgeted expenditures and revenues for the current fiscal year, reflecting transfers and supplemental appropriations as to a date not more than 45 days prior to the day of the filing of the tentative budget by the County Executive with the Clerk of the County Legislature pursuant to § C603 of Article VI of the Charter.

(3) The estimates of expenditures and revenues for the ensuing fiscal year submitted by the administrative heads and authorized agencies.

(4) The recommendations and estimates of the County Executive as to expenditures and revenues for the ensuing fiscal year.

In addition to items of operation and maintenance, the tentative budget shall include:

(1) Capital project expenditures for which the County is liable or which the County Executive recommends be undertaken in the ensuing fiscal year.

(2) Recommended expenditures and estimated revenues.

(3) A statement of the bonded indebtedness of the County, the redemption of interest requirements, the indebtedness authorized and unissued, the condition of the capital reserve and sinking funds, and the debt limitation of the County.

(B) Recommended expenditures. The recommendations for expenditures in the tentative budget shall be classified by administrative units and their subunits according to the internal organization of such administrative units or by special funds. The recommendations shall show the character and object of expenditure and shall contain: **[Amended 3-31-1987 by L.L. No. 2-1987]**

(1) Any estimate of the several amounts which the County Executive deems necessary in the ensuing fiscal year for conducting the business of the County for each administrative unit thereof, separately stated, and for other County purposes and charges, classified to show separately the ordinary recurring expense of the operation and maintenance of County government and any extraordinary or nonrecurring expenses to be financed from current revenues.

(2) An estimate of the general contingent fund which the County Executive recommends be provided for unanticipated or emergency County purposes or charges.

(3) A statement of the several amounts recommended by the County Executive for appropriation to the reserve funds and sinking funds, if any.

(4) A statement of the amount required to pay the interest on and amortization of a redemption of indebtedness becoming due in the ensuing fiscal year.

(5) An estimate of the amount to be paid to school districts on account of unpaid school taxes to be returned to the County during such year.

(6) The amount of any judgment recovered against the County and payable during the fiscal year and for which no bonds have been or will be issued.

For purposes of this subsection, the Broome County Veterans Memorial Arena and the Broome County Performing Arts Theater (The Forum) shall be treated as separate administrative units.

(C) Estimated revenues. The estimates of revenue in the tentative budget shall be classified by accounts and administrative units, shall show the sources of income, and shall contain: **[Amended 3-31-1987 by L.L. No. 2-1987]**

(1) A statement of all revenues which it is estimated will be received by the County during the ensuing fiscal year, except from County taxes to be levied.

(2) A statement of all unexpended balances, if any, at the end of the last completed fiscal year which are available to meet the expenditure requirement of the fiscal year for which the tentative budget is being prepared.

(3) An estimate of the anticipated receipts from delinquent taxes, which shall not exceed the amount received in cash from delinquent taxes during the last six months of the most recently completed fiscal year and the first six months of the current fiscal year, provided that delinquent taxes shall include the proceeds of the collection of all taxes levied or relevied by the County Legislature for any year preceding the current fiscal year, together with interest and penalties thereon, the sale of property sold for such taxes and the redemption of property sold for such taxes and bid in by the County, but shall not include the proceeds of any such collection, sale or redemption occurring during the fiscal year for which such taxes were originally levied. **[Amended 11-5-1992 by L.L. No. 14-1992]**

(4) A statement as to the amounts, if any, from the capital reserve fund and/or sinking funds available for down payments, other current capital payments or debt service during the ensuing fiscal year.

(5) A statement of the estimated net County tax requirements, determined by subtracting the total estimated revenues, other than taxes to be levied, from the total recommended expenditures for the ensuing fiscal year.

For the purposes of this subsection, the Broome County Veterans Memorial Arena and the Broome County Performing Arts Theater (The Forum) shall be treated as separate administrative units.

(D) Money received by the County but required by law to be paid to the State of New York or to the units of government within the County shall not be included in the expenditures and revenues anticipated in the budget; provided, however, that this shall not apply to moneys advanced to local governmental units within the County on account of delinquent taxes.

(E) Capital program. The County Executive shall review the proposed capital program as prepared by the Director of Management and Budget. He shall, after making such changes as he may deem advisable, arrange it so as to set forth clearly: **[Amended 8-19-2010 by L.L. No. 8-2010[29]]**

(1) Each pending capital project, the amount of all liabilities outstanding, the unencumbered balances of authorization and estimated additional authorizations required for its completion.

(2) Each new capital project recommended, the year in which it is recommended to be undertaken and the estimated cost.

(3) Each pending or recommended project, a brief description, the estimated date of completion, the amount of liabilities estimated to be incurred in each fiscal year to completion, the estimated useful life in years, the amounts, nature and terms of obligations recommended to be authorized and the estimated annual operating and maintenance charges such project will entail.

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29. Editor's Note: This local law provided an effective date of 1-1-2011.

(4) Recommendations that a pending project be modified, postponed or abandoned.

(5) Other information that the County Executive may deem advisable.

(F) Proposed appropriation resolution. The County Executive shall prepare a proposed appropriation resolution referring to the tentative budget and making provision for the conduct of the County government for the ensuing fiscal year. The resolution shall be filed with the Clerk of the County Legislature as prescribed in Subsection (G) of this section.

(G) Submission to the County Legislature. On or before the first day of October of each year, the County Executive shall submit to the Clerk of the County Legislature and make available to the public the tentative budget, including both the operation and maintenance expense budget and the capital budget, for the ensuing fiscal year, the proposed appropriation resolution as prescribed in Subsection (F) of this section and the capital program for the ensuing six fiscal years, together with an accompanying budget message as prescribed by § C604 of Article VI of the Charter. The County Legislature will proceed to consider the same and hold a public hearing and adopt a budget in a manner provided by Article VI of the Charter and the provisions of this Code. **[Amended 11-5-1992 by L.L. No. 14-1992]**

§ A605. Public hearing.

Pursuant to § C606 of Article VI of the Charter, the County Legislature or a committee designated by the County Legislature shall hold a public hearing on the tentative budget, the capital program and the budget message as submitted by the County Executive. The Clerk of the County Legislature shall cause to be printed or otherwise reproduced sufficient copies of the same, as determined by the County Executive, except that more than 100 copies of the same may be ordered printed or otherwise reproduced by resolution of the County Legislature. The copies shall be made available for distribution not less than five days prior to the holding of said public hearing. The notice of said public hearing shall state the time, place and purpose of such hearing and shall state that said copies are available at the office of the Clerk of the County Legislature and may be inspected or procured thereat by any interested person during business hours. Said notice shall be published at least once in the official newspapers and such other newspapers as may be designated by the County Legislature. The hearing shall be held on the date so specified, at which time any person may be heard for or against the recommendations and estimates submitted by the County Executive or any item thereof and the report submitted by the County Legislature or a committee designated by the County Legislature or any item thereof.

§ A606. Adoption of budget.

The budget shall be adopted by the County Legislature as provided by § C607 of Article VI of the Charter. In addition to any other requirements, the budget, as adopted, shall be printed by the Clerk of the County Legislature in the Annual Journal of Proceedings of the County Legislature.

§ A607. Levy of taxes; inclusion of reserve for uncollected taxes.

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

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

§ A608. Budget controls.

(A) No County officer, employee, administrative unit or other authorized agency as defined in § A603(A) of this Code shall, during a fiscal year, expend or contract to expend any money or incur any liability or enter into any contract which, by its terms, involves the expenditure of money for any of the purposes for which provision is made in the budget in excess of the amounts appropriated for such fiscal year or for any other purpose, except as otherwise provided in this Code, the Charter or the Local Finance Law. The unexpended balance of each appropriation, less the commitments outstanding at the close of the fiscal year for which it was made, shall lapse at the close of such fiscal year and shall be deemed as revenue for the purpose of preparing, during the following fiscal year, the tentative budget for the ensuing fiscal year pursuant to § A604(C)(2) of this article, and in this respect no assignment of a requisition number, line item or a request by letter or other means to the Comptroller or any other County officer from any administrative unit for the purpose of holding over after the close of such fiscal year any unencumbered balance, or part thereof, of any appropriation shall be construed to be a commitment or the encumbering of any such appropriation, provided that nothing herein contained shall be construed to require the lapsing of appropriations which may or are required to be made for an indefinite period or which include state refunds, allocations or grants applicable to said appropriations pursuant to any other provision of law; and provided, further, that nothing herein shall be construed to prevent the making of appropriations or contracts for the construction of permanent public improvements or works not to be completed during the fiscal year, or the acquisition of property therefor, or the establishment of bond or capital accounts, sinking funds or reserve funds, and each such appropriation, account or fund shall continue in full force until the purpose for which it was made shall have been accomplished or shall have been abandoned by a 2/3 vote of the County Legislature. Any contract, verbal or written, made in violation of this section shall be null and void.

(B) The County Executive shall maintain control at all times over the expenditures of each administrative unit, officer, employee and financial activity of the County in accordance with the provisions of the Charter and this Code.

§ A609. Transfers. [Amended 3-31-1987 by L.L. No. 2-1987; 12-16-2010 by L.L. No. 1-2011]

The County Executive may, at any time during the fiscal year, transfer part or all of any unencumbered appropriation balance between classifications of expenditures within the same administrative unit, provided that prior approval by resolution of the County Legislature shall be required if the proposed transfer would affect any salary rate or salary total, and further provided that prior approval by resolution of the County Legislature shall be required if the proposed transfer would affect the total appropriations for the Broome County Veterans Memorial Arena or the Broome County Performing Arts Theater (The Forum). Transfers within administrative units affecting salary totals in grant budgets shall not require approval of the County Legislature. If the County Executive so requests in writing, the County Legislature, by resolution effective immediately, may transfer part or all of any unencumbered appropriation balance from one County administrative unit to another or a contingent fund to any administrative unit; provided, however, that no such transfer shall be made from appropriations for debt service and no appropriations may be reduced below any amount required by law to be appropriated.

§ A610. Contingent fund.

The County Legislature, by resolution, subject to veto by the County Executive, may at any time appropriate all or any part of the moneys in the general contingent fund for general County purposes.

ARTICLE VII
Department of Health
[Amended 4-3-1979 by L.L. No. 6-1979]

§ A701. County Health District and Department of Health; Commissioner or Director; appointment; qualifications.

The County shall continue to be a county health district. There shall be a Department of Health headed by a commissioner or a director. The method of choosing the Commissioner or the Director, as well as his qualifications, shall be provided in § C701 of Article VII of the Charter.

§ A702. Powers and duties. [30]

The Commissioner or Director of Health shall have all the powers and perform all the duties conferred or imposed upon county or part-county health commissioners and/or county or

30. Editor's Note: Amended at time of adoption of Charter and Code (see Ch. 1 General Provisions, Art. I).

part-county boards of health by law, except as may otherwise be provided by the Charter and this Code. He shall have and exercise all the powers and duties and shall be subject to all the obligations and liabilities heretofore or hereafter lawfully granted or imposed by the Charter, Code, local law, ordinance or resolution of the County Legislature, order or direction of the County Executive or any applicable provision of any act of the State Legislature not inconsistent with the Charter and Code. In addition thereto, he shall perform such other and related duties as shall be required or delegated to him by the County Executive or County Legislature. On or before December 1 in each year, the Commissioner or Director of Health shall make an annual report for the immediately preceding calendar year covering generally the work of his Department. The Commissioner or Director shall make such other reports at such times as may be required by the County Legislature, County Executive, New York State Department of Health or any other applicable law. Copies of all reports shall be filed with the Clerk of the County Legislature and the County Executive.

§ A703. Health Advisory Board.

There shall be a Health Advisory Board, consisting of the Chairman of the County Legislature, the Chairman of the Public Health Committee of the County Legislature and nine other members, all of whom shall be residents of Broome County, and three of whom shall be physicians duly licensed to practice in the State of New York. The Broome County Medical Society may submit to the County Executive a list of physicians from which the County Executive may choose the physician members of the Health Advisory Board.

Except for the Chairman of the County Legislature and the Chairman of the Public Health Committee, members of the Health Advisory Board shall be appointed by the County Executive and subject to confirmation by the County Legislature for a term of four years, except that of those first appointed, three for two-year terms; three for three-year terms and three for four-year terms. If the County Executive fails to fill a vacancy on the Health Advisory Board within 60 days after a vacancy occurs, the County Legislature shall proceed to fill such vacancy in the same manner as provided herein. Whenever a vacancy occurs by expiration of term, a member may continue his office for a period not to exceed 60 days unless an appointment is made thereto.

The Health Advisory Board shall elect each year, on or before the 15th of January, a Chairman, Vice Chairman and Secretary. Meetings of such Board shall be held at the call of the Chairman of the Health Advisory Board or the County Executive on at least three days' written notice, mailed to the last known address of such Board members. The Health Advisory Board shall adopt rules of procedure for the conduct of its meetings and shall establish its regular meeting dates.

The Health Advisory Board shall have and exercise the powers and duties conferred or imposed upon such Board by the Charter and Code.

The Health Advisory Board shall, at the request of the Commissioner or Director of Health, and may, on its own initiative, make recommendations and suggestions, in writing, to the Commissioner or Director of Health or the County Legislature relative to the qualifications and duties of the deputies, officers or employees of the Department. The Health Advisory Board may also make recommendations and suggestions to the County Legislature relative to the operation of the Department of Health. The members of such Board shall receive no salary

or compensation for their services, but shall, within the appropriations provided therefor, be entitled to actual and necessary disbursements and expenses in performing the duties of their office.

§ A704. Sanitary Code.

Any Sanitary Code hereafter adopted by the County Legislature pursuant to the provisions of § C704 of Article VII of the Charter, and any amendment to such Sanitary Code, shall be published and filed in the manner and places required by law.[31] Before adopting such Sanitary Code or any amendment thereto, the County Legislature shall cause notice of a public hearing thereon to be published in the official newspapers once a week for two successive weeks, and at least 20 days shall elapse from the first publication date to the date of such hearing. Such notice shall contain an abstract statement of such proposed Sanitary Code or amendment and give the time and place of such hearing. On or before the date of the first publication of such proposed Sanitary Code or amendment, copies thereof shall be filed with the Clerk of the County Legislature, the County Executive and the Commissioner or Director of Health and be open to inspection by the public. Penalties for violation of or nonconformance with such Sanitary Code shall be as provided by such code or other applicable law. The Sanitary Code and any amendments thereto as are approved and adopted shall also be filed in the Department of Records before the same shall become effective, and certified copies thereof shall be filed with the Clerk of the County Legislature, the County Executive and the Commissioner or Director of Health.

§ A705. Organization of Department.

The Commissioner or Director of Health shall organize the Department of Health, under the supervision of the County Executive, in such manner as may be necessary to perform and direct such health functions, programs, services and/or facilities as may be provided within the budgetary appropriations therefor by the County Legislature. The Department of Health shall include but not necessarily be limited to the services, facilities and programs of the Tuberculosis Chest Clinic, physically handicapped persons and other public health facilities.

Any clinic, dispensary, hospital or laboratory facilities relating to public health heretofore or hereafter established by a city, town or village and subsequently transferred to the County or heretofore or hereafter established by the County Legislature shall become a division or other subordinate part of the Department of Health as prescribed by the County Legislature.

§ A706. Deputies.

The Commissioner or Director of Health may, when such positions are authorized by the County Legislature, and within the budgetary appropriations provided therefor, appoint to serve at his pleasure such deputies as he may deem necessary for the performance of his duties and to fulfill the purposes of Article III of the Public Health Law in the county or part-county health district. The Deputies shall have the qualifications prescribed by the New York State Sanitary Code and shall have the authority to act generally for and in place of the

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31. Editor's Note: See Ch. 305, Sanitary Code.

Commissioner or Director of Health. The designation or designations shall be in writing and filed in the Department of Records, and copies thereof shall be filed with the County Executive and with the Clerk of the County Legislature.

ARTICLE VIII
Department of Mental Health

§ A801. Department of Mental Health; Commissioner; appointment; qualifications.

There shall be a Department of Mental Health headed by a commissioner. The method of choosing the Commissioner as well as his qualifications shall be as provided in § C801 of Article VIII of the Charter.

§ A802. Powers and duties.

The Commissioner of Mental Health shall have all the powers and duties and shall be subject to all the obligations and liabilities heretofore and hereafter lawfully granted or imposed by the Charter, this Code, local law, ordinance or resolution of the County Legislature, order or direction of the County Executive or any applicable provision of any act of the State Legislature not inconsistent with the Charter and Code. Such powers and duties, obligations or liabilities shall include, but shall not be limited to, any powers, duties, obligations or liabilities granted or imposed upon a director of community mental health services and upon community mental health boards, except as otherwise provided by the Charter and Code.

The Commissioner of Mental Health shall be in charge of and coordinate the Mental Health Clinic, alcohol and drug abuse programs and all other facilities, services and programs relating to community mental health heretofore or hereafter established by the County Legislature.

§ A803. Reports. [Amended 8-18-1994 by L.L. No. 14-1994]

On or before June 10 in each year, the Commissioner of Mental Health shall make an annual report for the immediately preceding calendar year, covering generally the work of the Department. The Commissioner shall make such other reports at such times as may be required by the County Legislature, County Executive, Mental Hygiene Law or other applicable law and the New York State Department of Mental Hygiene. All reports shall be filed with the Clerk of the County Legislature and the County Executive.

§ A804. Community Services Board. [Amended 4-20-1978 by L.L. No. 4-1978; 8-18-1978; 8-18-1994 by L.L. No. 14-1994]

There shall be a Community Services Board, consisting of the Chair of the County Legislature or a County Legislator designated by the Chair and 14 other members. The Community Services Board shall have subcommittees in accordance with Article 41 of the Mental Hygiene Law. All members of the Community Services Board and subcommittees shall be residents of Broome County.

Except for the Chair of the County Legislature or his/her legislative designee, members of the Board and subcommittees shall be appointed by the County Executive, subject to the approval of the County Legislature, for a period of four years, except that such appointments by the County Executive may be for lesser terms in order to assure that terms of Board and subcommittee members are staggered to the extent practicable. If the County Executive fails to fill a vacancy on the Community Services Board within 60 days after a vacancy occurs by expiration of term, a member may continue his or her office for a period not to exceed 60 days or until an appointment is made thereto. All vacancies filled for unexpired terms shall be only for the period of the unexpired term.

The Community Services Board shall elect each year, on or before the 15th day of January, a Chair, Vice Chair and Secretary.

Meetings of such Board shall be held at the call of the Chair of the Community Services Board, the Commissioner or the County Executive on at least three days' written notice, mailed to the last known address of such Board members. The Community Services Board shall adopt rules of procedure for the conduct of its meetings and shall establish the regular meeting dates.

The Community Services Board shall have and exercise the powers and duties conferred or imposed upon such board by the Charter and Code and by Article 41 of the Mental Hygiene Law. The Community Services Board shall, at the request of the Commissioner of Mental Health, and may, on its own initiative, make recommendations and suggestions, in writing, to the Commissioner of Mental Health, County Executive or the County Legislature relative to the qualifications and duties of the deputies, officers or employees of the Department. The Community Services Board may also make recommendations and suggestions to the County Legislature relative to the operation of services and facilities in the community mental health programs. The members of such Board and subcommittees shall receive no salary or compensation for their services but shall, within the appropriations provided therefor, be entitled to actual and necessary disbursements and expenses in performing the duties of their office.

§ A805. Organization of Department.

The Commissioner of Mental Health shall organize the Department of Mental Health, under the supervision of the County Executive, in such manner as may be necessary to perform and direct such mental health functions, programs, commitments, services and/or facilities as may be provided within the budgetary appropriations therefor by the County Legislature.

§ A806. Deputies.

The Commissioner of Mental Health may, when such positions are authorized by the County Legislature, and within the budgetary appropriations provided therefor, appoint to serve at his pleasure such deputies as he may deem necessary for the performance of his duties.

The Commissioner of Mental Health shall designate a deputy or deputies to whom shall be delegated all the powers and duties of the Commissioner of Mental Health and shall have the authority to act generally for and in place of said Commissioner. The designation or

designations shall be in writing and filed in the Department of Records, and copies thereof shall be filed with the County Executive and with the Clerk of the County Legislature.

ARTICLE IX
Department of Public Works, Parks, Recreation and Youth Services
[Amended 12-30-1988 by L.L. No. 3-1989; 3-16-2000 by L.L. No. 5-2000; 7-17-2008 by L.L. No. 5-2008; 11-8-2012 by L.L. No. 8-2012]

§ A901. Department of Public Works, Parks, Recreation and Youth Services; Commissioner; appointment; qualifications.

There shall be a Department of Public Works, Parks, Recreation and Youth Services headed by a commissioner. The method of choosing the Commissioner as well as his qualifications shall be as provided for in § C901 of Article IX of the Charter.

§ A902. Powers and duties.

The Commissioner of Public Works, Parks, Recreation and Youth Services shall:

(A) Have sole charge of the administration of his Department, subject to any applicable rules and regulations that may be adopted by the County Legislature.

(B) Have all the powers and duties and be subject to all obligations and liabilities heretofore or hereafter lawfully granted or imposed by this Code, the Charter, local law, ordinance or resolution of the County Legislature or any applicable provision of any act of the State Legislature. Such powers, duties, obligations and liabilities shall include but shall not be limited to any power, duty, obligation or liability now or hereafter required to be performed by or imposed upon a county engineer or a county superintendent of highways.

(C) Within the appropriations provided therefor, and when authorized by the County Legislature, employ such special engineering, architectural or other technical assistance and incur such expenses as may be necessary for the performance of any of his duties. Professional fees or other compensation shall not exceed rates approved by the County Legislature.

(D) Have the authority, as will any consultant, deputy, assistant or employee of the Department of Public Works, Parks, Recreation and Youth Services when authorized by the Commissioner, to enter upon any public or private property within the County for the purpose of making any surveys, examinations or investigations necessary or desirable for the exercise of the powers or the performance of the duties of the Department of Public Works, Parks, Recreation and Youth Services.

(E) Arrange, subject to the approval of the County Legislature, with any public corporation or public authority, or any combination of the same, for public works services as provided by law. The charge for such joint services shall be in each case determined by the allocation of such costs as certified by the Commissioner of Public Works, Parks, Recreation and Youth Services.

(F) Have charge of and have the duty of performing such other functions concerning County property, public works and other matters as the County Legislature or the County Executive may from time to time direct.

(G) Have charge, supervision and control of the design, construction, operation, maintenance and repair of all grounds, parking fields, drives and walks, together with all structures, roads, parking areas, equipment and appurtenances relating to parks and recreation facilities.

(H) Have charge, supervision and control of all parks and recreation programs.

(I) Have charge, supervision and control of the operation, maintenance and use of the Broome County Veterans Memorial Arena and the Broome County Performing Arts Theater (The Forum).

(J) Have charge and supervision of establishing programs for the aid and betterment for youth, including but not limited to programs authorized under Article 19-A of the Executive Law.

§ A903. Reports.

On or before March 1 in each year, the Commissioner of Public Works, Parks, Recreation and Youth Services shall make an annual report for the immediately preceding calendar year, covering generally the work of his Department. The Commissioner shall make such other reports at such times as may be required by the County Legislature, County Executive or other applicable law and the New York State Department of Transportation. All reports shall be filed with the Clerk of the County Legislature and County Executive.

§ A904. Organization of Department.

There shall be within the Department of Public Works, Parks, Recreation and Youth Services the following Divisions: the Division of Highways, the Division of Buildings and Grounds, the Division of Engineering, the Division of Security, the Division of Solid Waste Management, the Division of Drainage, Sanitation and Water Supply, Division of Parks, Recreation and Youth Services and such other divisions as may be created within the Department by the County Legislature. The Commissioner shall assign a deputy to each division who shall act generally for and in place of the Commissioner. Such division heads shall be subject to reassignment, including the responsibility of being the head of more than one division. The Commissioner may, when authorized by the County Executive, act as the head of any division in the Department.

(A) Division of Highways. The Division of Highways shall be headed by a Deputy Commissioner, who shall possess the administrative and highway engineering experience and qualifications for the duties of his office. Said Deputy shall, to the extent that the Commissioner of Public Works, Parks, Recreation and Youth Services shall designate the same in writing, have all the powers and duties vested in and imposed upon a county superintendent of highways by the Highway Law. He shall have such other duties as may

be prescribed by local law, ordinance or resolution of the County Legislature or by direction of the Commissioner of Public Works, Parks, Recreation and Youth Services.

The provisions of the Highway Law shall apply to and define the powers, duties, obligations and liabilities of the Commissioner of Public Works, Parks, Recreation and Youth Services or of his designated deputy when exercising any of the powers or performing any of the duties of a county superintendent of highways.

The Commissioner of Public Works, Parks, Recreation and Youth Services may permit the rental, with or without an operator, of County highway machinery, tools, equipment and implements under the jurisdiction of the Commissioner of Public Works, Parks, Recreation and Youth Services by any public corporation or public authority, or any combination of the same, as provided by law, upon such terms as may be agreed upon, but with the payment to the County of not less than the hourly rate as fixed by the New York State Commissioner of Transportation for the rental or hiring of such machinery, tools, equipment or implements by the County. All sums obtained from the rental of County highway machinery shall be deposited in the County Road Machinery Fund.

The Commissioner of Public Works, Parks, Recreation and Youth Services may permit the rental of machinery, with or without an operator, from any person, company or corporation or any public corporation or public authority, or any combination of the same, in accordance with the applicable statutes appertaining thereto; such rental shall be payable from the proper fund.

(B) Division of Buildings and Grounds. The Division of Buildings and Grounds shall be headed by a Deputy Commissioner, who shall be appointed on the basis of his administrative experience and his qualifications for the duties of his office.

The Deputy Commissioner shall have charge of the preservation and maintenance of all buildings and grounds owned or leased by the County which are held, used and/or operated by the County for County purposes, except:

(1) The lands and buildings under the jurisdiction of the Division of Highways, the Division of Engineering and the Division of Solid Waste Management.

(2) The custodial care of jails, jail barracks, airports, community colleges, Broome County nursing homes, social service office buildings and mental health clinics.

(3) The maintenance, repair and alterations of runways and other airport facilities.

(4) The buildings and grounds under the jurisdiction of the Division of Parks, Recreation and Youth Services.

The Deputy Commissioner shall have charge and control of all janitors, caretakers, custodians and other employees connected with the care and maintenance of County buildings and grounds, except as provided herein. He may make such rules and regulations governing such employees as he shall deem proper, subject to the approval of the Commissioner of Public Works, Parks, Recreation and Youth Services.

The Deputy Commissioner shall have the power to maintain and operate any County central garage that may be hereafter established by the County Legislature.

(C) Division of Engineering. The Division of Engineering shall be headed by a Deputy Commissioner, who shall be appointed on the basis of his administrative experience and his qualifications for the duties of his office. He shall be licensed by the State of New York to practice professional engineering. The Deputy Commissioner shall:

(1) Have charge and supervision of all officers and employees of the Department of Public Works, Parks, Recreation and Youth Services performing professional engineering, surveying and related engineering services for the County, except division heads of said Department.

(2) Upon the request of the Commissioner of Public Works, Parks, Recreation and Youth Services, assign such officers and employees from the Division of Engineering as may be needed by other divisions of the Department of Public Works, Parks, Recreation and Youth Services to work on projects designated by such Commissioner.

(3) Upon the request of the County Legislature, perform such professional engineering, surveying and related engineering services as may be required by other County administrative units.

(4) Oversee and supervise the design and construction of all capital projects.

The Deputy Commissioner shall, to the extent that the Commissioner of Public Works, Parks, Recreation and Youth Services shall designate the same in writing, have all the powers and duties invested in and imposed upon a county engineer by the Highway Law.

The Deputy Commissioner shall perform such other related duties and make such reports as are required by the Commissioner of Public Works, Parks, Recreation and Youth Services.

(D) Division of Security. The Division of Security shall be headed by the Director of Security, who shall be appointed by the Commissioner on the basis of administrative experience and qualifications for the office. The Director shall be in charge of all security as designated by the Commissioner, subject to appropriation by the Legislature.

(E) Division of Solid Waste Management. The Division of Solid Waste Management shall be headed by a Deputy Commissioner, who shall be appointed on the basis of his or her

administrative experience and qualifications for the office. The Deputy Commissioner shall:

(1) Have charge and supervision of all of the County's materials-recovery programs, including reuse, recycling and reduction programs.

(2) Have charge and supervision of the operation and maintenance of the County's sanitary landfills and solid waste disposal facilities.

(3) Have charge of and supervise the implementation of all charges or user fees imposed or fixed by the County Legislature for solid waste disposal or handling.

(4) Coordinate all engineering studies for the County's solid waste management operations.

(5) Perform such other and further duties in connection with the administration of the County's solid waste management program as may be required by the Commissioner of Public Works, Parks, Recreation and Youth Services.

(F) Division of Drainage, Sanitation and Water Supply. The Division of Drainage, Sanitation and Water Supply shall be headed by a Deputy Commissioner, who shall be appointed on the basis of his or her administrative experience and qualifications for the office. The Deputy Commissioner shall:

(1) Have charge of facilities for County drainage, sewage and water supply.

(2) Have the management and control of certain County special districts, including, but not limited to, County water, water quality treatment, water supply, sewer, wastewater disposal and drainage districts.

(3) Be responsible for and coordinate maintenance of completed structures and other duties in connection with small watershed flood protection projects in Broome County.

(G) Division of Parks, Recreation and Youth Services. The Division of Parks, Recreation and Youth Services shall be headed by a Director of Parks, Recreation and Youth Services, who shall be appointed on the basis of his or her administrative experience or qualifications for the office. The Director shall:

(1) Have charge, supervision and control of the design, construction, operation, maintenance and repair of all grounds, parking fields, drives and walks, together with all structures, roads, parking areas, equipment and appurtenances relating to parks and recreation facilities.

(2) Have charge, supervision and control of all parks and recreation programs.

(3) Have charge and supervision of establishing programs for the aid and betterment for youth, including but not limited to programs authorized under Article 19-A of the Executive Law.

(4) Shall perform the duties of Executive Director of the Youth Bureau.

§ A905. Rules and regulations.

The County Legislature shall have the power by resolution, local law, or ordinance to establish such rules, regulations and charges relating to the Department of Public Works, Parks, Recreation and Youth Services as it may deem necessary. Any such rules, regulations or charges so established shall become valid upon their being filed with the County Executive, the Commissioner of Public Works, Parks, Recreation and Youth Services and the Department of Records.

§ A906. Deputies.

The Commissioner of Public Works, Parks, Recreation and Youth Services shall appoint deputies as authorized by the County Legislature. All Deputy Commissioners and the Director of Parks, Recreation and Youth Services shall serve at the pleasure of the Commissioner of Public Works, Parks, Recreation and Youth Services. The Deputy Commissioners shall perform all duties and make all reports as are required by the Commissioner of Public Works, Parks, Recreation and Youth Services and shall have the authority to act generally for and in place of said Commissioner. The designation or designations shall be in writing and filed with the Department of Records, and copies thereof shall be filed with the County Executive and with the Clerk of the County Legislature.

The Commissioner of Public Works, Parks, Recreation and Youth Services may delegate to one or more of his deputies specific powers and duties, including those which he has as county engineer or as county superintendent of highways, and may revoke such delegations. If the powers or duties so delegated or revoked are those which the Commissioner of Public Works, Parks, Recreation and Youth Services has as county engineer or county superintendent of highways, a duplicate of such written delegation or revocation shall be filed with the New York State Commissioner of Transportation, if required by law. Any act performed by a deputy pursuant to such delegation shall have the same effect, in law, as if performed by the Commissioner of Public Works, Parks, Recreation and Youth Services.

ARTICLE X
Department of Public Transportation
[Amended 5-6-1980 by L.L. No. 3-1980]

§ A1001. Department of Public Transportation; Commissioner; appointment; qualifications. [Amended 1-25-1989 by L.L. No. 4-1989]

There shall be a Department of Public Transportation headed by a commissioner. The method of choosing the Commissioner shall be as provided in § C1001 of Article X of the Charter. The qualifications of the Commissioner of Public Transportation shall be as follows: He shall have graduated from a regionally accredited or New York State registered college or university with a bachelor's degree in the field of transportation systems or business administration and have had five years of supervisory or administrative experience in these fields; graduated from a regionally accredited or New York State registered college or university with a master's degree in the field of transportation systems or business administration and have had three years of supervisory or administrative experience in these fields; or any equivalent combination of training and experience.

§ A1002. Powers and duties.

The Commissioner of Public Transportation shall:

(A) Have power to operate and manage a bus transit system, hereinafter referred to as the "Broome County Transit System," for the County of Broome.

(B) Proceed as effectively as possible in the direction and control of the conduct, maintenance, extension, repair, care and operation of the Broome County Transit System.

(C) Have charge, supervision and custodial care of all vehicles, buildings and any other real or personal property, things or matters appurtenant thereto relating to the Broome County Transit System.

(D) Have charge of and have the duty of performing other functions concerning the transit system and other modes of transportation as the County Executive and/or the County Legislature may from time to time direct.

§ A1003. Reports.

On or before March 1 in each year, the Commissioner of Public Transportation shall make an annual report for the immediately preceding calendar year covering generally the work of his Department. The Commissioner shall make such other reports at such times as may be required by the County Legislature, County Executive or other applicable law and the New York State Department of Transportation. All reports shall be filed with the Clerk of the County Legislature and the County Executive.

§ A1004. Rules and regulations. [Amended 8-19-2010 by L.L. No. 8-2010[32]]

The County Legislature shall have the power by resolution, local law or ordinance to establish such rules, regulations and charges relating to the Department of Public Transportation as it may deem necessary. Any such rules, regulations or charges so established shall become valid upon being filed with the County Executive, the Commissioner of Public Transportation and the Office of Management and Budget.

§ A1005. Deputies. [Amended 9-4-2013 by L.L. No. 8-2013]

The Commissioner of Aviation shall appoint a Deputy Commissioner of Aviation for Operations and Administration and a Deputy Commissioner of Aviation for Finance and such other Deputies as shall be authorized by the County Legislature. All Deputy Commissioners shall serve at the pleasure of the Commissioner of Aviation and shall have the authority to act generally for and in place of said Commissioner. The designation or designations shall be in writing and filed in the Department of Records, and copies thereof shall be filed with the County Executive and with the Clerk of the County Legislature.

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32. Editor's Note: This local law provided an effective date of 1-1-2011.

ARTICLE X-A
Department of Aviation

[Added 5-6-1980 by L.L. No. 3-1980]

§ A1001-A. Department of Aviation; Commissioner; appointment; qualifications.

There shall be a Department of Aviation headed by a commissioner. The method of choosing the Commissioner shall be as provided in § C1001-A of Article X-A of the Charter. The qualifications of the Commissioner of Aviation shall be as follows: He shall have at least two years' experience as director of an airport operation; or five years' experience as assistant director; or equivalent combination of the two; and such other additional qualifications as may be prescribed by the County Legislature.

§ A1002-A. Powers and duties.

The Commissioner of Aviation shall:

(A) Have all powers and duties in relation to the County airport facilities subject to such control by federal and state aviation agencies and statutes as may be applicable.

(B) Have charge, supervision and custodial care of all buildings or other County-owned facilities located upon or used in connection with the County airport.

(C) Have charge and supervision of the County airport, including the maintenance, repair and alterations of all runways and other airport facilities which are subject to control by federal and state aviation agencies.

(D) Have charge of and have the duty of performing other functions concerning the airport facilities and other modes of transportation as the County Executive and/or the County Legislature may from time to time direct.

§ A1003-A. Reports.

On or before March 1 of each year, the Commissioner of Aviation shall make an annual report for the immediately preceding calendar year, covering generally the work of his Department. The Commissioner shall make such other reports at such times as may be required by the County Legislature, the County Executive or other applicable law and the New York State Department of Transportation. All reports shall be filed with the Clerk of the County Legislature and the County Executive.

§ A1004-A. Rules and regulations. [Amended 8-19-2010 by L.L. No. 8-2010[33]]

The County Legislature shall have the power by resolution, local law or ordinance to establish such rules, regulations and charges relating to the Department of Aviation as it may deem

33. Editor's Note: This local law provided an effective date of 1-1-2011.

necessary.[34] Any such rules, regulations or charges so established shall become valid upon being filed with the County Executive, the Commissioner of Aviation and the Office of Management and Budget.

§ A1005-A. Deputies.

The Commissioner of Aviation shall appoint a Deputy Commissioner of Aviation and such other deputies as shall be authorized by the County Legislature. All Deputy Commissioners shall serve at the pleasure of the Commissioner of Aviation and shall have the authority to act generally for and in place of said Commissioner. The designation or designations shall be in writing and filed in the Department of Records, and copies thereof shall be filed with the County Executive and with the Clerk of the County Legislature.

ARTICLE XI
(Reserved) [35]

§ A1101. through § A1105. (Reserved)

ARTICLE XII
Board of Acquisition and Contract

§ A1201. Board created; organization and procedures. [Amended 11-8-2012 by L.L. No. 8-2012]

There shall be a Board of Acquisition and Contract, which shall consist of the County Executive, the Commissioner of Public Works, Parks, Recreation and Youth Services, and the Chairman of the County Legislature, or their designees. The Board of Acquisition and Contract shall have all the powers and duties in relation to the acquisition of real property and the approval and execution of contracts as are set forth in §§ A1202, A1203, A1204, A1205 and A1206 of this article.

The Board of Acquisition and Contract shall meet at the call of the County Executive, who shall serve as Chairman of such Board. All meetings of the Board of Acquisition and Contract shall be open to the public, and the Board shall be required to keep written minutes of its proceedings, which shall be available to public inspection at all reasonable times.

The Board of Acquisition and Contract shall adopt rules of procedure for the conduct of its meetings and shall establish its regular meeting dates.

The Board of Acquisition and Contract shall have and exercise all powers and duties conferred or imposed upon it by the Charter and this Code. The members of such Board shall receive no additional salary or compensation for their services, but shall, within the appropriations provided therefor, be entitled to actual and necessary disbursements and expenses in performing the duties of their office.

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34. Editor's Note: See also Ch. 193, Airport.

35. Editor's Note: Former Art. XI, Department of Parks and Recreation, was repealed 11-8-2012 by L.L. No. 8-2012.

The Board of Acquisition and Contract may make recommendations to the County Legislature relative to the operations of the Board and County contracts.

§ A1202. Approval of professional service contracts. [Amended 10-15-1992 by L.L. No. 13-1992; 8-15-1996 by L.L. No. 6-1996; 5-15-2008 by L.L. No. 2-2008]

The Board of Acquisition and Contract shall award all contracts for professional services involving expenditures of $15,000 or less, except that the award of contracts for expert witness services for litigation shall be in accordance with the provisions of the Broome County Purchase Procurement Process Manual.

§ A1203. Approval and execution of public works contracts. [Amended 3-7-1979 by L.L. No. 2-1979; 8-17-1982 by L.L. No. 7-1982; 10-4-1983 by L.L. No. 16-1983; 8-14-1984 by L.L. No. 5-1984; 10-15-1992 by L.L. No. 12-1992; 11-24-1992 by L.L. No. 15-1992; 8-17-1995 by L.L. No. 14-1995; 12-23-1997 by L.L. No. 1-1998; 12-19-2013 by L.L. No. 1-2014; 7-23-2015 by L.L. No. 2-2015]

The Board of Acquisition and Contract shall award all public works contracts involving an expenditure of more than $7,000. Public works contracts involving $7,000 or less shall be awarded by the Director of Purchasing. In either case, no public works contract shall be deemed effective until a written agreement approved by the Department of Law has been executed by the County Executive and the contractor.

All contracts, except for the purchase of equipment, supplies, materials and services incidental thereto, shall be executed on behalf of the County by the County Executive in accordance with the provisions of General Municipal Law § 103. Whenever such contract involves the expenditure of an amount greater than the limitation provided by General Municipal Law § 103, except contracts for the acquisition of real property, the contracts shall be awarded to the lowest responsible bidder in a manner as set forth in General Municipal Law § 103. A copy of each contract, when executed, shall be filed with the Comptroller, together with a copy of the local law, resolution or ordinance of the County Legislature upon which the right to make such contract rests, other than the annual appropriation act.

Whenever any contract for the construction, reconstruction, repair or alteration of any pubic work or improvement involves the expenditure of more than $250,000, any change order involving an expenditure equal to 1% of the contract amount or $25,000, whichever is greater, or any change order, the amount of which, when added to all previous change orders, exceeds 10% of the contract amount, shall be approved by the Board of Acquisition and Contract and by the Public Works Committee of the County Legislature and the Committee of the County Legislature which considers and reports upon legislation relating to the department or agency responsible for such public work or improvement.

No bid for contracts for the construction, reconstruction, repair, maintenance or alteration of any public works or improvements may be accepted from or contract therefor awarded to any person, firm or corporation which is disqualified under any acts of the State Legislature, County Legislature, Charter or this Code. No contract shall be executed by the County Executive on behalf of the County until the same has been approved as to form by the Department of Law. A copy of each contract, when executed, shall be filed with the

Comptroller, together with a copy of the local law, resolution or ordinance and the annual appropriations act or minutes of the Board of Acquisition and Contract or special action of the Director of Purchasing upon which the right to make such contract rests.

The Board of Acquisition and Contract may award contracts for the construction, reconstruction, repair, maintenance or alteration of any public works or improvements in excess of $35,000, which is the sum fixed by the General Municipal Law of the State of New York as the monetary limit above which the competitive bidding process must be employed, without the taking of public bids required in this section in the following cases only:

(A) When the County Executive has declared a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting the life, health or safety of inhabitants of the County of Broome require immediate action which cannot await competitive bidding.

(B) When, by resolution, the County Legislature has determined it to be impracticable to advertise for such bids.

(C) When, through some accident or other unforeseen circumstances, the heating, air-conditioning, ventilation, lighting, plumbing, machinery, equipment or other apparatus of any County building or parts thereof shall be rendered unusable and in need of immediate repair by reason of the elements or other unforeseen emergency, as determined by the County Executive.

§ A1204. Approval of purchases of equipment. [Amended 4-4-1991 by L.L. No. 10-1991; 10-15-1992 by L.L. No. 12-1992]

In any case where the purchase of an item or items of equipment involves the expenditure of more than $10,000, said purchase shall be approved and the contract therefor awarded by the Board of Acquisition and Contract.

§ A1205. Acquisition of real property.

When authorized by the County Legislature, and within the appropriations provided therefor, the Board of Acquisition and Contract shall acquire, by purchase or condemnation, all lands, buildings and other real property without the taking of public bids.

§ A1206. Prequalification of bidders.

If directed by the County Legislature, the Board of Acquisition and Contract shall require prequalification of bidders on any contract. Otherwise, the Board may require the prequalification of bidders on any contract, subject to such conditions as shall be established by the County Legislature.

ARTICLE XIII
Department of Social Services

§ A1301. Department of Social Services, Commissioner; appointment; qualifications.

The Department of Social Services shall be headed by a commissioner. The method of choosing the Commissioner and his term of office shall be as provided in § C1301 of Article XIII of the Charter.

The Commissioner shall be appointed on the basis of his administrative experience and his qualifications for the duties of the office as prescribed by the Social Services Law and the rules and regulations made pursuant thereto.

§ A1302. Powers and duties.

The Commissioner of Social Services shall:

(A) Have all the powers and perform all the duties conferred on or required of a County Commissioner of Social Services under the Social Services Law or other applicable law.

(B) Manage and supervise such social service institutions of the County as may be authorized by the County Executive and approved by the County Legislature.

(C) Perform such additional and related duties as the County Executive may prescribe and be subject to all obligations and liabilities herefore or hereafter lawfully granted or imposed by this Code, the Charter, local law, ordinance or resolution of the County Legislature or any applicable provision of any act of the State Legislature.

§ A1303. Reports.

On or before March 1 in each year, the Commissioner of Social Services shall make an annual report for the immediately preceding calendar year, covering generally the work of his Department. The Commissioner shall make such other reports at such times as may be required by the County Legislature, County Executive or any other applicable law. Copies of all reports shall be filed with the Clerk of the County Legislature and the County Executive.

§ A1304. Deputy Commissioners.

The Commissioner of Social Services may, when such positions are authorized by the County Legislature, and within the budgetary appropriations provided therefor, appoint to serve at his pleasure such deputies as he may deem necessary for the performance of his duties.

The Commissioner of Social Services shall designate a deputy or deputies to whom shall be delegated all the powers and duties of the Commissioner of Social Services and shall have the authority to act generally for and in place of said Commissioner. The designation or designations shall be in writing and filed in the Department of Records, and copies thereof shall be filed with the County Executive and with the Clerk of the County Legislature.

§ A1305. Social services rates and charges. [Amended 8-19-2010 by L.L. No. 8-2010[37]]

The Commissioner shall, when submitting the estimate of revenues and expenditures for the Department of Social Services to the Director of Management and Budget, include therein a statement of the rates fixed by the state to be paid by the County to hospitals, institutions for the aged, institutions for children, nursing homes, correctional institutions and foster homes and other institutions, and a recommendation as to any rates not fixed by the state to be paid by the County for services rendered for the care and maintenance of persons for whom the Department of Social Services is responsible. Such rates, once approved by the County Executive, shall be included in the tentative budget. The County Legislature shall, by resolution and as part of the budget procedure, approve the rates fixed by the state and determine, fix and establish the rates to be paid by the County for services where the rates are not fixed by the state.

§ A1306. Accounting for fees and funds. [Amended 8-19-2010 by L.L. No. 8-2010[38]]

All moneys to which the Social Service District may be entitled under and by virtue of the laws of the State of New York or which the Commissioner may receive for services performed by his Department shall belong to said district and be collected by such Commissioner, accounted for and paid over to the Director of Management and Budget by a written statement within 10 days after the expiration of each month. Each monthly statement shall have attached thereto a certification by said Commissioner to the effect that the same is in all respects a full and true statement of all such moneys received by him for the preceding month. At the time of rendering any such statement, the Commissioner shall pay to the Director of Management and Budget all moneys received by him since the last preceding monthly statement. Other funds or fees collected by the Commissioner shall be paid over and reported to the Director of Management and Budget as above provided, except where otherwise specifically provided by statute.

§ A1307. Rules and regulations.

The County Legislature shall have the power by resolution, local law or ordinance to establish such rules, regulations and charges not inconsistent with law relating to the Social Services Department as it may deem necessary. Any such rules, regulations or charges so established shall become valid upon their being filed with the County Executive, the Commissioner of Social Services and the Department of Records.

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37. Editor's Note: This local law provided an effective date of 1-1-2011.

38. Editor's Note: This local law provided an effective date of 1-1-2011.

ARTICLE XIV

Department of Nursing Homes and Health-Related Facilities

[Amended 2-15-1977 by L.L. No. 1-1977; 6-22-1983 by L.L. No. 10-1983; 3-27-1990 by L.L. No. 4-1990; 4-16-1998 by L.L. No. 5-1998; 7-8-2009 by L.L. No. 5-2009[39]]

§ A1401. Department; Administrator.

There shall be a Department of Nursing Homes and Health-Related Facilities headed by an administrator. The Administrator will hold a currently valid nursing home administrator's license and registration, or temporary license, issued pursuant to Article 28-D of the New York State Public Health Law. The Administrator shall be appointed by the County Executive subject to Legislative confirmation and shall continue to serve at the pleasure of the County Executive.

§ A1402. Powers and duties.

The Administrator shall have and exercise all the powers and duties heretofore or hereafter lawfully granted or imposed by the Charter, this Code, local law, ordinance or resolution of the County Legislature, order or direction of the County Executive or by any applicable provision of any act of the State Legislature not inconsistent with the Charter or this Code.

§ A1403. Reports.

Annually the Administrator shall make a report for the immediately preceding calendar year covering generally the work of his office. He shall make such other reports at such times as may be required by the County Legislature, County Executive or any other applicable law.

§ A1404. Nursing Home Advisory Board.

There shall be a Nursing Home Advisory Board to oversee the quality of care and treatment of residents of the Broome County Nursing Homes and to advise the County Executive and the Nursing Homes Administrator of conditions affecting the welfare of residents in the facilities.

The Advisory Board shall consist of members as follows: the County Executive or a designee and the Chair of the County Legislature or a designee, and Administrator of the Broome County Nursing Home who shall serve ex officio; at least one resident; at least one family member; one physician; one nurse; one holder of a master's degree in social work; and five members at large. Board members other than those serving ex officio shall be appointed by the County Executive, subject to confirmation by the County Legislature. Resident member(s) and family member(s), the total of which shall not exceed five, shall serve at the pleasure of the County Executive. Other members appointed by the County Executive, subject to confirmation by the County Legislature, shall be appointed for three-year terms so that the terms of three members shall expire each year. A member shall not be eligible for reappointment until one year after having served two consecutive three-year terms. The

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39. Editor's Note: Amended at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I).

County Executive shall have the authority to appoint an additional ex officio member to the Board.

The Board shall adopt a schedule of at least 10 regular meetings per year and shall establish rules for the conduct of its meetings. The Board shall also hold special meetings upon the call of the Chairman, the County Executive or the Nursing Home Administrator or upon written request of three Board members. Board members, the Nursing Homes Administrator, the County Executive and the Clerk of the County Legislature shall be notified of all Board meetings.

Willow Point Nursing Home will establish and maintain a coordinated Quality Assessment and Assurance Program which integrates the review activities of all nursing home programs and services to enhance the quality of life and resident care and treatment, pursuant to Codes, Rules and Regulations of the State of New York, Title 10, § 415.

When any Board member fails to attend three consecutive meetings or attends less than 75% of the regular meetings scheduled for the year, the Board shall have the authority to remove such member from office. In exercising such authority, the Board shall take into consideration whether such member had a bona fide reason for not attending and whether advance notification was given to the Administrator or the Chair. Any Board member who fails to visit and inspect any facility at least once annually shall be considered to have automatically vacated his or her office.

The Board shall make recommendations at any time pertaining to any matter at the facility to the administrator or the County Executive; aid and/or recommend to the administrator in regard to facility operation, staffing, community relations, facility conditions, construction plans and the programs and activities of the facility; advise the County Executive regarding the proposed appointment of a facility administrator; investigate any charge against the administration.

The Advisory Board shall perform the above responsibilities consistent with the advice and direction, where applicable, of the Department of Law, Department of Personnel and Department of Audit and Control and in accordance with the provisions of any resolution now or hereafter adopted by the County Legislature.

Members of the Board and of the Quality Assurance Committee, either individually or jointly, while acting in their official capacity, are agents of the County of Broome, and in consideration of said services, the County shall indemnify and save harmless such members from any and all claims, suits, damages, costs, losses and expenses arising out of any act or omission while such members were acting within the scope of their official duties.

The member shall deliver, within 10 days of the time he or she is served with any summons, complaint, process, notice, demand or pleading, the original copy thereof to the County Attorney and request the County Attorney to assume control of his or her representation. Upon determining that the member was acting within the scope of his or her duties as a member, said determination being final unless arbitrary and capricious, the County Attorney shall assume control of the representation of the member. When the County Attorney assumes such control, the member shall cooperate fully with the County Attorney.

§ A1405. Deputies.

(A) The Administrator may appoint three deputies, who shall be the Deputy Nursing Home Administrator for Fiscal Services, the Deputy Nursing Home Administrator for Health Services and the Deputy Nursing Home Administrator for Administration Services. All Deputy Nursing Home Administrators shall serve at the pleasure of the Administrator.

(B) The Administrator shall designate a deputy or deputies to whom shall be delegated all the powers and duties of the Administrator and shall have the authority to act generally for and in place of said Administrator. The designation or designations shall be in writing and filed in the Department of Records, and copies thereof shall be filed with the County Executive and with the Clerk of the Legislature.

ARTICLE XV
Department of Planning and Economic Development
[Amended 12-20-1983 by L.L. No. 2-1984]

§ A1501. Department of Planning and Economic Development, Commissioner.

There shall be a Department of Planning and Economic Development headed by a commissioner. The method of choosing the Commissioner shall be as provided in § C1501 of Article XV of the Charter.

The Commissioner shall either:

(A) Be a graduate of an accredited college or university with a bachelor's degree in planning or a related professional field and have not less than four years' administrative or consultant experience in the field of metropolitan, regional, county or municipal planning; or

(B) Have a satisfactory equivalent combination of training and experience.

§ A1502. Powers and duties.

The Commissioner of Planning and Economic Development shall have and exercise all the powers and duties of a county, metropolitan or regional planning board heretofore or hereafter lawfully granted or imposed by the Charter, this Code, local law, ordinance or resolution of the County Legislature, order or direction of the County Executive or by any applicable provision of any act of the State Legislature not inconsistent with the Charter or this Code.

§ A1503. Reports.

On or before March 1 of each year, the Commissioner of Planning and Economic Development shall make an annual report for the immediately preceding calendar year covering generally the work of his Department. The Commissioner shall make such other reports at such times as may be required by the County Legislature, County Executive or any other applicable law. Copies of all reports shall be filed with the Clerk of the County Legislature and the County Executive.

§ A1504. Accounting for fees. [40] **[Amended 8-19-2010 by L.L. No. 8-2010**[41] **]**

All moneys to which the County may be entitled under and by virtue of the laws of the State of New York or which the Commissioner of Planning and Economic Development may receive for services or sale of work performed by his Department shall belong to the County and be collected by such Commissioner, accounted for and paid over to the Director of Management and Budget by a written statement within five days after the expiration of each month. Each monthly statement shall have attached thereto a certification by the Commissioner of Planning and Economic Development to the effect that the same is in all respects a full and true statement of all moneys received by him for the preceding month. At the time of rendering any such statement, the Commissioner of Planning and Economic Development shall pay to the Director of the Office of Management and Budget all moneys received by him since the last preceding monthly statement. Other funds or fees received or collected by the Commissioner of Planning and Economic Development shall be paid over and reported to the Director of Management and Budget as above provided, except where otherwise specifically provided by statute.

ARTICLE XVI
Department of Personnel

§ A1601. Department of Personnel; Personnel Officer; appointment; term; qualifications.

There shall be a Department of Personnel headed by a personnel officer. The term of office shall be as prescribed in § 15, Subdivision 1(b) of the Civil Service Law of the State of New York. Pursuant to § C1602 of Article XVI of the Charter, the Personnel Officer shall be appointed by the County Executive, subject to confirmation by the County Legislature. Throughout his term of office, the Personnel Officer shall devote his whole time to the duties of his office, shall hold no elective office and shall hold no other public office or be engaged in any employment, business or professional activity with any governmental unit without compliance with § C2610.

§ A1602. Powers and duties.

The Personnel Officer shall have and exercise all the powers and duties heretofore or hereafter lawfully granted or imposed by the Charter, this Code, local law, ordinance or resolution of the County Legislature, order or direction of the County Executive or by any applicable provision of any act of the State Legislature not inconsistent with the Charter or this Code.

§ A1603. Reports.

On or before March 1 of each year, the Personnel Officer shall make an annual report for the immediately preceding calendar year covering generally the work of his Department. The

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40. Editor's Note: Former § A1504, Planning and Economic Development Advisory Board, as amended, was repealed 5-19-2011 by L.L. No. 3-2011; said local law also redesignated former § A1505 as § A1504.

41. Editor's Note: This local law provided an effective date of 1-1-2011.

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

§ A1604. Examination; eligibility lists.

The Personnel Officer, subject to the approval of the County Executive, may request the New York State Civil Service Commission to render technical advice and assistance or its services in the preparation and rating of examinations and the establishment of eligibility lists for all positions under his jurisdiction.

§ A1605. Administrative unit; information and aid.

The head of each administrative unit shall furnish to the Personnel Officer such information as the County Executive may deem necessary for the proper administration of the Department of Personnel.

§ A1606. Personnel roster.

The Personnel Officer shall establish and maintain a roster of all County officers and employees. Such roster shall show for each County officer and employee the date of appointment or election, the title or position, the rate of pay and rate changes, promotions, demotions, transfers, the time and cause of separation from County employment and any other information the Personnel Officer considers necessary for the proper administration of the Department of Personnel.

§ A1607. Certification of payrolls.

No payroll for salaries and compensation of County employees and officers shall be approved by the Comptroller unless certified by the Personnel Officer that said employees and officers named therein have been employed during the period specified in their respective positions and in accordance with the Charter and this Code and any law and rules applicable thereto. This certificate shall be in addition and subsequent to the certification required by an administrative head pursuant to § A402(B) of Article IV of this Code.

§ A1608. Labor relations.

The Personnel Officer shall serve the County Executive as chief aide in all labor relations matters, including but not limited to preparation of surveys and materials necessary for the conduct of labor negotiations, service on County negotiating teams, as required, and the interpretation and everyday administration of the terms of the various labor agreements between the various unions and the County.

§ A1609. Personnel relations and fringe benefits.

The Personnel Officer shall serve the County Executive as chief aide in all personnel and fringe benefit matters, including but not limited to administration of the recruitment, processing and termination procedures for all employees, administration of the fringe benefits package for all employees and personnel surveys to include wages, hours and working conditions.

§ A1610. Deputies.

The Personnel Officer shall appoint such deputies as authorized by the County Legislature. All Deputy Personnel Officers shall serve at the pleasure of the Personnel Officer.

The Personnel Officer shall designate a deputy or deputies to whom shall be delegated all the powers and duties of the Personnel Officer and shall have the authority to act generally for and in place of said Personnel Officer. The designation or designations shall be in writing and filed in the Department of Records, and copies thereof shall be filed with the County Executive and with the Clerk of the County Legislature.

ARTICLE XVII
Department of Law

§ A1701. Department of Law; County Attorney; appointment; qualifications.

There shall be a Department of Law headed by a county attorney. The method of choosing the County Attorney shall be as provided in § C1701 of Article XVII of the Charter. The County Attorney shall be duly admitted to the practice of law in the State of New York and a resident of the County of Broome. Throughout his term of office, the County Attorney and the Assistant and Deputy County Attorneys shall devote their whole time to the duties of their offices, shall hold no elective office and shall hold no other public office or be engaged in any employment or business or engage in professional activity with any governmental unit outside Broome County without compliance with § C2610 of the Charter. The County Attorney and the Assistant and Deputy County Attorneys shall be precluded from the private practice of law whatsoever.

§ A1702. Powers and duties.

The County Attorney shall be the sole legal advisor for the County, subject to any applicable rules and regulations that may be adopted by the County Legislature. He may, upon the request of the governing body of any city, town, village, school district or special district, and with the approval of the County Legislature, act as the legal advisor. He shall have and exercise all the powers and duties heretofore or hereafter lawfully granted or imposed by the Charter, this Code, local law, ordinance or resolution of the County Legislature, order or direction of the County Executive or by any applicable provision of any act of the State Legislature not inconsistent with the Charter or this Code.

§ A1703. Reports.

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

§ A1704. Assistant and Deputy County Attorneys.

The County Attorney shall appoint such Assistant and Deputy County Attorneys as shall be authorized by the County Legislature. All Assistant and Deputy County Attorneys shall serve at the pleasure of the County Attorney. The County Attorney shall designate an assistant or assistants to whom shall be delegated all the powers and duties of the County Attorney when such County Attorney is unable to act by reason of absence or disability. The designation or designations shall be in writing and filed in the Department of Records, and copies thereof shall be filed with the County Executive and with the Clerk of the County Legislature.

The Assistant and Deputy County Attorneys shall, in case of vacancy in the office of County Attorney, perform the duties of the County Attorney until a successor is elected or appointed and has qualified.

ARTICLE XVIII
Coroners

§ A1801. Coroners; appointment; qualifications.

There shall be four coroners who shall be chosen in the manner as provided in § C1801 of Article XVIII of the Charter. Each Coroner shall be a physician duly licensed to practice in the State of New York. Each Coroner shall make or cause to be made autopsies, examinations and dissections of dead bodies of human beings and have adequate knowledge of forensic medicine.

§ A1802. Powers and duties.

The Coroners shall have all the powers and duties and shall be subject to all the obligations and liabilities heretofore or hereafter lawfully granted or imposed by the Charter, this Code, local law, ordinance or resolution of the County Legislature, order or direction of the County Executive or any applicable provision of any act of the State Legislature not inconsistent with the Charter and Code. Such powers, duties, obligations and liabilities shall include, but shall not be limited to, any power, duty, obligation or liability granted or imposed upon a coroner by the County Law or any other applicable law not inconsistent with the Charter and Code. The Coroner shall investigate deaths when such investigation is required pursuant to § A1803 of this article and applicable state law.

§ A1803. Procedure for investigating deaths.

A coroner has jurisdiction and authority to investigate the death of every person dying within his county, or whose body is found within the county, which is or appears to be:

(A) A violent death, whether by criminal violence, suicide or casualty.

(B) A death caused by unlawful act or criminal neglect.

(C) A death occurring in a suspicious, unusual or unexplained manner.

(D) A death caused by suspected criminal abortion.

(E) A death while unattended by a physician, so far as can be discovered, or where no physician able to certify the cause of death as provided in the Public Health Law and in form as prescribed by the Commissioner of Health can be found.

(F) A death of a person confined in a public institution other than a hospital, infirmary or nursing home.

§ A1804. Reports.

On or before March 1 in each year, each Coroner shall make an annual report for the immediately preceding calendar year covering generally the work of his office. He shall make such other reports at such times as may be required by the County Legislature, County Executive or any other applicable law. Copies of all reports shall be filed with the Clerk of the County Legislature and the County Executive.

§ A1805. Disposition of money or property found on deceased. [Amended 8-19-2010 by L.L. No. 8-2010[42]]

(A) Money and other property found upon the body of the deceased not required for the purposes of the investigation shall be delivered to the Director of Management and Budget. Unless claimed in the meantime by the legal representatives of the deceased, articles held for the purposes of the investigation, except such writing of the deceased as may be relevant to the diagnosis of means of manner of death, shall be delivered to the Director of Management and Budget at the conclusion of the investigation.

(B) Upon the delivery of money to the Director of Management and Budget, he must place it to the credit of the County. If other property is delivered to him, he must, within one year, sell it at public auction upon reasonable public notice and must, in like manner, place the proceeds to the credit of the County.

(C) If the money in the treasury is demanded within six years by the legal representatives of the deceased, the Director of Management and Budget must pay it to them, after deducting the amount of expenses incurred in connection therewith, or it may be so paid at any time thereafter upon the order of the County Legislature; provided, however, that

42. Editor's Note: This local law provided an effective date of 1-1-2011.

such money may be so paid at any time upon the written order of the Surrogate of the County.

(D) Before auditing and allowing the account of the Coroner, the County Legislature must require from him a statement, in writing, of any money or other property found upon persons whose deaths he has investigated, verified by his oath to the effect that the statement is true and that the money or property mentioned in it has been delivered to the legal representatives of the deceased or to the Director of Management and Budget.

ARTICLE XIX
Fire Advisory Board and Fire Coordinator

§ A1901. Fire Advisory Board; appointments.

There shall be and there hereby is created a Broome County Fire Advisory Board, which advisory board shall consist of 21 members, all of whom shall be appointed annually for one-year terms by the County Executive, subject to confirmation by a majority of the County Legislature. Three such Board members so appointed shall be members of the Broome County Legislature, including the Chairman of the Public Safety Committee of said County Legislature; nine members so appointed shall be members of the Board of Directors of the Broome County Fireman's Association; and nine members so appointed shall be members of the Board of Directors of the Broome County Fire Chiefs Association. The members of the Fire Advisory Board, except for the County Legislator members thereof, shall serve at the pleasure of the County Executive. The members of the County Fire Advisory Board shall be County officers and shall serve without compensation, but may, within the limitations of any funds provided for such purposes by the County Legislature, receive reimbursement for the approved and reasonable value of expenses incurred in the performance of their appointed duties as members of said Fire Advisory Board. The Fire Advisory Board shall elect annually from among its members a Chairman, Vice Chairman and Secretary.

§ A1902. Powers and duties of Fire Advisory Board.

The Broome County Fire Advisory Board, subject to any limitations contained herein or elsewhere in the Broome County Charter and the Administrative Code or otherwise established by the County Legislature, shall have the following powers and duties:

(A) To develop and maintain fire training and mutual aid in cases of fire and other emergencies in which the services of firemen would be used.

(B) To cooperate with the New York State Office for Local Government and the State Division of Safety in effecting the purposes for which said agencies were established in relation to such programs for fire training and mutual aid.

(C) To act as an advisory body to the Broome County Executive, the County Legislature and to the County Fire Coordinator, if any, in connection with the County participation in such programs for fire training and mutual aid and in connection with any County establishment and maintenance of a County fire training school and mutual aid programs in cases of fire and other emergencies in which the services of firemen would be used.

(D) To cooperate with the County Fire Coordinator, if any.

(E) To administer the fire training program on the local level until such time as the position of County Fire Coordinator is established.

(F) To perform such other duties as the County Executive or the County Legislature may from time to time prescribe in relation to fire training and mutual aid in case of fire and other emergencies in which the services of firemen would be used.

§ A1903. (Reserved) [43]

§ A1904. Fire Coordinator; appointment; compensation.

If and when the County Legislature creates such a position, there shall be a Broome County Fire Coordinator who shall be appointed by the County Executive, subject to confirmation by the County Legislature, and shall serve at the pleasure of the County Executive.

The Fire Coordinator shall be a County officer, and the amount of his compensation, if any, shall be fixed by the County Legislature.

§ A1905. Powers and duties of Fire Coordinator. [Amended 11-4-1981 by L.L. No. 6-1981]

The Fire Coordinator shall administer the County programs for fire training and mutual aid in cases of fire and other emergencies in which the services of firemen would be used. He shall act as chief liaison officer between the County government and the fire-fighting forces in the County and the governing boards and bodies thereof and shall perform such other duties as the County Executive or the County Legislature may direct.

§ A1906. Deputies. [Added 11-4-1981 by L.L. No. 6-1981]

The Fire Coordinator may appoint such deputies as are deemed necessary, and the amount of their compensation, if any, shall be fixed by the County Legislature. All Deputy Fire Coordinators shall serve at the pleasure of the Fire Coordinator.

ARTICLE XX
Department of Records

§ A2001. Department of Records; County Clerk; election; term; qualifications.

There shall be a Department of Records headed by a county clerk. The election of the County Clerk, together with his term of office, shall be as provided in Article XIII of the New York State Constitution.

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43. Editor's Note: Former Section 1903, Fire Training Administrator, was repealed 11-4-1981 by L.L. No. 6-1981.

At the time of his election and throughout his term of office, he shall be a qualified elector of the County. Throughout his term of office, the County Clerk and his deputies shall devote their whole time to the duties of their offices, shall hold no other elective office and shall hold no other public office or be engaged in any employment, business or professional activity with any governmental unit without compliance with § C2610 of the Charter.

§ A2002. Powers and duties.

The County Clerk shall have and exercise all the duties and shall be subject to all the obligations and liabilities heretofore and hereafter lawfully granted or imposed by the Charter, Code, local law, resolution or ordinance of the County Legislature, order or direction of the County Executive not inconsistent with those powers and duties under the New York State Constitution vesting in said office.

§ A2003. Reports.

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

§ A2004. Deputy County Clerks.

The County Clerk shall appoint such deputies as shall be authorized by the County Legislature. All Deputy County Clerks shall serve at the pleasure of the County Clerk. The County Clerk shall designate a deputy or deputies to whom shall be delegated all the powers and duties of the County Clerk and shall have the authority to act generally for and in place of the County Clerk. The designation or designations shall be in writing and filed in the Department of Records, and copies thereof shall be filed with the County Executive and with the Clerk of the County Legislature. The deputy or deputies as designated in writing shall, in case of a vacancy in the office of the County Clerk, perform the duties of the County Clerk until a successor is elected or appointed and has qualified.

§ A2005. Accounting for fees. [Amended 8-19-2010 by L.L. No. 8-2010[44]]

All moneys to which the County may be entitled under and by virtue of the laws of the State of New York, or which the County Clerk may receive for services performed by his Department, shall belong to the County and be collected by such Clerk, accounted for and paid over to the Director of Management and Budget by a written statement within five days after the expiration of each month. Each monthly statement shall have attached thereto a certification by said County Clerk to the effect that the same is in all respects a full and true statement of all moneys received by him for the preceding month. At the time of rendering any such statement, the County Clerk shall pay to the Director of Management and Budget all

44. Editor's Note: This local law provided an effective date of 1-1-2011.

moneys received by him since the last preceding monthly statement. Other funds or fees received or collected by the County Clerk shall be paid over and reported to the Director of Management and Budget as above provided, except where otherwise specifically prescribed by statute.

§ A2006. Bond of County Clerk.

The County Clerk and such of his deputies, assistants, officers and employees as the County Legislature shall require shall each give a surety bond to the County in a sum fixed by the County Legislature conditioned for the faithful performance of his duties. Such bond shall be approved as to form by the County Attorney and as to the sufficiency of surety by the County Legislature and filed with the Department of Records.

§ A2007. Seal.

The Seal of the County of Broome shall be the Seal of the Department of Records and shall be in the custody of the County Clerk.

The County Clerk shall affix or imprint such seal upon any and all instruments requiring the same.

ARTICLE XXI
District Attorney

§ A2101. District Attorney; election; term; qualifications.

There shall be a District Attorney's Office headed by a District Attorney. The election of the District Attorney, together with his term of office, shall be as provided in Article XIII of the New York State Constitution and § 400 of the County Law of the State of New York. At the time of his election and throughout his term of office, he shall be a qualified elector of the County. Throughout his term of office, the District Attorney and his assistants shall devote their whole time to the duties of their offices, shall hold no other elective office and shall hold no other public office or be engaged in any employment, business or professional activity with any government unit without compliance with § 2610 of the Charter. The District Attorney and the Assistant District Attorneys shall be precluded from the private practice of law whatsoever.

§ A2102. Powers and duties.

The District Attorney shall have and exercise all the powers and duties heretofore or hereafter lawfully granted or imposed by the Charter, this Code, local law, ordinance or resolution of the County Legislature, order or direction of the County Executive not inconsistent with those powers and duties under the New York State Constitution vesting in said office.

§ A2103. Reports.

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

§ A2104. Assistant District Attorneys.

The District Attorney shall appoint such Assistant District Attorneys as shall be authorized by the County Legislature. All Assistant District Attorneys shall serve at the pleasure of the District Attorney. The District Attorney shall designate an assistant or assistants to whom shall be delegated all the powers and duties of the District Attorney when such District Attorney is unable to act by reason of absence or disability. The designation or designations shall be in writing and filed in the Department of Records, and copies thereof shall be filed with the County Executive and with the Clerk of the County Legislature.

The Assistant District Attorneys shall, in case of vacancy in the office of District Attorney, perform the duties of the District Attorney until a successor is elected or appointed and has qualified.

ARTICLE XXII
Public Defender

§ A2201. Public Defender; appointment; qualifications.

There shall be a Public Defender's Office headed by a Public Defender. The method of choosing the Public Defender shall be as provided in § C2201 of Article XXII of the Charter. He shall be duly admitted to the practice of law in the State of New York.

Throughout his term of office, the Public Defender and his assistants shall devote their whole time to the duties of their offices, shall hold no elective office and shall hold no other public office or be engaged in any employment, business or professional activity with any government unit without compliance with § C2610 of the Charter. The Public Defender and the Assistant Public Defenders shall be precluded from the private practice of law whatsoever.

§ A2202. Powers and duties.

The Public Defender shall have and exercise all the powers and duties heretofore or hereafter lawfully granted or imposed by the Charter, this Code, local law, ordinance or resolution of the County Legislature, order or direction of the County Executive or by any applicable provision of any act of the State Legislature not inconsistent with the Charter or this Code.

§ A2203. Reports.

On or before October 1 in each year, the Public Defender shall make an annual report for the immediately preceding period of July 1 to June 30 covering generally the work of his Office.

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

§ A2204. Assistant Public Defenders.

The Public Defender shall appoint such Assistant Public Defenders as shall be authorized by the County Legislature. All Assistant Public Defenders shall serve at the pleasure of the Public Defender. The Public Defender shall designate an assistant or assistants to whom shall be delegated all the powers and duties of the Public Defender when such Public Defender is unable to act by reason of absence or disability. The designation or designations shall be in writing and filed in the Department of Records, and copies thereof shall be filed with the County Executive and with the Clerk of the County Legislature.

The Assistant Public Defenders shall, in case of vacancy in the office of Public Defender, perform the duties of the Public Defender until a successor is elected or appointed and has qualified.

ARTICLE XXIII
Sheriff

§ A2301. Sheriff; election; term; qualifications.

There shall be an Office of Sheriff headed by a Sheriff. The election of the Sheriff, together with his term of office, shall be as provided in Article XIII of the New York State Constitution. At the time of his election and throughout his term of office, he shall be a qualified elector of the County.

Throughout his term of office, the Sheriff shall devote his whole time to the duties of his office and shall hold no other elective office, and the Undersheriff, throughout his term of office, shall devote his whole time to the duties of his office and shall hold no elective office, and neither shall hold any other public office or be engaged in any employment, public or professional activity with any governmental unit without compliance with § C2610 of the Charter.

§ A2302. Powers and duties.

The Sheriff shall have and exercise all the powers and duties heretofore or hereafter lawfully granted or imposed by the Charter, this Code, local law, ordinance or resolution of the County Legislature, order or direction of the County Executive not inconsistent with those powers and duties under the New York State Constitution vesting in said office.[45]

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45. Editor's Note: See also Ch. 150, Sheriff's Department.

§ A2303. Reports. [Amended 6-17-2010 by L.L. No. 6-2010]

On or before April 30 in each year, the Sheriff shall make an annual report for the immediately preceding calendar year covering generally the work of his office. The Sheriff shall make such other reports at such times as may be required by the County Legislature, County Executive or any other applicable law. Copies of all reports shall be filed with the Clerk of the County Legislature and the County Executive.

§ A2304. Appointment of Undersheriff and deputies. [Amended 6-17-2010 by L.L. No. 6-2010]

(A) The Sheriff shall appoint an Undersheriff and such deputies as shall be authorized by the County Legislature. The Undersheriff shall serve at the pleasure of the Sheriff. All promotions to the rank of Captain shall be made from and with the personnel holding the grade or rank of Lieutenant or Sergeant at the time of such appointment, and all promotions to the rank of Lieutenant shall be made from and with the personnel holding the grade or rank of Sergeant at the time of such appointment.

(B) All Sheriff's deputies, corrections officers, civil deputies, and civilian employees are hereby placed in the competitive classified service of the civil service and shall be hired by competitive examinations under the provisions of the Civil Service Law of the State of New York, and such Sheriff's deputies, corrections officers, civil deputies, and civilian employees shall be subject to and governed and controlled by the rules and regulations of the New York State Department of Civil Service and the Broome County Department of Personnel.

(C) The Undersheriff shall execute the powers and duties of the Office of the Sheriff in the absence or inability of the Sheriff to act. In the event that a vacancy occurs in the Office of the Sheriff, the Undersheriff shall execute the powers and duties of the Office until a new Sheriff has been duly elected or appointed and has qualified.

(D) The Sheriff may, within the appropriations provided therefor, appoint corrections officers and such other officers and employees as may be necessary to operate the County jail facilities.

(E) The Sheriff or Undersheriff may deputize a person or persons in accordance with the applicable state law.

(F) Each appointment made by the Sheriff or revocation thereof pursuant to this article shall be in writing and filed with the Department of Personnel records.

§ A2305. Disbursements. [Amended 6-17-2010 by L.L. No. 6-2010]

Whenever the Sheriff is required by law to transport a prisoner or any other person, and the cost of the transportation is made a County charge by law, the Sheriff or Deputy Sheriff shall, within the appropriations provided therefor, be entitled to his necessary and actual disbursements incurred for travel, lodging and food.

§ A2306. Accounting for fees and funds. [Amended 6-17-2010 by L.L. No. 6-2010;[46] 8-19-2010 by L.L. No. 8-2010[47]]

All moneys to which the County may be entitled under and by virtue of the laws of the State of New York or which the Sheriff may receive for services performed by his office shall belong to the County and be collected by the Sheriff, accounted for and paid over to the Director of Management and Budget by a written statement within five days after the expiration of each month. Each monthly statement shall have attached thereto a certification by the Sheriff to the effect that the same is in all respects a full and true statement of all such moneys received by him for the preceding month. At the time of the rendering of any such statement, the Sheriff shall pay to the Director of Management and Budget all moneys received by him since the last preceding monthly statement. Other funds or fees collected by the Sheriff shall be paid over and reported to the Director of Management and Budget as above provided, except where otherwise specifically provided by statute.

§ A2307. Bond of sheriff. [Amended 6-17-2010 by L.L. No. 6-2010; 8-19-2010 by L.L. No. 8-2010[48]]

The Sheriff, Undersheriff and such of his deputies, officers and employees as the County Legislature shall require shall each give a surety bond to the County in a sum fixed by the County Legislature conditioned for the faithful performance of his duties. Such bond shall be approved as to form by the County Attorney and as to the sufficiency of surety by the County Legislature and filed with the Office of Management and Budget.

ARTICLE XXIII-A
Broome Community College

[Added 9-7-1990 by L.L. No. 9-1990[49]]

§ A2301-A. Broome Community College; Board of Trustees.

Broome Community College, heretofore established pursuant to the Education Law of the State of New York, shall continue to operate in accordance with said law of the State of New York and in accordance with this article. The Board of Trustees shall continue as provided by law, except that the power of appointment of those Trustees authorized by state law to be appointed by the local sponsor is transferred to and shall be exercised by the County Executive, subject to confirmation by the County Legislature.

In addition to any notices required by law, the Board shall notify the Chairman of the Education and Recreation Committee and the County Executive or his designee of its meetings to afford the sponsor the ability to participate in the Trustees' meeting. This

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46. Editor's Note: This local law provided an effective date of 1-1-2011.

47. Editor's Note: This local law also repealed former § A2306, Board and lodging of jurors, and redesignated former §§ A2307 and A2308 as §§ A2306 and A2307, respectively.

48. Editor's Note: This local law provided an effective date of 1-1-2011.

49. Editor's Note: This local law was approved at referendum 11-7-1990.

participation shall not include the parliamentary privilege conferred on voting members of the Board of Trustees by § 6306 of the Education Law.

§ A2302-A. Board of Trustees; powers and duties. [Amended 8-19-2010 by L.L. No. 8-2010[50]]

In addition to the powers and duties specified in § 6306 of the Education Law of the State of New York (such as the power to appoint a president and to appoint or delegate the appointment of other members of the staff; the power to adopt curricula; and the responsibility of proposing budgets for and managing capital improvement programs), and notwithstanding any provisions of this article to the contrary, the Board of Trustees shall have the following powers and duties, to be exercised in accordance with applicable state and federal laws:

1. The Board shall have the power to acquire, by deed, gift, devise, bequest or lease, real or personal property to be used for college purposes, but no lands, goods, buildings, facilities or equipment shall be purchased or leased unless an appropriation has been made therefor or unless otherwise authorized by law. Title to personal property so acquired shall vest in such Board of Trustees in its own name, and such property shall be held and used by such Board for college purposes. Title to real property so acquired shall vest in and be held by the local sponsor in trust for the uses and purposes of the college.

2. The Board shall have the power to sell or lease personal property held in trust by the Board which is surplus, obsolete or otherwise no longer needed for college purposes.

3. The Board of Trustees shall have the authority to authorize the Treasurer to establish and maintain petty cash funds, not in excess of $200 each, for specified college purposes or undertakings, from which may be paid, in advance of audit, properly itemized and verified or certified bills for materials, supplies or services furnished to the college for the conduct of its affairs and upon terms calling for the payment of cash to the vendor upon delivery of any such materials or supplies or rendering of such services. A list of all expenditures made from such petty cash funds shall be presented to the Trustees at each regular meeting thereof, together with the bills supporting such expenditure, for audit, and the Board shall direct the reimbursement of such petty cash funds from the appropriate budgetary item or items in an amount equal to the total of such bills which the Board shall so audit and allow.

   Any such bills or any portion of any such bills as shall be disallowed upon audit shall be the personal responsibility of the Treasurer, and such Treasurer shall forthwith reimburse such petty cash fund in the amount of such disallowances. The Treasurer shall file a report with the County Director of Management and Budget and the Comptroller, detailing the expenditures in each petty cash fund, within 10 days of the Board meeting where such expenditures were presented for audit and allowance.

4. The Board shall specifically have the power to contract with other public corporations as defined in the General Corporation Law or with other public authorities, including but

50. Editor's Note: Amended at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I).

not limited to the federal government, for purposes of participation in federal student loan programs; provided, however, that the County shall not be liable for any portion of any defaults which the Board has agreed to assume pursuant to any such agreement.

5. The Board is not authorized to contract for general attorneys' services or insurance without the approval of the County; provided, however, that in the event of a conflict of interest between the County and the college where such conflict is proclaimed by a majority vote of the Board of Trustees, said Board shall be authorized to employ separate counsel to represent it at its own expense.

6. The Board shall have the power to appoint a Treasurer, establish a bank account or accounts in the name of the college and deposit therein moneys received or collected by the college, including moneys appropriated and paid by the local sponsor, moneys received from tuition, fees, charges, sales of products and services and from all other sources. The Board shall have the authority to adopt investment policies which are consistent with the restrictions on investments imposed by the New York State Comptroller and other applicable laws.

7. The Board shall have the power to pay salaries and wages.

8. The Board shall have the authority to require college officers to execute a bond or official undertaking to the Board of Trustees in such sum and with such sureties as the Board may require; provided, however, that the Board shall require the Treasurer of the college to execute a bond or official undertaking in accordance with this section, the expense of which shall be a college charge.

9. The Trustees may accept and administer all grants and awards made to the college by outside services. They shall not accept awards requiring matching funds on the part of the County except where such funds can be obtained from an authorized budget source. They additionally shall have the authority to authorize employment of outside consultants to teach courses requiring a high degree of technical expertise where sufficient income is generated from said course to offset college or County expense.

The Trustees are hereby authorized and empowered to enter into agreements with business and nonprofit organizations for the purpose of conducting contract courses wherein, under the terms of the agreement, all expenses, including college overhead costs, are ultimately borne by said organization.

The Trustees are hereby authorized and empowered to make increases to the college budget in both appropriations and revenues with regard to minicourses when the original authorizations are sufficient to conduct the number of said courses which are offered, provided that the expenses, including overhead, for said minicourses are offset by revenues for said courses.

The Treasurer of the college and the County Comptroller are hereby authorized to perform all bookkeeping and accounting procedures, including the creation of the necessary budget lines to accomplish the above.

§ A2303-A. Financial procedures.

1. The County shall pay its annual share of support to Broome Community College directly to the Trustees in installments on January 15, April 1 and May 1 or on the next business day of the County's fiscal year in which said support is raised. Payments equal to 1/4 of the County's annual support shall be made on January 15 and April 1, and a final payment equal to 1/2 of the County's annual support shall be paid on May 1. **[Amended 5-21-1992 by L.L. No. 6-1992]**

2. Fiscal year. Except as otherwise provided by state law, the fiscal year of Broome Community College shall begin on September 1 and end on August 31 in each year. In the event of a change in state law for the beginning of the fiscal year, then the provisions of this Code fixing times or dates within which or by which certain acts shall be performed in relation to the preparation and adoption of a College budget for Broome Community College shall be correspondingly changed as to time in order to proportionately relate to the new dates set for commencement of the fiscal year by the state.

3. Capital programs.

   (a) Annually the Board of Trustees shall furnish to the Director of Management and Budget a description, justification and estimate for each project in the capital program which it proposes to develop during one or more of the ensuing six fiscal years of the County. Such capital project requests and their consideration, approval and budgeting of said projects shall be made pursuant to the County Administrative Code and Charter. All capital projects approved for Broome Community College shall be a part of the County's six-year capital program and County budget. **[Amended 8-19-2010 by L.L. No. 8-2010[51] ; 11-8-2012 by L.L. No. 8-2012]**

   All projects within the capital program shall be developed in accordance with a facilities master plan for the college. The Trustees shall consult with the Commissioner of Public Works, Parks, Recreation and Youth Services in developing the capital program for the college.

   (b) The college shall not submit a capital program to the State of New York for approval until such program has been approved by the County Legislature and included in the County capital program and County budget.

   (c) The college shall notify the County Executive and the County Legislature of any amendments to the capital program made by the State of New York within 10 days of the college receiving said amendments and submit appropriate budgetary accounting entries required to modify the capital program to the County Budget Office.

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51. Editor's Note: This local law provided an effective date of 1-1-2011.

(d) Should the college during any fiscal year require an amendment in its capital program, it shall submit such request in accordance with Subsection 3(a) of this section for approval.

(e) The college may not terminate a previously authorized capital project without County Legislature approval.

4. Preparation and adoption of the college budget.

(a) On or before May 1, the Board of Trustees shall furnish to the Director of Management and Budget a proposed budget for operation of the college for the ensuing fiscal year, exclusive of any capital projects. In any year when the budget of the State of New York is approved after May 1, the college is authorized to submit to the Director of Management and Budget a revised tentative budget within a reasonable time after approval of the state budget to reflect the state aid actually appropriated. In no event may a revised tentative budget be submitted after June 15. **[Amended 8-19-2010 by L.L. No. 8-2010[52]]**

The proposed operations and maintenance budget shall be submitted in a format prescribed by the Director of Management and Budget; however, in no event shall this format be more inclusive than the format required of other County departments.

(b) The Director, upon receipt of the proposed operation and maintenance expense budget, shall proceed to make such review and investigation and conduct said hearings thereon as he or she may deem necessary. The Board of Trustees and all college officers shall cooperate with the Director in this review. In the event that the Trustees fail to submit a proposed operation and maintenance budget by May 15, the Director shall prepare the proposed budget.

(c) Upon completion of the review and investigation of the proposed operation and maintenance expense budget, the Director shall submit the budget and his or her comments to the County Executive.

(d) The County Executive shall review the Board's proposed operation and maintenance expense budget and the comments of the Director of Management and Budget and shall prepare the proposed budget for the college for the ensuing fiscal year for current operating purposes. The budget prepared by the County Executive shall be in a format prescribed by § C603 of the Charter. **[Amended 8-19-2010 by L.L. No. 8-2010[53]]**

(e) The County Executive shall prepare a proposed appropriation resolution referring to the tentative proposed college budget and making provision for the conduct of the college for the ensuing fiscal year.

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52. Editor's Note: This local law provided an effective date of 1-1-2011.

53. Editor's Note: This local law provided an effective date of 1-1-2011.

(f) On or before the 15th of June each year, the County Executive shall submit to the Clerk of the County Legislature and make available to the public the tentative college budget for the ensuing fiscal year and the proposed appropriation resolution as prescribed in Subsection 4(e) of this section, together with the accompanying budget message as prescribed by Article VI of the Charter.

(a) The County Legislature, or a committee designated by that body, shall review the tentative college budget and the budget message as submitted by the County Executive and shall file with the Clerk of the Legislature a report, including any recommendations propose therein. Such report shall become a public record in the office of the Clerk of the Legislature, and copies thereof shall be made available by such Clerk for distribution.

(g) Not later than July 15, the County Legislature, or a committee designated by the County Legislature, shall hold a public hearing on the tentative college budget and the budget message submitted by the County Executive. The Clerk of the County Legislature shall cause to be printed or otherwise reproduced sufficient copies of the same as determined by the County Executive, except that more than 100 copies of the same may be ordered, printed or reproduced by resolution of the County Legislature. The copies shall be made available for distribution not less than five days prior to the holding of said public hearing. Not less than seven days prior to such public hearing, the Clerk of the County Legislature shall cause to be published a notice of said public hearing. The notice shall state the time, place and purpose of such hearing and shall state that copies of the tentative college budget are available at the office of the Clerk of the County Legislature and may be inspected or procured thereat by any interested person during regular business hours. This notice shall be published at least once in the official newspaper(s) and other newspapers as may be designated by the County Legislature. The hearing shall be held on the date so specified, at which time any person may be heard for or against the recommendations and estimates submitted by the County Legislature or a committee designated by the County Legislature or any item thereof.

5. Adoption of a budget.

(a) After the conclusion of the public hearing, the County Legislature may add or strike items of appropriation or anticipated revenue from the tentative college budget or increase or reduce items therein, except appropriations required by law or for debt service. It may change items in such budget, provided that the changes are stated separately and distinctly.

(b) If the college budget, as submitted by the County Executive, is adopted by resolution of the County Legislature with no changes, such budget shall be deemed to have been adopted without any further action by the County Executive. If, however, the County Legislature makes changes to the tentative college budget as proposed by the County Executive, those changes shall be presented to the Clerk of the County Legislature and the County Executive no later than the first day of August for the Executive's examination and consideration. If the County Executive approves all changes, he shall affix his signature to a statement thereof and return the college budget together with such statement to the Clerk of the County

Legislature, and the budget, including the changes as part thereof, shall be deemed to be adopted.

(c) If the budget, with any changes, is not returned by the County Executive to the Clerk of the County Legislature with his objections on or before the fifth day of August, it shall be deemed adopted with the changes.

(d) If the County Executive objects to any one or more of the proposed changes made by the Legislature, he shall append to the budget a statement of the changes to which he objects, setting forth his or her reasons therefor, and shall, not later than the fifth day of August, return the budget with his or her objections to the Clerk of the County Legislature, who shall present the same to the County Legislature at a meeting to be held not later than the 12th day of August. The County Legislature shall thereupon enter the objections upon its journal and proceed to reconsider the changes to which objection is made by the County Executive. If, upon such reconsideration, 3/5 of the whole number of members of the County Legislature vote to approve such changes or any of them, the budget with the changes so approved, together with any changes not objected to by the County Executive, shall be deemed adopted. If the Legislature fails to act on or override such objections by three-fifths vote on or before the 15th day of August, the objections shall become final and be deemed adopted without the changes objected to by the County Executive.

(e) If the budget has not been adopted as herein provided on or before the 15th day of August, then the proposed budget as submitted by the County Executive, plus all changes as to which he has failed to object, shall be the budget for the ensuing fiscal year.

(f) If any limitation date mentioned in this article falls on a holiday, Saturday or Sunday, then any time limitations required herein shall be extended to the next business day of the County.

(g) Six copies of the college budget, as adopted, shall be certified by the County Executive and by the Clerk of the County Legislature, and one each of such copies shall be filed in the office of the County Executive, the County Comptroller, the Director of Management and Budget, the Clerk of the County Legislature, the President of Broome Community College and the Department of Audit and Control, State of New York. The budget as so certified shall be printed or otherwise reproduced and copies shall be made available. **[Amended 8-19-2010 by L.L. No. 8-2010[54]]**

6. Financial reporting.

(a) The Board of Trustees shall cause the Treasurer to file an annual audited financial statement with the County Executive and the Clerk of the Legislature. This statement shall be in a format acceptable to the County Director of Management and Budget and the Comptroller. This statement shall, at a minimum, include income statements and a balance sheet and shall show in a separate column

54. Editor's Note: This local law provided an effective date of 1-1-2011.

amounts budgeted and actual expenditures for each budget line. **[Amended 8-19-2010 by L.L. No. 8-2010[55]]**

(b) This annual statement shall be filed with the County Executive and the Clerk of the Legislature on or before December 31 immediately following the end of the fiscal year.

(c) In addition to the annual requirement, quarterly income statements and balance sheets shall be provided to the County Executive and the County Legislature. The quarters for reporting purposes will be the three months prior to November 30, February 28, May 31 and August 31. The reports will be filed by the 15th day of the month following the end of the quarter. Nonfiling may result in nonreceipt of the sponsor's contribution until the reports are filed.

(d) In addition to reports required pursuant to other sections, the college shall file with the Clerk of the Legislature and the County Executive any and all reports which the Legislature and County Executive may direct.

7. Annual audit.

(a) An annual audit shall be conducted of the finances of Broome Community College, and said auditor will be selected by the County Legislature from a list of firms approved by the County Comptroller. The Trustees shall include an appropriation for this audit in the college budget. The Trustees shall also include in the college budget an appropriation to pay for the college's proportionate share of any further audit required by the state or federal government.

8. Budget controls.

(a) Neither the Board of Trustees nor any college officer, employee or agent shall, during the fiscal year, expend or contract to expend any money or incur any liability or enter into any contract which, by its terms, involves the expenditure of money for any of the purposes for which provision is made in the budget in excess of the amount appropriated for such fiscal year or for any other purpose except as otherwise provided in the Charter, this Code or the Local Finance Law.

(b) The Board of Trustees shall have the authority to transfer funds within budgetary lines, except for the limitations on transfers of personnel and fringe benefits contained in the following paragraph, provided that said transfers are reported by the Trustees to the County Executive and the Clerk of the County Legislature on a monthly basis in a format designated by the Director of Management and Budget and the County Comptroller. **[Amended 8-19-2010 by L.L. No. 8-2010[56]]**

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55. Editor's Note: This local law provided an effective date of 1-1-2011.

56. Editor's Note: This local law provided an effective date of 1-1-2011.

The Board shall have the authority to transfer funds contained in personnel and fringe benefit lines up to a total of 5% of each division line per year. Any transfers from a personnel or fringe benefit line in excess of 5% per year shall be approved by the County Legislature.

The Board shall report all transfers from personnel and fringe benefit lines to the County Executive and the Clerk of the Legislature in the format designated by the Director of Management and Budget and the County Comptroller.

(c) The Board of Trustees shall maintain control at all times over the expenditures of the college in accordance with the provisions of the County Charter and Code not inconsistent herewith.

(d) If at any time during the fiscal year it appears that the revenues available will be insufficient to meet the amounts appropriated, the Board of Trustees shall report to the County Executive and the County Legislature, without delay, the estimated amount of the deficit, the reasons therefor, the remedial action taken by the Trustees and their recommendations as to further action. The County Executive and County Legislature shall take such action as they deem necessary to prevent or minimize any deficit. For that purpose, the County Legislature and the County Executive may reduce one or more appropriations to the college, provided that no appropriation may be reduced by more than the unencumbered balance thereof or below any amount required by law to be appropriated. The County Legislature and County Executive may also, if they so desire, borrow temporarily, pursuant to the Local Finance Law, in any amount not greater than such deficit for such purpose.

§ A2304-A. College Treasurer.

1. Powers and duties.

(a) The College Treasurer shall have all of the powers and duties and shall be subject to all the obligations and liabilities heretofore or hereafter lawfully granted or imposed by state law, the Charter or local law adopted by the County not inconsistent with this article, except that the Treasurer shall not be authorized to sell debt under the Local Finance Law.

(b) The Treasurer shall approve and certify all payrolls for salaries and compensate all college employees and offices. All original payrolls shall be filed with the Board of Trustees and the County Comptroller. Before the payrolls are presented to the Board of Trustees, they shall be certified, in writing, by the head of the appropriate college department or his or her deputy to the effect that each person named therein was properly appointed to the position set forth therein and that the salary or compensation stated in such payroll was true and correct. This certification shall be in the manner and form that is prescribed by the Treasurer and the County Comptroller. All payrolls shall be subject to audit by the County Comptroller.

(c) The Treasurer shall prescribe, with the approval of the County Attorney, the procedure and form in accordance with this article for the submission of claims and charges against the college or against funds for which the college is

responsible. These forms shall be in accordance with any law, rule or regulation applicable to the form certification or payment of such claim.

(d) The Treasurer shall develop, establish and maintain a cost accounting system for the college, subject to the approval of the Board of Trustees. Said system shall be established in accordance with the laws of the State of New York.

(e) The Treasurer shall make available to the Board of Trustees, the County Legislature, the County Executive or the College President, at any time, any information from the records and accounts of the Treasurer which may be required to assist the above-named persons or their designees in the performance of their official duties.

(f) The Treasurer shall prepare and submit to the Board of Trustees annually, on such date and on such forms as the Board shall designate and prescribe, the information required by the Board to assist it in the preparation of the proposed budget.

(g) The Treasurer shall have access to the books of the college at all times and shall reconcile all bank statements with his or her books on a monthly basis and report on such reconciliation to the Comptroller of Broome County. The Treasurer shall keep books or records which are necessary to record all accounts, claims and demands against the college presented to the Treasurer for audit, and the action taken by the Treasurer on each. The Treasurer shall keep separate appropriation accounts for each college department. He or she shall also keep books and records which may be deemed necessary to carry out the system of accounting prescribed by law and not inconsistent with the Charter. The Treasurer shall keep a record of all undertakings of the college and shall be responsible for the tracking of all fixed assets and the maintenance of occurring inventory of fixed assets for the college.

(h) The Treasurer shall design and seek approval of the Board of Trustees and the County Attorney for collection policies and procedures which shall be implemented in accordance with federal, state and local law. The Treasurer shall make daily statements of all funds and moneys received and disbursed, of whatever name or nature, in such form as the Board of Trustees shall direct. The Treasurer shall have the charge of the collection, receipt, custody, deposit, investment and disbursement of all fees, revenues and other funds for which the college is responsible. The Treasurer shall perform such other related duties as the Board of Trustees may prescribe.

§ A2305-A. Personnel. [Amended 9-21-1990 by L.L. No. 10-1990]

(A) The Personnel Office of Broome County shall continue to provide civil service examinations, updated eligible lists for positions at the college, certification of appointments as being in compliance with Civil Service Law and certification of payrolls for compliance with the Civil Service Law, arrange medical examinations for those positions which require medical examination prior to appointment, and provide such other services as are provided to the various civil service jurisdictions within the County.

(B) The Personnel Office of the college shall, with approval of the Board of Trustees, prepare and identify all minimum salary grades for all positions at the college.

(C) In all other respects, the Board of Trustees and the administration of Broome Community College shall be directly responsible for all personnel matters, including but not limited to compliance with all civil service laws and employment laws under the Charter, state laws, federal laws and local laws.

The Board of Trustees of Broome County Community College shall negotiate all labor contracts on behalf of the college. **[Amended 2-21-1991 by L.L. No. 7-1991]**

All negotiated employee benefits.

(A) The Board of Trustees shall have the authority to establish policies concerning the review of all qualifications for candidates for employment and provide the proper orientation for any candidate selected. It shall have the authority to hire above the minimum, promote, hire temporaries, institute hiring freezes and fix compensation for all nonrepresented employees. The Board's right to fix compensation for nonrepresented employees shall be limited to a percentage equal to the average increase for the faculty and guild in the fiscal year. A salary increase for nonrepresented employees in excess of this percentage must be approved by the County Legislature. The Board shall authorize all policies of leave, sabbaticals and travel on behalf of the college.

(B) On a monthly basis, the Board of Trustees shall cause to be filed a report with the Broome County Executive and the Clerk of the Legislature, detailing what budgetary transfers were made in the preceding month, along with what positions were filled at salaries exceeding the minimum for those positions and any further monthly information deemed required by the County Legislature or the County Executive so as to appropriately monitor the financial operations of Broome Community College.

§ A2306-A. Board of Acquisition and Contract.

1. There shall be created a Board of Acquisition and Contract for the college, which shall consist of the Board of Trustees' Finance and Facilities Committee. The Board shall award all contracts involving the college, provided that said contracts are approved, in writing, as to form by the County Attorney.

2. This Board shall not have authority to award contracts which provide for the payment of moneys not contained in the college budget or in the capital programs budget.

3. The approval of all college contracts shall be in accordance with applicable state law.

4. The Board shall file with the Clerk of the Legislature and the County Executive the official minutes of said meeting and any and all reports which the Legislature and County Executive may direct.

§ A2307-A. Miscellaneous issues.

1. Security.

   (a) The County of Broome will continue to provide security at Broome Community College on a charge-back basis. In the event that the Board of Trustees wishes to employ the services of a private security force, it shall do so only upon the approval of the County Legislature and Executive.

2. Insurance. The Trustees shall not cancel any policy of insurance at Broome Community College without the prior approval of the County.

3. Miscellaneous services.

   (a) Various services that the County of Broome currently provides to the college, except as limited by Subsection 3(b), such as engineering, architectural, maintenance, telephone and other miscellaneous services, may be contracted by the college Board of Acquisition and Contract for the benefit of the college with outside contractors. However, in all outside contracts for which the County of Broome itself has departments, personnel or qualifications to participate in, the Board shall cause due notice to be served upon the Executive and the Clerk of the Legislature and provide the County an opportunity to bid on those services.

   (b) The college shall contract with the County Department of Public Works, Parks, Recreation and Youth Services for contract administration services for all public works projects of the college. **[Amended 11-8-2012 by L.L. No. 8-2012]**

   (c) The County and the college shall contract to provide each entity with a disaster emergency backup protection for the County's and the college's Computer Services Department.

   (d) For those contracted services which the County of Broome provides to the college, the County shall provide the college a detailed scope of services and an annual estimate detailing the costs to the college and periodic itemized billings detailing the actual cost to the college.

§ A2308-A. Applicability of other laws.

All provisions of the Charter, the Administrative Code and all local laws and resolutions of the County which do not conflict with the provisions of this article shall be applicable to the college.

ARTICLE XXIV
Other County Boards, Offices, Institutions and Functions

§ A2401. Board of Elections.

The Board of Elections shall have and exercise all the powers and duties conferred or imposed upon it by the Election Law or any other applicable law. The appointment of the

members of the Board shall be as provided by the Election Law. The term of office for each member of this Board shall be for four years.

The Board of Elections shall have the responsibility for the purchase of all supplies and making of contracts for services required for any election in Broome County and for the operations of its office, subject to the provisions of the Charter and this Code.

§ A2402. Probation Office; Director.

The Probation Office shall be headed by a director who shall be appointed by the County Executive, subject to Legislative confirmation, on the basis of his administrative experience and his qualifications for the duties of his office by the appointing authority.

The Probation Director shall have and exercise all the powers and duties now or hereafter lawfully conferred or imposed upon him by the Charter, this Code, local law, ordinance or resolution of the County Legislature, order or direction of the County Executive, as head of a county probation department, or any other applicable state law not inconsistent with the Charter or this Code.

§ A2403. (Reserved) [57]

§ A2404. Traffic Safety Board. [Amended 4-4-1991 by L.L. No. 10-1991]

There shall be a Traffic Safety Board consisting of not fewer than 10 nor more than 25 members interested in traffic safety and traffic problems, appointed by the County Legislature. Each member shall be a resident of the County, and three of such members shall be a resident or residents of and be appointed from each one of the cities contained in the County, and the balance of such members shall be appointed from the County at large. The terms of office of such members shall be three years. The members of such Board shall receive no compensation for services but shall be entitled to their reasonable and necessary expenses incurred in the performance of their duties within any appropriation made for such purpose.

The Board is authorized to:

(1) Promote and encourage street and highway traffic safety.

(2) Formulate County-wide highway safety programs and coordinate efforts of interested parties and agencies engaged in traffic safety education.

(3) Cooperate with local officials within the County in the formulation and execution of traffic safety programs and activities.

(4) Study traffic conditions on streets and highways within the County, study and analyze reports of accidents and causes thereof and recommend to the appropriate legislative bodies, departments or commissions such changes in rules, orders, regulations and existing law as the Board may deem advisable.

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57. Editor's Note: Former Section 2403, Broome Community College, was repealed 9-7-1990 by L.L. No. 9-1990. For current provisions, see Art. XXIII-A.

(5) Conduct meetings within the County whenever and wherever the Board shall deem it advisable, and invite to such meetings parties and agencies, public and private, interested in traffic regulation, control and safety education.

(6) Promote safety education for drivers and pedestrians.

(7) Obtain and assemble motor vehicle accident data and analyze, study and consolidate such data for education and informational purposes.

The Traffic Safety Board shall:

(1) Meet and organize within 15 days after its members are appointed.

(2) Elect annually a Chairman, Vice Chairman and Secretary from its members.

(3) Adopt rules for the conduct of its business.

(4) Within the limits of the appropriations made therefor by the County Legislature or other governing body of the County, authorize the employment of such personnel as may be necessary to properly perform the functions and carry out the objectives of this section.

(5) Appoint the Clerk of the County Legislature as the Executive Secretary, who shall be the executive administrative officer and who shall perform the services as an additional duty of his position.

The Executive Secretary of the Board shall:

(1) Subject to the supervision and control of the Board, perform the functions necessary to properly and efficiently carry out the provisions and purposes of this section.

(2) Be a citizen of the United States.

(3) Receive such salary and expenses as the County Legislature or other governing body of the County may fix, and properly account for such expenses.

(4) Furnish an official undertaking in an amount and in such form as approved by the County Attorney and with such sureties as shall be approved by the County Legislature.

§ A2405. Additional appointments by County Executive. [Amended 12-30-1982 by L.L. No. 1-1983; 4-4-1991 by L.L. No. 10-1991]

Subject to confirmation by the County Legislature, and except as otherwise provided in the Charter, the County Executive shall appoint the head of any other or additional administrative unit of the County, including, among others, the following: Civil Defense Director; Veterans Service Director; representatives on the County Extension Service; Dog Warden; and Alcoholic Beverage Control Board.

The Office of Civil Defense shall be headed by a Director who shall be appointed by the County Executive, subject to confirmation by the County Legislature, and shall be appointed on the basis of his administrative experience and his qualifications for the duties of his office. He shall have and exercise all the powers and duties heretofore or hereafter lawfully conferred or imposed upon him by the Charter, this Code, local law, ordinance or resolution of the

County Legislature, order or direction of the County Executive or any other applicable state law not inconsistent with the Charter or this Code.

§ A2406. Miscellaneous administrative functions.

Administrative functions not otherwise assigned by the Charter shall be assigned by the County Executive to an administrative unit. All other agencies, officers and employees thereof shall be appointed by the County Executive and shall possess all the powers and duties now or hereafter lawfully conferred or imposed upon him by the Charter, this Code, local law, ordinance or resolution of the County Legislature, order or direction of the County Executive or any other applicable state law not inconsistent with the Charter or this Code.

§ A2407. Office for the Aging; Director; appointment; powers and duties; Deputy.

There shall be a department, to be known as the "Office for the Aging," headed by a director who shall be appointed by the County Executive, subject to confirmation by the County Legislature, and shall serve at the pleasure of the County Executive. Said Director shall be in the unclassified service of the civil service.

Except as otherwise provided in the Charter and this Code, the Director of the Office for the Aging shall have all powers and duties to supervise, control and direct programs and facilities as may be authorized by the County Legislature or the County Executive so as to provide for the needs of the elderly and aged persons in the County of Broome, to include the establishment of multipurpose senior centers, the providing of a County-wide information and referral service for older persons, conducting workshop and training programs for the aged, encouraging greater volunteer service opportunities for older persons, establishing a comprehensive data profile on older persons in Broome County, developing proposals for new programs for older persons and utilizing all available resources in the County to formulate a County-wide service system for older persons. Said Director shall also have charge of and have the duty of performing such other and related duties concerning the Office for the Aging as the County Executive or the County Legislature may direct.

The Director of the Office for the Aging shall appoint a deputy, if such position is authorized by the County Legislature. Such deputy director shall serve at the pleasure of the Director of the Office for the Aging and shall be in the exempt class of civil service.

§ A2408. Board of Directors of Veterans Memorial Arena and Performing Arts Theater.

There shall be appointed to the Broome County Veterans Memorial Arena and Broome County Performing Arts Theater (The Forum) a Board of Directors. The number of directors and terms and powers of the Board shall be determined by the County Legislature, and such Board, in addition to such other powers and duties as may be delegated to it, shall approve all gifts to the Arena and The Forum, recommend operational and maintenance procedures, establish rules and regulations for public health and safety, approve facility utilization, approve all performances and uses of the Arena and The Forum, review equipment requirements, coordinate proper administration and management in such areas as promotion, bookkeeping, contract negotiations, ticket sales and crowd management and approve all

contracts, leases, licenses or permits (agreements) for a particular use of the Arena and The Forum which can be performed in less than a year. Notwithstanding any provision in this section to the contrary, no agreement shall be effective unless signed by the County Executive, and all agreements which contain any exclusivity provision for a year or more or which cannot be performed within a year shall not be effective unless approved by the County Legislature.

Said Board of Directors shall perform the above responsibilities consistent with the advice and direction, where applicable, of the Department of Law, Department of Personnel and Department of Audit and Control and in accordance with the provisions of any resolutions now or hereafter adopted by the County Legislature.

§ A2409. Real Property Tax Service Agency.

There shall be a Real Property Tax Service Agency headed by a director who shall be appointed by the County Executive, subject to confirmation by the County Legislature, and who shall be appointed and serve pursuant to the statutes of the State of New York.

The office shall:

(A) Keep a record of all real property owned and acquired by the County. Such record shall show the date the property was acquired, the tax map description thereof and the town in which the property is located and shall be properly cross-indexed to the original deeds of acquisition.

(B) Prepare tax maps for the use of the assessors of all the assessing units in the County, except for the City of Binghamton; on such maps shall be shown each separately assessed parcel of real property with its boundaries properly marked, pursuant to the Real Property Tax Law. The County Legislature may authorize the preparation of tax maps as required herein for the City of Binghamton, provided that the consent of the City is obtained and terms are mutually agreed upon between the City and the County Legislature.

(C) Keep a record of the transfer of title to real property in each tax district and immediately notify the town clerk or the city commissioner of assessment of all such transfers in each town or city, as the case may be.

(D) Pursuant to § 1532 of the Real Property Tax Law of the State of New York, through the Director, act as the enforcing officer of the County for the purpose of the collection of tax liens on real property pursuant to Article 11 of the Real Property Tax Law of the State of New York. **[Added 10-4-1983 by L.L. No. 15-1983]**

ARTICLE XXV
Service Relationships

§ A2501. Contracts with public corporations and authorities. [Amended 4-4-1991 by L.L. No. 10-1991]

Contracts with public corporations and public authorities as used herein are described as follows:

(A) A "public corporation" includes a municipal corporation, a district corporation and a public benefit corporation.

(B) A "municipal corporation" includes a county, city, town, village and school district.

(C) A "district corporation" includes any territorial division of the state other than a municipal corporation heretofore or hereafter established by law which possesses the power to contract indebtedness and levy taxes or benefit assessments upon real estate or to require the levy of such taxes or assessments, whether or not such territorial division is expressly declared to be a body corporate and politic by the statute creating or authorizing the creation of such territorial division.

(D) A "public benefit corporation" is a corporation organized to construct or operate a public improvement wholly or partly within the state, the profits from which inure to the benefit of this or other states or to the people thereof.

The County of Broome shall have the power to contract with any public corporation, including but not limited to a municipal, district or public benefit corporation, as defined above, or with any public authority or with any combination of the same for the establishment, maintenance and operation of any facility and the rendering of any service which each of the contracting parties would have legal authority to establish, maintain, operate or render for itself. The costs and expenses incurred, as well as charges for central facilities and administrative services relating thereto, shall be borne proportionately by each such contracting party as agreed upon.

ARTICLE XXVI
General Provisions

§ A2601. Administrative and advisory boards.

The Board of Trustees of the Broome Community College shall have such powers and only such powers as those specified in the Education Law of the State of New York. Except as provided in such Education Law, the Board shall be advisory and subject to the provisions of the Charter and this Code.

Except as otherwise provided in the Charter and this Code, every other board, the members of which are appointed, shall be an advisory board consisting of the Chairman of the County Legislature together with other members who shall be appointed for such terms as are or may be provided in this Code.

§ A2602. Approval of contracts.

Except as otherwise provided in the Charter and this Code, every contract in which the County is a party shall require approval by the County Legislature, if said contract is for:

(A) The sale or lease of real property.

(B) The providing of facilities or the rendering of services by, for or with any public corporation as defined herein.

(C) Professional services where the amount involved exceeds the amount specified in § C203(N) of the Charter. **[Amended 4-4-1991 by L.L. No. 10-1991]**

All such contracts shall be executed in accordance with the provisions of Article XII.

§ A2603. Civil service rights continued; status of certain County officers previously appointed; removal of certain County officers.

The civil service status and rights of all County employees and their beneficiaries, including but not limited to those rights with respect to retirement and social security, shall not be affected by the Charter and this Code.

Any County officer appointed by the County Executive, except as otherwise provided by state law, may be removed after receipt of written notice from the County Executive. A copy of such notice shall be filed in the office of the Clerk of the County Legislature and Department of Records.

§ A2604. Classified service; exemptions. [Amended 8-17-1982 by L.L. No. 7-1982; 8-14-1984 by L.L. No. 5-1984; 4-4-1991 by L.L. No. 10-1991; 8-17-1995 by L.L. No. 14-1995; 3-19-1998 by L.L. No. 3-1998]

All positions in all departments, offices, institutions and agencies of the County shall be in the classified service, except those held by the following:

(A) Elective officers.

(B) Heads of departments.

(C) Members of all boards, commissions and committees.

(D) The Commissioner of Jurors.

The following positions in the classified service shall be included in the exempt class:

(A) Deputies who are authorized to act generally for and on behalf of their principals.

(B) The confidential secretary to any officer or department head.

(C) Calendar Clerk.

(D) Personnel Officer.

(E) Assistant District Attorneys.

(F) Assistant and Deputy County Attorney.

(G) Assistant Public Defenders.

(H) Contractors and their employees engaged to perform specific services.

§ A2605. Filling vacancy in elective office of County Executive.

Where there is a vacancy, resulting other than by expiration of term or by creation upon passage of the Charter, in the office of County Executive, it shall be filled in the manner as provided in § C2605 of Article XXVI of the Charter.

§ A2606. Filling vacancy in elective office of District Attorney, Sheriff and County Clerk.

Where there is a vacancy resulting other than by expiration of term in any elective County office, including but not limited to the Offices of District Attorney, Sheriff and County Clerk, it shall be filled in the manner as provided in § C2606 of Article XXVI of the Charter.

§ A2607. Filling other vacancies.

A vacancy in the office of the head of any administrative unit, the head of which, by virtue of the Charter, the County Executive or the County Legislature shall have the power to appoint or remove, shall be filled in the manner as provided in § C2607 of Article XXVI of the Charter.

§ A2608. Power to administer oaths and issue subpoenas.

The County Legislature and the County Executive shall be empowered to conduct investigations into any subject matter within their jurisdiction as provided in § C2608 of Article XXVI of the Charter.

§ A2609. Officers and employees engaging in other transactions.

All officers and employees of the County, including members of the County Legislature, shall be subject to the provisions of § C2609 of Article XXVI of the Charter.

§ A2610. Officers and employees engaging in other duties.

All officers and employees of the County are subject to the conditions as set forth in § C2610 of Article XXVI of the Charter.

ARTICLE XXVII
Code Application; Amendment and Construction

§ A2701. Amendment.

All amendments to this Code shall be by local law adopted in the manner prescribed by the Charter and this Code.

§ A2702. Continuity of authority and responsibility.

The performance of functions pursuant to the provisions of this Code shall be deemed and held to constitute a continuation thereof for the purpose of succession to all rights, powers, duties and obligations attached to such functions. Any proceedings or other business undertaken or commenced prior to the effective date of this Code may be conducted and completed by the County officer or administrative unit responsible therefor under the Charter and this Code. This Code shall not be deemed to invalidate any obligations heretofore issued by the County of Broome or by any of its commissions, boards or agencies, and such obligations shall be and remain binding obligations of the County. In the event that any obligation shall have been issued in anticipation of the issuance of bonds by the County or by any of its commissions, boards or agencies, the County is hereby empowered to issue such bonds as legal and binding obligations of the County. For the purpose of this section, a public authority shall not be deemed a County commission, board or agency.

§ A2703. Separability.

If any clause, sentence, subdivision, paragraph, section, part or article of this code shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subdivision, paragraph, section, part or article thereof directly involved in the proceeding in which such adjudication shall have been rendered.

§ A2704. Code to be liberally construed.

This Code shall be liberally construed to effectuate its objectives and purposes.

§ A2705. Judicial notice.

All courts shall take judicial notice of all local laws, acts, resolutions, rules, regulations and ordinances adopted pursuant to the Charter or this Code.

§ A2706. Effective date.

This Code shall take effect November 1, 1976.

THE CODE

PART I

ADMINISTRATIVE LEGISLATION

Chapter 1

GENERAL PROVISIONS

ARTICLE I
Adoption of Charter and Code

§ 1-1. Legislative intent.
§ 1-2. Continuation of existing provisions.
§ 1-3. Repealer.
§ 1-4. Enactments saved from repeal; matters not affected.
§ 1-5. Severability.
§ 1-6. Copy of Charter and Code on file.
§ 1-7. Amendments to Charter and Code.
§ 1-8. Charter and Code book to be kept up-to-date.
§ 1-9. Sale of Charter and Code book; supplementation.
§ 1-10. Penalties for tampering with Charter and Code.
§ 1-11. Changes in previously adopted legislation; new provisions.
§ 1-12. Incorporation of provisions into Charter and Code.
§ 1-13. When effective.

[HISTORY: Adopted by the Broome County Legislature as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Adoption of Charter and Code
[Adopted 12-19-2013 by L.L. No. 1-2014]

§ 1-1. Legislative intent.

In accordance with Subdivision 3 of § 20 of the Municipal Home Rule Law, the local laws, ordinances and certain resolutions of the County of Broome, as codified by General Code, and consisting of Chapters 1 through 362, together with an Appendix, shall be known collectively as the "Charter and Code of the County of Broome," hereafter termed the "Charter and Code." Wherever reference is made in any of the local laws, ordinances and resolutions contained in the "Charter and Code of the County of Broome" to any other local law, ordinance or resolution appearing in said Charter and Code, such reference shall be changed to the appropriate chapter title, chapter number, article number or section number appearing in the Charter and Code as if such local law, ordinance or resolution had been formally amended to so read.

§ 1-2. Continuation of existing provisions.

The provisions of the Charter and Code, insofar as they are substantively the same as those of local laws, ordinances and resolutions in force immediately prior to the enactment of the Charter and Code by this local law, are intended as a continuation of such local laws, ordinances and resolutions and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior local law, ordinance or resolution.

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 Broome, and it is the intention of said County Legislature that each such provision contained within the Charter and Code is hereby reaffirmed as it appears in said Charter and Code. Only such provisions of former local laws and ordinances as are omitted from this Charter and Code shall be deemed repealed or abrogated by the provisions of § 1-3 below.

§ 1-3. Repealer.

A. Repeal of inconsistent enactments. Except as provided in § 1-4, Enactments saved from repeal; matters not affected, below, all local laws and ordinances, or parts of such local laws or ordinances, inconsistent with the provisions contained in the Charter and Code adopted by this local law are hereby repealed as of the adoption and filing of this local law as set forth in § 1-13; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the County of Broome which is not in conflict with the provisions of the Charter and Code shall be deemed to remain in full force and effect.

B. Repeal of specific enactments. The County Legislature of the County of Broome has determined that the following local laws and/or resolutions are no longer in effect and hereby specifically repeals the following legislation:

(1) Chapter 102, Consumer Protection, of the 1991 Code, adopted 6-5-1979 by L.L. No. 7-1979, as amended.

(2) Chapter 115, Animals, Article III, Decisions Regarding Dog Damages, of the 1991 Code, adopted 3-22-1988 by L.L. No. 3-1988.

(3) Chapter 190, Text Messaging, of the 1991 Code, adopted 5-21-2009 by L.L. No. 4-2009, and subsequently preempted by state legislation.

(4) Chapter 209, Economic Development Advisory Council, of the 1991 Code, adopted 4-21-1994 by Res. No. 155.

(5) Chapter 210, Environmental Management Council, of the 1991 Code, adopted 9-21-1971 by Res. No. 277.

(6) Chapter 211, Expert Witnesses, of the 1991 Code, adopted 4-25-1995 by Res. No. 95-223.

(7) Chapter 222, Policies and Procedures, Article I, Sale of County-Owned Property, adopted by Res. No., 2009-598; Res. No. 2010-199.

§ 1-4. Enactments saved from repeal; matters not affected.

The repeal of local laws and ordinances provided for in § 1-3 of this local law shall not affect the following classes of local laws, ordinances, 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 Broome 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 Broome 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 Broome.

D. Any agreement entered into or any franchise, license, right, easement or privilege heretofore granted or conferred by the County of Broome.

E. Any local law or ordinance of the County of Broome 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 Broome or any portion thereof.

F. Any local law or ordinance of the County of Broome 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 Broome or other instruments or evidence of the County's indebtedness.

G. Local laws or ordinances 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 or ordinance relating to salaries and compensation.

K. Any local law or ordinance amending the Zoning Map.

L. Any local law or ordinance relating to or establishing a pension plan or pension fund for County employees.

M. Any local law or ordinance or portion of a local law or ordinance establishing a specific fee amount for any license, permit or service obtained from the County.

N. Any local law or ordinance adopted subsequent to December 20, 2012.

§ 1-5. Severability.

If any clause, sentence, paragraph, section, article, chapter or part of this local law or of any local law, ordinance or resolution included in this Charter and Code now or through supplementation shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in

its operation to the clause, sentence, paragraph, section, article, chapter or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 1-6. Copy of Charter and Code on file.

A copy of the Charter and Code, in loose-leaf form, has been filed in the office of the County Clerk of the County of Broome 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 by the County Clerk of the County of Broome by impressing thereon the Seal of the County of Broome, and such certified copy shall remain on file in the office of said County Clerk to be made available to persons desiring to examine the same during all times while said Charter and Code is in effect. The enactment and publication of this local law, coupled with the availability of a copy of the Charter and Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Charter and Code for all purposes.

§ 1-7. Amendments to Charter and Code.

Any and all additions, deletions, amendments or supplements to any of the local laws, ordinances and resolutions known collectively as the "Charter and Code of the County of Broome" or any new local laws, ordinances or resolutions, when enacted or adopted in such form as to indicate the intention of the County to be a part thereof, shall be deemed to be incorporated into such Charter and Code so that reference to the Charter and Code shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Charter and Code shall be enacted or adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Charter and Code as amendments and supplements thereto. Nothing contained in this local law shall affect the status of any local law, ordinance or resolution contained herein, and such local laws, ordinances or resolutions may be amended, deleted or changed from time to time as the County Legislature deems desirable.

§ 1-8. Charter and Code book to be kept up-to-date.

It shall be the duty of the County Clerk to keep up-to-date the certified copy of the book containing the Charter and Code of the County of Broome required to be filed in the office of the County Clerk for use by the public. All changes in said Charter and Code and all local laws, ordinances and resolutions 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 Charter and Code shall, when finally enacted or adopted, be included therein by temporary attachment of copies of such changes, local laws, ordinances or resolutions until such changes, local laws, ordinances or resolutions are printed as supplements to said Charter and Code book, at which time such supplements shall be inserted therein.

§ 1-9. Sale of Charter and Code book; supplementation.

Copies of the Charter and Code, or any chapter or portion of it, may be purchased from the County Clerk, 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 Charter and Code.

§ 1-10. Penalties for tampering with Charter and Code.

Any person who alters or tampers with the Charter and Code of the County of Broome in any manner whatsoever which will cause the legislation of the County of Broome 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, ordinances and resolutions for publication as the Charter and Code of the County of Broome, no changes in the meaning or intent of such local laws, ordinances and resolutions have been made, except as provided for in Subsection B hereof. In addition, 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 Charter and Code as if the local laws, ordinances and resolutions had been previously formally amended to read as such.

B. In addition, the amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this local law. (Chapter and section number references are to the local laws, ordinances and resolutions as they have been renumbered and appear in the Charter and Code.)[1]

§ 1-12. Incorporation of provisions into Charter and Code.

The provisions of this local law are hereby made Article I of Chapter 1 of the Charter and Code of the County of Broome, such local law to be entitled "General Provisions, Article I, Adoption of Charter and 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.

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1. **Editor's Note: In accordance with § 1-11B, the chapters, parts and sections which were added, amended, adopted or deleted by this local law are indicated throughout the Code by a footnote referring to Chapter 1, General Provisions, Article I. During routine supplementation, footnotes indicating amendments, additions or deletions will be replaced with the following history: "Amended (added, repealed) 12-19-2013 by L.L. No. 1-2014." Schedule A, which contains a complete description of all the changes, is on file in the County offices.**

Chapter 5

"ADOPT-A-PROJECT" HIGHWAYS AND GROUNDS BEAUTIFICATION PROGRAM

§ 5-1. Purpose.

§ 5-2. Eligible participants.

§ 5-3. Application requirements.

§ 5-4. Application review.

§ 5-5. Adopt-A-Project agreements.

§ 5-6. Erection of signs.

§ 5-7. Termination of project agreement.

§ 5-8. Participants not deemed County employees; County held harmless.

§ 5-9. Equipment.

[HISTORY: Adopted by the Broome County Legislature 6-21-2001 by L.L. No. 4-2001 (Ch. 5 of the 1991 Code). Amendments noted where applicable.]

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§ 5-1. Purpose.

There is hereby established an "Adopt-A-Project" program, the purpose of which shall be to reduce and remove litter along County highways and within County parks and to promote beautification along the County's highways, in the County's parks and in and around other County-owned facilities, including the Greater Binghamton Airport, Edwin A. Link Field, and the Willow Point Nursing Home.

§ 5-2. Eligible participants.

Any not-for-profit corporation or any other organization, association or individual may apply to participate in this "Adopt-A-Project" program.

§ 5-3. Application requirements.

Applicants shall complete an application form setting forth the name and address of the organization and listing the names and addresses of the volunteers who will be participating in the program. In addition, the application for participation in this program shall set forth what steps and what actions the applicant is going to take to provide the continuous care and maintenance of the section of County highway or County park to be adopted or the specific beautification project at a County-operated facility.

§ 5-4. Application review.

Applications shall be forwarded to the department head having direct supervision over the proposed Adopt-A-Project site for review and approval as to the feasibility of the proposed project as listed on the application.

§ 5-5. Adopt-A-Project agreements.

Before any work is undertaken by the applicant on the proposed project, the applicant shall sign an Adopt-A-Project agreement on a form to be provided by the County. The department head having jurisdiction over the project site the applicant proposes to adopt shall have the authority to enter into Adopt-A-Project agreements with the applicant.

§ 5-6. Erection of signs.

After a period of not less than six months, the applicant may request a review of the adopted project. If the project has been performed pursuant to the Adopt-A-Project agreement, the department head responsible shall make arrangements for a sign to be placed at the project site stating that the project has been adopted by the applicant organization.

§ 5-7. Termination of project agreement.

If the applicant fails to perform the project as agreed to for a period of more than 60 days, the Adopt-A-Project agreement shall be terminated, and any signage pursuant to the provisions herein shall be removed.

§ 5-8. Participants not deemed County employees; County held harmless.

A. The applicant organization and individual members of the organization performing any work or services pursuant to an Adopt-A-Project agreement shall not be deemed to be employees of the County of Broome but merely volunteers. The applicant further agrees not to permit anyone under the age of 11 years to participate in this program.

B. The County of Broome and its employees shall not be liable for damages suffered by any person, including the volunteer, resulting from the actions or activities of such volunteers or organization. Prior to commencing work on the project, all participants (or the guardian of the participant if the participant is under the age of 18) shall sign a release and waiver form.

§ 5-9. Equipment.

The County of Broome shall not supply any tools, equipment or supplies for this program. Any and all tools, equipment or supplies shall be furnished by the applicant.

Chapter 12

ARCHITECTURAL AND ENGINEERING SERVICES, SELECTION OF

§ 12-1. Policy.

§ 12-2. Requirements for architectural and consulting engineering services.

§ 12-3. Public announcement and qualification procedure.

§ 12-4. Negotiations.

§ 12-5. Public reports.

§ 12-6. Administrative provisions.

[HISTORY: Adopted by the Broome County Legislature 10-22-1985 by Res. No. 381[1] (Ch. 203 of the 1991 Code). Amendments noted where applicable.]

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§ 12-1. Policy.

This Legislature hereby declares it to be the policy of Broome County to publicly announce all requirements for architectural and engineering services and to negotiate contracts for architectural and engineering services on the basis of demonstrated competence and qualification for the type of professional services required and at fair and reasonable prices.

§ 12-2. Requirements for architectural and consulting engineering services. [Amended 3-15-2012 by L.L. No. 3-2012]

A. The Commissioner of Public Works, Parks, Recreation and Youth Services (hereinafter "the Commissioner") shall assess and make public, on at least an annual basis, present and future construction programs and establish anticipated requirements for architectural and engineering services. **[Amended 11-8-2012 by L.L. No. 8-2012]**

B. The Commissioner shall encourage firms engaged in the lawful practice of architecture and consulting engineering who desire to provide professional services to the County of Broome to submit annually a statement of qualifications and performance data.

§ 12-3. Public announcement and qualification procedure. [Amended 3-15-2012 by L.L. No. 3-2012]

A. For those architectural and engineering service contracts for which the appropriate commissioner expects the compensation to be in excess of $15,000:

(1) The appropriate commissioner shall make a public announcement in a uniform and consistent manner on each occasion when architectural and engineering services are required and shall include such information regarding the scope of the proposed services or professional services term agreement for architectural and

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1. **Editor's Note: This resolution also repealed Res. No. 236, adopted 9-2-1975.**

engineering services as a general description of services required and descriptions of any special requirements; and for services related to a particular proposed project, relevant information about such project including a description of the proposed project, its location, a general description of services required, the estimated status and completion dates and a description of any special requirements or unique features. The announcement shall invite architectural and engineering firms to submit to the appropriate commissioner descriptions of their firms and statements of qualifications with supporting data as it relates to the proposed service, professional services term agreement for architectural and engineering services and/or project.

(2) The appropriate commissioner, with the advice and consent of the appropriate committee of the Broome County Legislature, shall examine the submitted statements of qualifications and performance data submitted and then shall select no less than three of the firms deemed to be most highly qualified to perform the services under consideration.

(3) In evaluating and selecting the most highly qualified architectural and engineering firms, the commissioners and committees shall apply the following criteria, along with other criteria established by the Legislature of Broome County, which shall be set forth in the public announcement on the proposed project:

(a) Specialized experience and design and technical competence of the firm, including a joint venture or association, regarding the types of services required.

(b) Capacity and capability of the firm to perform the work, including any specialized services, within the time limitations.

(c) Past record of performance on relevant contracts with government agencies and private industry with respect to such factors as control of costs, quality of work and ability to meet schedules.

(d) Proximity to and familiarity with the area in which the services will be performed and/or project is located.

(4) After making this review and technical evaluation, the appropriate committee shall hold discussions with not less than three of the most highly qualified firms regarding their capability, the relative utility of alternative methods of approach for furnishing the required services and, where relevant, their anticipated concepts.

(5) The appropriate committee shall rank in order of highest qualifications not less than three firms that are considered most highly qualified to perform the required services. Notification of the ranking shall be provided to each recommended firm.

B. For those architectural and engineering services for which legislative authorization is required by the Broome County Charter and for which the appropriate commissioner expects the compensation to be $15,000 or less:

(1) The appropriate commissioner shall make a public announcement in a uniform and consistent manner on each occasion when architectural and engineering services

are required on a proposed project, to include such information regarding the scope of the proposed services or professional services term agreement for architectural and engineering services as a general description of services required and descriptions of any special requirements; and for services related to a particular proposed project, relevant information about such project including a description of the proposed project, its location, a general description of services required, the estimated status and completion dates and a description of any special requirements or unique features. The announcement shall invite architectural and engineering firms to submit to the appropriate commissioner descriptions of their firms and statements of qualifications with supporting data as it relates to the proposed service, professional services term agreement for architectural and engineering services and/or project.

(2) The appropriate commissioner shall examine the submitted statements of qualifications and performance data submitted for the proposed project and then shall select no less than three of the firms deemed to be most highly qualified to perform the services under consideration. Among the factors to be considered in making this finding are the capability, adequacy of personnel, past record and experience of the firm.

(3) In evaluating and selecting the most highly qualified architectural and engineering firms, the commissioners shall apply the following criteria, along with other criteria established by the Legislature of Broome County, which shall be set forth in the public announcement on the proposed project:

(a) Specialized experience and design and technical competence of the firm, including a joint venture or association, regarding the types of services required.

(b) Capacity and capability of the firm to perform the work, including any specialized services, within the time limitations.

(c) Past record of performance on relevant contracts with government agencies and private industry with respect to such factors as control of costs, quality of work and ability to meet schedules.

(d) Proximity to and familiarity with the area in which the services will be performed and/or project is located.

(4) After making this review and technical evaluation, the appropriate commissioner shall hold discussions with not less than three of the most highly qualified firms regarding their capability, the relative utility of alternative methods of approach for furnishing the required services and, where relevant, their anticipated concepts.

(5) The appropriate commissioner shall rank in order of highest qualifications not less than three firms that are considered most highly qualified to perform the required services. Notification of the ranking shall be provided to each recommended firm.

§ 12-4. Negotiations.

A. For those architectural and engineering service contracts for which the appropriate commissioner expects the compensation to be in excess of $15,000, the appropriate commissioner shall conduct negotiations on scope of work and professional compensation initially with the highest ranked architectural or engineering firm. The Commissioner shall advise all Legislators of the time and place of said negotiating sessions and shall allow all Legislators to observe said sessions. If a mutually satisfactory contract cannot be negotiated with that firm, the Commissioner shall formally terminate the negotiations and notify the firm. Negotiations then shall be initiated with the second-ranked firm, and this procedure shall be continued until a mutually satisfactory contract has been negotiated. If negotiations fail with the listed firms, the names of additional firms shall be selected and ranked by the appropriate commissioner and committee, and negotiations shall continue in the manner described above.

B. For those architectural and engineering service contracts for which legislative authorization is required by the Broome County Charter and for which the appropriate commissioner expects the compensation to be $15,000 or less, the appropriate commissioner shall conduct negotiations on scope of work and professional compensation initially with the highest ranked architectural or engineering firm. The Commissioner shall advise all Legislators of the time and place of said negotiating sessions and shall allow all Legislators to observe said sessions. If a mutually satisfactory contract cannot be negotiated with that firm, the Commissioner shall formally terminate the negotiations and notify the firm. Negotiations then shall be initiated with the second-ranked firm, and this procedure shall be continued until a mutually satisfactory contract has been negotiated. If negotiations fail with the listed firms, the names of additional firms shall be selected and ranked by the appropriate commissioner, and negotiations shall continue in the manner described above.

§ 12-5. Public reports. [Amended 3-15-2012 by L.L. No. 3-2012]

Upon reaching agreement on the terms of a contract with a firm, the appropriate commissioner shall refer the proposal to the Broome County Legislature for approval. The Commissioners shall issue an annual report summarizing the services and projects processed during the year and the architects and engineers performing such services and/or projects.

§ 12-6. Administrative provisions.

A. Nothing in this chapter shall affect the validity or effect of any contracts in existence at the effective date hereof.

B. This chapter shall not apply to architectural and engineering service contracts for which legislative authorization is not required by the Broome County Charter.

C. If any section, subsection, paragraph, phrase, clause or word of this chapter is held to be invalid, the remainder of the chapter shall not be affected.

Chapter 17

BOARDS AND COUNCILS

ARTICLE I
Residency Requirements

§ 17-1. Residency required for all boards.

ARTICLE II
Environmental Management Council

§ 17-2. Establishment.

§ 17-3. Membership; terms; Chairman.

§ 17-4. Name.

§ 17-5. Purpose; goals.

§ 17-6. Composition.

§ 17-7. Selection.

§ 17-8. Terms of membership.

§ 17-9. Term expiration and filling vacancies.

§ 17-10. Absences.

§ 17-11. Compensation.

[HISTORY: Adopted by the Broome County Legislature as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Residency Requirements
[Adopted 6-22-1989 by L.L. No. 7-1989 (Ch. 56 of the 1991 Code)]

§ 17-1. Residency required for all boards.

It shall be a requirement for membership on all boards of the County of Broome that each individual member be a resident of Broome County unless an exemption is granted by the Broome County Legislature.

ARTICLE II
Environmental Management Council
[Adopted at time of adoption of Charter and Code (see Ch. 1, General provisions, Art. I)]

§ 17-2. Establishment.

The County Legislature hereby authorizes, creates and approves the establishment of a Broome County Environmental Management Council, pursuant to the provisions of Article 19 of the Conservation Law of the State of New York and other laws pertaining thereto, to be known and designated as the "Broome County Environmental Management Council," for the purpose of reviewing and reporting upon the state of the County's environment and for all the other purposes and with all the powers and duties set forth in Article 19 of the Conservation Law of the State of New York. The County Executive is hereby authorized and empowered to appoint the members of said Broome County Environmental Management Council.

§ 17-3. Membership; terms; Chairman.

The membership of the Broome County Environmental Management Council shall be comprised of one member of each conservation commission within the County of Broome, 15 at-large members who are residents of Broome County, one representative each from designated agencies as established in the EMC bylaws (e.g., USDA Natural Resources Conservation Service, the Cooperative Extension Service, the Soil and Water Conservation District located within Broome County) and, as ex officio members, the Commissioners or designees of the Broome County Departments of Health, of Parks and Recreation, of Planning and Economic Development and of Public Works, and two Broome County Legislators, all of whom shall be appointed by and serve at the pleasure of the County Executive for terms not to exceed two years, and any such appointments shall be subject to confirmation by the County Legislature. The County Executive shall appoint a Chairman of the Council from among the members of the Council.

§ 17-4. Name.

The name of this organization is the "Broome County Environmental Management Council" (hereinafter called the "Council"), as established by the Broome County Legislature (hereinafter called the "Legislature"), in accordance with Broome County Resolution Permanent No. 277 of 1971, No. 64 of 1973, No. 366 of 1976, No. 341 of 1980, No. 525 of 1987 and Article 47 of the New York State Environmental Conservation Law. All references to the "County" refer hereinafter to Broome County.

§ 17-5. Purpose; goals.

A. The purpose of the Council shall be as set forth in Article 47 of the Environmental Conservation Law, together with such other powers as shall be given it by the Legislature to enhance and preserve the natural and developed environment of the County.

B. Major goals of the Council shall include:

(1) Providing support services and advice to the County Executive, Legislature, municipal governmental bodies and citizens;

(2) Conducting and coordinating environmental research activities;

(3) Preparing an annual report on the status of the County's environment;

(4) Raising public awareness of environmental issues through educational programs;

(5) Preparing long-term work plans for the protection and management of the County's natural resources;

(6) Cooperating and assisting other organizations in preparing environmental plans and reports;

(7) Investigating and recommending sound methods of ecological planning for the use of the County's resources;

(8) Reviewing environmental impact statements, plans, applications and reports when requested to do so; and

(9) Responding to County environmental problems.

§ 17-6. Composition.

A. The composition of voting membership in the Council shall be as follows:

(1) Fifteen members-at-large who are County residents.

(2) Three student representatives who are County residents and who are at least 16 years of age. At-large and student member nominees shall be considered for approval by a majority of Council members at a regular meeting. Recommendations are submitted to the County Executive for appointment subject to confirmation by the Legislature.

(3) One representative from each conservation advisory commission (CAC).

(4) One representative each from the Soil and Water Conservation District and Cornell Cooperative Extension located in the County.

B. The following individuals shall be nonvoting ex-officio members of the Council:

(1) The County Executive may appoint the administrators of the following County government departments or their designated standing representatives from the respective agencies:

(a) Health.

(b) Parks and Recreation.

(c) Planning and Economic Development.

(d) Public Works.

(e) Division of Solid Waste Management.

(2) One representative from the United States Department of Agriculture Natural Resources Conservation Service.

(3) Two County Legislators.

C. There shall be any number of nonvoting associate members.

§ 17-7. Selection.

A. The Executive may consider nominees selected as set forth in Subsection A(1), (2) and (3) and shall submit his/her appointees to the Legislature for confirmation in accordance with County Resolution Permanent No. 277 of 1971, as amended. Selection of nominees for Council membership shall be as follows:

(1) At-large and student member nominees shall be selected by the Council's Membership Committee. These names shall be submitted for approval by a majority of Council members at a regular monthly meeting. Notification shall be included in the agenda for that meeting.

(2) Each conservation advisory commission may designate one of its members or employees as a Council member nominee.

(3) The United States Department of Agriculture Natural Resources Conservation Service, Cooperative Extension Association and Soil and Water Conservation District may designate one of their members or employees as a Council member nominee.

B. The County Executive may appoint County Department Commissioners or their designees as representatives to Council.

C. The Chairperson of the Legislature may appoint two Legislators as representatives to Council.

D. Associate member nominees shall be selected by the Council's Membership Committee, subject to approval by a majority of members at a regular monthly meeting. Notifications shall be included in the agenda for that meeting.

§ 17-8. Terms of membership.

Terms of membership on the Council shall be for periods specified as follows, subject to the provisions of § 17-7 above:

A. At-large members shall serve a term that consists of two consecutive calendar years. No at-large member may serve more than two consecutive terms. However, six months after the completion of two consecutive terms, an at-large member shall again become eligible for Council membership.

B. Student members shall serve a term of one year beginning September 1. Student members may serve no more than two consecutive one-year terms.

C. Representatives from conservation advisory commissions shall serve a term that consists of two consecutive calendar years. CAC representatives serve at the pleasure of their CAC.

D. United States Natural Resources Conservation Service, Cooperative Extension Service, and Soil and Water Conservation District representatives shall serve at the pleasure of their agencies without a fixed term.

E. County Commissioners (or their standing representatives) shall serve at the pleasure of the County Executive without a fixed term.

F. County Legislators shall serve at the pleasure of the Chairperson of the Legislature.

G. Associate members may serve any number of one-year terms.

§ 17-9. Term expiration and filling vacancies.

A. Whenever vacancies occur among at-large and student members due to the expiration of a term, the Membership Committee shall recommend nominees to be approved by a majority of Council members at a regular monthly meeting. Members whose terms have officially expired shall continue to serve until their replacements have been appointed and confirmed by the appropriate authorities.

B. Whenever vacancies occur due to reasons other than the expiration of a term, the Membership Committee shall recommend replacements to serve out the vacated (or interim) term. A member who serves an interim term remains eligible to serve two additional consecutive terms. The nominees are subject to appointment by the County Executive and confirmation by the County Legislature.

C. Whenever vacancies occur from among the other categories of Council membership, the Council shall notify the appropriate agency or organization so that it may submit the name of a replacement, subject to the provisions of § 17-7 above.

§ 17-10. Absences.

Unexcused absences from three consecutive Council meetings or from four meetings in any twelve-month period shall constitute presumed resignation. Following such absences, the member shall be notified, in writing, of his/her presumed resignation. If extenuating circumstances have caused the absences or if the member wishes to take issue with the proceedings for any reason, the member shall inform the Council Chairperson within one week of the date of the written notification. No response shall be considered a confirmation of the member's resignation.

§ 17-11. Compensation.

All members of the Council shall receive no compensation for their services. They shall be reimbursed, to the extent that the budget permits, for expenses necessarily incurred in the performance of their Council duties (excluding associate members), subject to County expenditure approval procedures.

Chapter 21

CLAIMS APPROVAL AND PAYMENT

§ 21-1. Powers of Department of Audit and Control.

§ 21-2. Claim payment procedures.

§ 21-3. Certification by claimants.

[HISTORY: Adopted by the Broome County Legislature 12-30-1982 by L.L. No. 2-1983 (Ch. 10 of the 1991 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Department of Audit and Control — See Charter, Art. IV; Administrative Code, Art. IV.

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§ 21-1. Powers of Department of Audit and Control.

The Department of Audit and Control of the County of Broome shall have the right to approve for payment bills, claims or vouchers submitted to the County for the purchase or the lease of goods, materials or supplies and claims for the reimbursement of expenses and for professional and personal services in accordance with the following procedures.

§ 21-2. Claim payment procedures.

A. A claim for the purchase of goods, materials or supplies may be audited and paid if:

(1) The goods, materials or supplies have been delivered to the County;

(2) An itemized invoice has been delivered to the appropriate department for said goods, materials or supplies and is attached to said claim or bill;

(3) A receipt, packing list, delivery copy or invoice has been signed and dated by an employee certifying to the delivery and receipt by the County of said goods, materials or supplies; and

(4) The head of the appropriate department or his authorized designee shall approve each claim for audit after the required invoices and receipts have been attached to the voucher.

B. A claim for the lease of goods, materials or supplies or a claim for the maintenance of County property or equipment may be audited and paid if:

(1) The goods, materials or supplies have been delivered to the County;

(2) The lease of said goods, materials or supplies or agreement for the maintenance of said property or equipment has been authorized by the Broome County Legislature or the Board of Acquisition and Contract;

(3) A fully executed agreement for the lease of said goods, materials or supplies or for the maintenance of County property or equipment is available for viewing on the Law File; and[1]

(4) Said lease or maintenance contract calls for the payment of money in predetermined amounts to be paid at predetermined intervals.

C. A claim for the reimbursement for expenses or for professional or personal services may be audited and paid if:

(1) The expenses for which reimbursement are sought have actually been incurred or the professional or personal services have actually been performed for or on behalf of the County of Broome;

(2) The claim shall be certified to by the claimant or a duly authorized officer or agent as true and correct and that the amount claimed remains due, owing and unpaid, and that the services were actually performed; and

(3) The head of the appropriate department or his authorized deputy shall approve said claim, certifying that the expenses or the professional or personal services have been rendered for or on behalf of Broome County and that the charges are correct.

D. A claim for the payment of medical services and treatment of all municipal employees covered under the Broome County Self-Insurance Plan may be audited and paid if:

(1) An itemized invoice has been received by the Office of Risk and Insurance listing dates, type of treatment or services and amount of each treatment or service; and

(2) The required accident report forms are on file in the Office of Risk and Insurance; and

(3) The Manager of Risk and Insurance or his authorized designee has reviewed each claim and certifies that the services or treatment appears to be appropriate to the injury, and the amount is in accordance with the Worker's Compensation Board Schedule of Medical Fees.

E. A claim for the prepayment for the purchase of goods, materials or supplies, annual subscriptions and membership dues may be audited and paid if:

(1) The terms of sale require a check to accompany the order;

(2) The head of the appropriate department or his authorized designee agrees to obtain and retain an invoice after the supplies, materials or goods have been delivered to the County;[2]

(3) An itemized price list from the vendor, listing the items to be purchased and unit prices, is attached to the voucher; and

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1. Editor's Note: Amended at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I).

2. Editor's Note: Amended at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I).

(4) A Broome County purchase order and/or an order form from the vendor accompanies the voucher to be sent to the vendor with the check.

§ 21-3. Certification by claimants.

Notwithstanding anything above to the contrary, the Department of Audit and Control shall have the right in its judgment to require, in addition to any of the above, a certification by the claimant.

Chapter 28

DEFENSE AND INDEMNIFICATION

§ 28-1. Benefits conferred.
§ 28-2. Definitions.
§ 28-3. Authority to execute agreements.

[HISTORY: Adopted by the Broome County Legislature 6-17-1999 by Res. No. 315 (Ch. 206 of the 1991 Code). Amendments noted where applicable.]

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§ 28-1. Benefits conferred.

The County Legislature hereby agrees to confer the benefits of § 18 of the Public Officers Law[1] upon the employees of Broome County and to be held liable for the costs incurred under the provisions thereof.

§ 28-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

EMPLOYEE — Includes any member of a public board or commission, trustee, commissioner, director, officer, employee, volunteer expressly authorized to participate in a publicly sponsored volunteer program or any person holding a position by election, appointment or employment in the service of Broome County, whether or not compensated, but shall not include an independent contractor. The term "employee" shall include a trustee or employee of the Broome County Public Library. The term "employee" shall include a former employee or the estate or judicially appointed personal representative of a former employee.

§ 28-3. Authority to execute agreements.

The County Executive or his duly authorized representative is hereby empowered to execute any such agreements, documents or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this chapter.

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1. **Editor's Note: Section 18 of the Public Officers Law authorizes the County Legislature to provide for the defense and indemnification of County employees in civil actions or proceedings arising out of any alleged act or omission which occurred or allegedly occurred while the employee was acting within the scope of the employee's public employment or duties.**

Chapter 34

DONATIONS

ARTICLE I
Donations to Willow Point Nursing Facility

§ 34-1. Acceptance of donations authorized.

§ 34-2. Donation of excess items.

§ 34-3. Items to be discarded.

§ 34-4. Implementation.

ARTICLE II
Acceptance by County Departments

§ 34-5. Authorization to accept furniture or equipment.

§ 34-6. Implementation.

[HISTORY: Adopted by the Broome County Legislature as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Donations to Willow Point Nursing Facility
[Adopted 11-20-1997 by Res. No. 489 (Ch. 207, Art. I, of the 1991 Code)]

§ 34-1. Acceptance of donations authorized.

This County Legislature authorizes and approves acceptance of items (clothing, furniture, television sets, flowers from funerals, etc.) donated by families of deceased residents.

§ 34-2. Donation of excess items.

Any excess items not used by the Willow Point Nursing Facility residents shall be donated to other charitable organizations.

§ 34-3. Items to be discarded.

Any such items donated to Willow Point Nursing Facility by families of deceased residents that are not used by other residents or accepted by charitable organizations shall be discarded by Willow Point Nursing Facility.

§ 34-4. Implementation.

The County Executive or his duly authorized representative is hereby empowered to execute any such agreements, documents or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this article.

ARTICLE II

Acceptance by County Departments

[Adopted 3-19-1998 by Res. No. 82 (Ch. 207, Art. II, of the 1991 Code)]

§ 34-5. Authorization to accept furniture or equipment.

This County Legislature hereby authorizes County departments to accept donations of furniture or equipment valued at less than $500.

§ 34-6. Implementation.

The County Executive or his duly authorized representative is hereby empowered to execute any such agreements, documents or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this article.

Chapter 53

ETHICS, CODE, DISCLOSURE AND BOARD

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[HISTORY: Adopted by the Broome County Legislature 12-20-2012 by L.L. No. 1-2013. Amendments noted where applicable.]

ARTICLE I
Code of Ethics

§ 53-1. Purpose and intent.

Pursuant to the provisions of § 806 of the General Municipal Law, the County Legislature of the County of Broome recognizes that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our unit of local government. It is the purpose of this article to promulgate these rules of ethical conduct for Broome County Government officers and employees. These rules shall serve as a guide for Broome County Government officers and employees. The rules of ethical conduct of this article, as adopted, shall not conflict with, but shall be in addition to, any prohibition of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of Broome County Government officers and employees.

§ 53-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

BROOME COUNTY GOVERNMENT OFFICER OR EMPLOYEE — An officer or employee of the County of Broome, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No individual shall be deemed to be a Broome County Government officer or employee solely by reason of being a volunteer fireman or civil defense volunteer.

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

GIFT — Anything of more than nominal value given to an officer or employee in any form, including, but not limited to, money, service, loan, travel, lodging, meals, tickets, refreshments, entertainment, discount, forbearance, or promise, having a monetary value.

IMMEDIATE FAMILY MEMBER — Spouse, child, parent, sibling, grandparent, grandchild (including step and in-law relationships), legal guardian of or any other relative or individual residing in the same household as a Broome County Government officer and employee.

INTEREST — A pecuniary or material benefit accruing to a Broome County Government officer or employee or to a Broome County Government officer's or employee's spouse, minor children and dependents; or a firm, partnership or association of which such officer or employee is a member or employee; or a corporation of which such officer or employee is an officer or director; or a corporation, any stock of which is accrued or controlled, directly or indirectly, by such officer or employee.

NOMINAL VALUE — Nominal value means an item of minimal or insignificant value given as a routine social amenity which could not be reasonably interpreted or construed as attempting to influence a Broome County Government officer or employee.

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

§ 53-3. Standards of conduct.

A. Gifts. No Broome County Government officer, employee, or individual whose name has been submitted by the County Executive to the Legislature for confirmation to become a County officer or employee, a member of the Legislature or a Legislative employee shall directly or indirectly solicit, accept or receive any gift having more than a nominal value, whether in the form of money, service, loan, travel, lodging, meals, refreshments, entertainment, discount, forbearance or promise, ticket or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him or her, or could reasonably be expected to influence him or her, in the performance of his or her official duties or was intended as a reward for any official action on his or her part. The following are excluded from the definition of a gift:

(1) Complimentary attendance, including food and beverage, at a bona fide charitable or political event or food and beverage offered by the sponsor of a widely attended event. The term "widely attended event" shall mean an event: a) which reasonable guideline shall be 25 individuals other than members, officers or employees from Broome County Government who attends or was in good faith invited to attend; and b) which is related to the attendee's duties or responsibilities or which allows the officer or employee to perform a ceremonial function appropriate to his or her position. For the purpose of this exclusion, an officer's or employee's duties or responsibilities shall include but not be limited to attending an event or a meeting at which a speaker or attendee addresses an issue of public interest or concern as a significant activity at such event or meeting. Additionally, for the purpose of this exclusion for Broome County Government officers or employees or their staff attending with or on behalf of such elected officials, attending an event or a meeting at which more than 1/2 of the attendees, or individuals invited in good faith to attend, are residents of the County from which the Broome County Government officer or employee was elected.

(2) Awards, plaques and other ceremonial items which are publicly presented, or intended to be publicly presented, in recognition of public service, provided that the item or items are of the type customarily bestowed at such or similar ceremonies and are otherwise reasonable under the circumstances, and further provided that the functionality of such items shall not determine whether such items are permitted under this paragraph.

(3) An honorary degree bestowed upon a Broome County Government officer or employee by a public or private college or university.

(4) Promotional items having no substantial resale value, such as pens, mugs, calendars, hats, and T-shirts which bear an organization's name, logo or message in a manner which promotes the organization's cause.

(5) Goods and services, or discounts for goods and services, offered to the general public or a segment of the general public defined on a basis other than status as a Broome County Government officer or employee and offered on the same terms and conditions as the goods or services are offered to the general public or segment thereof.

(6) Gifts from a family member, member of the same household, or individual with a personal relationship with the Broome County Government officer or employee, including invitations to attend personal or family social events, when the circumstances establish that it is the family, household or personal relationship that is the primary motivating factor; in determining motivation, the following factors shall be among those considered:

(a) The history and nature of the relationship between the donor and the recipient, including whether or not items have previously been exchanged;

(b) Whether the item was purchased by the donor; and

(c) Whether or not the donor at the same time gave similar items to other Broome County Government officers or employees; the transfer shall not be considered to be motivated by a family, household or personal relationship if the donor seeks to charge or deduct the value of such item as a business expense or seeks reimbursement from a client.

(7) Contributions reportable under Article 14 of the Election Law, including contributions made in violation of that article of the Election Law.

(8) Travel reimbursement or payment for transportation, meals and accommodations for an attendee, panelist or speaker at an informational event or informational meeting when such reimbursement or payment is made by a governmental entity or by an in-state accredited public or private institution of higher education that hosts the event on its campus; provided, however, that the Broome County Government officer or employee may only accept lodging from an institution of higher education:

(a) At a location on or within close proximity to the host campus; and

(b) For the night preceding and the nights of the days on which the attendee, panelist or speaker actually attends the event or meeting.

(9) Provision of local transportation to inspect or tour facilities, operations or property located in Broome County; provided, however, that such inspection or tour is related to the individual's official duties or responsibilities. Payment or reimbursement for expenses for lodging or travel expenses to and from the locality where such facilities, operations or property are located shall be considered to be gifts unless otherwise permitted under this subdivision.

(10) Meals or refreshments when participating in a professional or educational program and the meals or refreshments are provided to all participants.

(11) A ticket or comparable authorization entitling the holder to food, refreshments, entertainment, or any other benefit, if the ticket is widely available and not solely for the individual or group or the one who takes the ticket has paid the face value of the ticket.

B. Confidential information. He or she shall not disclose confidential information acquired by him or her in the course of his or her official duties or use such information to further his or her personal interest.

C. Representation before one's own agency. He or she shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any Broome County Government agency of which he or she is an officer, member or employee or of any Broome County Government agency over which he or she has jurisdiction or to which he or she has the power to appoint any member, officer or employee.

D. Representation before any agency of Broome County Government. He or she shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of Broome County Government.

E. Disclosure of interest in legislation. To the extent that he or she knows thereof, a member of the County Legislature and any Broome County Government officer or employee, whether paid or unpaid, who participates in the discussion or gives official opinion to the County Legislature or any board, agency, department or other administrative unit of Broome County shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he or she has in such legislation.

F. Investments in conflict with official duties. He or she shall not invest or hold any investment, directly or indirectly, in any financial business, commercial or other private transaction which creates a conflict with his or her official duties.

G. Private employment. He or she shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his or her official duties.

H. Future employment. He or she shall not, after the termination of service or employment with Broome County Government, appear before any board, agency, department or other administrative unit of the County of Broome in relation to any case, proceeding or application in which he or she personally participated during the period of his or her service or employment or which was under his or her active consideration.

I. Use of County property and resources. He or she shall not directly or indirectly use or allow the use of property of any kind owned by the County of Broome, including property leased to the County, for other than official County business; nor shall he or she use County of Broome resources or use his or her position as a Broome County Government officer or employee to do anything or cause anything to be done that results in the securing of unwarranted benefits, privileges or exemptions for himself or herself or for any third party.

J. Nepotism.

(1) In hiring. He or she shall not take part in any hiring or employment decision relating to an immediate family member. If a hiring or employment matter arises

relating to an immediate family member, then the Broome County Government officer or employee must advise his or her supervisor of the relationship and must be recused from any and all discussions or decisions relating to the matter.

(2) In supervising. An immediate family member of a Broome County Government officer or employee may not be employed in a position where an immediate supervisor/subordinate relationship would exist.

(3) In contracting. He or she shall not take part in any contracting decision:

(a) Relating to an immediate family member; or

(b) Relating to any entity in which an immediate family member is an officer, director or partner, or in which an immediate family member owns or controls 10% or more of the stock of such entity. If a contracting matter arises relating to an immediate family member, then the employee must advise his or her supervisor of the relationship and must be recused from any and all discussions or decisions relating to the matter.

§ 53-4. Suits against County.

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former Broome County Government officer or employee of any claim, account, demand or suit against the County of Broome or any agency thereof on behalf of himself or herself or any member of his or her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

§ 53-5. Annual statement of financial disclosure.

A. Any individual who is subject to the filing requirements of both Subdivision 2 of § 73-a of the Public Officers Law and of this § 53-5 may satisfy the requirements of this section by filing a signed copy of the statement filed pursuant to § 73-a of the Public Officers Law with the Board of Ethics in accordance with the provisions of this § 53-5.

B. On or before April 15 of each year, a statement of financial disclosure covering the preceding calendar year shall be filed with the Board of Ethics by:

(1) The following elected officials: County Executive, County Legislators, County Clerk, Sheriff and District Attorney.

(2) The following heads of agencies, departments, divisions and their deputies and assistants:[1]

Aging, Office for
Director of Office for Aging
Deputy Director of Office for Aging

1. **Editor's Note: Amended at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I)**

Audit and Control
- Comptroller
- Deputy Comptroller
- Director of Weights and Measures

Aviation
- Commissioner of Aviation
- Deputy Commissioner of Aviation

Broome Community College
- President of Broome Community College
- Vice President of Academic Affairs
- Vice President for Administration and Financial Affairs
- Vice President for Student Affairs

Central Foods
- Director of Central Food and Nutrition Services

Community Alternative Systems Agency
- CASA Program Coordinator

County Clerk
- Executive Deputy County Clerk
- Deputy County Clerk
- Records Management Officer
- Deputy Clerk — DMV

County Executive
- Deputy County Executive
- Administrative Assistant to County Executive
- Executive Assistant to County Executive

District Attorney
- Chief Assistant District Attorney

Elections
- Commissioners of Elections
- Deputy Commissioners of Elections

Emergency Services
- Director of Emergency Services/Fire Coordinator
- Deputy Director of Emergency Services

Employment and Training
- Employment and Training Director
- Deputy Employment and Training Director

Office of Management and Budget
- Director of the Office of Management and Budget
- Deputy Director of OMB — Treasury

Deputy Director of OMB — Budget
Deputy Director of OMB — Accounting
Health
Public Health Director
Deputy Public Health Director
Historian
County Historian
Information Technology
Director of Information Technology
Assistant Director of Information Technology
Law
County Attorney
Chief Assistant County Attorney
Deputy County Attorney (DSS)
Legislature
Clerk of County Legislature
Deputy Clerk of County Legislature
2nd Deputy Clerk of County Legislature
Legislative Assistant
Library
Library Director
Mental Health
Commissioner of Community Mental Health Services
Deputy Commissioner of Community Mental Health Services
Nursing Home
Willow Point Nursing Home Administrator
Deputy Nursing Home Administrator — Fiscal Services
Deputy Nursing Home Administrator — Health Services
Personnel
Personnel Officer
Director of Employee Relations
Equal Employment Opportunity Compliance Officer
Planning and Economic Development
Commissioner of Planning and Economic Development
Probation
Probation Director
Deputy Probation Director
Public Defender
Public Defender

Chief Assistant Public Defender

Public Transportation

Commissioner of Public Transportation

Deputy Commissioner of Public Transportation

Public Works, Parks, Recreation and Youth Services

Commissioner of Public Works, Parks, Recreation and Youth Services

Deputy Commissioner of Public Works/Buildings and Grounds

Deputy Commissioner of Public Works/Engineering

Deputy Commissioner of Public Works/Highways

Director of Security

Director of Solid Waste Management

Director of Parks, Recreation and Youth Services

Arena Manager

Purchasing

Director of Purchasing

Real Property Tax Service

Director of Real Property Tax Services

Assistant Director of Real Property Tax Services

Risk and Insurance

Manager of Risk and Insurance

Sheriff

Undersheriff

Corrections Major

Social Services

Commissioner of Social Services

Deputy Commissioner of Social Services

Deputy Commissioner of Social Services — Temporary Assistance

Deputy Commissioner of Social Services — Administrative Services

Stop DWI

STOP DWI Coordinator

Veterans Services

Director

(3) Members of the following boards, councils, commissions, bureaus and agencies:

(a) Agricultural and Farmland Protection Board.

(b) Broome Community College Board of Trustees.

(c) Broome Tobacco Asset Securitization Board.

(d) Board of Ethics.

(e) Catskill Regional Off-Track Betting Corporation Board of Directors.

(f) Central Library Board of Trustees.

(g) Industrial Development Agency Board of Directors.

(h) Land Bank.

(i) Local Development Corporation.

(j) Soil and Water Conservation District Board of Directors.

(k) Veterans Memorial Arena and Performing Arts Theater Board of Directors.

(4) Such other Broome County Government officers or employees as certified by the County Executive and approved by the Board of Ethics.

C. Any such Broome County Government officer or employee whose duties commence after April 15 of any year shall be notified by the Personnel Department to file such financial statement with the office of the Clerk of the Legislature within 15 days after the commencement of duties. The Board of Ethics shall be notified by the office of the Clerk of the Legislature to review such statement.

D. Schedule of relevant dates and deadlines.

(1) March 15: The office of the Clerk of the Legislature shall distribute the statement of financial disclosure to Broome County Government officers and employees. Statement of financial disclosure forms shall be postmarked or returned to the office of the Clerk of the Legislature on or before April 15. The statement of financial disclosure shall be in a sealed envelope marked "Confidential Annual Statement of Financial Disclosure filed with Broome County Board of Ethics."

(2) May 1: The Clerk of the Legislature shall produce a list of delinquent individuals who have failed to file their financial disclosure statement and shall forward said list to the County Executive, appropriate department heads and the delinquent individuals.

(3) May 15: The Board of Ethics shall be notified by the office of the Clerk of the Legislature that all sealed financial disclosure envelopes received are available in the office of the Clerk of the Legislature for review.

(4) On or before June 1: The Board of Ethics shall inspect the financial disclosure statements.

(5) On or before June 15:

(a) The Board of Ethics shall notify the reporting individual in writing, stating that a deficiency exists and providing the individual with a fifteen-day period to cure the deficiency.

(b) The Board of Ethics shall notify the reporting individual in writing of a possible violation and provide the individual a fifteen-day period to submit a written response.

(6) On or before July 15:

(a) The Board of Ethics shall review the revised statements and check if the deficiency has been cured.

(b) The Board of Ethics shall review the written response from the reporting individual. If the Board determines that further inquiry is justified, it shall contact the reporting individual within a fifteen-day period and give the reporting individual an opportunity to be heard.

(7) August 1: The Board of Ethics shall file a report to the County Executive, Chairperson of the County Legislature and County Attorney, with a copy to the reporting individual. The report shall be included in the individual's permanent personnel file, as appropriate. The final report shall include a list of all nonfiling individuals, a list of individuals whose deficiency has not been cured and a list of individuals in violation.

§ 53-6. Advertisements by elected officials and candidates.

Pursuant to the provisions of § 73-b of the Public Officers Law, no elected government official or candidate for elected local office in the County of Broome shall knowingly appear in any advertisement or promotion, including public or community service announcements, published or broadcast through any print or electronic media (including television, radio and Internet) by any private or commercial entity or any other entity that publishes such advertisement for a fee, if the advertisement or promotion is paid for or produced in whole or in part with funds of the state, a political subdivision thereof or a public authority.

§ 53-7. Distribution of Code of Ethics.

The County Executive of the County of Broome shall cause a copy of this Code of Ethics to be distributed to every Broome County Government officer and employee by the Personnel Department within 30 days after the effective date of this article. Each Broome County Government officer and employee thereafter shall be furnished a copy by the Personnel Department before entering upon the duties of his or her office or employment.

§ 53-8. Penalties for offenses.

In addition to any penalty contained in any other provision of law, any individual who shall knowingly and intentionally violate any of the provisions of this code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

ARTICLE II
Board of Ethics

§ 53-9. Membership.

Pursuant to the provisions of Article 18 of the General Municipal Law, there is hereby established a Broome County Board of Ethics consisting of three members to be appointed by the County Executive, subject to confirmation by the Broome County Legislature. The majority of such members shall not be Broome County Government officers or employees or officers or employees of any other municipality wholly or partially located in the County. At least one of whom shall be a Broome County Government officer or employee or an officer or employee of a municipality located therein. No more than two members shall be of the same political party, with at least one member belonging to the political party of Row A and one from Row B of the New York State Board of Elections voting ballot.

§ 53-10. Advisory opinions.

A. The Board of Ethics shall render advisory opinions to Broome County Government officers or employees with respect to Article 18 of the General Municipal Law and codes of ethics adopted pursuant thereto. The advisory opinion will be rendered pursuant to the written request of any such officers and employees. The Broome County Board of Ethics shall render a written opinion within 30 days of the request, whenever possible, after investigating fully the circumstances surrounding the request. An opinion rendered by the Board of Ethics, until and unless amended or revoked, shall be binding on the Board of Ethics in any subsequent proceeding concerning the individual who requested the opinion and who acted in good faith, unless material facts were omitted or misstated by the individual in the request for an opinion. Such opinion may also be relied upon by such individual and may be introduced in any criminal or civil action. Such requests shall be confidential, but the Board of Ethics may publish such opinions, provided that the name of the requesting individual and other identifying details shall not be included in the publication.

B. The Board of Ethics shall make recommendations with respect to the drafting and adoption of a Code of Ethics or amendments thereto upon the request of the governing body of any municipality in the County.

§ 53-11. Coexistence with municipal boards of ethics.

The Broome County Board of Ethics shall not act with respect to the officers and employees of any municipality located within the County where such municipality has established its own board of ethics, except that a local board of ethics may refer matters to the Broome County Board of Ethics.

§ 53-12. Terms of office, officers, meetings.

A. Members of the Board of Ethics shall be appointed for terms of three years. If the County Executive fails to fill a vacancy on the Board of Ethics within 60 days after a vacancy occurs, the County Legislature shall proceed to fill such vacancy. Whenever a

vacancy occurs by expiration of term, a member may continue his or her office until the vacancy is filled.

B. The Board of Ethics shall elect each year a Chairman and Secretary. Special meetings of the Board of Ethics shall be held at the call of any member on at least three days' written notice, mailed to the last-known address of the members. It shall adopt rules of proceeding for the conduct of its meetings, including the requirement that minutes shall be kept for every meeting, and establish regular meeting dates.

C. Two members of the Board of Ethics shall constitute a quorum.

§ 53-13. Compensation.

The members of the Board of Ethics shall receive no salary or compensation for their services, but shall, within the appropriations provided therefor, be entitled to actual and necessary disbursements and expenses in performing the duties of their office.

§ 53-14. Removal of members.

Members of the Board of Ethics may be removed by the County Executive, subject to confirmation by the County Legislature.

§ 53-15. Powers and duties.

A. Appoint an Executive Director, if necessary, and such staff as may be necessary to carry out its duties. The Board of Ethics may delegate authority to the Executive Director, if any, to act in the name of the Board of Ethics between meetings of the Board, provided that such delegation is in writing and the specific powers to be delegated are enumerated, and further provided that the Board of Ethics shall not delegate the power to conduct hearings, determine violations, recommend disciplinary action, impose any civil fine, refer any matter to a prosecutor or render any advisory opinion. The office of the Clerk of the Legislature shall provide such office space, equipment and clerical personnel as may be necessary to support the operation of the Board of Ethics.

B. Adopt, amend and rescind rules and regulations to govern procedures of the Board of Ethics, including the promulgation of rules and regulations of the same import as those of the Joint Commission on Public Ethics or its successor under New York State Law. Such rules and regulations shall include, but not be limited to, the procedure whereby an individual who is required to file an annual financial disclosure statement with the Board of Ethics may request an additional period of time within which to file such statement, due to justifiable cause or undue hardship; such rules or regulations shall provide for a date beyond which, in all cases of justifiable cause or undue hardship, no further extension of time will be granted.

C. Make available forms for annual statements of financial disclosure required to be filed pursuant to the Code of Ethics.

D. Act as a repository for completed financial disclosure forms filed pursuant to the Code of Ethics.

E. Review completed financial disclosure statements filed in accordance with the Code of Ethics no later than June 1 and July 15.

F. Receive complaints alleging a violation of the Code of Ethics.

G. Permit any individual required to file a financial disclosure statement to request the Board of Ethics to delete from the copy thereof made available for public inspection one or more items of information, which may be deleted by the Board of Ethics upon a finding by the Board of Ethics that the information which would otherwise be required to be disclosed will have no material bearing on the discharge of the reporting individual's official duties. If such request for deletion is denied, the Board of Ethics, in its notification of denial, shall inform the individual of his or her right to appeal the Board's determination pursuant to its rules governing adjudicatory proceedings and appeals.

H. Permit any individual required to file a financial disclosure statement to request an exemption from any requirement to report one or more items of information which may pertain to such individual's spouse or child, which item or items may be exempted by the Board of Ethics upon a finding by the Board of Ethics that the reporting individual's spouse or child objects to providing the information necessary to make disclosure and that the information which would otherwise be required to be reported would have no material bearing on the discharge of the reporting individual's official duties. If such request for exemption is denied, the Board of Ethics, in its notification of denial, shall inform the individual of his or her right to appeal the Board's determination pursuant to its rules governing adjudicatory proceedings and appeals.

I. Permit any individual who has not been determined by the County Executive to hold a policy-making position but who is otherwise required to file a financial disclosure statement to request an exemption from such requirement in accordance with rules and regulations governing such exemptions. Such rules and regulations shall provide for exemptions to be granted either on the application of an individual or on behalf of individuals who share the same job title or employment classification which the Board of Ethics deems to be comparable for purposes of this section. Such rules and regulations may permit the granting of an exemption where, in the discretion of the Board of Ethics, the public interest does not require disclosure and the applicant's duties do not involve the negotiation, authorization or approval of:

(1) Contracts, leases, franchises, revocable consents, concessions, variances, special permits or licenses as defined in § 73 of the Public Officers Law;

(2) The purchase, sale, rental or lease of real property, goods or services or a contract therefor;

(3) The obtaining of grants of money or loans; or

(4) The adoption or repeal of any rule or regulation having the force and effect of law.

§ 53-16. Inspection of financial disclosure statements.

The Board of Ethics, or the Executive Director and staff of the Board if responsibility therefor has been delegated, shall inspect all financial disclosure statements filed with the Board of Ethics on or before June 1 and review the revised statement on or before July 15 to ascertain whether any individual subject to the reporting requirements of the Code of Ethics has failed to file such a statement, has filed a deficient statement or has filed a statement which reveals a possible violation of the Code of Ethics.

§ 53-17. Notice of failure to file statement or filing deficient statement.

If an individual required to file a financial disclosure statement with the Board of Ethics has failed to file a disclosure statement or has filed a deficient statement, the Board of Ethics shall direct the office of Clerk of the Legislature to notify the reporting individual in writing, stating the failure to file or detailing the deficiency, providing the individual with a fifteen-day period to cure the deficiency. Such notice shall be confidential.

§ 53-18. Penalties for failure to file or filing false statements.

A reporting individual who knowingly and willfully fails to file an annual statement of financial disclosure or who knowingly and willfully, with intent to deceive, makes a false statement or gives information which such individual knows to be false on such statement of financial disclosure filed pursuant to § 53-5 of the Code of Ethics shall be assessed a civil penalty in an amount not to exceed $10,000. Assessment of a civil penalty hereunder shall be made by the Board of Ethics with respect to individuals subject to its jurisdiction. For a violation of this section, the Board of Ethics may, in lieu of a civil penalty, refer a violation to the District Attorney and, upon such conviction, but only after such referral, such violation shall be punishable as a Class A misdemeanor. Notwithstanding any other provision of law to the contrary, no other penalty, civil or criminal, may be imposed for a failure to file or for a false filing of such statement, except that the appointing authority may impose disciplinary action as otherwise provided by law.

§ 53-19. Violations of Code of Ethics.

A. If a reporting individual has filed a statement which reveals a possible violation of the Code of Ethics, or the Board of Ethics receives a sworn complaint alleging such a violation, or if the Board of Ethics determines on its own initiative to investigate a possible violation, the Board of Ethics shall notify the reporting individual in writing, describing the possible or alleged violation and providing the individual with a fifteen-day period in which to submit a written response setting forth information relating to the activities cited as a possible or alleged violation of law. If the Board of Ethics thereafter makes a determination that further inquiry is justified, the Board of Ethics shall conduct a hearing within a fifteen-day period and give the reporting individual an opportunity to be heard. The Board of Ethics shall also inform the reporting individual of its rules regarding the conduct of adjudicatory proceedings and appeals and the due process procedural mechanisms available to such individual. If the Board of Ethics determines at any stage of the proceeding that there is no violation or that any potential

conflict-of-interest violation has been rectified, it shall so advise the reporting individual and the complainant, if any. All of the foregoing proceedings shall be confidential.

B. If the Board of Ethics determines that a violation has occurred, it shall prepare a notice of violation to the reporting individual and direct the office of the Clerk of the Legislature to deliver the notice to the complainant, if any, to the County Executive, the County Legislature and the County Attorney.

§ 53-20. Rules for proceedings and appeals.

The Board of Ethics shall be deemed to be an agency within the meaning of Article III of the State Administrative Procedure Act and shall adopt rules governing the conduct of adjudicatory proceedings and appeals taken pursuant to a proceeding commenced under Article 78 of the Civil Practice Law and Rules of the State of New York relating to the assessment of the civil penalties herein authorized and the Board of Ethics' denials of requests for certain deletions or exemptions to be made from a financial disclosure statement as authorized in § 53-15G or H hereof. Such rules, which shall not be subject to the approval requirements of the State Administrative Procedure Act, shall provide for due process procedural mechanisms substantially similar to those set forth in such Article III, but such mechanisms need not be identical in terms or scope. Assessment of a civil penalty or the Board of Ethics' denial of such a request shall be final, unless modified, suspended or vacated within 30 days of imposition, with respect to the assessment of such penalty, or unless such denial of a request is reversed within such time period and, upon becoming final, shall be subject to review at the insistence of the affected reporting individuals in a proceeding commenced against the Board of Ethics pursuant to Article 78 of the Civil Practice Law and Rules of the State of New York.

§ 53-21. Filing of notices.

The Board of Ethics shall cause a copy of any notice of delinquency or notice of violation sent pursuant to § 53-17 or 53-19 hereof to be included in the reporting individual's permanent personnel file, as appropriate, and be available for public inspection.

§ 53-22. Additional powers and duties.

In addition to any other powers and duties specified by law, the Board of Ethics shall have the power and duty to:

A. Administer and enforce all the provisions of §§ 53-17 through 53-21.

B. Administer and enforce all the provisions of §§ 53-24 through 53-31.

C. Conduct any investigation necessary to carry out the provisions of §§ 53-15 through 53-21 and §§ 53-24 through 53-31. Pursuant to this power and duty, the Board of Ethics may administer oaths or affirmations, subpoena witnesses, compel their attendance, and require the production of any books or records which it may deem relevant or material.

§ 53-23. Records available for public inspection.

A. The records of the Board of Ethics which shall be available for public inspection through FOIL for a period of seven years are:

(1) The information set forth in an annual statement of financial disclosure filed pursuant to the Code of Ethics, except any of the categories of value or amount, which shall remain confidential, and any item of information deleted pursuant to § 53-15G hereof.

(2) The information set forth in the contribution and gift sworn statements filed pursuant to § 53-26.

(3) Notices of delinquency sent and delinquent list produced under § 53-17 hereof.

(4) Notices of civil assessments imposed under § 53-18 hereof.

(5) Notices of violation sent under §§ 53-5D(7), 53-19 and 53-30 hereof.

B. No other records of the Board of Ethics shall be available for public inspection. No meeting or proceeding of the Board of Ethics shall be open to the public, except if expressly provided otherwise by the Board of Ethics.

ARTICLE III
County of Broome Professional Service Agreement

§ 53-24. Definitions.

As used in this article, the following term shall have the meaning indicated:

PROFESSIONAL BUSINESS ENTITY — An entity seeking a public contract or agreement for professional service, public works, or purchase/lease of equipment, supplies and materials, and which may be an individual, including the individual's spouse, if any, and any child living at home; firm; corporation; professional corporation; partnership; organization or association. The definition of a "business entity" includes all principals who own 10% or more of the equity in the corporation or business trust, partners and officers in the aggregate employed by the entity, as well as any subsidiaries directly controlled by the business entity. The definition of "business entity" shall also include bargaining units that represent Broome County employees or affiliates of said bargaining units.

§ 53-25. Contributions and gifts.

A. The County shall not enter into contracts or agreements for professional services, public works, or purchase/lease of equipment, supplies and materials with any party if that party has solicited or made any contribution, including in-kind contributions, within one calendar year immediately preceding the date of the contract or agreement, which exceeded the permitted thresholds set forth in Article 14 of the Election Law of the State of New York.

B. It shall be a violation of Chapter 53 of the Broome County Code for a professional business entity to:

(1) Make or solicit a contribution or gift in violation of Articles I or III of Chapter 53 of the Broome County Charter and Code.

(2) Knowingly conceal or misrepresent a contribution or gift given or received.

(3) Make or solicit contributions or gifts through intermediaries for the purpose of concealing or misrepresenting the source of the contribution/gift.

(4) Engage in the exchange of contributions or gifts that would circumvent the intent of Article III of Chapter 53 of the Broome County Charter and Code.

(5) Directly or indirectly, through or by any other individual or means, do any act which would subvert the provisions of Article III of Chapter 53 of the Broome County Charter and Code or the intent thereof.

§ 53-26. Contribution statement and gift statement by professional business entity.

A. Election Law signed statements. The Broome County Government shall require a signed statement for any contract or agreement that requires formal bidding under the New York State General Municipal Law or the Broome County Charter and Code attesting that the professional business entity has not made a contribution within one calendar year immediately preceding the date of the contract or agreement which exceeded the permitted thresholds set forth in Article 14 of the Election Law of the State of New York.

B. Gifts signed statement. The County shall require a signed statement for any contract or agreement that requires formal bidding under the New York State General Municipal Law or the Broome County Charter and Code that discloses all gifts given, if any, by the bidding professional business entity to any Broome County Government officer or employee.

C. Reporting violations. The professional business entity shall have a continuing duty to report any violations of Article III of Chapter 53 of the Broome County Charter and Code that may occur during the negotiation or duration of a contract.

§ 53-27. Contributions and gifts made prior to effective date.

No contribution of money or any other thing of value, including in-kind contributions and gifts made by a professional business entity, shall be deemed a violation of this article; nor shall any contract or agreement be disqualified thereby if that contribution or gift was given by the professional business entity prior to the effective date of Article III of Chapter 53 of the Broome County Charter and Code.

§ 53-28. Return of excess contributions.

A professional business entity, candidate for elected County office, officeholder, County party committee or political action committee (PAC) may cure a violation of Article III of Chapter 53 of the Broome County Charter and Code if, within 60 days after the prohibited

contribution is made known, the responsible party notifies the Board of Ethics in writing and seeks and receives reimbursement of the contribution.

§ 53-29. Inspection of signed statements.

Any contract or agreement that requires formal bidding under the New York State General Municipal Law or the Broome County Charter and Code shall have the contribution signed statement and the gift signed statement attached for inspection to ascertain whether any professional business entity subject to the reporting requirements of Article III of Chapter 53 of the Broome County Charter and Code has filed a deficient statement or has filed a statement which reveals a possible violation of Article III of Chapter 53 of the Broome County Charter and Code. All statements that disclose gift giving will be forwarded by the Purchasing Agent to the Board of Acquisition and Contract (B.A.C.) as well as Board of Ethics for their review.

§ 53-30. Violations.

The Board of Ethics shall have the power to receive and review all complaints alleging a violation of Article III of Chapter 53 of the Broome County Charter and Code in the following manner:

A. If a reporting professional business entity has filed a statement which reveals a possible violation of Article III of Chapter 53 of the Broome County Charter and Code, or the Board of Ethics receives a sworn complaint alleging such a violation, or if the Board of Ethics determines on its own initiative to investigate a possible violation, the Board of Ethics shall notify the reporting entity in writing, describing the possible or alleged violation and providing the entity with a fifteen-day period in which to submit a written response setting forth information relating to the activities cited as possible or alleged violations of law. If the Board of Ethics thereafter makes a determination that further inquiry is justified, it shall give the reporting entity an opportunity to be heard. The Board of Ethics shall also inform the reporting entity of its rules regarding the conduct of adjudicatory proceedings and appeals and the due process procedural mechanisms available to such entity. If the Board of Ethics determines at any stage of the proceeding that there is no violation or that any potential conflict-of-interest violation has been rectified, it shall so advise the reporting entity and the complainant, if any. All of the foregoing proceedings shall be confidential.

B. If the Board of Ethics determines that a violation has occurred, it shall prepare a notice of violation to the reporting entity and direct the office of the Clerk of the Legislature to deliver the notice to the complainant, if any, to the County Executive and the County Legislature and the County Attorney.

§ 53-31. Penalties for offenses.

Any professional business entity that violates §§ 53-25 through 53-28 of Article III of Chapter 53 of the Broome County Charter and Code shall be disqualified from eligibility for future County of Broome contracts for a period of two calendar years from the date of the violation.

Chapter 74

INFORMATION TECHNOLOGY

ARTICLE I
Acceptable Use of County Network and Online Services

§ 74-1. Statement of purpose.
§ 74-2. Network access.
§ 74-3. Password accountability.
§ 74-4. Privacy.
§ 74-5. Content.
§ 74-6. Harmful activities.
§ 74-7. Unlawful activities.
§ 74-8. File downloads.

[HISTORY: Adopted by the Broome County Legislature as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Acceptable Use of County Network and Online Services
[Adopted 5-21-1998 by Res. No. 202; amended in its entirety 9-16-1998 by Res. No. 403 (Ch. 240 of the 1991 Code)]

§ 74-1. Statement of purpose.

A. The purpose of this article is to delineate acceptable practices when using the County computer network and online services to assist in job duties. Network and online services access provided by Broome County is governed by all applicable laws, rules, regulations, existing County policies and this article.

B. Generally, activities in compliance with existing County policy and other applicable regulations will be appropriate. Acceptable use always is ethical, reflects honesty and shows restraint in the consumption of shared resources. This article elaborates on certain activities that are directly related to County network and online services. Violations of this article will result in appropriate disciplinary action.

§ 74-2. Network access.

A. Access to the County network and online services is not a condition of employment, and the County has the right to discontinue any employee's County network and/or online services access at any time. All network and online services are to be used exclusively for work-related purposes. Unless specifically authorized by the Director of Information Technology, any online services access, other than access provided by the County through the County network, is prohibited.

B. The following activities are prohibited:

(1) Activities unrelated to the County's mission.

(2) Activities unrelated to official assignments and/or job responsibilities.

(3) Use for any illegal purpose.

(4) Transmission of threatening, obscene or harassing materials or correspondence.

(5) Unauthorized distribution of New York State data and information.

(6) Interference with or disruption of network users, services or equipment.

(7) Use for private purposes such as marketing or business transactions.

(8) Solicitation for religious and political causes.

(9) Unauthorized not-for-profit business activities.

(10) Private advertising of products or services.

(11) Any activity meant to foster personal gain.

§ 74-3. Password accountability.

A. Each employee is responsible for all transactions made using his/her password and for safeguarding his/her password. Commit passwords to memory. Do not automate network log-ons. A user should type his/her password in each time a session is started. When network tasks are complete, the employee must sign off of the computer system.

B. Passwords should be changed regularly and should not be kept longer than 90 days. A good password is one that is easy to remember but difficult to guess. Ideally, a password will consist of two unrelated words or a nonsense word. Passwords must be different than the user ID and should not be an easily guessed word or name.

§ 74-4. Privacy.

A. E-mail services, like other means of communication, are to be used to support County business. All County correspondence, including electronic mail (e-mail), is subject to the Freedom of Information Law. Thus, the same care used in composing any official County correspondence should be applied to e-mail. Never send or keep anything that is inappropriate for disclosure to the general public.

B. All work generated using County-owned hardware or software is property of the County. Staff may use e-mail to communicate informally with others in the County so long as the communication meets professional standards of conduct. Staff may use e-mail to communicate outside of the County when such communications are related to legitimate business activities and are within their job assignments or responsibilities. The Department of Information Technology has access to all mail and user access requests and will monitor messages as necessary or as requested by department heads to assure efficient performance and appropriate use. Messages relating to or in support of activities will be reported to the appropriate authorities.

C. Any correspondence sent outside of the County network (over online services) will go through numerous unprotected computer systems. Notice is hereby given that there are

no facilities provided by the County system for sending or receiving private or confidential electronic communications. To the greatest extent possible, e-mail should be discarded after it has been read. The County will, with or without notice to system users, periodically purge all saved messages in the County system.

§ 74-5. Content.

A. All electronic correspondence shall contain the sender's name and adhere to County guidelines for business correspondence.

B. The following practices are prohibited:

(1) Using e-mail for illegal, disruptive, unethical or unprofessional activities, or for personal gain, or for any purpose that would jeopardize the legitimate interests of the County.

(2) Using content or language inappropriate to the workplace. Inappropriate content includes, but is not limited to, derogatory or inflammatory remarks about an individual's race, age, disability, religion, national origin, physical attributes or sexual preference, as well as discriminatory, harassing or obscene communications.

(3) Proselytizing or soliciting for any charitable, religious, political or non-work-related organization without specific authorization from the appropriate authority.

(4) Misrepresenting or attempting to hide your identity.

§ 74-6. Harmful activities.

Any activity that intentionally or negligently interferes with the proper operation of computer networks or systems is prohibited. Employees will not access or attempt to access data or information belonging to other individuals or entities without proper authorization, even if the data or information is not securely protected. Report any discovery of improperly protected data to the Information Technology help desk.

§ 74-7. Unlawful activities.

The County network and online services may not be used for any purpose that is illegal, against County policy or contrary to the County's best interest. Network and online services users shall not download, copy, transmit or possess proprietary software or copyrighted materials (including computer images and other forms of intellectual property) without proper authorization.

§ 74-8. File downloads.

All hardware, software installed on the County system and/or any County-provided terminal, regardless of whether it is linked to the system, is County property. Downloading files and/or software is prohibited. Installation of any unauthorized software is prohibited. Software may

only be installed on a County computer with express authorization from the Department of Information Technology.

Chapter 82

JAILS

ARTICLE I
Reimbursement for Services

§ 82-1. Medical and dental services.

[HISTORY: Adopted by the Broome County Legislature as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Reimbursement for Services
[Adopted 12-12-1991 by L.L. No. 17-1991 (Ch. 25, Art. I, of the 1991 Code)]

§ 82-1. Medical and dental services.

A. All costs for medical and dental services, as specified in § 500-h, Subdivision 1, of the Correction Law of the State of New York, paid by the County of Broome on behalf of an inmate of the Broome County Jail shall be reimbursed to the County of Broome from any third-party coverage or indemnification carried by the inmate.

B. Such third-party coverage or indemnification shall first be applied against the total cost to the hospital or other provider as established in accordance with the provisions of § 2807 of the Public Health Law relating to rates of payment.

Chapter 89

LEASE OR SALE OF COUNTY PROPERTY

ARTICLE I
Time Limits for Leases

§ 89-1. Purpose.

§ 89-2. Time limits for leases.

ARTICLE II
Public Airport Property

§ 89-3. Purpose.

§ 89-4. Hearing or notice not required.

ARTICLE III
Advertising and Bidding Requirements

§ 89-5. Sale or lease without advertisement or bidding.

[HISTORY: Adopted by the Broome County Legislature as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Use of County property — See Ch. 222.

ARTICLE I
Time Limits for Leases
[Adopted 2-13-1985 by L.L. No. 1-1985 (Ch. 28, Art. I, of the 1991 Code)]

§ 89-1. Purpose.

The purpose of this article is to supersede that portion of the New York State County Law § 215, Subdivision 3, which limits the term of the County's leases of real property to five years.

§ 89-2. Time limits for leases.

The Legislature of the County of Broome may lease for County purposes real property for terms not exceeding 15 years, with the privilege of renewal.

ARTICLE II
Public Airport Property
[Adopted 7-23-1985 by L.L. No. 4-1985 (Ch. 28, Art. II, of the 1991 Code)]

§ 89-3. Purpose.

The purpose of this article is to supersede that portion of the New York State General Municipal Law § 352, Subdivision 5, which requires that a public hearing on notice be held prior to the lease of real property at a public airport.

§ 89-4. Hearing or notice not required.

The County of Broome may lease real property at its public airport without necessity of prior public hearing on notice.

ARTICLE III
Advertising and Bidding Requirements
[Adopted 9-10-1986 by L.L. No. 9-1986 (Ch. 28, Art. III, of the 1991 Code)]

§ 89-5. Sale or lease without advertisement or bidding.

In addition to the method of alienation of County real property authorized by the County Law § 215, Broome County may, with the authorization of the County Legislature, sell or lease County property no longer required for public use without public advertisement or bidding.

Chapter 96

MOVING EXPENSES

§ 96-1. Payment or reimbursement to new employees.

[HISTORY: Adopted by the Broome County Legislature 2-20-1992 by L.L. No. 3-1992 (Ch. 31 of the 1991 Code). Amendments noted where applicable.]

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§ 96-1. Payment or reimbursement to new employees.

This County Legislature may authorize the payment or reimbursement of necessary and actual moving expenses of new employees for household goods only upon the submission of three written quotes or estimates for the above-mentioned moving expenses.

Chapter 105

OFF-TRACK BETTING

ARTICLE I
Authorization

§ 105-1. Authorization declared.

ARTICLE II
Participation in Catskill Regional Off-Track Betting Corporation

§ 105-2. Participation declared.

[HISTORY: Adopted by the Broome County Legislature as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Authorization
[Adopted 10-19-1971 by L.L. No. 3-1971 (Ch. 33, Art. I, of the 1991 Code)]

§ 105-1. Authorization declared.

Pursuant to § 501 et seq. of the Racing, Pari-Mutuel Wagering and Breeding Law, the County of Broome hereby requests and authorizes the conduct of, and that it become a participating municipality in, off-track pari-mutuel betting on horse races held within or without the State of New York.

ARTICLE II
Participation in Catskill Regional Off-Track Betting Corporation
[Adopted 8-3-1976 by L.L. No. 6-1976 (Ch. 33, Art. II, of the 1991 Code)]

§ 105-2. Participation declared.

Whereas the growth of Broome County over the past decade has increased the demands for services from County government to such an extent that additional sources of revenue are required, and whereas the State of New York, by the enactment of § 501 et seq. of the Racing, Pari-Mutuel Wagering and Breeding Law, did authorize certain counties, including Broome County, to elect to join regional off-track betting corporations to create new sources of revenue by adopting a local law, ordinance or resolution, which is subject to a permissive referendum pursuant to the Municipal Home Rule Law, now therefore, the County Legislature of the County of Broome, on behalf of the County of Broome, does hereby elect to join in and become a participating county of the Catskill Regional Off-Track Betting Corporation, pursuant to Article 5-A of the Racing, Pari-Mutuel Wagering and Breeding Law.

Chapter 112

PAYROLL DEDUCTIONS

§ 112-1. Payments into credit unions; regulations.

[HISTORY: Adopted by the Broome County Legislature 6-2-1970 by L.L. No. 4-1970 (Ch. 38 of the 1991 Code). Amendments noted where applicable.]

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§ 112-1. Payments into credit unions; regulations. [Amended 8-19-2010 by L.L. No. 8-2010[1]]

The Director of Management and Budget of the County of Broome is hereby authorized to deduct from the wages or salary of any employee of the County such amount that such employee may specify, in writing, filed with such appropriate fiscal officer, for payment to or deposit in any duly organized or existing credit union and to transmit the sum so deducted to said institution, as specified by the employee, for application to the account of that employee. Any such written authorization may be withdrawn by such employee at any time by filing written notice of the withdrawal, and the withdrawal shall be effective upon the filing thereof.

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1. **Editor's Note: This local law provided an effective date of 1-1-2011.**

Chapter 123

RECORDS MANAGEMENT

§ 123-1. Records Management Officer; staff; expenses.

§ 123-2. Powers and duties of Records Management Officer.

§ 123-3. Procedures.

§ 123-4. Preservation of historical records.

§ 123-5. Public records classified.

[HISTORY: Adopted by the Broome County Legislature 12-8-1987 by L.L. No. 8-1987 (Ch. 48 of the 1991 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Department of Records — See Charter, Art. XX; Administrative Code, Art. XX.

Public access to records — See Ch. 296.

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§ 123-1. Records Management Officer; staff; expenses.

There shall be a Records Management Officer who shall be responsible for administering noncurrent and archival public records in accordance with local, state and federal law and guidelines promulgated attendant thereto. The Broome County Clerk shall serve as Records Management Officer. Within the appropriations provided therefor, the County Clerk shall appoint such staff and incur such expenses as may be necessary for the proper execution of the functions and powers of the Records Management Officer.

§ 123-2. Powers and duties of Records Management Officer. [Added 6-22-1989 by L.L. No. 8-1989]

A. The Records Management Officer shall have all necessary powers to carry out the efficient administration, determination of value, use, preservation, security and disposition of noncurrent and archival public records. The determination of value, use, preservation and disposition of records by the Records Management Officer may only be made after consultation with and agreement by the appropriate department head or designee. Conversely, no records shall be destroyed or otherwise disposed of by a department unless approval has been obtained from the Records Management Officer.

B. The Records Management Officer shall:

(1) Survey public records to determine whether the records may be classified as: obsolete and unnecessary according to New York State Records Retention and Disposition Schedules, thereby subject to disposition; or containing information of administrative, legal, fiscal, research, historical or educational value which warrants their permanent retention; or records not subject to disposition according to state law, and take all the necessary action to effectuate the functions of the office.

(2) Work with departmental records coordinators to establish guidelines for proper records management in any County department or agency in accordance with local, state and federal laws and guidelines.

(3) Review all requests for records storage equipment, microfilm equipment, etcetera, and coordinate, carry out, participate in or review the planning for the development of micrographics and automated data processing systems.

C. The Records Management Officer shall acquire and assume the official custody and responsibility of noncurrent and archival public records upon approval from the department head or the departmental designee. Custody and control of public records of County departments, agencies or programs which are or become defunct or cease their County affiliation is vested in the County Archives to the extent that custody to such records is not granted by the Broome County Legislature to a designated successor department, agency or program.

§ 123-3. Procedures.

The Records Management Officer may survey and appraise the public records of the offices and departments of the County of Broome either upon the request of a County office or department or with the permission of the chief officer of said office or department after the Records Management Officer offers these services.

§ 123-4. Preservation of historical records.

The Records Management Officer shall determine whether public records have sufficient historical value or other value to warrant their continued preservation by the County of Broome. Upon the determination that it is an archival record, the Records Management Officer shall take possession, with the consent of the heads of the County offices and departments. Following such consent, the Records Management Officer shall take all necessary steps to secure absolute title, which shall vest in the archival collection of the County of Broome.

§ 123-5. Public records classified.

The term "public records" shall be used to mean only those records as listed below:

A. The New York State Records Retention and Disposition Schedule.

B. Canceled obligations.

C. Court records.

D. Records of the District Attorney.

E. Records of the Board of Elections.

F. Records of births, deaths and marriages.

G. Motor vehicle records.

H. Records created before 1910.

I. Any other records as determined by a Broome County Records Management Advisory Board appointed with the consent of the County Legislature in conjunction with the County Executive and the Records Management Officer.

Chapter 130

RESERVE FUNDS

ARTICLE I
Liability and Casualty Reserve Fund

§ 130-1. Definitions.
§ 130-2. Fund established.
§ 130-3. Payments into fund.
§ 130-4. Expenditures.
§ 130-5. Expenditure exceptions.
§ 130-6. Expenditure limit.
§ 130-7. Accounting.
§ 130-8. Discontinuance.

ARTICLE II
Contingency and Tax Stabilization Reserve Fund

§ 130-9. Establishment of fund.
§ 130-10. Funding.
§ 130-11. Expenditures.
§ 130-12. Fund balance limitations.
§ 130-13. Investment of funds.
§ 130-14. Fund accounting.
§ 130-15. Trustees of Fund.
§ 130-16. Wrongful expenditure of funds.
§ 130-17. When effective.

[HISTORY: Adopted by the Broome County Legislature as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Department of Audit and Control — See Charter, Art. IV; Administrative Code, Art. IV.
Office of Management and Budget — See Charter, Art. V; Administrative Code, Art. V.
Financial procedures — See Charter, Art. VI; Administrative Code, Art. VI.
Board of Acquisition and Contract — See Charter, Art. XII; Administrative Code, Art. XII.

ARTICLE I
Liability and Casualty Reserve Fund
[Adopted 12-30-1985 by L.L. No. 1-1986 (Ch. 52, Art. I, of the 1991 Code)]

§ 130-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

JUDGMENTS, ACTIONS AND CLAIMS — Those judgments, actions and claims against the County of Broome or the Broome County Sheriff that are founded upon tort or that arise out of any acts or omissions of officers or employees of the County of Broome or the Broome County Sheriff that result in personal injuries or property damage if such officers or employees, at the time the damages were sustained, were executing or performing, or in good faith purporting to exercise or perform, their powers and duties.

§ 130-2. Fund established.

There is hereby established a reserve fund to be known as the "Liability and Casualty Reserve Fund."

§ 130-3. Payments into fund.

A. There may be paid into such fund:

(1) Such amounts as may be provided by the budgetary appropriations.

(2) Amounts from any other fund authorized by the General Municipal Law by resolution subject to permissive referendum.

(3) Such other funds as may be legally appropriated.

B. The cash balance of such fund at the end of any fiscal year shall not exceed $1,000,000 or 10% of the total budget for such fiscal year, whichever is the greater amount. The amount paid into such fund during any fiscal year shall not exceed $500,000 or 5% of the total budget for such fiscal year, whichever is the greater amount.

C. The moneys in such fund shall be deposited in one or more of the banks or trust companies designated in the manner provided by law as depositories of the funds of the County of Broome. The Director of Management and Budget may invest the moneys in such fund in obligations specified in the General Municipal Law. Any interest earned or capital gain realized on the money so deposited or invested shall accrue to and become part of such fund. **[Amended 8-19-2010 by L.L. No. 8-2010[1]]**

D. The Director of Management and Budget shall account for this fund separate and apart from all other funds of the County of Broome. Such accounting shall show: the source, date and amount of each sum paid into the fund; the interest earned by such fund; capital gains or losses resulting from the sale of investments of this fund; the order, source thereof, date and amount of each payment from this fund; and the assets of this fund, indicating cash balance and a schedule of investments. The Director of Management and Budget, within 60 days of the end of each fiscal year, shall furnish a detailed report of the operation and condition of this fund to the County Legislature. **[Amended 8-19-2010 by L.L. No. 8-2010[2]]**

§ 130-4. Expenditures.

An expenditure may be made from this fund for the payment of all or part of the cost, including interest, of:

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1. **Editor's Note: This local law provided an effective date of 1-1-2011.**

2. **Editor's Note: This local law provided an effective date of 1-1-2011.**

A. Judgments.

B. Actions that have been compromised or settled and that have been approved by the Court in which the action or proceeding is pending.

C. Claims that have been settled or compromised and that have been approved by a Justice of the Supreme Court of the Sixth Judicial District.

D. The uninsured portion of any loss to property owned by the County of Broome, if such loss is one for which insurance is authorized pursuant to Subdivision (a)(4), (5), (6), (9), (10) and (12) and Paragraph (A) of Subdivision (a)(7) of § 1113 of the Insurance Law, and also reimbursement under this subsection shall be in accordance with standard property insurance loss settlement practices as properly determined by the office of the County Attorney.[3]

E. Expert or professional services rendered in connection with the investigation, adjustment or settlement of claims, actions or judgments, pursuant to contractual authorization by the Board of Acquisition and Contract.

§ 130-5. Expenditure exceptions.

A. Notwithstanding the provisions of § 130-4 of this article, the County's Manager of Risk and Insurance may authorize an expenditure from this fund without judicial approval for the compromise or settlement of any claim where the amount of such settlement or compromise does not exceed $5,000.

B. Notwithstanding the provisions of § 130-4 of this article, the County Attorney may authorize an expenditure from this fund without judicial approval for the compromise or settlement of any claim or action where the amount of such settlement or compromise does not exceed $50,000.

§ 130-6. Expenditure limit.

No expenditure in excess of $50,000 may be made from this fund without the authorization of the Finance Committee of the County Legislature.

§ 130-7. Accounting. [Amended 8-19-2010 by L.L. No. 8-2010[4]]

Where an expenditure from the fund is authorized as provided herein:

A. Payment shall be made upon the audit and warrant of the Comptroller; and

B. Upon such audit and warrant, the Director of Management and Budget shall transfer the amount of such expenditure from the fund to the appropriate departmental budget line and shall thereupon debit such expenditure from said budget line.

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3. Editor's Note: Amended at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I).

4. Editor's Note: This local law provided an effective date of 1-1-2011.

§ 130-8. Discontinuance. [Amended 8-19-2010 by L.L. No. 8-2010[5]]

If after the establishment of such fund the County of Broome determines that such fund is no longer needed, the moneys remaining in such fund may be transferred to any other reserve fund of the County of Broome authorized by the General Municipal Law that is comprised of moneys which were raised on the same tax base as the moneys in the reserve fund established under this article, only to the extent that the moneys in this fund shall exceed the sum sufficient to pay all liabilities incurred or accrued against it. Prior to the discontinuance of such fund, the Director of Management and Budget, Comptroller and County Attorney shall certify to the County Legislature the amount that may be necessary to retain in such fund to satisfy all liabilities incurred or accrued against it, and such sum shall be retained in the fund for payment of such amounts or until later certified that such funds are no longer needed.

ARTICLE II
Contingency and Tax Stabilization Reserve Fund
[Adopted 11-8-2001 by L.L. No. 6-2001 (Ch. 52, Art. II, of the 1991 Code)]

§ 130-9. Establishment of fund.

There is hereby established, pursuant to § 6-e of the General Municipal Law, a reserve fund to be known as the "Contingency and Tax Stabilization Reserve Fund."

§ 130-10. Funding.

There may be paid into said Contingency and Tax Stabilization Reserve Fund such amounts as may be provided by budgetary appropriation (subject to the limitation set forth in § 6-e of the General Municipal Law) from the unappropriated, unreserved fund balance in the general fund portion of the annual budget and such revenues as are not required by law to be paid into any other fund or account.

§ 130-11. Expenditures.

A. The money in the Contingency and Tax Stabilization Reserve Fund may only be expended upon recommendation of the County Executive and affirmative vote on the recommendation of at least 2/3 of the members of the County Legislature.

B. The money in the Contingency and Tax Stabilization Reserve Fund may only be expended for a purpose authorized by § 6-e of the General Municipal Law, such as financing an unanticipated revenue loss, financing an unanticipated expenditure or to lessen or prevent any projected property tax increase in excess of 2 1/2% in the amount needed to finance the general fund portion of the annual budget for the next succeeding fiscal year, subject to the limitations set forth in § 6-e of the General Municipal Law.

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5. Editor's Note: This local law provided an effective date of 1-1-2011.

§ 130-12. Fund balance limitations.

When preparing the tentative budget, if the current balance in the Contingency and Tax Stabilization Reserve Fund exceeds 10% of the general fund portion of the annual budget for the current fiscal year, such excess shall be used to reduce the amount of real property taxes needed to finance the general fund portion of the annual budget for the next succeeding fiscal year.

§ 130-13. Investment of funds. [Amended 8-19-2010 by L.L. No. 8-2010[6]]

The money in the Contingency and Tax Stabilization Reserve Fund shall be deposited in one or more of the banks or trust companies designated as depositories of the County funds. The Director of Management and Budget may invest the money in such fund in obligation(s) specified in § 11 of the General Municipal Law. Any interest earned or capital gain realized on the money so invested shall accrue to and become part of the Contingency and Tax Stabilization Reserve Fund.

§ 130-14. Fund accounting. [Amended 8-19-2010 by L.L. No. 8-2010[7]]

The Director of Management and Budget shall account for the Contingency and Tax Stabilization Reserve Fund pursuant to § 6-e of the General Municipal Law.

§ 130-15. Trustees of Fund.

The members of the Broome County Legislature are hereby designated Trustees of the Contingency and Tax Stabilization Reserve Fund and are subject to fiduciary duties and responsibilities of trustees imposed by law on trustees, and such duties and responsibilities may be enforced by the municipal corporation known as the "County of Broome" or by any board, commission, agency, officer, or taxpayer of the County.

§ 130-16. Wrongful expenditure of funds.

Any officer of Broome County that willfully and knowingly causes the County to appropriate money from the Contingency and Tax Stabilization Reserve Fund for any purpose not authorized by § 6-e of the General Municipal Law or expends any moneys from the Contingency and Tax Stabilization Reserve Fund for a purpose other than that for which it was appropriated shall be guilty of a misdemeanor as set forth in § 6-e of the General Municipal Law.

§ 130-17. When effective. [8]

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6. Editor's Note: This local law provided an effective date of 1-1-2011.

7. Editor's Note: This local law provided an effective date of 1-1-2011.

8. Editor's Note: Amended at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I).

This article is subject to a permissive referendum pursuant to the Municipal Home Rule Law and §§ 101 through 103 of the County Law and shall take effect not less than 45 days after its adoption and after a public hearing before and approval by the County Executive and filing with the New York State Secretary of State.

Chapter 144

SALARIES AND COMPENSATION

[The annual salaries of certain County officials are set periodically by state or local law. Salaries of other County officers and employees are set forth in the budget. Copies of the current budget and salary local law are on file in the office of the Clerk of the County Legislature.]

Chapter 150

SHERIFF'S DEPARTMENT

ARTICLE I
Mutual Police Assistance

§ 150-1. Requests for assistance authorized.
§ 150-2. Granting of assistance authorized.
§ 150-3. Liabilities.

ARTICLE II
Sheriff's Benefits

§ 150-4. Findings and intent; procedure.
§ 150-5. Definitions.
§ 150-6. Construal of provisions.
§ 150-7. Compliance.
§ 150-8. Incident reports.
§ 150-9. Determination of eligibility.
§ 150-10. Light duty.
§ 150-11. Regular duty.
§ 150-12. Renewed disability.
§ 150-13. Status pending determinations; reimbursements.
§ 150-14. Treatment or examinations by County-assigned physicians.
§ 150-15. Hearings; Hearing Officer.
§ 150-16. Court review.
§ 150-17. Payment for medical services.
§ 150-18. Rules and regulations.
§ 150-19. Service of notice.

[HISTORY: Adopted by the Broome County Legislature as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Sheriff — See Charter, Art. XXIII; Administrative Code, Art. XXIII.
Workers' compensation — See Ch. 180.
Sheriff's Department fees — See Ch. 257, Art. XII.

ARTICLE I
Mutual Police Assistance
[Adopted 2-18-1981 by L.L. No. 2-1981 (Ch. 60, Art. I, of the 1991 Code)]

§ 150-1. Requests for assistance authorized. [Amended 6-17-2010 by L.L. No. 6-2010]

The Broome County Sheriff or, during his absence, illness or disability, the individual in command who is authorized to exercise the powers of the Sheriff in emergency situations is hereby authorized and empowered, whenever he deems the public interest requires it, to request the chief executive officer of any other local government, or the individual duly authorized to act in his behalf, to detail, assign and make available for duty and use in aiding the Office of the Broome County Sheriff any part of the forces, equipment and supplies of the Police Department or police force of the local government of which the request is made.

§ 150-2. Granting of assistance authorized.

The Broome County Sheriff or, during his absence, illness or disability, the individual in command who is authorized to exercise the powers of the Sheriff in emergency situations is hereby authorized and empowered to grant requests for police assistance, as set forth in § 150-1, made by the chief executive officer of any local government or by the individual duly authorized to make such a request.

§ 150-3. Liabilities.

Liability for expenses or damages incurred in rendering assistance pursuant to this article shall be established by mutual agreement, in writing, between the municipality giving and the municipality receiving such assistance.

ARTICLE II
Sheriff's Benefits
[Adopted 10-17-1983 by L.L. No. 15-1983 (Ch. 60, Art. II, of the 1991 Code)]

§ 150-4. Findings and intent; procedure.

A. The Broome County Legislature hereby finds and declares that § 207-c of the General Municipal Law which provides wage and medical benefits for Sheriff's deputies and correction officers injured in the performance of their duties has been difficult to administer because of the lack of guidelines in the statute.

B. This article is being enacted to provide the County with a simple, workable procedure to regulate the application for and the award of benefits under § 207-c of the General Municipal Law. This article creates procedures that will ensure a fair and equitable administration of benefits. This article protects the rights of Broome County and the Sheriff, as well as those of the employees of the County employed as Undersheriff, Sheriff's deputies and correction officers.

C. The procedure provided by this article shall be the exclusive method used in administering the aforesaid benefits for Broome County. It has been enacted pursuant to § 207-c of the General Municipal Law.

§ 150-5. Definitions.

As used in this article, the following terms shall have the meanings indicated:

DEPUTY — The Sheriff, Undersheriff, Sheriff's deputies or correction officers of Broome County.

LIGHT DUTY — Those regular duties which a deputy is capable of performing.

REGULAR DUTY — Those duties which a deputy sheriff or corrections officer may be called upon to perform in the regular course of his employment.

RISK MANAGER — The duly appointed Manager of Risk and Insurance of Broome County.

SECTION 207-C BENEFITS — The benefits provided pursuant to § 207-c of the General Municipal Law.

SHERIFF — The individual lawfully holding the office of Sheriff of Broome County.

§ 150-6. Construal of provisions.

This article shall not be construed to limit or repeal additional requirements imposed by statute or otherwise, nor to modify collective bargaining agreements.

§ 150-7. Compliance.

Failure of a deputy to comply with the lawful direction of the Risk Manager or Sheriff issued by them in the administration of this article or of the General Municipal Law, or failure of a deputy to provide the Risk Manager with relevant information with respect to his investigation of the deputy's claim, shall be presumptive evidence of the deputy's unwillingness to cooperate with the Risk Manager in the processing of such deputy's claim.

§ 150-8. Incident reports.

A deputy who is injured in the performance of his duties or who is taken sick as a result of the performance of his duties shall serve an incident report upon the Risk Manager within five calendar days after the incident causing such injury or, in the case of sickness arising out of the deputy's duties, within five calendar days of the onset of the sickness, and also in case of the death of the deputy resulting from such injury or sickness, within five calendar days after such death. Such report shall be made by any deputy claiming to be so injured or taken sick or, in case the deputy is incapable of doing so due to physical or mental disability or death, by a person on his behalf. The report shall be in writing, contain the name and address of the deputy and state in ordinary language the time, place, nature and cause of the injury and any other information requested by the Risk Manager, and shall be verified by the deputy or by the person serving the report on his behalf, or in the case of death, by any one or more of his dependents or by a person on their behalf. Failure to serve a timely report, unless excused by the Risk Manager either on the ground that notice for some sufficient reason could not have been given, or the ground that the Sheriff had knowledge of the accident, sickness or death, or on the ground that the Sheriff and County have not been prejudiced thereby, shall be a bar to any claim.

§ 150-9. Determination of eligibility.

The Risk Manager shall have exclusive authority to initially determine the eligibility for § 207-c benefits of all deputies. After a determination is made by the Risk Manager, the Risk Manager shall forthwith serve a written notice thereof to the deputy at the address specified in the incident report, setting forth the basis of the determination. If the Risk Manager determines that the deputy is not eligible for § 207-c benefits or that the deputy is entitled to

some but not all § 207-c benefits claimed by the deputy, said notice shall also inform the deputy that, at any time within 30 days of service of said notice, the deputy may serve a written demand for a hearing reevaluating the determination.

§ 150-10. Light duty.

A. If a deputy receiving § 207-c benefits is not eligible for or is not granted a New York State accidental or ordinary disability retirement and the Sheriff, after receiving an opinion from the deputy's treating physician, County health authorities or any physician appointed by the County for the purpose of treating or examining the deputy that the deputy is unable to perform his regular duties as a result of an eligible injury or sickness but is capable of performing specified types of light duties, determines that such deputy is capable of such light duty assignment, the Sheriff shall order the deputy to report for available light duty.

B. Said order shall be in writing, shall specify the time and date the deputy is to report, and shall briefly describe the nature of the light duty assigned. The date the deputy shall be ordered to report for light duty shall be at least five calendar days after service of the written order upon the deputy. The order shall also inform the deputy that payment of the full amount of his regular salary or wages pursuant to § 207-c of the General Municipal Law shall be terminated as of the day the deputy is scheduled to report for light duty and that, at any time within 30 days after service of said order, the deputy may serve a written demand for a hearing reevaluating the order.

§ 150-11. Regular duty.

A. If the Sheriff, after receiving an opinion from the deputy's treating physician, County health authorities or any physician appointed by the County for the purpose of treating or examining the deputy that the deputy is capable of performing his regular duties, determines that such deputy is capable of performing his regular duties, the Sheriff shall order the deputy to report for regular duties.

B. Said order shall be in writing and shall specify the time and date the deputy is to report. The date the deputy shall be ordered to report to duty shall be at least five calendar days after service of the written order. The order shall also inform the deputy that payment of the full amount of his regular salary or wages pursuant to § 207-c of the General Municipal Law shall be terminated as of the day the deputy is scheduled to report for regular duty and that, at any time within 30 days after service of said order, the deputy may serve a written demand for a hearing reevaluating the order.

§ 150-12. Renewed disability.

A. If a deputy returns to light or regular duties subsequent to a period of absence from duty necessitated by an injury or sickness incurred in the performance of his duties and later claims that he is incapable of performing those duties due to the same injury or sickness which necessitated the prior absence from duty, the deputy shall serve a report of renewed disability with the Risk Manager within five calendar days of the onset of the

renewed disability. Such report shall be made by any deputy claiming renewed disability and entitlement to § 207-c benefits or, in the case that the deputy is incapable of doing so due to physical or mental disability, by a person on his behalf. The report shall be in writing, contain the name and address of the deputy, and state in ordinary language the nature of the injury or sickness claimed, the original date of said injury or sickness, the nature of his current difficulties, the tasks the deputy is incapable of performing, the date or dates the deputy claims to have been disabled from performing the assigned duties and any other information requested by the Risk Manager and shall be verified by the deputy or by the person filing on his behalf or, in case of death, by any one or more of his dependents or by a person on their behalf.

B. The Risk Manager shall have exclusive authority to initially determine whether the deputy is capable of the assigned duties. However, if a deputy contested the original order to return to light duties or regular police duties and the deputy was unsuccessful, the deputy shall not be entitled to a reevaluation of his disability, including a hearing and court review, unless he provides the Risk Manager with current medical reports to the effect that his condition has substantially worsened since the time he was originally ordered to report to light or regular duties and that the deputy is disabled from performing his assigned duties. Conditions precedent to such a deputy's entitlement to his regular salary or wages pursuant to § 207-c of the General Municipal Law are that the deputy's condition has substantially worsened since the time he was originally ordered to return to light or regular duties and that the deputy is now not capable of performing the duties assigned or other light duties which the Sheriff may assign. A condition precedent to entitlement to regular salary or wages pursuant to § 207-c of the General Municipal Law for a deputy who did not contest the original order to return to light duties or regular duties is that the deputy is not now capable of the duties assigned or other light duties which the Sheriff may assign.

§ 150-13. Status pending determinations; reimbursements.

A. Pending the final determination of an application, an assignment of light duty, an order to return to regular duty or any order or directive affecting eligibility for continued § 207-c benefits, time taken off by the deputy and alleged to be attributable to the injury or sickness which gave rise to the disability which is the subject of the pending determination may be charged to accumulated sick leave and/or vacation time in accordance with the negotiated labor agreement or, if a claim has been made by the deputy or on his behalf to the Workers' Compensation Board alleging a disability compensable under the Workers' Compensation Law and said claim is still pending or a final determination has been made that the deputy is disabled pursuant to the Workers' Compensation Law and the deputy has exhausted all vacation time and sick leave, the deputy shall have the status of an employee absent from work pursuant to the Workers' Compensation Law. In the case where a claim has been made to the Workers' Compensation Board and said claim is still pending or a final determination has been made that the deputy is disabled pursuant to the Workers' Compensation Law but the deputy has not exhausted all sick leave and vacation time, the deputy may elect, by serving written notice upon the Risk Manager, not to have the time off charged to remaining sick time or vacation leave but rather to have the status of an employee absent from work pursuant to the Workers' Compensation Law.

B. After the exhaustion of the deputy's sick leave and vacation time and provided that the deputy is not receiving or is not eligible to receive benefits pursuant to the Workers' Compensation Law, the Risk Manager may, in his discretion, direct the payment of an amount no greater than the deputy's salary or wages pending a determination of eligibility upon a showing of hardship, if the application, in the opinion of the Risk Manager, indicates a preliminary likelihood of eligibility. Such payments may continue until such time as a determination is made by the Risk Manager or until the deputy receives or is eligible to receive benefits pursuant to the Workers' Compensation Law. The Risk Manager may, in his discretion, discontinue said payments at any time. If the Risk Manager directs such payments to be made but there is a determination of ineligibility and all opportunities for appeal have been exhausted or waived, the moneys paid to the deputy shall be refunded to the County. The County may commence a civil action to recover said amounts or make deductions equal to the amount paid the deputy from the deputy's accumulated vacation time or from future salary and wages.

C. If a determination is made that the deputy is eligible for § 207-c benefits and all opportunities for appeal of the determination have been exhausted or waived, the deputy shall be so categorized and shall be credited with any sick leave and/or vacation time charged during the period for which it is determined that the deputy is entitled to the full amount of his regular salary or wages pursuant to § 207-c of the General Municipal Law. Any adjustments in benefits resulting from the reimbursement of vacation time or sick leave shall be made. Additionally, upon such a determination of eligibility, the deputy shall be reimbursed retroactively for all periods of disability less any discretionary advances allowed by the Risk Manager, any disability payments received pursuant to the Workers' Compensation Law, and any payments received by the deputy and originally charged to vacation time or sick leave. Such benefits shall continue so long as the deputy remains eligibly disabled or until otherwise terminated pursuant to law.

§ 150-14. Treatment or examinations by County-assigned physicians.

A. After a determination has been made that an injury or sickness of a deputy was incurred in the performance of his duties, the Risk Manager may require the deputy to be attended by County health authorities or by any physician appointed by the Risk Manager for the purpose of providing medical, surgical or other health-related treatment.

B. At any time during the pendency of a claim, the Risk Manager may require the deputy to be examined and inspected by County health authorities or by any physician appointed by the Risk Manager.

C. The deputy so treated or examined shall be entitled to copies of all medical reports submitted by the County health authorities or physicians appointed by the Risk Manager regarding said treatment or examination.

D. If the deputy shall refuse to accept medical treatment or hospital care or shall refuse to permit medical examinations as herein authorized, the deputy shall be deemed to have waived his rights to § 207-c benefits, and the Risk Manager shall immediately discontinue said § 207-c benefits for the deputy. Upon such a discontinuation of benefits, the Risk Manager shall forthwith serve a notice thereof to the deputy and inform the

deputy that, at any time within 30 days of service of said notice, the deputy may serve a written demand for a hearing evaluating the discontinuation of benefits.

§ 150-15. Hearings; Hearing Officer.

A. Upon timely service of a written demand for a hearing, a hearing before a hearing officer shall be scheduled as soon as practicable. The deputy shall be given at least 10 days' written notice of the hearing. The Hearing Officer may adjourn the hearing for good cause.

B. The Hearing Officer shall be an impartial person appointed by the County Executive.

C. All hearings shall be conducted in an orderly manner in order to ascertain the substantial rights of the deputy, the Sheriff and the County. The deputy, the Sheriff and the County shall be afforded an opportunity to present evidence and arguments on all issues involved and cross-examine all witnesses who have testified. All witnesses shall testify under oath, or by affirmation, and a stenographic record of the proceedings shall be kept. The Hearing Officer may question any party or witness. The Hearing Officer shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure.

D. Each party has the right to representation at his own expense.

E. The stenographic record of the hearing shall not be transcribed except upon request. The cost of transcription shall be borne by the party requesting the transcription. A copy of the stenographic record shall be paid for and given by the requesting party to the Hearing Officer for distribution to all parties in interest.

F. Upon the conclusion of the hearing, the Hearing Officer shall render a decision, in writing, explaining the basis of his conclusions. The Hearing Officer shall transmit the written decision to the Sheriff, who will serve a copy of the decision on all parties.

G. The Hearing Officer shall make inquiry into the facts of the reported injuries, sicknesses or deaths of a deputy resulting from the performance of his duties, and to that end shall have full authority and power to:

(1) Conduct hearings;

(2) Require the attendance of the deputy and other witnesses for testimony at any time upon reasonable notice;

(3) Require the production of all books, papers, documents and other records necessary for such inquiry;

(4) Issue subpoenas and compel compliance with the subpoenas in accordance with the Civil Practice Law and Rules;

(5) Administer oaths or affirmations to witnesses at a hearing;

(6) Expel any party, witness, attorney or others from a hearing for improper, disorderly or contemptuous conduct; and

(7) Do all that may be reasonable and necessary in the conduct of a hearing.

§ 150-16. Court review.

The determination of the Hearing Officer shall be final and shall be subject to review only as provided in Article 78 of the Civil Practice Laws and Rules.

§ 150-17. Payment for medical services.

A. No bills or claims for medical, hospital or other lawful remedial treatment rendered shall be paid unless the following procedure is complied with:

(1) Except in the case of emergency, a deputy receiving § 207-c benefits shall notify, in writing, the Risk Manager before incurring any expense for medical services, hospitalization or other lawful remedial treatment alleged to be related to an injury or sickness upon which the § 207-c claim is based.

(2) On each bill or claim for such services, the person or persons rendering such services shall certify thereon that the services rendered were required as a consequence of an injury or sickness upon which the § 207-c claim is based.

(3) Bills for drugs, appliances and other medical supplies will only be paid after a copy of the prescription by a doctor is filed with the Risk Manager for the particular items billed, stating thereon that the items supplied were required as a consequence of the injury or sickness upon which the § 207-c claim is based.

B. In lieu of the above, compliance with the medical reporting provisions of the Workers' Compensation Law and the regulations thereunder shall be acceptable.

§ 150-18. Rules and regulations.

The Risk Manager may establish such rules and regulations as may be reasonable and necessary for the administration of this article.

§ 150-19. Service of notice.

A. Any written notice, demand or other papers required to be served shall be deemed properly given, delivered and service thereof completed when said notice is deposited in any post office or post office box in a postpaid envelope properly addressed or when said notice is delivered in person to the party to whom it is addressed or their authorized representatives.

B. Where a period of time prescribed by this article is measured from the service of a paper and services by mail, five days shall be added to the prescribed period.

Chapter 156

SOIL AND WATER CONSERVATION DISTRICT

§ 156-1. Board of Directors.

§ 156-2. Applicability of statutes and other laws.

[HISTORY: Adopted by the Broome County Legislature 2-1-1972 by L.L. No. 1-1972 (Ch. 64 of the 1991 Code). Amendments noted where applicable.]

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§ 156-1. Board of Directors. [1]

A. The Board of Directors of the Broome County Soil and Water Conservation District shall consist of not fewer than five nor more than seven members, who shall be appointed by the Broome County Legislature. This Board of Directors shall consist of two members of the County Legislature, and the remaining members shall be persons who are not members of the County Legislature, two of whom shall be practical farmers. One of these farmers shall be appointed from a list submitted by the County Grange, and one of these farmers shall be appointed from a list submitted by the County Farm Bureau. The remaining members of said Board of Directors shall be appointed from the County at large and shall represent the urban, suburban and rural non-farmland-ownership interest. Whenever one or both of the above-named farm groups lack formal County organization, the County Legislature shall appoint members from the County at large in place of members from a list of nominees from such lacking farm organization or organizations.

B. The two members of the Board of Directors of the Broome County Soil and Water Conservation District from the County Legislature shall be appointed annually. The other members shall serve terms of three years each.

§ 156-2. Applicability of statutes and other laws.

In keeping with the intent and purpose of Resolution No. 115 (1944), duly adopted by the Broome County Board of Supervisors and which created and established the Broome County Soil Conservation District in accordance with the provisions of the Soil Conservation Districts Law, all of the terms and provisions of the Soil and Water Conservation Districts Law of the State of New York, Laws of 1964, as amended, except as hereinabove changed, modified and superseded, shall continue to apply to, control and govern the creation, policy, organization, powers, duties, operation and all other functions of the Broome County Soil and Water Conservation District.

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1. **Editor's Note: Amended at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I).**

Chapter 163

TRANSPORTATION SERVICES

ARTICLE I
Public Transportation Facilities

§ 163-1. Authorization; supervision.

§ 163-2. Acquisition and sale or lease of property; funding.

ARTICLE II
Contracts

§ 163-3. Contracts authorized.

§ 163-4. Construal of provisions.

[HISTORY: Adopted by the Broome County Legislature as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Department of Public Transportation — See Charter, Art. X; Administrative Code, Art. X.

ARTICLE I
Public Transportation Facilities
[Adopted 4-23-1968 by L.L. No. 5-1968 (Ch. 68, Art I, of the 1991 Code)]

§ 163-1. Authorization; supervision.

The County of Broome, New York, is hereby authorized to acquire, own and operate public transportation facilities of any nature within its boundaries. A Department of Public Transportation hereinafter created shall supervise the operation and maintenance of such facilities.

§ 163-2. Acquisition and sale or lease of property; funding. [Amended 4-4-1991 by L.L. No. 10-1991]

The County of Broome, New York, shall have the authority to acquire, by purchase or condemnation, any property, land or other transportation facilities required to effect the foregoing purposes and to sell or lease any and all transportation facilities so acquired, operated or owned by virtue of the provisions of this article. The County of Broome, New York, shall also have the authority to accept grants in aid and loans from any other governmental body and in furtherance of the foregoing purposes, including grants made by either the federal or state governments to aid the County in providing adequate transportation facilities within the County of Broome, New York. In furtherance of this provision, the Chairman of the County Legislature is authorized to enter into any contracts which may be required to obtain such grants, either with the federal or the state government, and to cooperate with said governments and apply for and accept advances, loans, grants, subsidiaries, contributions and any other form of financial assistance from the federal

government or from the State of New York or from any sources, public or private, to effectuate the purposes of this article.

ARTICLE II
Contracts
[Adopted 3-8-1983 by L.L. No. 4-1983 (Ch. 68, Art. II, of the 1991 Code)]

§ 163-3. Contracts authorized.

The County of Broome, New York, is hereby authorized to make one or more contracts for a fair and reasonable consideration for mass transportation services to be rendered to the public by a privately owned or operated mass transportation facility. Such power shall include, but not be limited to, the power to appropriate funds for payment of such consideration and to provide that all or part of such consideration shall be in the form of capital equipment to be furnished to and used and maintained by such privately owned or operated mass transportation facility.

§ 163-4. Construal of provisions.

This article shall not be construed so as to limit the activities authorized by Local Law No. 5 of 1968.[1]

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1. **Editor's Note: See Article I of this chapter.**

Chapter 169

TRAVEL EXPENSES

ARTICLE I
Advance Payments

§ 169-1. Payments authorized.
§ 169-2. Statement of actual expenses.
§ 169-3. Travel Advance Fund.
§ 169-4. Deductions from salary.
§ 169-5. Vouchers for payments of balances and deductions.

ARTICLE II
Mileage Reimbursements

§ 169-6. Eligibility; amount of reimbursement.
§ 169-7. Definitions.
§ 169-8. Documentation required.
§ 169-9. Periodic statements.
§ 169-10. Payment of outstanding claims.
§ 169-11. Rules and regulations.
§ 169-12. Mileage Advance Fund.
§ 169-13. Labor agreements to control conflicting provisions.

[HISTORY: Adopted by the Broome County Legislature as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Office of Management and Budget — See Charter, Art. V; Administrative Code, Art. V.

Department of Personnel — See Charter, Art. XVI; Administrative Code, Art. XVI.

ARTICLE I
Advance Payments
[Adopted 3-5-1974 by L.L. No. 3-1974 (Ch. 72, Art. I, of the 1991 Code)]

§ 169-1. Payments authorized.

The County Comptroller, upon written authorization by the County Executive and, where applicable, the department head of a County officer or County employee, is hereby authorized and empowered to pay a sum of money not exceeding $250 for any one trip to such officer or employee as an advance payment to finance travel expenses outside of the County of Broome, if said trip is for the purpose of travel on County business or attendance at any convention, conference or school authorized by the General Municipal Law § 77-b.

§ 169-2. Statement of actual expenses.

Said officer or employee, within seven days after returning to the County of Broome or 20 days after the payment of said advance to said officer or employee, whichever event shall occur first, shall file with the County Comptroller a written statement of all actual and necessary expenses and shall immediately refund to the County the difference between the

advanced payment received by such officer or employee and the actual and necessary expenses paid by him.

§ 169-3. Travel Advance Fund. [Amended 10-21-1975 by L.L. No. 7-1975; 4-3-1979 by L.L. No. 5-1979; 8-4-1981 by L.L. No. 4-1981; 8-19-2010 by L.L. No. 8-2010[1]]

The County Comptroller and the County Director of Management and Budget are hereby authorized to establish a cash account entitled "Travel Advance Fund" in the amount of $8,000. The Comptroller is hereby further authorized and empowered to establish and promulgate rules, regulations and procedures in such manner as he may deem necessary to implement the intent and purpose of this article. The County Comptroller shall further have the power, in exceptional cases, to extend the period of time within which the officer or employee receiving the advance payment must file the statement or accounting provided for above and shall also have the power, in exceptional cases, to advance travel expenses in a sum exceeding the limitation of $250 set forth above.

§ 169-4. Deductions from salary. [Amended 8-19-2010 by L.L. No. 8-2010[2]]

If such County officer or employee shall fail to make an accounting and repay any cash advances made which shall exceed actual and necessary expenses as aforesaid, unless such delay is otherwise extended by the Comptroller pursuant to this article, the Director of Management and Budget and the Comptroller are hereby authorized and empowered to deduct such cash advances, in whole or in part, as the case may be, from such officer's or employee's salary or pay for the payroll period immediately following the expiration of said time limitation, and if such deductions from said payroll period are insufficient to cover the amounts owing the County, the Director of Management and Budget and the Comptroller are further authorized to deduct additional amounts from such officer's or employee's salary or pay on succeeding payroll periods until such refund or obligation is satisfied.

§ 169-5. Vouchers for payments of balances and deductions. [Amended 8-19-2010 by L.L. No. 8-2010[3]]

The Comptroller and the Director of Management and Budget are hereby authorized to deduct any advances made pursuant to § 169-1 of this article and to pay the balance, if any, after audit and approval of a proper voucher, to the officer or employee submitting the same.

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1. **Editor's Note: This local law provided an effective date of 1-1-2011.**
2. **Editor's Note: This local law provided an effective date of 1-1-2011.**
3. **Editor's Note: This local law provided an effective date of 1-1-2011.**

ARTICLE II

Mileage Reimbursements

[Adopted 4-20-1982 by L.L. No. 2-1982 (Ch. 72, Art. II, of the 1991 Code)]

§ 169-6. Eligibility; amount of reimbursement.

A. County officers and employees who have been in office or employed by the County for at least one year and who have averaged at least 250 miles per month of reimbursable travel over the previous twelve-month period shall be entitled to a cash advance on mileage reimbursement of $100 if said twelve-month average is between 250 miles and 499 miles, inclusive, or of $200 if said average is greater than 499 miles.

B. Those County officers and employees who have been in office or employed by the County for at least one year but have not averaged at least 250 miles per month of reimbursable travel over the previous twelve-month period, and County officers and employees who have been in office or employed by the County for at least six months but less than one year, may be eligible for said cash advance if said officer or employee has averaged at least 250 miles per month of reimbursable travel over the previous six-month period and the Director of the Division of Management and Budget and the Director of Personnel approve said cash advance. **[Amended 8-19-2010 by L.L. No. 8-2010[4]]**

§ 169-7. Definitions.

For purposes of this article, the following terms shall have the meanings indicated:

REIMBURSABLE TRAVEL — Travel within Broome County which is reimbursable in accordance with labor agreements authorized by this County Legislature or in accordance with other rules established by this County Legislature.

§ 169-8. Documentation required.

A. The County Comptroller shall not authorize payment of said cash advance and a County officer or employee shall not be entitled to said cash advance until the head of the department of said officer or employee submits to the Comptroller documentation satisfactory to the Comptroller verifying the officer's or employee's eligibility for the cash advance and until said department head shall certify to the Comptroller that said officer or employee is eligible for said cash advance.

B. Continued eligibility for said cash advance shall be documented and certified to by the department head periodically in accordance with rules and regulations established by the Comptroller.

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4. Editor's Note: This local law provided an effective date of 1-1-2011.

§ 169-9. Periodic statements.

An officer or employee who has a cash advance for mileage reimbursement shall periodically submit to the Comptroller a statement, in a form acceptable to the Comptroller, of all reimbursable travel made by said officer or employee subsequent to the reimbursable travel for which the officer or employee last made claim. If said statement is approved by the Comptroller, the officer or employee shall receive the appropriate mileage reimbursement.

§ 169-10. Payment of outstanding claims. [Amended 8-19-2010 by L.L. No. 8-2010[5] [6]]

A. If an officer or employee who has received a cash advance terminates his or her office or employment with the County, said officer or employee, prior to receipt of any pay or salary due at the time of termination, shall settle with the Comptroller and Director of the Office of Management and Budget all outstanding claims involving the cash advance. If said officer or employee fails to make such settlement, the Comptroller and Director of the Office of Management and Budget are empowered to deduct the amount of the cash advance from such officer's or employee's salary or pay, and if said deduction is insufficient to cover the amount owing to the County, the Comptroller and Director of the Office of Management and Budget are empowered to pursue said repayment by all legal means.

B. If an officer or employee who has received a cash advance is decertified as eligible for said advance, said officer or employee shall settle with the Comptroller and the Director of the Office of Management and Budget all outstanding claims involving the cash advance. If said officer or employee fails to make such settlement, or if an officer or employee fails to submit a statement in accordance with § 169-2, the Director of the Office of Management and Budget and the Comptroller are authorized and empowered to deduct such cash advance, in whole or in part, as the case may be, from such officer's or employee's salary or pay for the payroll period immediately following the expiration of the time established by the Comptroller to make such settlement or submit such statement, and if such deductions from said payroll period are insufficient to cover the amounts owing the County, the Director of the Office of Management and Budget and the Comptroller are further authorized to deduct additional amounts from such officer's or employee's salary or pay on succeeding payroll periods until such refund or obligation is satisfied.

§ 169-11. Rules and regulations.

The Comptroller is hereby authorized to establish such rules and regulations as are consistent with the terms of this article which are necessary and proper for the implementation of this article.

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5. Editor's Note: This local law provided an effective date of 1-1-2011.

6. Editor's Note: Amended at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I).

§ 169-12. Mileage Advance Fund. [Amended 8-19-2010 by L.L. No. 8-2010[7]]

The County Comptroller and the County Director of Management and Budget are authorized to establish a cash account entitled "Mileage Advance Fund" in the amount of $17,500.

§ 169-13. Labor agreements to control conflicting provisions.

Should the terms of this article differ from the terms of any labor agreement authorized by this County Legislature, then, to the extent said terms differ, the terms of the labor agreement shall control.

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7. Editor's Note: This local law provided an effective date of 1-1-2011.

Chapter 180

WORKERS' COMPENSATION SELF-INSURANCE PLAN

ARTICLE I
Self-Insurance Plan

§ 180-1. Plan established.
§ 180-2. Supervision.
§ 180-3. Appointment of Secretary.
§ 180-4. Participants in plan; procedure for participation; withdrawal.
§ 180-5. Duties of participants.
§ 180-6. Medical history check; physical examinations.
§ 180-7. Shares of each participant.
§ 180-8. Reserve fund.
§ 180-9. Payment of benefits.
§ 180-10. Powers and duties of Committee.
§ 180-11. Powers and duties of Secretary.
§ 180-12. Penalties for offenses.

ARTICLE II
Apportionments to Participants

§ 180-13. Definitions.
§ 180-14. Formula for apportionments.

[HISTORY: Adopted by the Broome County Board of Supervisors (now County Legislature) as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Self-Insurance Plan
[Adopted 6-5-1956 by L.L. No. 1-1956; amended 6-8-1982 by L.L. No. 5-1982; 4-4-1991 by L.L. No. 10-1991 (Ch. 76, Art. I, of the 1991 Code)]

§ 180-1. Plan established.

The plan of self-insurance provided for in Article 5 of the Workers' Compensation Law is hereby established and shall be known by the name of "Broome County Self-Insurance Plan."

§ 180-2. Supervision.

The plan of self-insurance hereby established shall be under the supervision of the Finance Committee of the Broome County Legislature, which shall be appointed annually by the Chairman of the Legislature at the organization meeting of the County Legislature.

§ 180-3. Appointment of Secretary.

The Committee in charge of said plan shall appoint annually a Secretary of said plan. Such Secretary may hold another position in the County government and perform the duties of Secretary in addition to such other position.

§ 180-4. Participants in plan; procedure for participation; withdrawal.

A. The County of Broome shall be a participant in the plan. The City of Binghamton and towns and villages located within the geographical boundaries of Broome County may elect to become participants of said plan.

B. Procedure. **[Amended 8-30-1994 by L.L. No. 15-1994]**

(1) Any municipality electing to become a participant shall file a certified copy of a resolution or ordinance of its governing body electing to become a participant on or before the first day of August in any year, with membership to be effective on the first day of January following such election.

(2) Any municipality choosing to become a participant shall provide the Plan Administrator with a certified list of its past five-year claims history.

(3) Any municipality choosing to become a participant must contribute to the reserve fund established pursuant to § 180-8 an amount sufficient to make that municipality's share of the reserve fund the same proportion as its percentage of total assessed valuation within the plan.

(4) The plan will not be responsible for any claims accruing before the date a municipality becomes a participant.

C. Withdrawal. **[Amended 8-30-1994 by L.L. No. 15-1994]**

(1) Any participant may withdraw from said plan by filing a certified copy of a resolution or ordinance of its governing body electing to withdraw as a participant on or before the first day of July in any year, with said withdrawal to be effective on the first day of January following the election.

(2) As a condition for the municipality's withdrawal from the plan, the municipality shall pay all outstanding claims as they mature together with 20% of claims paid which represents their share of administrative costs, and the municipality shall agree to permit the County to withhold the municipality's share of sales tax revenue in an amount sufficient to pay its outstanding liabilities in any succeeding year in the event that the municipality fails to pay its outstanding claims when due.

(3) In lieu of the requirements of Subsection C(2), the municipality withdrawing from the plan shall pay the present value of its total outstanding liabilities, together with an amount equal to its share of future administration costs, 30 days prior to the date of its withdrawal from the plan.[1]

§ 180-5. Duties of participants.

All participants in the plan shall cooperate fully with the Committee and Secretary in the administration of the plan, shall render such reports as may be required, and shall promptly

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1. Editor's Note: Original Subsection D, dealing with payment of liability, which immediately followed this subsection, was repealed 8-30-1994 by L.L. No. 15-1994.

furnish all pertinent information relative to any claim and aid in the investigation of any claim.

§ 180-6. Medical history check; physical examinations.

Every new employee or any participant in the plan shall be required to furnish a medical history, on a form to be provided by the Personnel Department, such history to be reviewed by a qualified health professional selected by the Personnel Department. If in the opinion of the qualified health professional reviewing the medical history a physical examination is warranted, the employee shall submit to a physical examination to be conducted by a representative of the Broome County Health Department before undertaking any of the duties of his employment, except in the case of an emergency, in which case the participant employing such employee shall arrange for such physical examination at the earliest possible time after such undertaking of duties. The expense of such physical examinations shall be paid from the funds of the plan. All medical reports shall be filed immediately with the Broome County Department of Personnel.

§ 180-7. Shares of each participant.

The share of each participant in the plan shall be collected as provided in § 67 of the Workers' Compensation Law, except that the share of the towns participating in the plan shall be collected by inclusion in the next succeeding tax levy.

§ 180-8. Reserve fund. [Amended 12-12-1991 by L.L. No. 15-1991; 9-20-2012 by L.L. No. 7-2012]

A self-insurance reserve for the plan is hereby established. The maximum amount which may be contributed to such reserve shall be $1,500,000. A sum not in excess of 10% of said reserve fund shall be included in each year's budget until the full amount of said reserve is reached. If said reserve should at any time fall below the established amount, such sum as is necessary to bring it to the established amount shall be included in the next budget.

§ 180-9. Payment of benefits. [Amended 8-19-2010 by L.L. No. 8-2010[2]]

The Director of Management and Budget shall pay to claimants workers' compensation benefits as provided in § 25 of the Workers' Compensation Law upon order of the Secretary of the plan. Other payments of liabilities of the plan shall be made by the Director of Management and Budget upon vouchers duly audited by the Committee appointed to supervise the plan.

§ 180-10. Powers and duties of Committee.

The Committee of the County Legislature appointed to supervise the plan shall have general supervision of the plan, shall appoint the Secretary and other employees of the plan within the

2. **Editor's Note: This local law provided an effective date of 1-1-2011.**

limits of the appropriation therefor, and shall audit all bills or claims against the plan before payment, except such sums as may be payable under § 25 of the Workers' Compensation Law and awards of the Workers' Compensation Board.

§ 180-11. Powers and duties of Secretary.

The Secretary shall perform such duties as may be necessary to operate the plan in accordance with the Workers' Compensation Law; shall attend hearings of cases before the Workers' Compensation Board; shall have the power to authorize necessary medical care which appears from medical reports and information to be justifiable; and shall have the authority to purchase supplies, stationery, forms, books and equipment as may be necessary for the operation of said plan within the limits of the appropriation and subject to the rules of the County Legislature of Broome County.

§ 180-12. Penalties for offenses.

The violation of any of the provisions of this article by any participant shall be grounds for the expulsion of such participant from the plan.

ARTICLE II
Apportionments to Participants
[Adopted 11-6-1974 by L.L. No. 10-1974 (Ch. 76, Art. II, of the 1991 Code)]

§ 180-13. Definitions.

As used herein, the following terms shall have the following meanings:

PERCENTAGE OF EXPERIENCE OF PARTICIPANTS — The total of all medical and compensation paid to employees of participants during the four-year period preceding the preparation of the budget divided by the total of all medical and compensation paid by the plan during the four-year period preceding the preparation of the budget; however, if a four-year experience is not practicable or available, the administrator of the plan may use such other period as may be equitable.

PERCENT OF PAYROLL OF PARTICIPANTS — The total payroll of all participants as of June 30 preceding the budget divided by the total payroll of all the participants.

TOTAL ASSESSED VALUATION — The assessed valuation of all the participants of the plan as of the preceding June 30 next to the preparation of the budget.

TOTAL REVENUE — The revenue to be raised by participants.

§ 180-14. Formula for apportionments. [Amended 12-6-1977 by L.L. No. 11-1977; 8-30-1994 by L.L. No. 15-1994; 11-22-1994 by L.L. No. 18-1994]

A. Apportionment of costs shall be determined by taking the total amount to be assessed and applying the following formula: **[Amended 8-15-1996 by L.L. No. 8-1996]**

(1) Thirty-five percent of the total revenue for the plan shall be generated based upon assessed valuation. Each participant's share shall be calculated by determining the participant's percentage of total assessed valuation within the plan and multiplying that percentage of assessed valuation by the total amount of revenue to be generated by assessed valuation. The County's percentage of total assessed valuation shall include the assessed valuation contained within municipalities not participating in this self-insurance plan.

(2) Sixty-five percent of the total revenue for the plan shall be generated based on experience. Each participant's share shall be calculated by determining the participant's percentage of the average claims paid for the preceding five years, which average claims paid shall be known as the "experience factor," and multiplying that percentage by the total amount of revenue to be generated by experience. The increase in the experience factor used to determine the participant's share pursuant to this subsection shall be limited to the greater of $5,000 or 20% of the amount used for the experience factor for the prior year.

B. City of Binghamton.

(1) Notwithstanding the provisions of Subsection A, for calendar year 1995, the City of Binghamton is authorized to become a participant for a minimum charge of $717,554, provided that the City of Binghamton files a certified copy of a resolution or ordinance electing to become a member of the plan by December 15, 1994. Should the plan cost during 1995 exceed the appropriated funds for the plan in 1995, the City of Binghamton shall reimburse the plan for its proportionate share of said additional costs in 1996. Should the plan costs during 1995 not exceed the appropriated funds for the plan in 1995, the City of Binghamton shall apply its proportionate share of said fund balance to its future charges under the plan.

(2) Commencing on January 1, 1996, the City of Binghamton's apportionment of costs shall be calculated in accordance with Subsection A above.

PART II

GENERAL LEGISLATION

Chapter 193

AIRPORT

ARTICLE I
Landing Fees

§ 193-1. Definitions.

§ 193-2. Fees applicable to commercial aviation.

§ 193-3. Fees applicable to general aviation.

§ 193-4. Fees applicable to both.

ARTICLE II
Customs Fees

§ 193-5. Aircraft entry fees.

[HISTORY: Adopted by the Broome County Legislature as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Department of Aviation — See Charter, Art. X-A; Administrative Code, Art. X-A.

Airport landing and customs fees — See Ch. 257, Art. XIV.

ARTICLE I
Landing Fees
[Adopted 9-5-1990 by L.L. No. 8-1990 (Ch. 84, Art. I, of the 1991 Code)]

§ 193-1. Definitions. [Amended 2-18-1999 by L.L. No. 5-1999]

As used in this article, the following terms shall have the meanings indicated:

BASED AIRCRAFT — Active general aviation aircraft which use Greater Binghamton Airport, Edwin A. Link Field[1] as their primary facility.

COMMERCIAL AVIATION — Aircraft engaged in scheduled air carrier operations.

GENERAL AVIATION — Any aircraft not described in the definition of "commercial aviation."

GROSS LANDING WEIGHT — The maximum certified gross landing weight of an aircraft as determined by the Federal Aviation Administration or other governmental agency having jurisdiction over civil aviation.

SIGNATORY AIRLINE — Refers to any scheduled air carrier having in full force and effect with the County of Broome a duly executed airline-airport use and lease agreement for

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1. **Editor's Note: Pursuant to L.L. No. 3-1993, adopted 12-29-1992, the name "Edwin A. Link Field - Broome County Airport" was changed to "Binghamton Regional Airport, Edwin A. Link Field." The name of the airport was subsequently changed to "Greater Binghamton Airport, Edwin A. Link Field" 11-21-2002 by Res. No. 452-2002.**

Greater Binghamton Airport, Edwin A. Link Field, in the form ratified, approved and adopted for use by the County Legislature.

§ 193-2. Fees applicable to commercial aviation. [2]

The Commissioner of Aviation of the County of Broome or his duly authorized representative is hereby authorized, empowered and directed to assess and collect the following types of fees with respect to commercial aviation:

A. Landing fees as set forth in the Schedule of County Fees in Chapter 257, Fees and Charges, Article XIV, shall be assessed and collected as follows:

(1) A landing fee shall be assessed and collected with respect to any aircraft having a gross landing weight of 7,000 pounds or less.

(2) A landing fee per 1,000 pounds of gross landing weight shall be assessed and collected with respect to any aircraft having a gross landing weight in excess of 7,000 pounds.

(3) No landing fee shall be assessed or collected with respect to any signatory airline except as provided in the airline-airport use and lease agreement for Greater Binghamton Airport, Edwin A. Link Field, in the form ratified, approved and adopted for use by the County Legislature.

(4) No landing fee shall be assessed or collected with respect to any aircraft which lands at Greater Binghamton Airport, Edwin A. Link Field, due to any in-flight emergency, except weather, provided that such emergency has been declared by communication with the air traffic control tower prior to landing.

B. Terminal gate fee.

(1) No terminal gate fee shall be assessed or collected with respect to any aircraft which remains at any terminal gate for a period of less than one hour.

(2) Subject to Subsection B(1), a terminal gate fee as set forth in the Schedule of Fees in Chapter 257, Fees and Charges, Article XIV, shall be assessed and collected per 1,000 pounds of gross landing weight for each twenty-four-hour period, or fraction thereof, that any aircraft remains at any terminal gate.

(3) No terminal gate fee shall be assessed or collected with respect to any signatory airline.

(4) The availability of terminal gate facilities shall be at the sole discretion of the Commissioner of Aviation of the County of Broome, and nothing herein contained shall be construed to create any right or entitlement to the use of terminal gate facilities except as the same may be provided under the terms and conditions of a duly executed airline-airport use and lease agreement for Greater Binghamton Airport, Edwin A. Link Field.

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2. Editor's Note: Amended at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I).

§ 193-3. Fees applicable to general aviation. [Amended 2-18-1999 by L.L. No. 5-1999[3]]

The Commissioner of Aviation of the County of Broome or his duly authorized representative is hereby authorized to assess and collect the following fees with respect to general/corporate aviation.

A. Landing fees as set forth in the Schedule of Fees in Chapter 257, Fees and Charges, Article XIV, shall be as follows: **[Amended 12-21-2006 by L.L. No. 2-2007[4]]**

(1) No landing fee shall be assessed or collected with respect to any single-engine piston aircraft.

(2) A landing fee shall be assessed and collected with respect to any twin-engine piston aircraft.

(3) A landing fee shall be assessed and collected with respect to any single-engine turbine aircraft.

(4) A landing fee shall be assessed and collected with respect to any twin-engine turbine aircraft.

(5) A landing fee shall be assessed and collected with respect to any jet aircraft with a gross landing weight of less than 15,500 pounds.

(6) A landing fee shall be assessed and collected with respect to any jet aircraft with a gross landing weight of 15,501 pounds or more but less than 25,000 pounds.

(7) A landing fee per 1,000 pounds shall be assessed and collected with respect to any jet aircraft with a gross landing weight greater than 25,000 pounds.

(8) No landing fee shall be assessed or collected with respect to the following aircraft:

(a) All aircraft that at the time of landing are based at the Greater Binghamton Airport, Edwin A. Link Field.

(b) All aircraft landing for purposes of receiving maintenance services at the Greater Binghamton Airport, Edwin A. Link Field.

(c) Aircraft landing for emergency purposes.

(d) Life flights/medical evacuations.

(e) Military/FAA aircraft.

B. Terminal gate fee. No terminal gate fee shall be charged. However, the parking of aircraft shall be for deplanement of passengers only and shall not exceed 15 minutes.

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3. Editor's Note: This local law also provided an effective date of 2-1-1999.

4. Editor's Note: Amended at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I).

§ 193-4. Fees applicable to both. [5]

The Commissioner of Aviation or his duly authorized representative is hereby authorized, empowered and directed to assess and collect the following fees with respect to commercial aviation and general aviation.

A. Ramp storage/tie-down fees.

(1) A fee for ramp storage and tie-down of aircraft in any portion of the north ramp and west ramp shall be assessed and collected as set forth in the Schedule of Fees in Chapter 257, Fees and Charges, Article XIV.

(2) The monthly fee for ramp storage and tie-down shall be payable monthly in advance.

(3) No fee for ramp storage and tie-down shall be assessed or collected with respect to any signatory airline or any aircraft owned by an operator having a lease with Greater Binghamton Airport, Edwin A. Link Field, in force and effect.

B. T-hangar storage. **[Amended 12-29-1992 by L.L. No. 3-1993; 2-18-1999 by L.L. No. 5-1999[6] ; 11-20-2001 by L.L. No. 9-2001; 12-21-2006 by L.L. No. 2-2007; 7-10-2013 by L.L. No. 6-2013]**

(1) A fee of $200 per month shall be assessed and collected for hangar storage.

C. Fuel flowage fee. A fee as set forth in the Schedule of Fees in Chapter 257, Fees and Charges, Article XIV, shall be assessed and collected for fuel storage. Exceptions to this fee include sumped fuel and military/FAA aircraft fuel purchases. **[Amended 2-18-1999 by L.L. No. 5-1999[7] ; 11-20-2001 by L.L. No. 9-2001; 12-21-2006 by L.L. No. 2-2007]**

ARTICLE II

Customs Fees

[Adopted 10-15-1998 by L.L. No. 13-1998 (Ch. 84, Art. II, of the 1991 Code)]

§ 193-5. Aircraft entry fees.

The Commissioner of Aviation or his duly authorized representative is hereby authorized, empowered and directed to assess and collect the following fees with respect to customs services.

A. Aircraft entry fees. A customs fee as set forth in the Schedule of Fees in Chapter 257, Fees and Charges, Article XIV, shall be assessed and collected for customs entries involving the following aircraft: single-engine piston aircraft and helicopter; twin-engine piston aircraft; single-engine turbo aircraft and turbine helicopters; twin-engine turbo prop aircraft and turbine helicopters; jets having a weight up to and including 18,000

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5. **Editor's Note: Amended at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I).**

6. **Editor's Note: This local law also provided an effective date of 2-1-1999.**

7. **Editor's Note: This local law also provided an effective date of 2-1-1999.**

pounds; jets having a weight between 18,001 pounds and 32,000 pounds; jets having a weight over 32,000 pounds. **[Amended 9-20-2012 by L.L. No. 6-2012]**

B. No fees shall be charged or be assessed or collected for formal or informal freight entries or outbound aircraft clearances.

C. For customs entries which occur other than during the normal business hours of the Customs Service, an additional fee shall be collected and charged for the actual and necessary overtime expenses charged to the County by the Customs Service. An administrative processing fee of 15% will be assessed in addition to these charges. **[Amended 9-20-2012 by L.L. No. 6-2012]**

D. For customs activities which occur outside the Binghamton Port, as defined by the Customs Service, an additional fee shall be charged and assessed for the actual and necessary mileage expenses billed to the County by the Customs Service. An administrative processing fee of 15% will be assessed in addition to these charges. **[Amended 9-20-2012 by L.L. No. 6-2012]**

Chapter 199

ALARM SYSTEMS

§ 199-1. Definitions.

§ 199-2. Registration required; fee.

§ 199-3. Charges.

§ 199-4. Notification to user; failure to pay charges.

[HISTORY: Adopted by the Broome County Legislature 6-18-1992 by L.L. No. 8-1992 (Ch. 86, Art. I, of the 1991 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Emergency telephone system — See Ch. 250.

Fees and charges — See Ch. 257, Art. XIV.

§ 199-1. Definitions. [Added 9-21-2000 by L.L. No. 14-2000]

As used in this chapter, the following terms shall have the meanings indicated:

AVOIDABLE ALARM — An alarm dispatch request for response for law enforcement, fire or emergency medical assistance and the responding agency finds no evidence of a criminal offense, attempted criminal offense, fire emergency or medical emergency after having a timely investigation of the alarm site.

EMERGENCY ALARM — Any alarm designed to send a signal, recorded or otherwise, which terminates in any manner at the Broome County Communications Center or any alarm system designed to emit an audible signal at the scene of installation.

§ 199-2. Registration required; fee. [Amended 8-18-1994 by L.L. No. 12-1994; 4-20-1995 by L.L. No. 5-1995; 9-21-2000 by L.L. No. 14-2000; 6-17-2010 by L.L. No. 6-2010]

A. All residences and businesses containing or installing emergency alarm systems in Broome County connected to the Broome County Office of the Sheriff and/or the Office of Emergency Services must register with the Broome County Office of the Sheriff and/or the Office of Emergency Services.

B. Registration shall be upon forms provided by the Broome County Sheriff. A registration fee as set forth in the Schedule of Fees in Chapter 257, Fees and Charges, Article XIV, should be charged at the time the registration is filed with the Office of the Sheriff. [1]

C. Alarm companies shall distribute and collect the registration forms and fees from their customers and file the forms with the Office of the Broome County Sheriff or the Office of Emergency Services. The Office of the Broome County Sheriff shall forward a copy of the registration forms to the Broome County Communications Center.

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1. **Editor's Note: Amended at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I).**

D. Any residence and/or business containing an emergency alarm system which fails to register the emergency alarm system shall be subject to a charge of $25 per unregistered alarm system.

§ 199-3. Charges. [Amended 9-21-2000 by L.L. No. 14-2000; 6-17-2010 by L.L. No. 6-2010]

Each alarm user shall pay to Broome County a charge for each and every avoidable alarm after the first three avoidable alarm calls per calendar year per user at a charge of $25 for the fourth avoidable false alarm each calendar year per user and $50 for each additional avoidable false alarm per calendar year per user.

§ 199-4. Notification to user; failure to pay charges. [Amended 4-20-1995 by L.L. No. 5-1995; 6-17-2010 by L.L. No. 6-2010]

A. The Office of the Sheriff and/or the Office of Emergency Services shall notify the alarm user, by mail, of said avoidable alarm call or unregistered alarm, and within 30 days of such notice, the alarm user may appeal to the Broome County Executive by showing proof to demonstrate that the alarm was not an avoidable alarm or unregistered alarm, and the County Executive shall have 10 business days to determine the appeal.

B. Should the alarm user fail to pay any and all alarm charges within 30 days of receipt of notice or receipt of appeal denial, whichever is later, the Broome County Sheriff and/or the Office of Emergency Services shall certify to the Broome County Director of the Office of Management and Budget the amount of the penalties.[2]

(1) If the alarm user is the owner of the real property which contains the residence or business, all alarm charges and penalties shall become a lien upon the real property and shall be included in the next tax bill rendered to the owner, unless paid before, and shall be collected in the same manner as other taxes against the real property.

(2) If the owner of the real property is not the same person or business as the alarm user and the alarm user fails to pay any penalty assessed, the Broome County Sheriff and/or the Office of Emergency Services may institute a suit in his name in any court of competent jurisdiction to recover penalties, costs and disbursements, including attorneys' fees, incurred in the collection of penalties.

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2. Editor's Note: Amended at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I).

Chapter 210

CONSTRUCTION CODES, UNIFORM

§ 210-1. Code Enforcement Officer; Board of Review.

§ 210-2. Building permits.

§ 210-3. Certificates of occupancy.

§ 210-4. Inspections.

§ 210-5. Records; annual report.

§ 210-6. Stop-work orders; penalties for offenses.

§ 210-7. Fees.

[HISTORY: Adopted by the Broome County Legislature 10-15-1992 by L.L. No. 11-1992[1] (Ch. 98, Art. I, of the 1991 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Fees and charges — See Ch. 257, Art. XIV.

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§ 210-1. Code Enforcement Officer; Board of Review.

A. Administration. The Commissioner of Public Works, Parks, Recreation and Youth Services is hereby designated as Code Enforcement Official to administer and enforce the Uniform Fire Prevention and Building Code with respect to: **[Amended 11-8-2012 by L.L. No. 8-2012]**

(1) Buildings, premises and equipment in the custody of or activities relating thereto undertaken by:

(a) The County.

(b) Any special purpose unit of government created by or for the benefit of the County.

(c) The Off-Track Betting Corporation, whenever such buildings, premises, equipment or activities are located or occur within the County.

(2) Any other buildings, premises, activities or equipment for which the County is accountable for enforcing the Uniform Fire Prevention and Building Code by reason of state law or regulation.

B. Duties and Powers of Code Enforcement Official.

(1) Except as otherwise specifically provided by law, ordinance, rule or regulation, or except as herein otherwise provided, the Commissioner shall administer and enforce all of the provisions of laws, ordinances, rules and regulations applicable to plans, specifications or permits for the construction, alteration and repair of

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1. **Editor's Note: This local law also repealed former Art. I, Uniform Fire Prevention and Building Code, adopted 4-19-1983 by L.L. No. 7-1983.**

buildings and structures or the installation and use of materials and equipment therein or the location, use and occupancy thereof for all buildings, premises and equipment or activities within the authority of the Code Enforcement Official as set forth in Subsection A above.

(2) The Commissioner shall promulgate the rules and regulations, subject to the approval of the County Legislature, to secure the intent and purposes of this chapter and the proper enforcement of the laws, ordinances, rules and regulations governing building plans, specifications, construction, alteration or repairs. The Commissioner shall publish all rules and regulations as least 14 days prior to the effective date thereof in a newspaper of general circulation within the areas that the County of Broome has the responsibility for enforcement of said code.

C. Acting Code Enforcement Official. In the absence of the Code Enforcement Official, or in the case of his inability to act for any reason, the County Executive shall have the power to designate a person to act on behalf of the Code Enforcement Official and to exercise all the powers conferred upon him by this chapter.

D. Appointment of inspectors. The Code Enforcement Official may appoint one inspector or more as the need may arise to act under his/her supervision and direction and to exercise any portion of the powers and duties of the Code Enforcement Official as he/she shall be directed to do.

E. Contracts.

(1) The Broome County Legislature does hereby establish the authority of the Code Enforcement Official to negotiate a renewable one-year contract with a qualified private firm to provide specific services relative to the administration of the New York State Uniform Fire Prevention and Building Code. The negotiated contract shall be approved by a majority vote of the Broome County Legislature.

(2) The contractor shall perform inspections as provided for in this chapter and shall review applications for building permits and certificates of occupancy and shall advise the Code Enforcement Official when such permits or certificates of occupancy should be issued.

F. Board of Review. Where practicable difficulties or unnecessary hardship may result from enforcement of the strict letter of any provision of the Uniform Code, applications for variances consistent with the spirit of the code may be made to the Regional Board of Review in accordance with 19 NYCRR 1205, entitled "Regional Boards of Review," as promulgated by the New York Department of State. The Code Enforcement Official shall maintain a copy of such rules and regulations for public inspection and shall obtain and retain a copy of all decisions rendered by the Board of Review pertaining to matters affecting the County of Broome.[2]

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2. Editor's Note: Amended at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I).

§ 210-2. Building permits.

A. Except as hereinafter provided, no person, firm, corporation, association or other organization shall commence the erection, construction, enlargement, alteration, improvement, relocation, removal or demolition of any building, structure or equipment within the authority of the Code Enforcement Official as set forth in § 210-1, nor install solid-fuel heating equipment within buildings or structures subject to such authority, without first having obtained a permit from the Code Enforcement Official.

B. No permit shall be required for:

(1) Necessary repairs which do not materially affect structural features.

(2) Alterations to existing buildings, provided that the alterations:

(a) Cost less than $10,000;

(b) Do not materially affect structural features;

(c) Do not affect firesafety/life safety features such as smoke detectors, sprinklers, required fire separations and exits;

(d) Do not involve the installation or extension of electrical systems; and

(e) Do not include the installation of solid-fuel-burning heating appliances and associated chimneys and flues.

(3) Small noncommercial structures less than 140 square feet in area not intended for use by one or more persons as quarters for living, sleeping, eating or cooking; for example, a small storage building.

(4) Nonresidential farm buildings, including barns, sheds, poultry houses and other buildings used directly and solely for agricultural purposes.

C. The application for a building permit and its accompanying documents shall contain sufficient information to permit a determination that the intended work accords with the requirements of the Uniform Code.

D. The form of the permit and application therefor shall be prescribed by resolution of the Broome County Legislature. The application shall be signed by the owner (or his authorized agent) of the building or work and shall contain at least the following:

(1) Name and address of owner;

(2) Identification and/or description of the land on which the work is to be done;

(3) Description of use or occupancy of the land and existing or proposed building;

(4) Description of the proposed work;

(5) Estimated cost of the proposed work;

(6) Statement that the work shall be performed in compliance with the Uniform Code and applicable state and local law, ordinances and regulations; and

(7) Required fee.

E. Such application shall be accompanied by such documents, drawings, plans (including plot plan) and specifications as the applicant shall deem adequate and appropriate for compliance with this chapter or as the enforcement officer may require as being necessary or appropriate in his judgment. The applicant may confer with the enforcement officer in advance of submitting his application to discuss the enforcement officer's requirements for the same.

F. Any plans (including plot plan) or specifications which comprise a portion of the application, whether submitted subsequently upon requirement by the enforcement officer, shall be stamped with the seal of an architect or professional engineer or land surveyor licensed in this state and shall in all respects comply with §§ 7209 and 7307 of the Education Law of the State of New York, as the same may be amended from time to time.

G. The applicant shall notify the enforcement officer of any changes in the information contained in the application during the period for which the permit is in effect. A permit will be issued when the application has been determined to be complete and when the proposed work is determined to conform to the requirements of the Uniform Code. The authority conferred by such permit may be limited by conditions, if any, contained therein.

H. A building permit issued pursuant to this chapter shall be prominently displayed on the property or premises to which it pertains.

I. A building permit issued pursuant to this chapter may be suspended or revoked if it is determined that the work to which it pertains is not proceeding in conformance with the Uniform Code or with any condition attached to such permit or if there has been misrepresentation or falsification of a material fact in connection with the application for the permit.

J. A building permit issued pursuant to this chapter shall expire two years from the date of issuance or upon the issuance of a certificate of occupancy (other than a temporary certificate of occupancy), whichever occurs first. The permit may, upon written request, be renewed for successive one-year periods, provided that:

(1) The permit has not been revoked or suspended at the time the application for renewal is made;

(2) The relevant information in the application is up-to-date; and

(3) The renewal fee is paid.

§ 210-3. Certificates of occupancy.

A. No building hereafter erected shall be used or occupied in whole or in part until a certificate of occupancy shall have been issued by the Code Enforcement Officer.

B. No existing building hereafter enlarged, extended or altered or upon which work has been performed which required the issuance of a building permit shall be occupied or used for more than 30 days after the completion of the alteration or work unless a certificate of occupancy shall have been issued.

C. No change shall be made in the occupancy of an existing building unless a certificate of occupancy authorizing such change shall have been issued.

D. When, after final inspection, it is found that the proposed work has been completed in accordance with the applicable law, ordinances, rules or regulations and also in accordance with the application, the Code Enforcement Officer shall issue a certificate of occupancy. If it is found that the proposed work has not been properly completed, the Code Enforcement Officer shall not issue a certificate of occupancy and shall order the work completed in conformity with the building permit and in conformity with the applicable building regulations.

E. A certificate of occupancy shall be issued, where appropriate, within 30 days after written application therefor is made.

F. The certificate of occupancy shall acknowledge that the work has been completed and that the proposed use and occupancy is in conformity with the provisions of the applicable laws, ordinances, rules and regulations and shall specify the use or uses and the extent therefor to which the building or structure or its several parts may be put to use.

G. Upon request, the Code Enforcement Officer may issue a temporary certificate of occupancy for a building or structure, or part thereof, before the entire work covered by the building permit shall have been completed, provided that such portions as have been completed may be occupied safely without endangering life or the public health and welfare. A temporary certificate of occupancy shall remain effective for a period not exceeding three months from its date of issuance. For good causes, the Code Enforcement Officer may allow a maximum of two extensions for periods not exceeding three months each.

§ 210-4. Inspections.

A. Inspections.

(1) Work for which a building permit has been issued under this chapter shall be inspected for approval prior to enclosing or covering any portion thereof and upon completion of each state of construction, including but not limited to building location, site preparation, excavation, foundation, framing, superstructure, electrical, plumbing and heating and air conditioning. It shall be the responsibility of the owner, applicant or his agent to inform the Code Enforcement Officer that the work is ready for inspection and to schedule such inspection.

(2) Existing buildings not subject to inspection under Subsection A(1) of this section shall be subject to periodic firesafety/life safety inspections for compliance with the Uniform Code in accordance with the following schedule: all areas of public

assembly as defined in the Uniform Code, all buildings or structures containing areas of public assembly and the common areas of multiple dwellings: every 12 months; all buildings or structures open to the general public: every 12 months; all other buildings: every 24 months. Notwithstanding any requirement of this subsection to the contrary, no regular periodic inspections of occupied dwelling units shall be required; provided, however, that this shall not be a limitation on inspections conducted at the invitation of the occupant or where conditions on the premises threaten or present a hazard to public health, safety or welfare.

B. Inspectors.

(1) The inspections required by Subsection A must be performed by the Code Enforcement Official or inspectors approved by the Code Enforcement Official. The Code Enforcement Officer is authorized to order, in writing, the correction of any condition in violation of the Uniform Code found in, on or about any building. Such orders shall be served in person upon a responsible party or his authorized agent or by registered mail sent to the address of a responsible party set forth in any relevant application for a permit or in any relevant certificate. The order shall set forth the time within which the condition must be corrected. A responsible party who fails to correct the condition within the specified time shall be subject to a penalty as set forth in § 210-6B of this chapter.

(2) A person subject to inspection under Subsection A may be required by the Code Enforcement Officer to have such inspection performed at his own cost and expense by a competent inspector acceptable to the Code Enforcement Officer. Such inspector may be a registered architect, licensed professional engineer, other certified code enforcement officer or other person whose experience and training has been demonstrated to the satisfaction of the Code Enforcement Officer. Any person required by the Code Enforcement Officer to have an inspection performed at his own cost and expense shall not be assessed the fees otherwise prescribed by this chapter.

§ 210-5. Records; annual report.

A. The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by him, including all applications received, plans approved, permits and certificates issued, fees charged and collected, inspection reports, all rules and regulations promulgated by the County and notices and orders issued. All such reports shall be public information, open to public inspection during normal business hours.

B. The Code Enforcement Officer shall annually submit to the Broome County Legislature a written report of all business conducted.

§ 210-6. Stop-work orders; penalties for offenses.

A. Stop-work orders.

(1) Whenever the Code Enforcement Officer has reasonable grounds to believe that work on any building or structure is proceeding without a permit or is otherwise in violation of the provisions of any applicable law, code, ordinance or regulation, or is not in conformity with any of the provisions of the application, plans or specifications on the basis of which a permit was issued, or is being conducted in an unsafe and dangerous manner, he shall notify either the owner of the property or the owner's agent or the person, firm or corporation performing the work to immediately suspend all work. In such instance, any and all persons shall immediately suspend all related activities until the stop-work order has been duly rescinded.

(2) Such stop-work order shall be in writing on a form prescribed by the Code Enforcement Officer and shall state the reasons of the stop-work order, together with the date of issuance. The stop-work order shall bear the signature of the Code Enforcement Officer or that of an assistant and shall be prominently posted at the work site.

B. Penalties for violation of a building permit.

(1) It shall be unlawful for any person, firm or corporation to construct, alter, repair, move, equip, use or occupy any building or structure or portion thereof in violation of any provision of the New York State Uniform Fire Prevention and Building Code, or any amendment hereafter made thereto, as well as any regulation or rule promulgated by the County Legislature, or to fail to comply with a notice, order or directive of the Code Enforcement Officer, or to construct, alter, repair, move or equip any building or structure or part thereof in a manner not permitted by an approved building permit.

(2) Any person, firm or corporation who or which fails to comply with a written notice or order of the Code Enforcement Officer within a fixed time, and any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents, or any other person taking part or assisting in the construction, alteration, repair, movement or equipping or use of any building, who shall violate this section or any provision of the New York State Uniform Fire Prevention and Building Code, or any lawful notice, order, directive, permit or certificate of the Code Enforcement Officer, shall be subject to a fine of not more than $25 for each day that the violation continues. Prior to the imposition of a fine, a violator shall be given a reasonable period of time to correct the violation. If after such time the violation still exists, then an appropriate fine of not more than $25 per day shall be imposed for each day the violation continues.

(3) Any action or proceeding in the name of the County of Broome may be commenced in any court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provisions of the New York State Uniform Fire Prevention and Building Code, this local law or any rule or regulation relating thereto. Such remedy shall be in addition to any other penalties prescribed by law.

§ 210-7. Fees. [Amended 11-8-2012 by L.L. No. 8-2012[3]]

A. Fees for building permits for new construction, additions, alterations and renovations, and for general building construction shall be as set forth in the Schedule of Fees in Chapter 257, Fees and Charges, Article XIV.

B. Fee for demolition permits shall be as set forth in Chapter 257, Fees and Charges, Article XIV.

C. Fee for renewals of permits shall be 50% of whatever fee would be charged for a new permit.

D. Fees for miscellaneous inspections shall be as set forth in the Schedule of Fees in Chapter 257, Fees and Charges, Article XIV. Miscellaneous inspections shall include all inspections of existing buildings which are requested by an owner, an owner's agent, a lessee, a tenant or an occupant unless such request for an inspection is related to a complaint alleging Uniform Code violations.

E. Fees for certificates of occupancy or compliance. No fee shall be charged for the issuance of a certificate of occupancy or compliance when such certificate is issued for a structure or project for which a building or demolition permit has been previously issued. In all other circumstances, a fee in accordance with the schedule specified in Subsection D of this section will be collected prior to the issuance of a certificate of occupancy or compliance.

F. Refunds. If an application for a building or demolition permit is withdrawn prior to the commencement of a review of such application, the applicant may receive a refund of 100% of the fee paid. If a review of an application has been commenced prior to its withdrawal or if an application is not approved after review, the applicant may receive a refund of 50% of the fee paid, provided that no work has commenced. If work has commenced and the application is withdrawn or not approved, any fees paid shall not be refunded.

G. Waiver of fees. The Commissioner of Public Works, Parks, Recreation and Youth Services may waive any fee or a portion thereof if it is established that the payment of such fee will cause unnecessary hardship or that the waiver of the fee would be in the best interests of the County.

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3. Editor's Note: Amended at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I).

Chapter 222

COUNTY PROPERTY, USE OF

§ 222-1. Purpose.

§ 222-2. Rules and regulations established.

§ 222-3. Definitions.

§ 222-4. Conduct upon buildings and grounds; permits; prohibitions.

§ 222-5. Penalties for offenses.

§ 222-6. Enforcement.

[HISTORY: Adopted by the Broome County Legislature 8-15-1980 by L.L. No. 8-1980 (Ch. 106 of the 1991 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Lease or sale of County property — See Ch. 89.
Dogs and animals — See Ch. 243.
Parks and recreation areas — See Ch. 281.

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§ 222-1. Purpose.

The County Legislature, in order to ensure the proper protection of persons or property on County property, to ensure the proper protection of County property, and to maintain good order and safety in the transaction of County business on said property, hereby establishes rules and regulations governing all persons entering, visiting, using or who are otherwise within the boundaries of said County property.

§ 222-2. Rules and regulations established.

This chapter does hereby establish the following rules and regulations.

§ 222-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ADMINISTRATOR — An administrator of the County of Broome who controls a specific department and buildings and grounds of the County of Broome and/or his duly authorized personnel.

ASSEMBLY — The gathering, collecting or congregating of four or more persons together for a common purpose or objective and whether designated as a "parade," "procession," "vigil," "assembly," "demonstration" or like term.

BUILDINGS AND GROUNDS — Any buildings and grounds owned, leased, operated and controlled by the County of Broome.

COMMISSIONER — A commissioner of the County of Broome who controls a specific department and buildings and grounds of the County of Broome and/or his duly authorized personnel.

COUNTY EXECUTIVE — The County Executive of the County of Broome and/or his duly authorized personnel.

LEGISLATURE — The County Legislature of the County of Broome.

NORMAL HOURS OF OPERATION — The period of time when such buildings and grounds are open to the general public.

PERSON — Includes persons, corporations and other groups.

SHERIFF — The Sheriff of the County of Broome and/or his duly authorized personnel.

§ 222-4. Conduct upon buildings and grounds; permits; prohibitions.

A. Public assembly on buildings and grounds.

(1) No person, group or organization gathering, collecting or congregating for common purpose or objective, and whether designated as a parade, procession, vigil, assembly, demonstration or like terms, shall assemble upon said County grounds unless a written permit is received from the County Executive or his duly authorized representative.

(2) The application for said permit shall be verified by petition, addressed to the County Executive and filed with the County Executive or his duly authorized representative at least 24 hours prior to the date upon which said assembly is contemplated.

B. Standards for issuing permits. The County Executive, or his duly authorized representative, in granting or rejecting a permit, will be governed by the following criteria:

(1) The rights of all citizens under the federal and state constitutions to peaceably and lawfully assemble for expression of views or opinions.

(2) The requirement as to the date and time so that the proper operation of County government or the appropriate state or County courts will not be interfered with. Preference will be given to assemblies held at hours when the normal work force of County government is not present.

(3) The requirement that the group or organization requesting a permit is not for illegal purposes as set forth by appropriate federal, state and local laws.

(4) That said organization or group has not previously engaged in acts of vandalism or destruction of property, nor has it violated appropriate federal, state and local laws during previous parades, demonstrations or assemblies.

(5) That said principal members of said organization or group, during previous use of County property, whether in the petitioning group or organization or another group or organization, have adhered to the requirements of this chapter.

C. Preservation of property. No person shall injure, deface, destroy, disturb, remove or misuse any part of the grounds or any buildings, sign, equipment or other property.

D. Littering. No person shall dispose of sewage, garbage, refuse, paper or any other material in any building or grounds, except in a receptacle provided for that purpose.

E. Weapons and explosives.

(1) No person except duly authorized employees of the County of Broome or law enforcement officers shall use, carry or possess any firearm within buildings and grounds.

(2) No person except law enforcement officers shall use, carry or possess any noxious materials ("noxious materials," for purposes of this section, shall be defined as irritant gas dispensers, commonly called "tear gas" or "mace") within buildings and grounds.

(3) No person shall use, carry or possess air or gas guns, slingshots, bows and arrows, missiles or missile-throwing devices, unless such person is a participant in a program sponsored by the County of Broome which uses such items for recreational purposes only.

(4) No person except duly authorized employees or agents of the County of Broome shall use, carry or possess any fireworks or explosive substances within buildings and grounds.

(5) No person shall possess any other dangerous weapons within buildings and grounds.

F. Harassment.

(1) No person shall strike, shove, kick or otherwise subject another person to physical contact or attempt to do the same with the intent to harass, annoy or alarm such other person.

(2) No person shall follow a person about buildings and grounds with the intent to harass, annoy or alarm such other person.

(3) No person shall engage in a course of conduct or repeatedly commit acts which alarm or seriously annoy such other person and which serve no legitimate purpose.

(4) No person shall threaten or menace any other person with any animal with the intent to harass, annoy or alarm such other person.

G. Disorderly conduct. No person shall, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof:

(1) Engage in fighting or in violent, tumultuous or threatening behavior.

(2) Make unreasonable noise.

(3) In a public place, use abusive or obscene language or make an obscene gesture.

(4) Without lawful authority, disturb any lawful assembly or meeting of persons.

(5) Obstruct vehicular or pedestrian traffic.

(6) Congregate with other persons in a public place and refuse to comply with a lawful order of a security officer or other law enforcement officer to disperse.

(7) Create a hazardous or physically offensive condition by any act which serves no legitimate purpose.

H. Public lewdness.

(1) No person shall intentionally expose the private or intimate parts of his body in a lewd manner or commit any other lewd act with intent that he be so observed.

(2) No female shall appear clothed or costumed in such a manner that the portion of her breast below the top of the areola is not covered with a fully opaque covering. This subsection shall not apply to any female entertaining or performing in a play, exhibition, show or entertainment in The Broome County Forum or Broome County Arena in conformance with existing state statutes.

I. Unlawful assembly. No person shall assemble with four or more other persons for the purpose of engaging or preparing to engage with them in tumultuous and violent conduct likely to cause public alarm or when, being present at an assembly which either has or develops such purpose, he remains there with intent to advance that purpose.

J. Loitering. No person shall loiter in or near toilets or restroom facilities within buildings and grounds.

K. Alcoholic beverages; intoxicants.

(1) No person shall possess any alcoholic beverages which have been opened, on buildings and grounds, without authorization from the County Executive, Commissioner or Administrator.

(2) No person shall use or have in his or her possession any drugs, as defined in the Penal Law of the State of New York, unless they have been prescribed by a physician for the possessor or are legally available without a prescription to the public.

L. Advertising, signs and commercial enterprises.

(1) No person shall distribute for commercial purposes or place any sign, advertisement, circular, notice, statement, banner, emblem or design without written permission from the County Executive, Commissioner or Administrator.

(2) No person shall beg, hawk, peddle or solicit within buildings and grounds.

(3) No person shall sell or offer for sale any article, thing, privilege or service within buildings and grounds without authorization from the County Executive, Commissioner or Administrator.

(4) No person shall operate games of chance or offer for sale any beer, intoxicating liquor or drugs without the authorization of the County Executive, Commissioner or Administrator, in accordance with New York State Law.

(5) No County official elected on or after January 1, 2012, shall have his or her name displayed on signage at any County-operated park or the exterior of facilities owned or leased by Broome County. **[Added 3-15-2012 by L.L. No. 2-2012]**

(a) This subsection shall not apply to historic or commemorative plaques, memorials or tablets identifying the historical or cultural significance of a building, structure, object or property recognized as important to the history of Broome County.

(b) This subsection shall not prohibit the naming of any park or facility in honor of a County official.

M. Compliance with orders. No person shall fail or refuse to comply with any reasonable order relating to the regulation, direction or control of traffic or to any order lawfully given by the County Executive, Commissioner or Administrator or willfully resist, obstruct or abuse any law enforcement officer or other official in the execution of his office.

N. Camping. No person shall establish or maintain any camp or other temporary lodging or sleeping place within buildings and grounds.

O. Fires. No person shall start a fire in buildings and grounds.

P. Trespass. No person or motor vehicle shall be permitted to enter, remain or park within the confines of buildings and grounds except during normal hours of operation.

Q. Hunting, fishing and trapping. No person within the confines of buildings and grounds shall hunt, pursue with dogs, trap or in any other way molest any wild bird or animal found within the confines of buildings and grounds.

R. Dogs and other animals.

(1) Dogs, cats and other domesticated pets are permitted, except in buildings, only if they are controlled at all times by a leash not more than eight feet long or are otherwise appropriately restrained. No animals may be left unattended in buildings and grounds.

(2) Proof of currently effective rabies inoculation is required.

(3) Dogs legitimately used to assist the visually handicapped are permitted in buildings.

(4) Individuals bringing dogs or other animals in buildings and grounds shall be required to pick up and deposit in proper receptacles all solid waste from said animals.

S. Swimming. Swimming is prohibited at any County-controlled water.

T. Sophisticated toys. Models, such as radio-controlled planes and cars, that produce loud noises or are hazardous are not permitted to be operated within buildings and grounds.

U. Metal detectors. No person shall use any metal detector within the confines of buildings and grounds, unless such use is authorized by the County Executive, Commissioner or Administrator.

V. Traffic.

(1) Vehicle usage.

(a) Persons traveling within County buildings and grounds shall keep to drives, roadways, paths, walks and trails established for such purposes. Footpaths or bicycle paths shall not be used for vehicular traffic.

(b) Snowmobiles, all-terrain vehicles, motorcycles, motorbikes, minibikes and recreation vehicles shall be licensed and are restricted to trails and areas provided for them.

(c) All motor vehicles operated within the confines of buildings and grounds shall keep to the right at all times while being operated on drives, roadways or in parking lots.

(d) All motor vehicles shall proceed in the direction indicated by posted signs on drives or roadways which are restricted to one-way travel only within the confines of buildings and grounds.

(2) Driving on closed roads or drives.

(a) No person shall drive upon or along any buildings and grounds, roads or drives which have been closed and posted with appropriate signs or barricades. The County Executive, Commissioner or Administrator shall have authority to order roads or drives closed.

(3) Airport ramps and aprons.

(a) No person shall operate a motor vehicle or mobile equipment on the apron of the administration building or on the hangar ramp areas, except persons authorized by the Commissioner.

(b) Under no circumstances shall a motor vehicle be left unattended on any of the air operations areas.

(4) Airport landing areas.

(a) No person shall operate any motor vehicle or mobile equipment on the landing areas without prior permission from the control tower.

(5) Speed limit.

(a) No person shall drive at a speed in excess of that posted for the area. The County Executive, Commissioner or Administrator shall determine the speed limits in buildings and grounds.

(6) Reckless driving.

(a) No person shall operate a vehicle along or over any road or drive within the buildings and grounds in a reckless manner or without due regard for the safety and the rights of pedestrians and drivers and occupants of all other vehicles.

(7) Drag racing, speed contests.

(a) No person shall participate in a drag race upon any buildings and grounds drive or property. "Drag racing" is defined as the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one or more vehicles over a common selected course from the same point to the same point wherein timing is made of the participating vehicles involving competitive accelerations of speed. The operation of two or more vehicles side by side, either at speeds in excess of such permitted speeds, shall be prima facie evidence of drag racing.

(8) Motorcycles.

(a) All motorcycles, trail bikes, minibikes, motor scooters or mopeds operated within buildings and grounds shall be operated only on those roadways provided for the use of motor vehicles.

(b) All persons operating and passengers riding on motorcycles, trail bikes, minibikes, motor scooters or mopeds within the confines of buildings and grounds shall wear an approved safety helmet, as per the requirements of the New York State Department of Motor Vehicles, at all times while such vehicle is in motion.

(9) Use of County property; traffic; parking (general) **[Amended 8-8-2013 by L.L. No. 7-2013]**

(a) No person shall park or store any motor vehicle, bicycle or other vehicle conveyance upon any roadway, in buildings and grounds or at any location where posted signs or symbols prohibit or restrict parking. No motor vehicle shall be parked on any grass or lawn area unless authorized by the County Executive, Commissioner or Administrator on a case-by-case basis.

(b) No motor vehicle shall be left standing in any area when parking is prohibited or restricted for a period exceeding five minutes. Any vehicle standing shall be occupied or under the immediate control of the operator at all times.

(c) In any buildings and grounds where parking spaces are assigned either specifically or by license, i.e., by payment of parking fees or by proper registration, as appropriate, no one shall park in such assigned space excepting the duly authorized person assigned to such space.

(d) No person shall deposit in any parking meter any slug, device or substitute for a coin of the United States of America or deface, injure, damage, tamper with, break, destroy or impair the usefulness of any parking meter in County

buildings and grounds, nor shall any person assist or participate in any such act.

(e) Any vehicle left unattended and in violation of a metered or other parking regulation for a period of six consecutive days is subject to the vehicle being immobilized by a wheel-locking device. In addition to any fines associated with the parking violations, the violator must also remit the applicable fee of $75 to remove the wheel-locking device.

(10) Parking (airport only).

(a) All vehicles parked by any person, firm or corporation, except authorized employees, agents and representatives of the County of Broome, in the designated parking areas after 2:00 a.m. local time shall be in violation of this section and subject to fine and/or towing.

(b) The Commissioner shall install parking meters in such parking areas as he shall deem advisable, and no vehicle shall be parked in a parking meter area without payment of the necessary fees as prescribed by the Commissioner and indicated on said meters.

(c) Whenever a vehicle is parked in a parking meter area, the person parking such vehicle shall immediately deposit or cause to be deposited in the adjacent parking meter the fee prescribed by the Commissioner and indicated on the meter.

(d) The owner or operator of a taxicab or any other vehicle shall not use the parking meter area or any other area at the airport for the purpose of waiting for or soliciting employment or business unless specifically granted a license or permit to do so.

(11) Driving without a license.

(a) No person shall drive a motor vehicle within buildings and grounds unless such person has been licensed as an operator or chauffeur or cause or permit minors under 18 years of age to drive a motor vehicle within buildings and grounds unless such minor has first obtained a license or permit to drive such motor vehicle.

(12) Driving without license plates.

(a) No person who is the owner or operator of a motor vehicle shall operate, cause or permit such motor vehicle to be operated within buildings and grounds unless such vehicle displays the distinctive number and registration marks of license plates legally issued for the current year securely fastened to the vehicle.

(13) Insurance required.

(a) No person who is the owner or operator of a motor vehicle shall operate, cause or permit such motor vehicle to be operated within buildings and

grounds unless such vehicle is insured as per the requirements of the New York State Department of Motor Vehicles.

(14) Operation of motor vehicle under the influence of liquor.

(a) No person who is under the influence of intoxicating liquor, narcotic drugs or opiates shall operate any vehicle within buildings and grounds.

(15) Driving vehicles in unsafe condition.

(a) No person shall drive or move, or cause or knowingly permit to be driven or moved, within buildings and grounds any vehicle which is in unsafe condition so as to endanger any person.

(16) Mufflers.

(a) Every motor vehicle with an internal combustion engine shall at all times be equipped with a muffler in good working condition and in constant operation, and no person shall use a muffler cutout, bypass or similar device upon a motor vehicle in buildings and grounds.

W. Bicycles.

(1) No person shall be permitted to use or operate any bicycle, roller skates, skateboards, or other nonmotorized vehicle or conveyance upon any pedestrian walks or areas.

(2) Wheelchairs operated by the handicapped are excepted from this provision.

§ 222-5. Penalties for offenses. [Amended 10-18-2007 by L.L. No. 8-2007]

A. Any violation of any provision of the foregoing rules and regulations or any amendments thereto, with the exception of § 222-4D, of this chapter shall be deemed a violation, and any person found guilty thereof shall be liable to a fine which shall not exceed $500 or imprisonment not to exceed 30 days, or both such fine and imprisonment.

B. A violation of any provisions of § 222-4D of this chapter shall be deemed a violation, and any person found guilty thereof shall be liable to a fine not to exceed $500 and/or 20 hours of community service or imprisonment not exceeding 30 days, or by any combination of such fine, community service, and imprisonment. The penalties for a second violation within a one-year period shall be a fine not to exceed $750 and/or 40 hours of community service or imprisonment as set forth above. The penalties for more than two offenses within a one-year period shall be a fine not to exceed $1,000 or imprisonment, or both such fine and imprisonment. Each day's violation shall constitute a separate offense.

C. At the discretion of the County Executive, Commissioner or Administrator, any person found guilty of violating any provision of this chapter may be banned from the buildings and grounds for a period of time specified in writing. Persons so notified are prohibited from entering or remaining upon buildings and grounds, as specified.

§ 222-6. Enforcement.

The County Executive, Commissioner, Administrator, County security officers, County park rangers, animal control officers and other agents duly designated in addition to local, County and state police or law enforcement officers are hereby authorized to, and they shall, enforce the foregoing rules and regulations, which power shall include, but not be limited to, the power to issue tickets to appear before a Justice, and to exercise such other legal methods of enforcement of the foregoing rules and regulations as the County Executive, Commissioner or Administrator or his agents may deem appropriate and necessary.

Chapter 228

COUNTY ROADS, HAULING ON

§ 228-1. Statutory authority.
§ 228-2. Permit requirement.
§ 228-3. Application form.
§ 228-4. Permit form.
§ 228-5. Damage to County roads.
§ 228-6. Insurance.
§ 228-7. Indemnity and save harmless.
§ 228-8. Stop-work orders.
§ 228-9. Revocation of permit.
§ 228-10. Special conditions and exclusions.
§ 228-11. Penalties for offenses.

[HISTORY: Adopted by the Broome County Legislature 6-17-2010 by L.L. No. 5-2010[1] (Ch. 100 of the 1991 Code). Amendments noted where applicable.]

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§ 228-1. Statutory authority.

This chapter is enacted pursuant to the authority of Vehicle and Traffic Law § 385(15) authorizing a county to issue a special hauling permit (hereinafter "permit") to operate or move a vehicle, or a combination of vehicles, the weights or dimensions of which exceed the limitations provided in § 385 on County roads or highways, similar to that permit issued by the State of New York relating to the state system of highways.

§ 228-2. Permit requirement.

A. A vehicle or a combination of vehicles, the weights or dimensions of which exceed the limitations provided in § 385 of Vehicle and Traffic Law, shall not be operated on County roads or highways unless a permit has been issued in accordance with the provisions of this chapter.

B. The Commissioner of Public Works, Parks, Recreation and Youth Services (hereinafter the "Commissioner") of the County of Broome (hereinafter the "County") is hereby designated as the authority to receive applications for permits to operate or move a vehicle or a combination of vehicles, the weights or dimensions of which exceed the limitations provided in § 385 on County roads or highways. Such permit can only be issued to applicants who are eligible for or are holders of valid New York State hauling permits issued by the New York Department of Transportation (hereinafter NYSDOT) pursuant to Title 17, Transportation, New York Code of Rules and Regulations Part 154. **[Amended 11-8-2012 by L.L. No. 8-2012]**

§ 228-3. Application form.

The Commissioner is hereby authorized to promulgate an application form requesting a permit. The application form shall include:

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1. **Editor's Note: This local law provided an effective date of 1-1-2011.**

A. A list of Broome County highway(s) to be used as hauling routes, if any, by the permit holder.

B. Copies of valid New York State vehicle registrations for each vehicle.

C. Copies of valid New York State special hauling permits, if any, for each vehicle.

D. Proof of insurance as required by § 228-6 of this chapter.

E. The Commissioner is authorized to issue regulations that require additional reasonable information on application forms. Any such regulations must be filed by the Commissioner with the Clerk of the Broome County Legislature.

F. Designation of a permit fee as allowed by the State of New York Vehicle and Traffic Law.

§ 228-4. Permit form. [Amended 11-8-2012 by L.L. No. 8-2012]

The Commissioner is hereby authorized to promulgate the permit form to be issued upon review and approval of an application for a permit. In the event that the holder of a NYSDOT special hauling permit(s) presents proof (satisfactory to the Commissioner of Public Works, Parks, Recreation and Youth Services) that such holder, for itself, its agents and subcontractors, plans to use more than one vehicle, the weights or dimensions of which exceed the limitations provided in § 385 on County roads or highways, the holder of the NYSDOT special hauling permit(s) may elect to execute a County-wide road maintenance agreement in lieu of separate permits for each vehicle(s). Said road maintenance agreement shall conform to the minimum requirements of this chapter, shall be executed by the County and the permit holder, and shall include such additional terms as are reasonably required by the Commissioner, including but not limited to insurance, maintenance bond, hauling route designations, traffic schedules, inspections and road surveys. All of the vehicles specifically listed in such agreement, including those owned by the holder, its agents and subcontractors, shall be deemed to be covered by such agreement, and upon execution of the agreement, the Commissioner shall issue a blanket permit.

§ 228-5. Damage to County roads.

With the exception of normal wear and tear, the permit holder is responsible for all damages done to the roadways, ditches, curbs, sidewalks or other improvements and to public utilities in the roadway. Upon due notice being given to the permit holder and at the County option, the County may request the permit holder to repair all damages, or the County may arrange for the necessary repairs and charge the permit holder for all labor and materials at the prevailing rates.

§ 228-6. Insurance.

The permit holder must present proof satisfactory to the Commissioner that it has satisfied the insurance requirements of the State of New York Department of Transportation for a single vehicle special hauling permit.

§ 228-7. Indemnity and save harmless.

The permit holder will be required to agree to fully indemnify, defend, save and hold harmless the County of Broome and all of its departments, bureaus, divisions, boards, officers and employees from and against any and all claims, costs, damages, expenses, charges, risks, losses, lawsuits, judgments, executions, penalties, fines, assessments or any other liability of any type arising out of, occurring in connection with, or resulting from any and all activity to be performed by the permit holder pursuant to this permit.

§ 228-8. Stop-work orders.

The Commissioner shall have the right and authority to issue stop-work orders to those operating in violation of the terms of this chapter or contrary to the permit holder's application or conditions upon which its permit was issued.

§ 228-9. Revocation of permit.

Upon the violation of any provisions of this permit, the Commissioner may suspend any permit issued hereunder for no more than 30 days, and following a public hearing at which the permit holder shall have the right to appear and be heard, may revoke any permit on notice to the permit holder.

§ 228-10. Special conditions and exclusions.

A. The permit shall not be assigned or transferred without the written consent of the Commissioner.

B. The Commissioner shall be given one day's notice by said permit holder of the date when it intends to begin the activity authorized by the permit and prompt notice of its completion.

C. The permit shall remain valid only for so long as the permit holder continues to hold a valid New York State hauling permit.

D. The permit shall not authorize the holder to exceed the maximum gross weight limit authorized for crossing any weight-posted bridge.

E. Due to the vital nature of the following vehicles in providing public services deemed necessary in preventing emergencies or in safeguarding the public health, safety and welfare, and since overweight vehicles may be required to perform these services, the following vehicles are granted exemptions from the permitting process of this chapter:

(1) Maintenance, repair and service vehicles owned and operated by the County of Broome or municipal corporations located in the County of Broome and on official County or municipal business.

(2) Maintenance, repair and service vehicles owned and operated by a utility company or authority and on official utility business.

(3) Emergency vehicles and vehicles owned by New York or municipal corporations of New York.

F. Nothing contained in this chapter shall be deemed to limit the right to farm as set forth in Article 25-AA of the New York State Agricultural and Markets Law.

§ 228-11. Penalties for offenses.

A. Any person who shall operate or move a vehicle or a combination of vehicles, the weights or dimensions of which exceed the limitations provided in § 385 of the Vehicle and Traffic Law, on County roads or highways without obtaining the permit required hereunder shall be guilty of a Class A misdemeanor, which shall be punishable by a fine not exceeding $1,000.

B. In addition to the above-prescribed penalties, the County Legislature may in its discretion maintain an action or proceeding in the name of the County in a court of competent jurisdiction to compel compliance with this chapter by injunction, abatement or otherwise compel cessation of each violation, and obtain restitution to the County for costs incurred by the County in remedying each violation, including but not limited to reasonable attorneys' fees.

Chapter 234

CRIMINAL BACKGROUND CHECKS

ARTICLE I
Criminal Background Checks for Drivers of Handicapped Children

§ 234-1. Authorization to conduct.

§ 234-2. Purpose; drivers to be held to standards.

§ 234-3. Forwarding to Criminal Justice Services.

[HISTORY: Adopted by the Broome County Legislature as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Criminal Background Checks for Drivers of Handicapped Children
[Adopted 8-25-1987 by L.L. No. 6-1987 (Ch. 110, Art. I, of the 1991 Code)]

§ 234-1. Authorization to conduct.

The Broome County Director of Security is authorized to administer criminal background checks, including fingerprinting, for the purpose of screening prospective drivers in connection with Broome County's obligation to transport handicapped children.

§ 234-2. Purpose; drivers to be held to standards.

The criminal background checks, including fingerprinting, shall be conducted for the purpose of discovering any criminal offenses set out in Article 19-A of the Vehicle and Traffic Law, which Article sets out the special requirements for school drivers. The prospective drivers in the transportation of the handicapped children program shall be held to that standard set out in Article 19-A for school bus drivers.

§ 234-3. Forwarding to Criminal Justice Services.

The Director of Security, upon fingerprinting the prospective driver, shall forward the fingerprints, with the appropriate fees, paid by the prospective driver or his or her employer, to the Division of Criminal Justice Services, Albany.

Chapter 243

DOGS AND OTHER ANIMALS

ARTICLE I
Boarding, Disposition and Adoption of Unwanted Dogs

§ 243-1. Charges and fees for Broome County Dog Shelter.

§ 243-2. Accepting unwanted dog.

§ 243-3. Adoption.

ARTICLE II
Rabies Vaccinations

§ 243-4. Purpose.

§ 243-5. Vaccination to be compulsory.

§ 243-6. Applicability.

§ 243-7. Conducting required vaccinations.

§ 243-8. Enforcement.

§ 243-9. Penalties for offenses.

[HISTORY: Adopted by the Broome County Legislature as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Fees and charges — See Ch. 257, Art. XIV.

ARTICLE I
Boarding, Disposition and Adoption of Unwanted Dogs
[Adopted 4-21-1977 by L.L. No. 2-1977; amended in its entirety 7-12-1983 by L.L. No. 13-1983 (Ch. 115, Art. I, of the 1991 Code)]

§ 243-1. Charges and fees for Broome County Dog Shelter. [Amended 1-20-1994 by L.L. No. 2-1994; 10-21-1999 by L.L. No. 9-1999; 5-18-2000 by L.L. No. 10-2000; 12-20-2001 by L.L. No. 1-2002; 7-14-2004 by L.L. No. 8-2004; 12-21-2006 by L.L. No. 1-2007; 10-16-2008 by L.L. No. 8-2008; 11-18-2010 by L.L. No. 13-2010[1]]

The County of Broome does hereby establish charges and fees in connection with the boarding and disposition of seized dogs at the Broome County Dog Shelter. Said fees are as set forth in the Schedule of Fees in Chapter 257, Fees and Charges, Article XIV.

§ 243-2. Accepting unwanted dog. [Amended 12-21-2006 by L.L. No. 1-2007[2]]

A fee, as set forth in the Schedule of Fees in Chapter 257, Fees and Charges, Article XIV, will be assessed an owner wishing to surrender a dog for adoption or requesting euthanasia from the shelter.

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1. **Editor's Note: Amended at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I).**

2. **Editor's Note: Amended at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I).**

§ 243-3. Adoption.

Dogs which would otherwise be euthanized shall be made available for adoption by animal welfare organizations upon the following terms and conditions:

A. The number of dogs adopted in this manner shall not exceed 5% of the total number of dogs adopted during any calendar year.

B. Adoption by animal welfare organizations in this manner shall be understood to be for the purpose of subsequent adoption as a private transaction.

C. The adopting organization shall not sell the adopted dog or profit in any manner by ownership gained at the reduced fee.

D. The adopting organization will license the adopted dog at the established fee.

E. The adopting organization accepts all risks associated with the ownership of the dog and understands that Broome County makes no guaranties concerning the condition of the dog and further disclaims any liability related to the dog subsequent to adoption.

F. The adopting organization will not return the adopted dog to the Broome County Dog Shelter under any circumstances.

G. The Director of Security or his designee shall have final authority relative to adoptions at the reduced fee and may discontinue making such adoptions completely if, in his judgment, abuses are evident or suspected or if such adoptions appear to have an adverse impact on the level of regular adoptions by the public. **[Amended 10-16-2008 by L.L. No. 8-2008]**

ARTICLE II
Rabies Vaccinations
[Adopted 7-23-1985 by L.L. No. 3-1985 (Ch. 115, Art. II, of the 1991 Code)]

§ 243-4. Purpose.

The purpose of this article is to require compulsory antirabies vaccination of all dogs in Broome County.

§ 243-5. Vaccination to be compulsory. [3]

In accordance with § 2145 of the Public Health Law of the State of New York and the determination of the New York State Commissioner of Health that rabies exists in Broome County, it is hereby declared that the health and welfare of the people of the County of Broome requires compulsory antirabies vaccination of all dogs in Broome County which are four months of age or older.

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3. Editor's Note: Amended at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I).

§ 243-6. Applicability.

In accordance with § 2145 of the Public Health Law of the State of New York, this article shall not apply to dogs owned by a nonresident while passing through any town, city or village, nor to dogs brought into any town, city or village for a period not exceeding 15 days, if entered in any exhibition at any dog show therein and if confined and in immediate charge of the exhibitor, or to dogs actually confined to the premises of incorporated societies devoted to the care or hospital treatment of lost, strayed or homeless animals, or confined to the premises of public or private hospitals devoted to the treatment of sick animals, or confined for the purposes of research to the premises of colleges or other educational or research institutions, or to dogs actually confined to the premises of a person, firm or corporation actually engaged in the business of breeding or raising dogs for profit and which is so licensed as a Class A dealer under the Federal Laboratory Animal Welfare Act.

§ 243-7. Conducting required vaccinations. [4]

In accordance with § 2145 of the Public Health Law of the State of New York, compulsory antirabies vaccination of all dogs in Broome County which are four months of age or older shall be required. Such vaccination shall be conducted under the direction of the Broome County Health Department, and the cost thereof shall be a County charge to be paid in the manner that other County expenses are paid; provided, however, that nothing contained herein shall be construed to require the County to pay for any vaccination or vaccination services rendered pursuant to any contract or agreement to which the County is not a party.

§ 243-8. Enforcement.

In accordance with § 109 of the Agriculture and Markets Law of the State of New York and § 2145 of the Public Health Law of the State of New York, this article shall be enforced as follows:

A. At the time of issuing any dog license as provided in § 109 of the Agriculture and Markets Law, the Clerk or authorized Dog Control Officer shall require the applicant to present a statement certified by a licensed veterinarian showing that the dog or dogs have been vaccinated to prevent rabies or, in lieu thereof, a statement certified by a licensed veterinarian that because of old age or other reason the life of the dog or dogs would be endangered by the administration of vaccine. The Clerk or authorized Dog Control Officer shall make or cause to be made from such statement a record of such information as may be required by the Commissioner of Health of the State of New York and shall file such record with a copy of the license.

§ 243-9. Penalties for offenses.

Any owner of a dog willfully failing or refusing to submit his dog or dogs immediately for vaccination upon request by a dog control officer, a peace officer acting pursuant to his

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4. Editor's Note: Amended at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I).

special duties, police officer or health officer shall be guilty of a misdemeanor and shall be subjected to a fine of not more than $25.

Chapter 250

EMERGENCY TELEPHONE SYSTEM

ARTICLE I
Enhanced 911 Surcharge

§ 250-1. Definitions.
§ 250-2. Amount of surcharge.
§ 250-3. Maximum access lines chargeable.
§ 250-4. Lifeline customers exempt.
§ 250-5. Collection agent.
§ 250-6. Annual accounting required.
§ 250-7. Liabilities to County.
§ 250-8. Expenditure of collected moneys.
§ 250-9. Recordkeeping by County; carrying over of surplus.

ARTICLE II
Address Numbering System

§ 250-10. Implementation.
§ 250-11. Filing of copies.

ARTICLE III
Public Service Answering Point for Wireless Service

§ 250-12. Title.
§ 250-13. Findings and declaration of intent.
§ 250-14. Definitions.
§ 250-15. Routing.

[HISTORY: Adopted by the Broome County Legislature as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Wireless communications surcharge — See Ch. 257, Art. XIII.

ARTICLE I
Enhanced 911 Surcharge
[Adopted 11-8-1989 by L.L. No. 11-1989 (Ch. 120, Art. I, of the 1991 Code)]

§ 250-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

SERVICE SUPPLIER — A telephone corporation which provides local exchange access service within Broome County or a provider of voice-over internet protocol service or VOIP service within Broome County. **[Amended 11-21-2013 by L.L. No. 9-2013]**

SYSTEM COSTS — The costs associated with obtaining and maintaining the telecommunications equipment and the telephone service costs necessary to establish and provide an E911 system.

VOICE-OVER INTERNET PROTOCOL SERVICE or VOIP SERVICE — Any service that: **[Added 11-21-2013 by L.L. No. 9-2013]**

A. Enables real-time, two-way voice communications;

B. Requires a broadband connection from the users location;

C. Requires Internet protocol compatible customer premises equipment (CPE); and

D. Permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network.

§ 250-2. Amount of surcharge. [Amended 11-2-1995 by L.L. No. 12-1995; 11-12-1996 by L.L. No. 9-1996]

Commencing January 1, 1997, there shall be imposed on each customer of a service supplier within Broome County a surcharge of $0.35 per access line per month.

§ 250-3. Maximum access lines chargeable.

No surcharge levied pursuant to § 250-2 of this article shall be imposed upon more than 75 exchange access lines per customer per location.

§ 250-4. Lifeline customers exempt.

Lifeline customers or any municipality which has enacted a local law pursuant to the provisions of Article 6 of the County Law shall be exempt from any surcharge imposed by this article.

§ 250-5. Collection agent. [Amended 8-19-2010 by L.L. No. 8-2010[1]]

The service supplier shall act as collection agent for Broome County and shall remit the funds collected as the surcharge to the Director of Management and Budget of the County every month. Such funds shall be remitted no later than 30 days after the last business day of such month.

§ 250-6. Annual accounting required.

The service supplier shall annually provide to the County an accounting of the surcharge amounts billed and collected.

§ 250-7. Liabilities to County.

Each service supplier customer who is subject to the provisions of this article shall be liable to the County for the surcharge until it has been paid to the County, except that payment to a service supplier is sufficient to relieve the customer from further liability for such surcharge.

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1. Editor's Note: This local law provided an effective date of 1-1-2011.

§ 250-8. Expenditure of collected moneys.

All surcharge moneys remitted to the County by a service supplier and all other moneys dedicated to the payment of system costs from whatever source derived or received by the County shall be expended only upon authorization of the County Legislature and only for the payment of system costs.

§ 250-9. Recordkeeping by County; carrying over of surplus.

A. The County shall separate accounts for and keep adequate books and records of the amount and sums of all such revenues and of the amount and object or purpose of all expenditures thereof.

B. If at the end of any fiscal year the total amount of all such revenues exceeds the amount necessary and expended for payment of system costs in such fiscal year, such unencumbered cash surplus shall be carried over for the payment of system costs in the following fiscal year.

ARTICLE II
Address Numbering System
[Adopted 2-6-1992 by L.L. No. 2-1992 (Ch. 120, Art. II, of the 1991 Code)]

§ 250-10. Implementation.

A Countywide geographically based address numbering system for each residence or business located wholly or in part in Broome County shall be implemented for the purpose of providing Enhanced 911 Emergency Service.

§ 250-11. Filing of copies.

Copies of the Countywide geographically based address numbering system shall be placed on file with the Broome County Sheriff's Department and Emergency Services Department.

ARTICLE III
Public Service Answering Point for Wireless Service
[Adopted 4-17-2003 by L.L. No. 4-2003 (Ch. 120, Art. III, of the 1991 Code)]

§ 250-12. Title.

This article shall be known as the "Broome County Local Public Service Answering Point for Wireless Services Law," amending Chapter 250 of the Broome County Charter and Code.

§ 250-13. Findings and declaration of intent.

A. The Broome County Legislature recognizes the paramount importance of the health, safety and welfare of the citizens of the County and further recognizes that when the lives or property of its citizens are in imminent danger appropriate assistance must be rendered as expeditiously as possible. The County Legislature further recognizes that such assistance is increasingly summoned by wireless communications, including but not limited to cellular telephones, and that unintentional, though avoidable, delays in reaching appropriate emergency aid would occur to the detriment and jeopardy of life and property if such wireless E911 calls from within Broome County were routed to anywhere other than directly to the single Countywide Broome County Public Service

Answering Point (PSAP) which is under the jurisdiction of the Broome County Department of Emergency Services.

B. The County Legislature further finds that the Broome County Public Service Answering Point (PSAP) has the most accurate, current and extensive data concerning Broome County's geography, roadways, landmarks, emergency service resources and similar information of critical importance in emergency situations and can immediately dispatch the number and type of emergency services the situation requires.

C. The County Legislature further finds and declares that, by the enactment of the provisions of this article, it is the intent of the County Legislature to fulfill its obligation to provide for the health, safety and welfare of the people of this County by mandating the direct routing of all E911 calls, including wireless calls, by service suppliers directly to the Broome County Public Service Answering Point (PSAP) so as to facilitate the rendering of emergency services as expeditiously and effectively as possible.

§ 250-14. Definitions.

For the purposes of this article, the following terms shall have the meanings indicated:

BROOME COUNTY PUBLIC SERVICE ANSWERING POINT OR BROOME COUNTY PSAP — The site designated and operated by the County of Broome through the Department of Emergency Services for the purpose of receiving emergency calls, including those from a wireless telephone service, and dispatching needed emergency services.

WIRELESS TELEPHONE SERVICE — All commercial mobile services, as that term is defined in Section 332(d) of Title 47, United States Code, or other applicable law, including all broadband personal communications services, wireless radio telephone services, geographic area specialized and enhanced specialized mobile radio services, and incumbent wide-area specialized mobile radio licensees which offer real-time, two-way voice service that is interconnected with the public switched telephone network.

WIRELESS TELEPHONES SERVICE SUPPLIER — Any entity or person which provides wireless telephone service in New York State.

§ 250-15. Routing.

All wireless telephone service suppliers doing business in Broome County shall route all E911 emergency calls originating in Broome County to the Broome County Public Service Answering Point (PSAP).

Chapter 257

FEES AND CHARGES

ARTICLE I
County Historian Fees

§ 257-1. Purpose.
§ 257-2. Fees established.

ARTICLE II
County Probation Department

§ 257-3. Probation administration fee.
§ 257-4. Fee usage.
§ 257-5. Amendment of fees.
§ 257-6. Accounting of fees.

ARTICLE III
District Attorney's Traffic Diversion Program Fee

§ 257-7. Establishment of program; effective date; fee.

ARTICLE IV
Documents Acquired from Website

§ 257-8. Document fees.

ARTICLE V
Inspections of Weights and Measures

§ 257-9. Schedule of fees; waiver of fees.
§ 257-10. Regulations for collection of fees.
§ 257-11. Frequency of inspections and tests.

ARTICLE VI
Legislative Clerk Fees

§ 257-12. Fees established.

ARTICLE VII
Motor Vehicle Use Fee

§ 257-13. Legislative intent.
§ 257-14. Definitions.
§ 257-15. Imposition of use fee.
§ 257-16. Exemptions.
§ 257-17. Administration and collection of fee by Commissioner of State Department of Motor Vehicles.
§ 257-18. Judicial review.
§ 257-19. Recovery of fee.

ARTICLE VIII
Payments to the Division of Security

§ 257-20. Credit card payments.
§ 257-21. Collections.

ARTICLE IX
Pistol or Revolver License Fees

§ 257-22. Fee established.
§ 257-23. Duplicate licenses.
§ 257-24. Transfer between counties.
§ 257-25. Waiver for retired police officers.

ARTICLE X
Recording and Certification Fees; Personal Privacy Protection

§ 257-26. Title.
§ 257-27. Statutory authority; increase authorized.

§ 257-28. Fees for recording documents; display of certain information prohibited.

ARTICLE XI
Service Charges for Handling Securities

§ 257-29. Charges established.

§ 257-30. Authorization to collect.

§ 257-31. Deductions from other funds; release of securities.

ARTICLE XII
Sheriff's Department Fees

§ 257-32. Fees established.

ARTICLE XIII
Wireless Communications Surcharge

§ 257-33. Definitions.

§ 257-34. Amount of surcharge; effective date.

§ 257-35. Billing.

§ 257-36. Collection by service supplier; remittal to County.

§ 257-37. Use of monies; records.

§ 257-38. Notification of service providers.

ARTICLE XIV
Refund Policy

§ 257-39. Overpayment refunds.

ARTICLE XV
Schedule of County Fees

§ 257-40. Fees Schedule.

[HISTORY: Adopted by the Broome County Legislature as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Airport — See Ch. 193.
Alarm systems — See Ch. 199.
Construction codes — See Ch. 210.
Dogs and animals — See Ch. 243.
Emergency telephone system — See Ch. 250.
Parks and recreation — See Ch. 281.
Public access to records — See Ch. 296.
Solid waste — See Ch. 317.
Taxation — See Ch. 330, Arts. II, IV.

ARTICLE I
County Historian Fees
[Adopted 1-31-1991 by L.L. No. 5-1991 (Ch. 125, Art. V, of the 1991 Code)]

§ 257-1. Purpose.

The purpose of this article is to establish and set fees for the Office of the County Historian.

§ 257-2. Fees established. [Amended 2-15-1996 by L.L. No. 2-1996]

The following fees are established for the Office of the County Historian:

A. For photocopy charges, the charge shall be $0.20 per copy.

B. Research fees for out-of-state inquiries requiring searching records and files, the charge shall be $10 per search.[1,2]

ARTICLE II

County Probation Department

[Adopted 12-28-2005 by L.L. No. 1-2006, effective 1-1-2006 (Ch. 125, Art. XII, of the 1991 Code)]

§ 257-3. Probation administration fee.

A. Every person sentenced to a period of probation for any crime under Article 31 of the Vehicle and Traffic Law, and who is subject to supervision by the Broome County Probation Department, shall pay to the Broome County Probation Department an administrative fee not to exceed $30 per month during the period of supervision.

B. Broome County Probation shall waive such fee in whole or in part as permitted under § 257-c of the Executive Law when such fees would cause unreasonable hardship on the person convicted, his or her immediate family, or any other person who is dependent on such person for financial support.

C. The administrative fee authorized by this article shall not constitute nor be imposed as a condition of probation.

D. In the event of nonpayment of any fees which have not been waived by the Broome County Probation Department, the provisions of Subdivision 6 of § 420.10 of the Criminal Procedure Law shall govern for purposes of collection of such fees, and in addition thereto, the County may seek to enforce payment in any other manner permitted by law for enforcement of a debt.

§ 257-4. Fee usage.

All fees imposed pursuant to this article shall be paid directly to the Broome County Probation Department to be retained and utilized specifically to augment STOP-DWI probation services in relation to Article 31. The same shall not be considered by the New York State Division of Probation when determining state aid reimbursement pursuant to § 246 of the Executive Law.

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1. **Editor's Note: Original Art. VI, Real Property Recording Fees, adopted 9-12-1991 by L.L. No. 13-1991, as amended, was repealed 8-20-2008 by L.L. No. 6-2008. See now Art. X, Recording and Certification Fees; Personal Privacy Protection.**

2. **Editor's Note: Original Article VII, Vehicle Use Fees, adopted 11-12-1993 by L.L. No. 14-1993, was repealed 7-20-1995 by L.L. No. 9-1995.**

§ 257-5. Amendment of fees.

When authorized by state law, the Broome County Legislature may amend the amount of fees established herein by resolution.

§ 257-6. Accounting of fees.

A. The Broome County Probation Department shall collect and maintain data regarding the number of fees imposed, the number of fees satisfied, and the total amount of the fees collected.

B. The Broome County Probation Department shall create a DWI probation fee restricted account in order to account for revenues.

C. The Broome County Probation Department shall utilize these revenues to enhance STOP-DWI probation services in relation to Article 31 of the New York State Vehicle and Traffic Law.

ARTICLE III
District Attorney's Traffic Diversion Program Fee
[Adopted 12-15-2011 by L.L. No. 5-2011 (Ch. 125, Art. XV, of the 1991 Code)]

§ 257-7. Establishment of program; effective date; fee.

A. The Broome County District Attorney has established a Traffic Ticket Diversion Program to take effect on January 1, 2012.

B. The application fee for the Traffic Ticket Diversion Program shall be $150.

ARTICLE IV
Documents Acquired from Website
[Adopted 11-13-2006 by L.L. No. 6-2006; amended in its entirety 11-18-2010 by L.L. No. 12-2010 (Ch. 125, Art. XIII, of the 1991 Code)]

§ 257-8. Document fees.

The Broome County Clerk will impose and collect fees from Internet users of the Clerk's website. There shall be no fee for viewing only.

A. For each document (deeds, mortgages, liens, etc.) that is printed from the website, saved from the website to a computer, and saved from the website to an independent storage device, the following fees shall be imposed and collected:

   (1) There shall be a fee of $1.75 plus applicable Internet/bank fees for each document; or

   (2) A monthly fee of $250 for unlimited monthly access of documents.

B. These fees shall not apply to the State of New York, its political subdivisions, agencies or instrumentalities.

ARTICLE V

Inspections of Weights and Measures

[Adopted 11-13-1989 by L.L. No. 13-1989 (Ch. 125, Art. IV, of the 1991 Code)]

§ 257-9. Schedule of fees; waiver of fees. [Amended 12-27-1990 by L.L. No. 3-1991; 11-20-2003 by L.L. No. 8-2003; 7-19-2006 by L.L. No. 5-2006; 4-19-2007 by L.L. No. 3-2007]

Broome County will collect for each inspection (or reinspection after repair) and each testing (or retesting after repair) of all weights and measures, weighing and measuring devices and systems and related accessories within Broome County, pursuant to the fee schedule sat forth by the State of New York in 1 NYCRR Part 220, § 220.3a.

A. Reseal fee for vehicle metering systems: $25.

B. Waiver of fees. The charges set forth in this section shall be waived for the reinspections of all weighing and measuring devices and systems and related accessories in Broome County for those businesses incurring damages related to a natural or man-made disaster resulting in a declaration of a state of emergency by the County Executive.

   (1) Eligibility for this program shall be limited to the business owners suffering damage due to such man-made or natural disaster.

   (2) The person requesting a fee waiver shall file an application with the Division of Weights and Measures on forms provided by the Division. The application for a waiver shall contain a certification from an appropriate code enforcement or emergency services official that the applicant qualifies for the fee waiver based on records of damage due to such natural or man-made disaster.

   (3) The amount of the fee waived for any applicant shall be limited to the inspection fee, which is not covered by any insurance or local, state or federal emergency assistance.

   (4) The Division of Weights and Measures shall prepare appropriate regulations to implement the intent of this subsection, which regulations shall be filed with the Clerk of the Legislature.

§ 257-10. Regulations for collection of fees.

The following regulations pertaining to the collection of fees shall apply in Broome County:

A. A fee shall be charged once annually unless a device is ordered to be repaired and must be retested. An additional fee may be charged for any retest. **[Amended 4-19-2007 by L.L. No. 3-2007]**

B. An additional fee may be charged for a retest if during the course of a year a device is found to be in error and ordered repaired. **[Amended 4-19-2007 by L.L. No. 3-2007]**

C. The initial inspection fee on new or reconditioned devices shall be paid by the user.

D. The recalibration fee on bulk milk tanks shall be paid by the party requesting the recalibration. **[Amended 4-19-2007 by L.L. No. 3-2007]**

E. All fees must be paid within 30 days.

F. No fee shall be charged for testing any device owned or operated by governmental agencies.

G. No fee shall be charged when using privately owned calibrated equipment to perform any testing.

H. A fee may be charged when using state-owned calibrated equipment to perform any testing unless the state is assessing a fee.

I. No fee shall be paid directly to any weights and measures official unless authorized by the State Director of Weights and Measures on the basis of unusual conditions or hardship.

J. All fees shall be paid to the designated municipal fiscal officer, who shall keep an accurate record and submit an annual report to the Commissioner on a form prescribed by the Commissioner.

K. Payments for the weights and measures services mentioned above may be given in the form of money order, cashier's check, business check or cash. **[Added 12-27-1990 by L.L. No. 3-1991]**

§ 257-11. Frequency of inspections and tests.

A. Weighing devices. All commercially used weights and weighing devices and accessories shall be inspected and tested for accuracy at least once a year. **[Amended 4-19-2007 by L.L. No. 3-2007]**

B. Petroleum-dispensing devices. All commercial petroleum-dispensing devices and accessories shall be inspected and tested for accuracy at least once a year.

C. Volumetric measures. All commercially used volumetric measures shall be inspected and checked for accuracy at least annually and shall be recalibrated at least once in every five years, except for bulk milk holding tanks, which shall be calibrated upon installation and shall be recalibrated upon request by either the producer or receiver, or whenever the Weights and Measures Official deems it necessary.

D. Linear measures and linear measuring devices. All commercially used linear measures and linear measuring devices shall be inspected and tested for accuracy at least once annually. **[Added 4-19-2007 by L.L. No. 3-2007]**

E. Timing devices. All devices where time is a basis for charge shall be inspected and tested for accuracy at least once a year. **[Added 4-19-2007 by L.L. No. 3-2007]**

ARTICLE VI
Legislative Clerk Fees
[Adopted 8-15-1996 by L.L. No. 7-1996 (Ch. 125, Art. IX, of the 1991 Code)]

§ 257-12. Fees established.

A. There shall be a fee of $2 per book for copies of the Guide to County, City, Town and Village Officials. This fee shall not apply to the first copy of the Guide requested by a person or organization.

B. This fee shall not apply to the State of New York, its political subdivisions, agencies or instrumentalities.

C. There shall be a fee of $100 per copy for the Broome County Charter and Code. **[Added 4-20-2000 by L.L. No. 7-2000]**

D. There shall be a fee of $35 for copies of the annual update(s) to the Broome County Charter and Code. **[Added 4-20-2000 by L.L. No. 7-2000]**

ARTICLE VII
Motor Vehicle Use Fee
[Adopted 11-12-2002 by L.L. No. 11-2002[3] (Ch. 125, Art. X, of the 1991 Code)]

§ 257-13. Legislative intent.

A. The Broome County Legislature hereby finds and determines that the New York State Tax Law allows the Commissioner of the New York State Department of Motor Vehicles to collect a special motor vehicle use fee imposed by the County.

B. The Broome County Legislature further finds and determines that imposing a local fee on the vehicles registered in Broome County will generate additional revenues for the County.

C. Therefore, the purpose of this article is to impose a special motor vehicle use fee on vehicle registration and authorize the collection of said fee by the New York State Department of Motor Vehicles.

§ 257-14. Definitions.

As used in this article, the following terms shall have the meanings indicated:

BUSES — The same meaning as defined in § 104 of the Vehicle and Traffic Law, as amended.

PASSENGER MOTOR VEHICLE — Any motor vehicle subject to the registration fee as provided for in § 401, Subdivision 6, of the Vehicle and Traffic Law, as amended.

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3. Editor's Note: This local law provided an effective date of 1-1-2003.

TRUCK — The same meaning as defined in § 158 of the Vehicle and Traffic Law, as amended.

§ 257-15. Imposition of use fee.

A. Pursuant to the Vehicle and Traffic Law and § 1202(c) of the Tax Law, a special motor vehicle use fee on vehicle registrations is hereby imposed on motor vehicles registered within Broome County. Such fee shall be charged in accordance with the following schedule:

(1) A fee of $5 per year for passenger motor vehicles of a type commonly used for noncommercial purposes owned by residents of Broome County and weighing 3,500 pounds or less.

(2) A fee of $10 per year for passenger motor vehicles of a type commonly used for noncommercial purposes owned by residents of Broome County, and weighing more than 3,500 pounds.

(3) A fee of $10 per year for trucks, buses and other such commercial motor vehicles used principally in connection with business carried on within Broome County, except when owned and used in connection with the operation of a farm by the owner or tenant thereof.

B. The fee shall be paid for all registrations and renewals of registrations for which the registration fee is established in § 401(6)(a) or (7) of the Vehicle and Traffic Law.

(1) The fee shall be applicable to an original or renewal registration transaction only and not to a reregistration transaction. If a fee for a registration transaction is due, no County motor vehicle use fee shall be due on that transaction.

(2) The applicability of such fee shall be determined based upon the information on the application for registration, as well as any additional documentation required by the Commissioner of Motor Vehicles.

(3) The receipt for payment of such fee may be the registration certificate, whether or not it indicates the amount of the fee paid.

§ 257-16. Exemptions.

A. A fee imposed by this article shall not be imposed upon any vehicle exempt from the registration fee pursuant to the Vehicle and Traffic Law.

B. The fee imposed by this article shall not be imposed upon nonprofit, religious, charitable or educational organizations qualified for exemption with the New York State Department of Taxation and Finance.

§ 257-17. Administration and collection of fee by Commissioner of State Department of Motor Vehicles.

A. As authorized under Tax Law § 1202(c), the motor vehicle use fee shall be administered and collected on behalf of Broome County by the Commissioner of the New York State Department of Motor Vehicles or his agent.

B. Pursuant to Tax Law § 1202(c), the New York State Commissioner of Motor Vehicles is authorized on behalf of Broome County to make the payment of such fee a condition precedent to the registration or registration renewal of any vehicle subject to the fee imposed by this article.

C. The County Executive of Broome County is hereby authorized and directed to negotiate and enter into an agreement with the Commissioner of the New York State Department of Motor Vehicles for the implementation of this article, and such agreement shall provide for the exclusive method of collection, custody and remittal of the proceeds of any such fee and for the payment by the County of the reasonable expenses incurred by the New York State Department of Motor Vehicles in connection with the collection and administration of said fee. Such agreement shall also provide that the Broome County Director of Management and Budget, upon request, not more frequently than once in each calendar year, at a time agreed upon by the State Comptroller, shall audit the accuracy of the payments, distributions and remittances to Broome County pursuant to this article. **[Amended 8-19-2010 by L.L. No. 8-2010[4]]**

D. The said agreement shall set forth, in detail, policies and procedures for collection for underpayment and for refunds. Such agreement shall also set forth procedures for deposit and retention of funds and indemnification.

§ 257-18. Judicial review.

Any determination made hereunder by the County of Broome shall be reviewable pursuant to Article 78 of the Civil Practice Law and Rules.

§ 257-19. Recovery of fee.

Wherever any person fails to pay the fee due hereunder, proceedings to recover such fees, as well as any applicable penalties and/or interest, shall be the responsibility of Broome County, as set forth in the agreement. A final penalty schedule shall be subject to the approval of the Broome County Legislature.

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4. Editor's Note: This local law provided an effective date of 1-1-2011.

ARTICLE VIII
Payments to the Division of Security
[Adopted 3-16-1995 as part of L.L. No. 3-1995 (Ch. 125, Art. VIII, of the 1991 Code)]

§ 257-20. Credit card payments.

There shall be a service charge of not more than $3.50, as determined from time to time by the Director of the Division of Security, for any transaction in which a credit card is used for any payment made to the Division of Security, which shall be in addition to any other fee or service charge applicable to the transaction.

§ 257-21. Collections.

With respect to any amount collected by the Division of Security for a returned check or payment of a past-due balance, there shall be a service charge of $20, which shall be in addition to any other amount owed.

ARTICLE IX
Pistol or Revolver License Fees
[Adopted 3-22-1988 by L.L. No. 1-1988 (Ch. 125, Art. III, of the 1991 Code)]

§ 257-22. Fee established. [Amended 6-17-2010 by L.L. No. 6-2010]

The Office of the Sheriff processes license applications for the possessing or carrying of a hand gun, pistol or revolver upon completion of an application or other requirement(s) the Sheriff may establish. A processing fee may apply to such application. Any fees collected in connection with the issuance of said license and not due to the federal or state government shall be paid into the County treasury.

§ 257-23. Duplicate licenses.

The fee for a duplicate license, in accordance with § 400 of the Penal Law, shall be $5.

§ 257-24. Transfer between counties.

The fee for processing a license transfer between counties, in accordance with § 400 of the Penal Law, shall be $5.

§ 257-25. Waiver for retired police officers.

The fee, in accordance with § 400 of the Penal Law, for processing a license for a qualified retired police officer, as defined under Subdivision 34 of § 1.20 of the Criminal Procedure Law, shall be waived.

ARTICLE X
Recording and Certification Fees; Personal Privacy Protection
[Adopted 8-20-2008 by L.L. No. 6-2008 (Ch. 125, Art. XIV, of the 1991 Code)]

§ 257-26. Title.

This article shall be known as the "Enhanced Personal Privacy Protection for Recorded Documents Law."

§ 257-27. Statutory authority; increase authorized.

In accordance with subparagraph (2) of paragraph 4 of Subdivision (a) of § 8021 of the Civil Practice Law and Rules, as amended by Chapter 78 of the Laws of 1989, the Broome County Legislature authorizes the County Clerk to increase fees charged for certain documents recorded with the County Clerk's office.

§ 257-28. Fees for recording documents; display of certain information prohibited.

A. For recording, entering, indexing and endorsing a certificate and any instrument, the fee is increased from $5 to $20 and, in addition thereto, is increased from $3 to $5 for each page or portion of a page. For the purpose of determining the appropriate recording fee, the fee for any cover page shall be deemed an additional page of the instrument.

B. A cover page shall not include any social security account number or date of birth. To the extent that the Broome County Clerk has placed an image of such cover page online, the County Clerk shall make a good-faith effort to redact such information.

ARTICLE XI
Service Charges for Handling Securities
[Adopted 10-4-1977 by L.L. No. 9-1977; amended in its entirety 8-19-2010 by L.L. No. 8-2010[5] (Ch. 125, Art. I, of the 1991 Code)]

§ 257-29. Charges established.

Pursuant to the authority contained in § 106-a of the General Municipal Law, the County of Broome does hereby establish the following service charges as fees for handling securities in lieu of retained percentages. The service charges will apply to all securities transferred to the Director of Management and Budget pursuant to § 106 of the General Municipal Law for all public improvement contracts:

A. A service charge of $20 shall be assessed for the initial acceptance of securities allowable under § 106 of the General Municipal Law.

B. A service charge of $10 shall be assessed for each occasion that a contractor under a public improvement project may request delivery of redeemable coupons from bonds deposited with the Director of Management and Budget.

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5. **Editor's Note: This local law provided an effective date of 1-1-2011.**

C. A service charge of $15 shall be assessed for each instance in which additional securities are delivered in exchange for retained percentages, and a service charge of $15 shall be assessed each time the type or types of security originally deposited with the Director of Management and Budget are changed.

D. A service charge of $15 shall be assessed for the Director of Management and Budget's return of securities to the contract upon the contractor's satisfactory completion of the public improvement project.

§ 257-30. Authorization to collect.

The Director of Management and Budget is hereby authorized to collect all service charges assessed pursuant to § 257-29.

§ 257-31. Deductions from other funds; release of securities.

All service charges assessed upon a given project pursuant to the exchange of securities for retained percentages on public improvement projects shall be deducted from those amounts of funds remaining as retained percentages with the Director of Management and Budget upon the completion of the public improvement project. Where there are no such retained percentages remaining at the completion of a public improvement project and/or where all such retained percentages have been exchanged for acceptable securities, the Director of Management and Budget shall not release any such securities to the contractor, or to any bank assisting in the exchange, until all said service charges have been paid in full.

ARTICLE XII
Sheriff's Department Fees
[Adopted 2-21-1979 by L.L. No. 1-1979 (Ch. 125, Art. II, of the 1991 Code)]

§ 257-32. Fees established. [Amended 6-24-1980 by L.L. No. 5-1980; 4-4-1991 by L.L. No. 10-1991; 6-17-2010 by L.L. No. 6-2010]

The County of Broome charges fees in connection with services rendered by the Broome County Office of the Sheriff at the request of citizens. A complete schedule of said fees is available through the Office of the Sheriff.

ARTICLE XIII
Wireless Communications Surcharge
[Adopted 9-18-2003 by L.L. No. 7-2003 (Ch. 125, Art. XI, of the 1991 Code)]

§ 257-33. Definitions.

As used in this article, the following terms shall have the meanings indicated:

COUNTY — The County of Broome.

ELIGIBLE WIRELESS 911 SERVICE COSTS — The costs defined in § 325(16) of the County Law.

PLACE OF PRIMARY USE — The street address that is representative of where the customer's use of the wireless communications service primarily occurs, which must be the residential street address or the primary business street address of the customer, and within the licensed service area of the wireless communications service supplier.

WIRELESS COMMUNICATION DEVICE — Any equipment used to access wireless communications service.

WIRELESS COMMUNICATION SERVICE — All commercial mobile services, as that term is defined in Section 332(d) of Title 47, United States Code, as amended from time to time, including, but not limited to, all broadband personal communications services, wireless radio telephone services, geographic area specialized and enhanced specialized mobile radio services, and incumbent wide-area specialized mobile radio licensees, which offer real-time, two-way voice or data service that is interconnected with the public switched telephone network or otherwise provides access to emergency communications services.

§ 257-34. Amount of surcharge; effective date.

Effective January 1, 2004, a surcharge of $0.30 per month shall be imposed on each wireless communications device that is served by wireless communications service rendered to a customer whose place of primary use is located in Broome County.

§ 257-35. Billing.

The surcharge imposed pursuant to § 257-34 above shall be reflected and made payable on bills rendered for wireless communications service.

§ 257-36. Collection by service supplier; remittal to County.

A. Each wireless communications service supplier serving the County shall act as a collection agent for the County and shall remit the funds collected pursuant to a surcharge imposed under the provisions of this article to the chief fiscal officer of the County every month. Such funds shall be remitted no later than 30 days after the last business day of the month.

B. Each wireless communications service supplier shall be entitled to retain, as an administrative fee, an amount equal to 2% of its collections of a surcharge imposed under the provisions of this article.

C. Any surcharge required to be collected by a wireless communications service supplier shall be added to and stated separately in its billings to customers.

D. Each wireless communications service customer who is subject to the provisions of this article shall be liable to the County for the surcharge until it has been paid to the County, except that payment to a wireless communications service supplier is sufficient to relieve the customer from further liability for such surcharge.

E. No wireless communications service supplier shall have a legal obligation to enforce the collection of any surcharge imposed under the provisions of this article; provided, however, that whenever the wireless communications service supplier remits the funds collected to the County, it shall also provide the County with the name and address of any customer refusing or failing to pay a surcharge imposed under the provisions of this article and shall state the amount of such surcharge remaining unpaid.

F. Each wireless communications service supplier shall annually provide to the County an accounting of the surcharge amounts billed and collected.

§ 257-37. Use of monies; records.

All surcharge monies remitted to the County by a wireless communications service supplier shall be expended only upon authorization of the local County legislative body for payment of eligible wireless 911 service costs. The County shall separately account for and keep adequate books and records of the amount and source of all such monies and of the amount and object or purpose of all expenditures thereof. If at the end of any fiscal year the total amount of all such monies exceeds the amount necessary for payment of the above-mentioned costs in such fiscal year, such excess shall be reserved and carried over for the payment of those costs in the following fiscal year.

§ 257-38. Notification of service providers.

The Director of Emergency Services shall notify, in writing, wireless communications service providers who are subject to the provisions of this article of their obligation to collect the surcharge provided for herein no less than 45 days prior to the date such provider is to begin adding said surcharge to the billings of its customers.

ARTICLE XIV
Refund Policy
[Added at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I)]

§ 257-39. Overpayment refunds.

The County Clerk's office policy with regard to overpayment of filing fees sent by mail is that no refund will be processed and due for any overpayment of filing fees mailed to the County Clerk's office unless the refund is over $5. (Res. No. 240, 5-18-1995)

ARTICLE XV
Schedule of County Fees
[Added at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I)]

§ 257-40. Fees Schedule.

The following is a compilation of Broome County fees.

Permit/Document/Action	Fee
Miscellaneous Fees	
Alarm system registration (§ 199-2)	$5
Duplicate tax bills (§ 330-6)	$2
Delinquent property tax collection, title search (§ 330-42), per parcel	$150
Highway work permit	$45
Airport (see Chapter 193)	
Landing Fees	
Commercial aviation:	
Aircraft, 7,000 or less pounds gross landing weight	$10
Over 7,000 pounds	$1.50/1,000 pounds
General/corporate aviation:	
Single-engine piston aircraft	$0
Twin-engine piston aircraft	$15
Single-engine turbine	$18
Twin-engine turbine	$25
Jet, less than 15,500 pounds' gross landing weight	$40
Jet, 15,501 pounds or more but less than 25,000 pounds	$40
Jet, over 25,000 pounds	$1.90/1,000 pounds
Terminal gate fee:	
Per 24-hour period or portion thereof over 1 hour	$1.50/1,000 pounds
Ramp storage/tie-down fees (based on aircraft gross landing weight in pounds)	
Less than 12,500 pounds	$3 per day; $50 per month
12,500 or more pounds	$1/1,000 pounds, per day; $15/1,000 pounds, per month
T-hangar storage	$150 per month
Fuel storage fee	$0.08 per gallon
Customs Fees	
Single-engine piston aircraft and helicopter	$40
Twin-engine piston aircraft	$75
Single-engine turbo aircraft and turbine helicopters	$115
Twin-engine turbo prop aircraft and turbine helicopters	$150
Jets having a weight up to and including 18,000 pounds	$300
Jets having a weight between 18,001 pounds and 32,000 pounds	$450
Jets having a weight over 32,000 pounds	$600

Permit/Document/Action	Fee
NOTE: An administrative processing fee of 15% may be charged for customs entries and activities outside of normal hours and areas.	
Dogs and Animals (see Chapter 243, Article I)	
Boarding and disposition of seized dogs at Broome County Dog Shelter	
Adoption of dog	$215
Redemption of seized dog by owner:	
During first 24 hours	$44
Each additional 24 hours	$6
Beginning on fourth consecutive day	$11 per 24 hours
Second impoundment in one year:	
First 24 hours	$56
Each additional 24 hours	$6
Beginning on fourth consecutive day	$11 per 24 hours
Third and subsequent impoundment in one year:	
First 24 hours	$66
Each additional 24 hours	$6
Beginning on fourth consecutive day	$11 per 24 hours
Unredeemed animals, owner/harborer fee, due even if not redeemed	$44
Emergency boarding of dogs (maximum of 30 days)	$22/day per dog; $19 for multiple dogs
Prearranged boarding, per day per dog	$22
Per dog for multiple dogs	$19
Additional charge per day per dog if food not provided by owner(s)	$2
Bath, if requested by owner	$17
Surrendering unwanted dog, per dog	$30
Euthanasia of dog requested — by owner	$40
Parks and Recreation Areas (see § 281-4)	
Camping, Greenwood	
Nonelectric site	$18 per night
Electric site	$22 per night
Reservation fee	$5 per site/per stay
Season (Memorial Day weekend to Labor Day) rate (limit five sites/season)	$1,800 per season per site
Shelter house rental reservation:	
Per weekday	$25

Permit/Document/Action	Fee
Per day Saturday, Sunday and holidays	$80
Boat rental	
Rowboats (Monday through Friday, excluding holidays)	$5 hour/$20 day/$10 deposit
Senior citizens	$3 hour/$10 day/$5 deposit
Canoes	$5 hour/$20 day/$10 deposit
Paddleboats/aqua bikes and other watercraft	$7 hour/$10 deposit
Sailboats	$8 hour/$30 day/$25 deposit
Cross-country skiing	
Ski/snowshoe rentals (skis, boots, poles and bindings), per hour	$5
Trail fee (nonrenters of skis and snowshoes), per day	$5
Season pass, per person (trail only)	$35
Finch Hollow Nature Center	
Summer day camp	
Half-day program	$35
Full-day program	$70
Program fees	
All general public programs: per person, age three and up	$1
All group programs (except school): per person, age three and up	$1
Sailing, per lesson, plus Red Cross certification fee and textbook costs	$50
Returned-check fee	$20
Balloon launch permit, per year	$25
Department of Health Fees — Permits and Plan Reviews	
Permits	
Food service establishment, annual fee	
High risk	$300
High risk, seasonal (six months or less)	$150
Medium risk	$200
Medium risk, seasonal	$100
Low risk	$100
Temporary (seven days or less)	$50
Pool and/or bathing beach, annual fee	
Rated for one to 100 bathers	$155

Permit/Document/Action	Fee
Rated for 101 or more bathers	$309
Hotel or motel, annual fee	
Up to 20 rooms	$203
More than 20 rooms (per room over 20)	plus $15
Mobile home park — base charge/private water/private sewage	
1 to 20 sites	$215/$0/$0
21 to 40 sites	$285/$0/$0
41 to 75 sites	$835/$60/$60
76 and more sites	$1,075/$120/$120
Seasonal travel-trailer camp or campsite, annual fee	$60 plus $1 per lot
Children's camp, annual fee	$100
Plan Review Fees	
Food service establishment	$50
Pool and/or bathing beach	$250
Hotel/motel	$15 per room
Seasonal travel-trailer camp	$10 per site
Mobile home park	$25 per site
Children's camp	$400
On-site sewage disposal systems:	
Replacement	$190
New construction	$50
Commercial system	$75
Land development plan review, per lot	
Proposed private water and private sewer	$40
Proposed private sewage and public water	$30
Proposed private water and public sewer	$20
Proposed public water and new sewer	$15
Proposed public water and sewer (existing facilities)	$12.50
Community water system	
Systems utilizing a new source	$500
Distribution system only	$250
Mass gathering plan review	$26,000
Spa	$200
Miscellaneous Department Fees	
Health Department records search	
All except environmental health records	$0.25 per page;
Minimum per request	$15

Permit/Document/Action	Fee
Environmental health records	$0.25 per page;
Minimum per request	$150
HIV counseling-testing training, per day	$25 per person
County Landfill and Hazardous Waste Facility Fees (see Chapter 317) [Amended 2-6-2013 by L.L. No. 3-2013; 12-19-2013 by L.L. No. 2-2014; 11-20-2014 by L.L. No. 4-2014]	
Disposal of solid waste by commercial users:	
Fees for permits and permitted vehicles.	
Commercial user of landfill	
Per year**	$55, plus
Per vehicle used	$30
**Initial vehicle fee for any vehicle shall be issued on a prorated basis for the permit year remaining.	
Scale-house pass replacement, each	$20
Commercial hazardous waste facility users located in Broome County	
Per year	$40
Commercial hazardous waste facility users located out-of-County	
Per year	$80
Landfill Charges	
Commencing January 1, 2014, charges at County Landfill	
Per vehicle weight and vehicle load	$45 per ton
Contract agreement guaranteeing a minimum of 30,000 tons deposited annually	$40 per ton
Separate charges	
Aggregate materials	$45 per ton
Tires (rims need not be removed)	
Rim size up to and including 20 inches	$2.50 per tire; $125 per ton
Larger sizes, up to 42 inches	$7 per tire; $155 per ton
Minimum municipal solid waste (MSW) charges per weighed vehicle:	
Commercial vehicles	$4
Residential	$4
Per unit containing refrigerants such as freon	$10
Leaf/yard waste, tree trunks and stumps	
Leaf/yard waste	$20 per ton

Permit/Document/Action	Fee
Tree trunks and stumps, diameter greater than 8 inches	$45 per ton
Glass aggregate	
In-County sources, cleaned and screened to 3/8 inch or less	$10 per ton
Out-of-County sources (depending on condition)	$2; $4 per ton
Tire shreds/chips	NC
Auto shredder fluff	$15 per ton
Backyard compost bins	per current pricing conditions
Safety vests, each	$5
Asbestos, per ton	
Bagged friable asbestos and other similar particulate material	$100
Bulk loads of friable asbestos	$60
Nonfriable asbestos	$45 per ton
Waste-to-energy incinerator ash	$17 per ton
Recycling bins	
Yellow curbside recycling bins	service fee of half the current cost per bin except for haulers utilizing the County-contracted recycling facility
Specialized thirty-two gallon recycling bins	per current pricing, conditions
Source-separated materials, tipping fee, per ton	$38.80*
(*The tipping fee may be adjusted annually based on the Consumer Price Index for the Northeast.)	
Construction and demolition debris	$45 per ton
Reusable construction and demolition material:	
0 to 500 pounds	$0
501 pounds and up	$20 per ton
As deemed acceptable and reusable by the Division of Solid Waste for distribution through the material reuse program	
Commencing January 1, 2014, charges at hazardous waste facility at Broome County Landfill:	
Residential waste from Broome County resident	
On collection days	no charge
Non-collection day	$5 per car load

Permit/Document/Action	Fee
Commercial waste	$0.75 per pound; $3 per pound for waste containing PCBs
Out-of-County residential waste	$0.75 per pound
Commencing January 1, 2014, separate charge at Broome County Landfill:	
Contaminated soils, which can be used as an alternative daily cover	$27 per ton
Contaminated soils accepted for disposal and buried	$45 per ton
Commencing January 1, 2014, separate charge at Broome County Landfill:	
Stabilized sludge from in-County wastewater treatment facilities	$40 per ton.
Commencing January 1, 2014, the following separate charge shall apply at the Broome County Landfill:	
Industrial waste from facilities located in County	$45 per ton
Uniform Construction Code Fees	
Building permits	
New construction, each 1,000 square feet of area or fraction thereof	$200
Additions, alterations and renovations	
Fees for projects which involve the alteration and/or renovation of an existing structure or portion thereof, as well as the construction of an addition onto the existing building, shall be computed solely on the basis of the square footage of the proposed addition.	
Additions, each 1,000 square feet of an area or fraction thereof	$200
Alteration or renovation to electrical, heating, ventilation, air-conditioning with plumbing system or any combination thereof	$200
Other types of renovation or alterations, including structural alterations or renovations, each 1,000 square feet of an area or fraction thereof	$200
Demolition permit	$50
Miscellaneous inspections; general building inspection	
Each 1,000 square feet of area or fraction thereof	$15
Minimum fee	$100

Chapter 274

NOTIFICATION OF DEFECTS ON HIGHWAYS, SIDEWALKS, BRIDGES AND CULVERTS

§ 274-1. Written notice required.
§ 274-2. Transmittal of notices.
§ 274-3. Indexed record required.

[HISTORY: Adopted by the Broome County Legislature 8-16-1977 by L.L. No. 4-1977; amended in its entirety 11-8-2012 by L.L. No. 8-2012 (Ch. 150 of the 1991 Code). Subsequent amendments noted where applicable.]

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§ 274-1. Written notice required.

A. No civil action shall be maintained against the County or officers and officials of the County for damages or injuries to a person or property or for wrongful death sustained by reason of any highway, sidewalk, bridge or culvert being defective, out of repair, unsafe, dangerous or obstructed unless written notice of such defective, unsafe, dangerous or obstructed condition of such highway, sidewalk, bridge or culvert was actually given to the County Clerk or County Commissioner of Public Works, Parks, Recreation and Youth Services and there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction complained of; but no such action shall be maintained for damages or injuries to a person or property or for wrongful death sustained solely in consequence of the existence of snow or ice upon any highway, sidewalk, bridge or culvert unless written notice thereof, specifying the particular place, was actually given to the County Clerk or County Commissioner of Public Works, Parks, Recreation and Youth Services and there was a failure or neglect to cause such ice or snow to be removed or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

B. No civil action shall be maintained against the County or officers and officials of the County for damages or injuries to a person or property or for wrongful death sustained by reason of any other property owned, operated or maintained by the County being defective, unsafe, dangerous or obstructed unless written notice of such defective, unsafe, dangerous or obstructed condition of such property was actually given to the County Clerk or County Commissioner of Public Works, Parks, Recreation and Youth Services and there was failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction.

§ 274-2. Transmittal of notices. [1]

The County Commissioner of Public Works, Parks, Recreation and Youth Services shall transmit, in writing, to the County Clerk within 10 days after the receipt thereof all written notices received by him or her pursuant to this chapter. The County Clerk shall cause all

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1. **Editor's Note: Amended at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I).**

written notices received by him or her pursuant to this chapter to be presented to the County Legislature within five days of the receipt thereof or at the next succeeding County Legislature meeting, whichever shall be sooner.

§ 274-3. Indexed record required. [2]

The County Clerk shall keep an indexed record, in a separate book, of all written notices which he shall receive pursuant to such local law of the existence of a defective, unsafe, dangerous or obstructed condition in or upon or of an accumulation of ice or snow upon any county highway, bridge or culvert, which record shall state the date of receipt of the notice, the nature and location of the condition stated to exist, and the name and address of the person from whom the notice is received. All such written notices shall be indexed according to the location of the alleged defective, unsafe, dangerous or obstructed condition, or the location of accumulated snow or ice. The record of each notice shall be preserved for a period of five years after the date it is received.

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2. Editor's Note: Added at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I).

Chapter 281

PARKS AND RECREATION AREAS

§ 281-1. Purpose.

§ 281-2. Definitions.

§ 281-3. Rules, regulations and prohibitions.

§ 281-4. Fees and charges.

§ 281-5. Penalties for offenses.

§ 281-6. Enforcement.

[HISTORY: Adopted by the Broome County Legislature 6-24-1980 by L.L. No. 4-1980 (Ch. 158 of the 1991 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Use of County property — See Ch. 222.

Fees and charges — See Ch. 257, Art. XIV.

§ 281-1. Purpose. [Amended 5-9-1989 by L.L. No. 6-1989; 11-8-2012 by L.L. No. 8-2012]

Broome County has established various parks and leisure facilities to be administered by the Broome County Department of Public Works, Parks, Recreation and Youth Services. For the better management of these facilities, it is necessary to establish certain rules and regulations for all persons entering, using or visiting or who are otherwise within the boundaries of said facilities.

§ 281-2. Definitions. [Amended 4-19-1983 by L.L. No. 6-1983; 5-9-1989 by L.L. No. 6-1989; 11-20-2001 by L.L. No. 8-2001[1] ; 11-8-2012 by L.L. No. 8-2012]

COMMISSIONER — The Commissioner of the Broome County Department of Public Works, Parks, Recreation and Youth Services and/or his duly authorized personnel.

COMMITTEE — The Parks and Recreation Committee of the Broome County Legislature.

COUNTY — The County of Broome.

COUNTY EXECUTIVE — The County Executive of Broome County.

DEPARTMENT — The Broome County Department of Public Works, Parks, Recreation and Youth Services.

LEGISLATURE — The Broome County Legislature.

LEISURE FACILITY — The Broome County Veterans Memorial Arena and Broome County Forum.

PARK — Any and all land and/or physical structures owned or controlled by the County of Broome and administered by its Department of Public Works, Parks, Recreation and Youth

1. **Editor's Note: This local law provided that it shall take effect 5-1-2002.**

Services. These shall include areas designated as parks, campgrounds, picnic areas, ice rinks, nature reserves, the Arena, Forum and other special use areas as designated by the Department of Public Works, Parks, Recreation and Youth Services.

PERSON — Includes persons and corporations and other groups.

§ 281-3. Rules, regulations and prohibitions.

Rules and regulations for the conduct of persons entering upon parks operated by Broome County shall be as follows:

A. Preservation of property, natural resources.

(1) No person shall injure, deface, destroy, disturb, remove or misuse any part of the park nor any building, sign, equipment or other property.

(2) No person shall operate a chain saw within the park.

B. Disposal of rubbish, garbage, sewage and noxious materials.

(1) No person shall leave behind or dump any material of any kind in the park except the refuse, ashes, garbage and other material of a picnic, camp or other permitted activity, and such material shall be deposited in receptacles provided for such purposes.

(2) No person shall, within the park, place or permit to be placed in any river, brook, stream, ditch or drain any liquid or aqueous waste which shall fail to comply with the minimum requirements as set by the New York State Department of Health for Quality Standard for Class B Waters.

C. Weapons and explosives.

(1) No person except duly authorized employees of the Department or law enforcement officers shall use, carry or possess any firearm within the park. Persons are authorized to carry firearms within the park in designated hunting areas, provided that they are actually hunting, in accordance with New York State laws and regulations.

(2) No person except law enforcement officers shall use, carry or possess any noxious materials ("noxious materials," for purposes of this section, shall be defined as irritant gas dispensers, commonly called "tear gas" or "mace") within the park.

(3) No person shall use, carry or possess air or gas guns, slingshots, bows and arrows, missiles or missile-throwing devices, unless such person is a participant in a program sponsored by the Department which uses such items for recreational purposes only.

(4) No person except duly authorized employees or agents of the Department shall use, carry or possess any fireworks or explosive substances within the park.

(5) No person shall possess any other dangerous weapons within the park.

D. Harassment.

(1) No person shall strike, shove, kick or otherwise subject another person to physical contact or attempt to do the same with the intent to harass, annoy or alarm such other person.

(2) No person shall follow a person about the park with the intent to harass, annoy or alarm such other person.

(3) No person shall engage in a course of conduct or repeatedly commit acts which alarm or seriously annoy such other person and which serve no legitimate purpose.

(4) No person shall threaten or menace any other person with any instrument or by using any animal to do the same with the intent to harass, annoy or alarm such other person.

E. Disorderly conduct.

(1) No person shall, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, engage in fighting or in violent, tumultuous or threatening behavior.

(2) No person shall, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, make unreasonable noise.

(3) No person shall, with intent to cause public inconvenience, annoyance or alarm or recklessly creating a risk thereof, use abusive or obscene language or make an obscene gesture in a public place.

(4) No person shall, with intent to cause public inconvenience, annoyance or alarm or recklessly creating a risk thereof, without lawful authority, disturb any lawful assembly or meeting of persons.

(5) No person shall, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, obstruct vehicular or pedestrian traffic.

(6) No person shall, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, congregate with other persons in a public place and refuse to comply with a lawful order of a security officer or other law enforcement officer to disperse. **[Amended 5-9-1989 by L.L. No. 6-1989]**

(7) No person shall, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, create a hazardous or physically offensive condition by any act which serves no legitimate purpose.

F. Public lewdness.

(1) No person shall commit, perform or engage in any lewd, lascivious, obscene or indecent act or behavior.

(2) No person shall display any appearance which would normally be considered topless or bottomless or nude.

(3) Any state of undress sufficient to cause disorderly conduct is prohibited.

G. Unlawful assembly.

(1) No person shall assemble with four or more other persons for the purpose of engaging or preparing to engage with them in tumultuous and violent conduct likely to cause public alarm or when, being present at an assembly which either has or develops such purpose, remains there with intent to advance that purpose.

H. Loitering.

(1) No person shall loiter in or near toilets or restroom facilities within the park.

I. Alcoholic beverages; intoxicants. **[Amended 4-19-1983 by L.L. No. 6-1983]**

(1) No person other than responsible individuals shall be in possession of beer or alcoholic beverages, in accordance with state statutes. The Commissioner shall eject from the park those persons who, at the sole discretion of the Commissioner, are abusing the privilege.

(2) No person shall use or have in his or her possession any drugs, as defined in the Penal Law of the State of New York, unless they have been prescribed by a physician for the possessor or are legally available without prescription to the public.

(3) Upon approval of the appropriate committee of the Legislature, the consumption of beer or alcoholic beverages may be prohibited in certain areas, as designated by the Commissioner, where such use may have significant adverse effects on facilities, programs or individuals participating in programs offered by the Department. Despite any prohibition imposed pursuant to this section, the consumption of beer or alcoholic beverages may be allowed in such areas as part of fund-raising events on behalf of charitable organizations, upon the prior approval of the appropriate legislative committee. **[Amended 6-22-1983 by L.L. No. 12-1983; 5-9-1989 by L.L. No. 6-1989]**

J. Advertising, signs and commercial enterprises.

(1) No person shall distribute or place any sign, advertisement, circular, notice, statement, banner, emblem or design without written permission from the Commissioner.

(2) No person shall beg, hawk, peddle or solicit within the park or leisure facility. **[Amended 5-9-1989 by L.L. No. 6-1989]**

(3) No person shall sell or offer for sale any article, thing, privilege or service without a permit from the Commissioner. Once permitted, such sale or offer of any article, thing, privilege or service must also be in accordance with New York State statutes.

K. Compliance with orders of Commissioner.

(1) No person shall fail or refuse to comply with any reasonable order relating to the regulation, direction or control of traffic or to any order lawfully given by the Commissioner or willfully resist, obstruct or abuse any police officer or official in the execution of his office.

(2) The Commissioner may set such regulations from time to time which will help in promoting the health, safety and general welfare of persons and the orderly administration of the park pursuant to the policies established by the County Legislature.

L. Camps and camping.

(1) No person shall establish or maintain any camp or other temporary lodging or sleeping place within the park without a written permit from the Commissioner.

M. Fires. **[Amended 12-15-2011 by L.L. No. 7-2011]**

(1) No person shall start a fire in the park, except small fires for culinary purposes in park grills or privately owned grills or fires in the designated areas approved by the Commissioner. The Commissioner may, at his discretion, prohibit fires at any location or for any purpose when necessary for the protection of park property.

(2) No person starting or using fires shall leave the immediate vicinity of the fires before they are extinguished. The dumping of hot ashes or fire from portable picnic grills is permitted only in designated receptacles.

(3) Firewood brought in from outside the park must comply with New York State Department of Environmental Conservation regulations. (www.dec.ny.gov/animals/28722.html)

N. Trespass. **[Amended 5-9-1989 by L.L. No. 6-1989]**

(1) No person shall be permitted to enter within the confines of the park, leisure facility or other public reservations of the Department after closing hours or before opening hours, as set and established from time to time by the Commissioner.

(2) No person lawfully banned from the parks or leisure facility by the Commissioner shall enter or remain within the confines of the park or leisure facility or other public reservations of the Department.

O. Hunting; fishing.

(1) No person within the confines of the park shall hunt, pursue with dogs, trap or in any other way molest any wild bird or animal found within the confines of the park. Hunting may be authorized by the Commissioner in certain areas, but all such activity is prohibited in areas when posted signs specifically prohibit such activity.

(2) Any hunting authorized by the Commissioner must not be in violation of the rules and regulations of the New York State Department of Environmental Conservation.

(3) No person shall fish in park waters in violation of the rules and regulations of the New York State Department of Environmental Conservation.

P. Dogs and other animals.

(1) Dogs, cats and other domesticated pets are permitted, except on beaches and in buildings, only if they are controlled at all times by a leash not more than eight feet long. No animals may be left unattended in the park without the express written permission of the Commissioner.

(2) Proof of currently effective rabies inoculation is required.

(3) Horseback riding, farm animals and petting zoos are not allowed on park property unless deemed appropriate by the Commissioner of Public Works, Parks, Recreation and Youth Services in extenuating circumstances. **[Amended 1-30-1997 by L.L. No. 1-1997; 11-8-2012 by L.L. No. 8-2012]**

(4) Individuals bringing dogs or other animals into the parks or leisure facility shall be required to pick up and deposit in proper receptacles all solid waste from said animals. **[Amended 5-9-1989 by L.L. No. 6-1989]**

Q. Swimming, swimming areas and beaches.

(1) Swimming is prohibited except at areas designated for that purpose and only when lifeguards are on duty.

(2) No glass bottles, metal cans or other hazardous objects are permitted on beaches or in swimming areas.

R. Watercraft.

(1) No boats (canoes, rafts, kayaks, sailboats or watercrafts of any type) other than those owned by the Department will be permitted on any lake, pond or stream or waters within the boundaries of Greenwood, Hawkins Pond, Finch Hollow, Otsiningo or Nathaniel Cole Parks or Aqua Terra or watersheds, except by permission from the Commissioner. **[Amended 5-9-1989 by L.L. No. 6-1989]**

(2) No person(s) shall operate a boat closer to a swimming area than 100 feet.

(3) No person shall operate a watercraft on the Whitney Point Reservoir in violation of rules and regulations of the New York State Department of Environmental Conservation.

S. Sophisticated toys and carnival-type rides. **[Amended 5-9-1989 by L.L. No. 6-1989; 12-15-2011 by L.L. No. 7-2011]**

(1) Models, such as miniature planes, boats and cars, that produce loud noises or are hazardous are not permitted to be operated within the confines of the park or leisure facility except in areas designated by the Commissioner.

(2) Carnival-type rides such as bounce houses, dunking booths, animal rides, etc., are not permitted without the express written consent of the Commissioner.

T. Metal detectors.

(1) No person shall use any metal detector within the confines of the park, unless such use is authorized by the Commissioner on a case-by-case basis.

U. Traffic.

(1) Purposes of way.

(a) No person shall use any portion of the park for purposes of way except drives, roadways, paths, walks and trails established for such purposes. Paths established as bridle paths, footpaths or bicycle paths shall not be used for vehicular traffic.

(b) Snowmobiles, all-terrain vehicles (ATVs), motorcycles, motorbikes, minibikes and recreation vehicles shall be licensed and are restricted to trails and areas provided for them.

(c) All motor vehicles operated within the confines of the park shall keep to the right at all times while being operated on drives, roadways or in parking lots.

(d) All motor vehicles shall proceed in the direction indicated by posted signs on drives or roadways which are restricted to one-way travel only within the confines of the park.

(e) All operators of vehicles within the parks shall stop at all posted STOP signs.

(2) Driving on closed roads or drives.

(a) No person shall drive upon or along any park road or drive which has been closed and posted with appropriate signs or barricades. The Commissioner shall have authority to order roads or drives closed.

(3) Speed limit.

(a) No person shall drive at a speed in excess of that posted for the area. The Commissioner shall determine the speed limits in the parks.

(4) Reckless driving.

(a) No person shall operate a vehicle along or over any road or drive within the park in a reckless manner or without due regard for the safety and the rights of pedestrians and drivers and occupants of all other vehicles.

(5) Drag racing; speed contests.

(a) No person shall participate in a drag race upon any park drive or park property. "Drag racing" is defined as the operation of two or more vehicles from a point side-by-side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one or more vehicles over a common selected course from the same point to the same point wherein timing is made of the participating vehicles involving competitive accelerations of speeds. The operation of two or more vehicles side-by-side,

either at speeds in excess of such permitted speeds, shall be prima facie evidence of drag racing.

(6) Motorcycles.

(a) All motorcycles, trail bikes, minibikes, motor scooters or mopeds operated within the park shall be operated only on those roadways provided for the use of motor vehicles.

(b) All persons operating and passengers riding on motorcycles, trail bikes, minibikes, motor scooters or mopeds within the confines of the park shall wear an approved safety helmet (as per the requirements of the New York State Department of Motor Vehicles) at all times while such vehicle is in motion.

(7) Parking.

(a) No person shall park any motor vehicle upon any roadway in the park or leisure facility or at any location where posted signs or symbols painted on the pavement prohibit parking. **[Amended 5-9-1989 by L.L. No. 6-1989]**

(b) No person shall park any motor vehicle in any area designated as a handicapped parking space by a posted sign or symbol painted on the pavement unless he or she possesses a valid handicapped parking permit.

(c) No person shall park any motor vehicle upon any lawn or grassy area unless specifically authorized by the Commissioner on a case-by-case basis.

(d) No motor vehicle shall be left standing in any area when parking is prohibited or restricted for a period exceeding five minutes. Any vehicle standing shall be occupied or under the immediate control of the operator at all times.

(e) No vehicle shall park in any area of the park after closing hours and before opening hours, unless such parking is authorized by the Commissioner.

(f) For purposes of this section, any vehicle conveyance, including trailers and bicycles, shall be classified as a "motor vehicle."

(8) Driving without license.

(a) No person shall drive a motor vehicle within the park unless such person has been licensed as an operator or chauffeur, or cause or permit minors under 18 years of age to drive a motor vehicle within the park unless such minor has first obtained a license or permit to drive a motor vehicle.

(9) Driving without license plates.

(a) No person who is the owner or operator of a motor vehicle shall operate or cause or permit such motor vehicle to be operated within the park unless such vehicle displays the distinctive number and registration marks or license plates, legally issued for the current year, securely fastened to the vehicle.

(10) Insurance required.

(a) No person who is the owner or operator of a motor vehicle shall operate or cause or permit such motor vehicle to be operated within the park unless such vehicle is insured as per the requirements of the New York State Department of Motor Vehicles.

(11) Operation of motor vehicle while under the influence of intoxicants.

(a) No person who is under the influence of intoxicating liquor, narcotic drugs or opiates shall operate any vehicle within the park.

(12) Driving vehicles in unsafe condition.

(a) No person shall drive or move or cause or knowingly permit to be driven or moved within the park any vehicle or combination of vehicles which is in unsafe condition so as to endanger any person.

(13) Mufflers.

(a) Every motor vehicle with an internal combustion engine shall at all times be equipped with a muffler in good working order and in constant operation, and no person shall use a muffler cutout, bypass or similar device upon a motor vehicle in the park.

(14) Commercial vehicles.

(a) Except by authority of permission by the Commissioner, no park, park reservation or parkway shall be used for commercial thoroughfare.

V. Golf. **[Added 12-15-2011 by L.L. No. 7-2011]**

(1) No person shall play or practice the game of golf in any park except for En-Joie Golf Course.

(2) Any person who fails to comply with a direct order to cease playing golf pursuant to this order shall, in addition to any other appropriate penalty, be banned from the parks for a period of time as specified in writing by the Broome County Department of Security.

W. Any administrative procedures or guidelines established from time to time by the Commissioner, together with any amendments thereto, shall be incorporated in and be considered a part of this chapter when filed with the County Legislature.

§ 281-4. Fees and charges. [Amended 5-4-1982 by L.L. No. 4-1982; 4-19-1983 by L.L. No. 6-1983; 5-9-1989 by L.L. No. 6-1989; 12-5-1989 by L.L. No. 1-1990; 5-30-1990 by L.L. No. 7-1990; 12-4-1990 by L.L. No. 15-1990; 4-14-1992 by L.L. No. 4-1992; 9-23-1993 by L.L. No. 12-1993; ; 11-12-1993 by L.L. No. 16-1993; 12-29-1994 by L.L. No. 2-1995; 3-16-1995 by L.L. No. 3-1995; 11-2-1995 by L.L. No. 13-1995; 1-30-1997 by L.L. No. 1-1997; 11-20-2001 by L.L. No. 8-2001; 2-16-2006 by L.L. No. 2-2006; 11-13-2006 by L.L.

No. 8-2006; 1-21-2010 by L.L. No. 2-2010; 12-15-2011 by L.L. No. 7-2011; 11-8-2012 by L.L. No. 8-2012[2]]

Fees and charges as established for the several County park locations are as set forth in the Schedule of County Fees in Chapter 257, Fees and Charges, Article XIV, for the following activities:

A. [3] Camping at Greenwood. Electric and nonelectric sites, per-night or seasonal rates.

B. Shelter house rental and reservation.

C. Boat rental. (For purposes of marketing the boating concession and increasing boating awareness, one-dollar numbered boating coupons for rowboat and canoe rentals may be given away to park patrons. These will not exceed 25 coupons per day per park.)[4]

D. Cross-country ski rental/snowshoes (includes skis, boots, poles and bindings) and trail use fees.[5]

E. Finch Hollow Nature Center.[6]

(1) Fees for summer day camp; half-day and full-day programs.

(2) Program fees.

(a) All general public programs per person, age three and up.

(b) All group programs (except schools during the school year) per person, age three and up. (School programs during the school year, self-guided programs, participation in community events, and general admission to nature center museum, trails, and grounds all remain free of charge.)

F. Sailing lessons: a fee per lesson, plus American Red Cross certification fee and textbook costs.[7]

G. Other fees. Fees for other programs or events may be charged to recover costs. They may be deposited as revenue or, as need requires, deposited in a special checking account to be disbursed for expenses for that program or event. Any excess in said checking accounts at the completion of the program or event will be deposited as revenue or

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2. Editor's Note: Amended at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I).

3. Editor's Note: Original Subsection A, regarding parking at Greenwood, Dorchester and Nathaniel Cole Parks, as amended, was repealed 5-20-2004 by L.L. No. 7-2004.

4. Editor's Note: Original Subsection E, Garden plot rental, as amended, which immediately followed this subsection, was repealed 1-30-1997 by L.L. No. 1-1997. Original Subsection F, establishing admission fees for recreational skating, as amended, was repealed 11-13-2006 by L.L. No. 8-2006, effective 1-1-2007. Original Subsection G, establishing ice facility rental fees, as amended, was repealed 11-13-2006 by L.L. No. 8-2006, effective 1-1-2007.

5. Editor's Note: Original Subsection I, Swimming lessons, which immediately followed this subsection, was repealed 1-30-1997 by L.L. No. 1-1997.

6. Editor's Note: Original Subsection J, establishing fees for the Finch Hollow Nature Center, as amended, was repealed 2-16-2006 by L.L. No. 2-2006, effective 1-1-2006.

7. Editor's Note: Original Subsections L, establishing skate rental fees; M, establishing skate sharpening fees; and N, establishing a commitment fee for limited-capacity programs, which originally followed this subsection, were repealed 11-13-2006 by L.L. No. 8-2006, effective 1-1-2007.

placed in accounts, as designated by Resolution No. 345 of November 8, 1978, for purchase of recreational equipment.

H. Returned-check fees. There shall be a charge of $20 for all returned checks.

I. Balloon launch permit: annual.[8]

Note No. 1: Any person or group wishing to sponsor or engage in any special activity is required to obtain written permission for such activity from the Commissioner, who may charge the person or group so engaged a percentage of any cash receipts or for any extra expenses incurred by the Department as a result of such activity.

Note No. 2: Prices charged at snack bars administered by the Department are set by the Commissioner and are comparable to those being charged for similar products by established retail outlets in the proximity of the park.

Note No. 3: The Department will follow a strict policy of no refunds, except as outlined in specific contracts or as deemed appropriate by the Commissioner of Public Works, Parks, Recreation and Youth Services in extenuating circumstances.

Note No. 4: Lost equipment or equipment damaged beyond repair will be billed at 1/3 the replacement cost.

Note No. 5: The Commissioner of Public Works, Parks, Recreation and Youth Services has the right to require additional security and emergency medical services coverage from a promoter or registered group for an event and appropriately charge said group or promoter for said services.

Note No. 6: Seasonal uniform. Broome County Public Works, Parks, Recreation and Youth Services Department is authorized to allocate a minimum number of uniforms to those seasonal employees who are required to wear them in order to adequately perform their job duties in a safe and professional manner.

§ 281-5. Penalties for offenses.

Any violation of any provision of the foregoing rules and regulations or any amendment thereto shall be deemed a violation, and any person found guilty thereof shall be liable to a fine which shall not exceed $500 or imprisonment not to exceed 30 days, or both such fine and imprisonment or, at the discretion of the Commissioner, be banned from the parks for a period of time specified in writing. Persons so notified are prohibited from entering or remaining upon park property.

§ 281-6. Enforcement. [Amended 5-9-1989 by L.L. No. 6-1989]

The Commissioner, County security and other agents designated by the Commissioner (in addition to local, County or state police or other law enforcement officers) are hereby authorized to, and they shall, enforce the foregoing rules and regulations, which power shall

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8. Editor's Note: Original Subsection R, regarding special events in Broome County Parks, added 4-14-1992 by L.L. No. 4-1992, as amended, which immediately followed this subsection, was repealed 11-2-1995 by L.L. No. 13-1995.

include but not be limited to the power to issue appearance tickets and to exercise such other legal methods of enforcement of the foregoing rules and regulations as the Commissioner or his agents may deem appropriate and necessary.

Chapter 287

PEDDLING AND SOLICITING

ARTICLE I
Soliciting by Law-Enforcement-Affiliated Organizations

§ 287-1. Intent; purpose.
§ 287-2. Applicability.
§ 287-3. Definitions.
§ 287-4. Registration required.
§ 287-5. Representations; statement of collections made.
§ 287-6. Prohibited acts.
§ 287-7. Penalties for offenses.
§ 287-8. Enforcement.
§ 287-9. Scope of remedies.
§ 287-10. Construal of provisions.

[HISTORY: Adopted by the Broome County Legislature as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Soliciting by Law-Enforcement-Affiliated Organizations
[Adopted 5-6-1986 by L.L. No. 3-1986 (Ch. 175, Art. I, of the 1991 Code)]

§ 287-1. Intent; purpose.

A. This Legislature hereby finds that many professional fund-raisers often misrepresent themselves to be agents of law-enforcement-affiliated organizations and solicit funds on behalf of organizations which rarely see more than a small percentage of the collected funds. This pernicious and fraudulent practice is calculated to deceive and gull small businesspersons, merchants and residents of our County into believing that they are aiding a widow, widower or orphan of a slain police officer or helping a wounded or disabled police officer.

B. The purpose of this article is to prevent misrepresentation in the solicitation of funds from the public by or on behalf of law-enforcement-affiliated organizations, to require that adequate information be made available to persons solicited as to the actual identity of the soliciting organization and the purposes for which solicitations will be used to assist the public in judging the nature and worthiness of the solicited cause and to ensure the presentation of honest information to prospective donors.

C. In addition, this article recognizes the special problem presented by telephone solicitation which, in the past, has been subject to greater abuse than any other form of solicitation. Accordingly, telephone solicitors are required to make additional representations during the solicitation which will enable the solicitee to make a more informed judgment concerning the solicitation.

§ 287-2. Applicability.

The provisions of this article are not intended to apply to fraternal, patriotic, social or other law-enforcement-affiliated organizations which solicit contributions solely from their memberships.

§ 287-3. Definitions.

As used in this article, the following terms shall have the meanings indicated:

LAW-ENFORCEMENT-AFFILIATED ORGANIZATION — Any organization, association or conference of present or former policemen, sheriffs, deputy sheriffs, detectives, investigators, constables or similar law enforcement officers or peace officers or police officers as defined in Subdivisions 33 and 34 of § 1.20 of the New York Criminal Procedure Law, or any auxiliary or affiliate of such an organization, association or conference composed of one or more such organization.

PROFESSIONAL FUND-RAISER — Any person who, for compensation or other consideration, plans, conducts, manages or carries on any drive or campaign in Broome County for the purpose of soliciting funds or contributions for or on behalf of any law-enforcement-affiliated organization or who engages in the business of or holds himself out to persons in Broome County as independently engaged in the business of soliciting contributions for such purpose.

PROFESSIONAL SOLICITOR — Any person who is employed or retained for compensation by a professional fund-raiser to solicit funds or contributions on behalf of any law-enforcement-affiliated organization from persons in Broome County.

§ 287-4. Registration required.

A. No law-enforcement-affiliated organization shall solicit funds or contributions from the public or have funds or contributions solicited on its behalf unless it has filed a registration statement with the Broome County Sheriff or his designee in accordance with the provisions of this section. Each registration statement shall be refiled and updated every 12 months so long as the law-enforcement-affiliated organization is engaged in solicitation activities in Broome County.

B. Such statements shall contain the following information:

(1) The name of the organization and the purpose for which it was organized.

(2) The principal address of the organization.

(3) A statement indicating whether the organization intends to use professional fund-raisers to solicit funds or contributions from the public.

(4) The general purpose or purposes for which the contributions solicited shall be used.

(5) The names and business addresses of the person or persons in direct charge of conducting the solicitation.

(6) The names and business addresses of all professional fund-raisers who will be connected with the solicitation.

(7) A statement to the effect that the fact of registration will not be used or represented in any way as an endorsement by the County of Broome or by the Broome County Sheriff of the solicitation conducted thereunder.

(8) Documents verifying the information provided under Subsection B(1) through (7) above, including all contracts and subsequent amendments thereto between a law-enforcement-affiliated organization and any professional fund-raiser with whom it does business.

C. Once each year, on the 31st of March, a report shall be filed with the Broome County Sheriff stating the amount of funds or contributions collected in the preceding calendar year, the amount expended and the specific recipients, purposes for which said amount was expended and the administrative expenses incurred in said period, including a statement of the fees or other charges by any professional fund-raisers and the amount paid to the same.

§ 287-5. Representations; statement of collections made.

A. During the course of each and every solicitation for funds or contributions on behalf of a law-enforcement-affiliated organization (including, but not limited to, telephone solicitation, door-to-door solicitation and mailings), the fund-raiser, solicitor or any other person acting on behalf of the law-enforcement-affiliated organization shall make the following representations:

(1) The name and address of the organization represented.

(2) A description of the programs in which the organization is actually engaged and for which the funds will be used.

B. During the course of telephonic solicitations, the fund-raiser, solicitor or any other person acting on behalf of the law-enforcement-affiliated organization shall make an additional statement of the percentage of the funds collected during the preceding year which were actually used for the programs in which the organization was then engaged and that the remaining funds were used for fund-raising activities.

C. The fund-raiser, solicitor and any other person acting on behalf of the law-enforcement-affiliated organization shall provide an acknowledgment to the person(s) who actually contributes pursuant to the solicitation, which shall contain the following representation:

(1) The name and address of the organization represented.

(2) A description of the programs in which the organization is actually engaged and for which the funds will be used.

(3) A statement of the percentage of the funds collected during the preceding year which were actually used for the programs in which the organization was then engaged and that the remaining funds were used for fund-raising activities.

§ 287-6. Prohibited acts.

It shall be unlawful to solicit funds or contributions on behalf of a law-enforcement-affiliated organization:

A. By using a name, symbol or statement so closely related to that used by another law-enforcement-affiliated organization or governmental agency if the use thereof would tend to confuse or mislead the public, including the use of statements or materials that would indicate that such funds or contributions were being raised for the Broome County Sheriff's Department, Binghamton Police Department, Johnson City Police Department, Endicott Police Department, Vestal Police Department, Port Dickinson Police Department, Windsor Police Department, Deposit Police Department, Broome County Deputy Sheriffs' Benevolent Association, Binghamton Police Benevolent Association, Johnson City Police Benevolent Association, Endicott Police Benevolent Association or Vestal Police Benevolent Association, unless such agency or association shall have given its written permission for the raising of such funds and for the use of its name in connection with the solicitation of funds.

B. By means of a false pretense, representation or promise which includes a representation:

(1) That the professional fund-raisers or solicitors are police officers or employees of any law enforcement agency.

(2) That funds collected will be used to aid widows and children of police officers slain in the line of duty or that the funds collected will be used for any other charitable program unless the organization is actually engaged in such a program.

(3) That contributors will receive special benefits from police officers.

(4) That contributors are tax exempt as a charitable contribution or as a business expense, unless they so qualify under the applicable provisions of the Internal Revenue Code.

(5) By any manner, means, practice or device that misleads the person solicited as to the use of the funds or the nature of the organization.

§ 287-7. Penalties for offenses.

A. Any person who violates or assists in the violation of any of the provisions of this article shall be guilty of a misdemeanor punishable by a fine of not less than $1,000 nor more than $10,000 or up to one year's imprisonment, or both. Each such violation shall constitute a separate and distinct offense.

B. Such person shall also be subject to a civil penalty of not less than $1,000 nor more than $10,000 for each violation. Each such violation shall constitute a separate and distinct offense.

§ 287-8. Enforcement.

The civil penalties prescribed by this article shall be recovered by an action or proceeding in any court of competent jurisdiction. All such actions or proceedings shall be brought in the name of the County by the County Attorney. In addition, the County Attorney may institute any other action or proceeding in any court of competent jurisdiction that may be appropriate or necessary for the enforcement of the provisions of this article, including actions to secure permanent injunctions enjoining any acts or practices which constitute a violation of any provision of this article, mandating compliance with the provisions of this article or for such other relief as may be appropriate. In any such action or proceeding, the County Attorney may apply to any court of competent jurisdiction, or to a judge or justice thereof, for a temporary restraining order or preliminary injunction enjoining and restraining all persons from violating any provision of this article, mandating compliance with the provisions of this article, or for such other relief as may be appropriate, until the hearing and determination of such action or proceeding and the entry of final judgment or order therein. The court, or judge or justice thereof, to whom such application is made is hereby authorized forthwith to make any or all of the orders above specified, as may be required in such application, with or without notice, and to make such other and further orders or directions as may be necessary to render the same effectual. No undertaking shall be required as a condition to the granting or issuing of such order or by reason thereof.

§ 287-9. Scope of remedies.

The remedies and penalties provided for herein shall be in addition to any other remedies and penalties provided under other provisions of law.

§ 287-10. Construal of provisions.

The provisions of this article shall not be construed to apply to any law-enforcement-affiliated organizations when solicitation of contributions is confined to their membership. In addition, the provisions of this article shall not be construed to apply to any person or law-enforcement-affiliated organization which solicits contributions for the relief of any individual specified by name at the time of solicitation, if all of the contributions collected, without any deductions whatsoever, are turned over to the named beneficiary.

Chapter 296

RECORDS, PUBLIC ACCESS TO (FOIL)

§ 296-1. Purpose and scope.

§ 296-2. Definitions.

§ 296-3. Designation of records access officers.

§ 296-4. Requests for public access to records.

§ 296-5. Subject matter list.

§ 296-6. Denial of access to records.

§ 296-7. Fees.

§ 296-8. Public notice.

[HISTORY: Adopted by the Broome County Legislature 5-2-1978 by Res. No. 116; amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Department of Records — See Charter, Art. XX; Administrative Code, Art. XX.

Records management — See Ch. 123.

Fees and charges — See Ch. 257.

§ 296-1. Purpose and scope.

A. The people's right to know the process of government decision-making and the documents and statistics leading to determinations is basic to our society. Access to such information should not be thwarted by shrouding it with the cloak of secrecy of confidentiality.

B. These regulations provide information concerning the procedures by which records may be obtained.

C. Personnel shall furnish to the public the information and records required by the Freedom of Information Law, as well as records otherwise available by law.

D. Any conflicts among laws governing public access to records shall be construed in favor of the widest possible availability of public records.

§ 296-2. Definitions.

For the purposes of this chapter, the following terms shall have the meanings indicated:

CLERK OF THE COUNTY LEGISLATURE — The Clerk of the Legislature of the County of Broome and any of his or her assistants designated by him/her to perform any or all of the functions hereunder.

COUNTY ATTORNEY — The County Attorney of the County of Broome and any of his assistants designated by him to perform any or all of the functions hereunder.

COUNTY OF BROOME — The County of Broome, a municipal corporation exercising all of the rights, privileges, functions and powers conferred upon it by the Broome County Charter and any other applicable statute not inconsistent with such Charter.

RECORD or RECORDS — Any information kept, held, filed, produced or reproduced by, with or for an agency in any physical form whatsoever, including, but not limited to, reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilms, computer tapes or discs, rules, regulations or codes as defined by the provisions of Article 6 § 86(4) of the New York State Public Officers Law. Payroll records shall include the name, department, title and salary of every officer and employee of the County of Broome.

RECORDS ACCESS OFFICER — The Clerk of the County Legislature as hereinbefore defined.

WORKDAY — Any day except Saturday, Sunday, a public holiday or a day on which the County of Broome is otherwise closed for general business.

§ 296-3. Designation of records access officers.

A. Broome County is responsible for ensuring compliance with the regulations herein, and designates the following person(s) as records access officer(s):

(1) The Clerk of the County Legislature shall be designated as the records access officer for all County records other than Department of Social Services records or records required to be open for public inspection by the New York State Election Law. Such application may be made at the office of the Clerk of the County Legislature, in writing, at P.O. Box 1766, Binghamton, New York 13902; in person at 60 Hawley Street, 6th Floor, Binghamton, New York 13901; or online at FOIL@co.broome.ny.us, on any workday between the hours of 9:00 a.m. and 5:00 p.m.

(2) The Deputy County Attorney of the Department of Social Services shall be designated as the records access officer for all social services records. Any person wishing to inspect and/or obtain a copy of any record of the Department of Social Services may make application to the Deputy County Attorney of said Department. Such application may be made, orally or in writing, on any workday at the office of the Deputy County Attorney, 36-38 Main Street, Binghamton, New York 13905, between the hours of 9:00 a.m. and 5:00 p.m.

(3) The Broome County Board of Elections shall be the custodian of all records required to be open for public inspection by the New York State Election Law. A list of such records is on file with the County Clerk and the Clerk of the County Legislature. All requests for copies of these records, which requests may be oral or in writing, shall be honored upon payment of the appropriate fee, plus first class postage if said copies are to be mailed. Requests for any other records of the Broome County Board of Elections shall be made to the Clerk of the Broome County Legislature in the manner provided herein.

B. The records access officer is responsible for ensuring appropriate County response to public requests for access to records. The designation of a records access officer shall not be construed to prohibit officials who have in the past been authorized to make records or information available to the public from continuing to do so. The records access officer shall ensure that County personnel:

(1) Maintain an up-to-date subject matter list.

(2) Assist persons seeking records to identify the records sought, if necessary, and when appropriate indicate the manner in which the records are filed, retrieved or generated to assist persons in reasonably describing records.

(3) Contact persons seeking records when a request is voluminous or when locating the records involves substantial effort, so that personnel may ascertain the nature of records of primary interest and attempt to reasonably reduce the volume of records requested.

(4) Upon locating the records, take one of the following actions:

(a) Make records available for inspection; or

(b) Deny access to the records in whole or in part and explain in writing the reasons therefor.

(5) Upon request for copies of records.

(a) Make a copy available upon payment or offer to pay established fees, if any, in accordance with § 296-7; or

(b) Permit the requester to copy those records.

(6) Upon request, certify that a record is a true copy; and

(7) Upon failure to locate records, certify that;

(a) Broome County is not the custodian for such records; or

(b) The records of which Broome County is a custodian cannot be found after diligent search.

§ 296-4. Requests for public access to records.

A. A written request may be required, but oral requests may be accepted when records are readily available.

B. If records are maintained on the Internet, the requester shall be informed that the records are accessible via the Internet and in printed form either on paper or other information storage medium.

C. A response shall be given within five business days of receipt of a request by:

(1) Informing a person requesting records that the request or portion of the request does not reasonably describe the records sought, including direction, to the extent possible, that would enable that person to request records reasonably described;

(2) Granting or denying access to records in whole or in part;

(3) Acknowledging the receipt of a request in writing, including an approximate date when the request will be granted or denied in whole or in part, which shall be reasonable under the circumstances of the request and shall not be more than 20 business days after the date of the acknowledgment, or if it is known that circumstances prevent disclosure within 20 business days from the date of such acknowledgment, providing a statement in writing indicating the reason for inability to grant the request within that time and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part; or

(4) If the receipt of request was acknowledged in writing and included an approximate date when the request would be granted in whole or in part within 20 business days of such acknowledgment, but circumstances prevent disclosure within that time, providing a statement in writing within 20 business days of such acknowledgment specifying the reason for the inability to do so and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part.

D. In determining a reasonable time for granting or denying a request under the circumstances of a request, personnel shall consider the volume of a request, the ease or difficulty in locating, retrieving or generating records, the complexity of the request, the need to review records to determine the extent to which they must be disclosed, the number of requests received by the County, and similar factors that bear on the ability to grant access to records promptly and within a reasonable time.

E. A failure to comply with the time limitations described herein shall constitute a denial of a request that may be appealed. Such failure shall include situations in which an officer or employee:

(1) Fails to grant access to the records sought, deny access in writing or acknowledge the receipt of a request within five business days of the receipt of a request;

(2) Acknowledges the receipt of a request within five business days but fails to furnish an approximate date when the request will be granted or denied in whole or in part;

(3) Furnishes an acknowledgment of the receipt of a request within five business days with an approximate date for granting or denying access in whole or in part that is unreasonable under the circumstances of the request;

(4) Fails to respond to a request within a reasonable time after the approximate date given or within 20 business days after the date of the acknowledgment of the receipt of a request;

(5) Determines to grant a request in whole or in part within 20 business days of the acknowledgment of the receipt of a request, but fails to do so, unless the department provides the reason for its inability to do so in writing and a date certain within which the request will be granted in whole or in part;

(6) Does not grant a request in whole or in part within 20 business days of the acknowledgment of the receipt of a request and fails to provide the reason in writing explaining the inability to do so and a date certain by which the request will be granted in whole or in part; or

(7) Responds to a request, stating that more than 20 business days is needed to grant or deny the request in whole or in part and provides a date certain within which that will be accomplished, but such date is unreasonable under the circumstances of the request.

§ 296-5. Subject matter list.

A. The records access officer shall maintain a reasonably detailed current list by subject matter of all records in its possession, whether or not records are available pursuant to Subdivision 2 of § 87 of the Public Officers Law.

B. The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought.

C. The subject matter list shall be updated annually. The most recent update shall appear on the first page of the subject matter list.

§ 296-6. Denial of access to records.

A. Denial of access to records shall be in writing, stating the reason therefor and advising the requester of the right to appeal to the individual or body established to determine appeals, who or which shall be identified by name, title, business address and business phone number.

B. If requested records are not provided promptly, as required in § 296-4 of these regulations, such failure shall also be deemed a denial of access.

C. The County Attorney or his designee shall determine appeals regarding denial of access to records under the Freedom of Information Law. Appeals are to be sent to the Clerk of the County Legislature to be forwarded onto the County Attorney's Office:

Clerk of the County Legislature
P.O. Box 1766
Binghamton, NY 13902
FOIL@co.broome.ny.us

D. Any person denied access to records may appeal within 30 days of a denial.

E. The time for deciding an appeal by the individual or body designated to determine appeals shall commence upon receipt of a written appeal identifying:

(1) The date and location of requests for records;

(2) A description, to the extent possible, of the records that were denied; and

(3) The name and return address of the person denied access.

F. A failure to determine an appeal within 10 business days of its receipt by granting access to the records sought or fully explaining the reasons for further denial in writing shall constitute a denial of the appeal.

G. The person or body designated to determine appeals shall transmit to the Committee on Open Government copies of all appeals upon receipt of appeals. Such copies shall be addressed to:

Committee on Open Government
Department of State
One Commerce Plaza
99 Washington Avenue, Suite 650
Albany, NY 12231

H. The person or body designated to determine appeals shall inform the appellant and the Committee on Open Government of its determination in writing within 10 business days of receipt of an appeal. The determination shall be transmitted to the Committee on Open Government in the same manner as set forth in Subsection G of this section.

§ 296-7. Fees.

A. There shall be no fee charged for:

(1) Inspection of records;

(2) Search for records; or

(3) Any certification pursuant to this chapter.

B. Copies may be provided without charging a fee.

C. Fees for copies may be charged, provided that:

(1) The fee for copying records shall not exceed 25 cents per page for photocopies not exceeding nine inches by 14 inches. This section shall not be construed to mandate the raising of fees where agencies or municipalities in the past have charged less than $0.25 for such copies;

(2) The fee for photocopies of records in excess of nine inches by 14 inches shall not exceed the actual cost of reproduction; or

(3) The County has the authority to redact portions of a paper record and does so prior to disclosure of the record by making a photocopy from which the proper redactions are made.

(4) The Records Access Officer shall have the authority to waive any photocopying fees whenever the cumulative fee required by the foregoing sentences is less than or equal to $1.

D. The fee the County may charge for a copy of any other record is based on the actual cost of reproduction and may include only the following:

(1) An amount equal to the hourly salary attributed to the lowest paid employee who has the necessary skill required to prepare a copy of the requested record, but only when more than two hours of the employee's time is necessary to do so; and

(2) The actual cost of the storage devices or media provided to the person making the request in complying with such request; or

(3) The actual cost to the County of engaging an outside professional service to prepare a copy of a record, but only when a department's information technology equipment is inadequate to prepare a copy, and if such service is used to prepare the copy.

E. When the County has the ability to retrieve or extract a record or data maintained in a computer storage system with reasonable effort, or when doing so requires less employee time than engaging in manual retrieval or redactions from nonelectronic records, the department shall be required to retrieve or extract such record or data electronically. In such case, the County may charge a fee in accordance with Subsection D(1) and (2) above.

F. The County shall inform a person requesting a record of the estimated cost of preparing a copy of the record if more than two hours of a County employee's time is needed or if it is necessary to retain an outside professional service to prepare a copy of the record.

G. The County may require that the fee for copying or reproducing a record be paid in advance of the preparation of such copy.

H. The County may waive a fee in whole or in part when making copies of records available.

I. The fee for photocopies of records provided by the Deputy County Attorney of the Department of Social Services shall be as follows:

(1) For an applicant requesting documents pertaining to his or her case and which relate to a fair hearing, as determined by the Deputy County Attorney, copies shall be free.

(2) For an applicant requesting documents pertaining to his or her case other than those relating to a fair hearing, copies shall be $0.10 per page. The Records Access Officer shall have the authority to waive any photocopying fees whenever the cumulative fee required by the foregoing sentences is less than or equal to $1.

(3) For an applicant requesting documents pertaining to any record other than the above, the fee for copies shall be as stated in Subsection C above.

J. The fee for photocopies of records provided by the Board of Elections shall be the same as above, except where a different charge is specified by the Election Law.

§ 296-8. Public notice.

A notice containing the title or name and business address of the records access officers and appeals person or body and the location where records can be seen or copied shall be posted in a conspicuous location wherever records are kept and/or published in a local newspaper of general circulation.

Chapter 305

SANITARY CODE

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§ 305-68. Promulgation of rules and regulations.

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§ 305-70. Exceptions.

[HISTORY: Adopted by the Broome County Legislature 5-6-1969 by L.L. No. 2-1969 (Ch. 168 of the 1991 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Department of Health — See Charter, Art. VII; Administrative Code, Art. VII.

Fees and charges — See Ch. 257, Art. XIV.
Solid waste — See Ch. 317.

ARTICLE I
General Provisions

§ 305-1. Definitions.

Unless otherwise specifically provided herein, the following words and terms used in this chapter are defined for the purposes thereof as follows:

CODE — The Broome County Sanitary Code.

COMMISSIONER OF HEALTH — The executive officer of the Broome County Health Department as established pursuant to § C701 of the Broome County Charter.

DEPARTMENT OF HEALTH — The Broome County Department of Health as established pursuant to § C701 of the Broome County Charter.

HEALTH BOARD — The Advisory Board appointed as prescribed in the Broome County Administrative Code and pursuant to § C703 of the Broome County Charter.

HEALTH DISTRICT — The Health District comprising the entire area of Broome County heretofore or hereinafter established.

PERSON — Any individual, firm, corporation, association, partnership, institution or public body.

PUBLIC HEALTH LAW — The Public Health Law of the State of New York.

§ 305-2. Permits.

A. All applications for permits or written approvals hereinafter required shall be made upon forms prescribed and furnished by the Department of Health and shall be signed by the applicant, who shall be the person or authorized agent thereof responsible for conformance to the conditions of the permit. The application shall contain data and information and be accompanied by such plan as may be required by the Commissioner. A permit issued to a particular person or for a designated place or purpose shall not be valid for use by any other person or for any place or purpose other than that designated therein. Each permit or written approval may contain general or specific conditions, and every person who shall have procured a permit or written approval as herein required shall conform to the conditions prescribed in the permit or written approval and to the provisions of the State Sanitary Code. Each permit shall expire on the date stated in the permit and may be renewed or extended by the Commissioner or may be suspended for cause by the Commissioner or revoked by the Commissioner after due notice and hearing. All permits issued hereunder shall remain the property of the Department of Health and shall, on demand, be surrendered to an authorized representative of the Department of Health whenever any permit expires or is suspended or revoked. Permits shall be posted conspicuously on the premises or vehicles for which they are issued.

B. Where applicable, the Commissioner may require a certificate of occupancy, issued by a municipality, before a permit is issued by the Department of Health.

§ 305-3. Admissibility as evidence.

Certified copies of this chapter shall be received in evidence in all courts of law and proceedings in the State of New York.[1]

§ 305-4. Effect on other legislation.

A. Public Health Law.

(1) The provisions of the Public Health Law shall continue in full force and effect except as otherwise modified or superseded by this chapter.

(2) All penalties and remedies at law set forth in the Public Health Law shall be construed as additional sanctions available to the Commissioner of Health as the same are not inconsistent with the procedural provisions set forth in Article VII of this chapter. **[Amended 4-4-1991 by L.L. No. 10-1991]**

B. Local legislation. Nothing herein shall be construed to restrict or abrogate the authority of any municipality in the Health District to adopt and enforce additional ordinances consistent with New York State law, the New York State Sanitary Code and the Broome County Sanitary Code.

§ 305-5. Department of Health fees for operating permits and review of plans. [Amended 3-29-1983 by L.L. No. 5-1983; 12-20-1983 by L.L. No. 1-1984; 5-15-1987 by L.L. No. 4-1987; 12-30-1988 by L.L. No. 1-1989; 10-16-1989 by L.L. No. 10-1989; 11-13-1989 by L.L. No. 14-1989; 12-27-1990 by L.L. No. 4-1991; 12-12-1991 by L.L. No. 16-1991; 12-29-1992 by L.L. No. 2-1993; 2-18-1993 by L.L. No. 7-1993; 11-12-1993 by L.L. No. 15-1993; 11-8-1999 by L.L. No. 10-1999; 11-23-2009 by L.L. No. 7-2009; 10-21-2010 by L.L. No. 10-2010[2]]

Fees are established for the issuance of operating permits by the Department of Health under this chapter or the applicable provisions of the New York State Sanitary Code, and no such permit shall be issued by the Commissioner until such fee has been paid. Fees are established for the services of the Department of Health in reviewing plans; final approval of such plans shall not be given unless such fees have been paid. Payment of such fees shall also cover any inspection of the sites during construction, regardless of the number of site visits necessary. These fees and charges, as well as miscellaneous fees charged for Health Department services, are as set forth in the Schedule of County Fees in Chapter 257, Fees and Charges, Article XIV.

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1. **Editor's Note: Original § 1.18, Investigation and enforcement, which immediately followed this section, was repealed 10-15-1985 by L.L. No. 6-1985.**

2. **Editor's Note: Amended at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I).**

A. The following categories of fees are established for the issuance of operating permits by the Department of Health under this code or the applicable provisions of the New York State Sanitary Code, and no such permit shall be issued by the Commissioner until such fee has been paid:

(1) For a food service establishment.

(2) For a pool and/or bathing beach.

(3) For a hotel or motel.

(4) For a mobile home park, the annual operating permit fee shall be an annual base charge plus an annual charge for parks with private water supplies or private sewage systems. Facilities which are issued two-year permits pay 1/2 of the annual fee per year. Two-year permits will be issued to facilities which have had no violations of 10 NYCRR 5 (Drinking Water Supplies) during the previous year or are served by municipal water or sewage systems.

(5) For a seasonal travel-trailer camp or campsite.

(6) For a children's camp.

B. Fees are established for the services of the Department of Health in reviewing plans for the following. Final approval of such plans shall not be given unless such fees have been paid. Payment of such fees shall also cover any inspection of the sites during construction, regardless of the number of site visits necessary.

(1) For a food service establishment.

(2) For a pool and/or bathing beach.

(3) For a hotel/motel.

(4) For a seasonal travel-trailer camp.

(5) For a mobile home park.

(6) For a children's camp.

(7) For sewage disposal systems.

(a) For replacement of on-site residential sewage disposal systems and regardless of other provisions of this code, a fee for design and construction approval. For new construction of on-site residential sewage disposal systems and regardless of other provisions of this code, a fee for review of designs prepared by and construction approval performed by a New York State licensed engineer/architect.

(b) For commercial on-site sewage disposal systems, a fee for review of designs prepared by and construction approval performed by a New York State licensed engineer/architect.

(8) For land development plan review.

(9) For a community water system, a fee for plan review for systems utilizing a new source and for distribution system only.

(10) For review of a mass gathering plan.

(11) For a spa.[3]

C. Miscellaneous fees have also been established for search of Health Department records and for HIV counseling/testing training.

D. Notwithstanding any other provision of this section:

(1) Not-for-profit entities, as determined by the Commissioner, shall not be charged fees for permits for services they provide; however, such entities shall be charged fees for permits required in connection with fund-raising activities.

(2) Notwithstanding the above subsection, a not-for-profit entity, as determined by the Commissioner, operating a temporary food service establishment, as defined by § 14-2.1 of the New York State Sanitary Code, shall not be charged the fee for a food service permit in connection with fund-raising activities.

(3) Government-owned or -operated facilities will not be charged fees for permits or inspection.

(4) Fees for plan review will be waived if, in the opinion of the Commissioner, the facility has corrected a previously existing problem pursuant to the plans. However, fees will be charged for plan review for construction of a new facility or for expansion of an existing facility if such construction will increase the capacity of the facility.

(5) The Commissioner, in his or her sole discretion, has the authority to waive any fee established by this section, upon written application. In evaluating such a request, the Commissioner may request any financial information necessary for such determination.

(6) The Health Department reserves the right to require payment of fees before the provision of services.

ARTICLE II
Realty Subdivisions

§ 305-6. Definitions.

As used in this article, the word "subdivision" shall mean any tract of land which is hereafter divided into five or more parcels along an existing or proposed street, highway, easement or right-of-way for sale or rent as building plots, whether or not the lot or plots to be sold or

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3. Editor's Note: Original Subsection B(12), which was added 12-12-1991 by L.L. No. 16-1991 to immediately follow this subsection, and which established an annual sewage system installer registration fee, was repealed 11-12-1993 by L.L. No. 15-1993.

offered for sale or leased for any period of time are described by metes and bounds or by reference to a map or survey of the property or by any other method of description.

§ 305-7. Approval of subdivisions.

Any person who shall engage in the development of a subdivision shall first submit to the Commissioner a detailed plan or plot of the subdivision, together with such other information relating to the nature of the terrain, adjacent private or public water supplies and any other pertinent information as may be required, including a statement regarding the methods proposed for providing water supply and for the disposal of sewage and other wastes. No such subdivision or portion thereof shall be sold, offered for sale, leased or rented by a corporation, company or person and no use thereof involving water supply and sewage disposal shall be undertaken thereon until a plan or plot of such subdivision shall have been filed with and approved by the Commissioner. The plan or plot shall comply with the aforesaid requirements, except that the Commissioner may, in his discretion, accept a less detailed plan or plot, but containing such information as he may require. If approved, the installation of such facilities shall be in accordance with the plan or plot as approved, or any approved revision or revisions thereof. If, in the judgment of the Commissioner, the proposed method of providing water supply or sewage disposal would be or might become inadequate or would endanger the public health by reason of unfavorable topography, drainage, soil, density of population or any other sanitary or physical feature, the Commissioner may refuse such approval. The determination of the Commissioner in refusing such approval shall be final.[4]

§ 305-8. Furnishing plans to purchasers.

Owners of subdivisions offering lots for sale in a subdivision in which a public water supply and a sanitary sewer system are not provided shall furnish each purchaser at the time of sale with a legible reproduction of the approved plan or plot of the subdivision as approved by the Commissioner.

§ 305-9. Commissioner's approval required for filing.

The Broome County Clerk shall not record or accept for filing or recording any map, plot or plan showing a subdivision of five or more lots in any municipality unless there is endorsed thereon or annexed thereto a certificate of the Commissioner approving the water supply and sanitary sewer system proposed or installed for such subdivision and consenting to the filing thereof.

§ 305-10. Effect on Department of Environmental Conservation. [5]

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4. Editor's Note: Original § 2.3, Filing fee, which immediately followed this section, was repealed 5-15-1987 by L.L. No. 4-1987.

5. Editor's Note: Amended at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I).

Nothing herein contained shall be construed to delegate the general powers of the Department of Environmental Conservation, nor to impair or deprive such Department of its powers and functions as now provided by law.

§ 305-11. Performance bond.

A. Any person who shall engage in the development of a subdivision as defined in this article shall provide a bond guaranteeing the installation of water supply and sewage facilities in accordance with the plot or plan approved by the Commissioner or any approved revision thereof.

B. The bond shall be an amount deemed sufficient by the Commissioner to guarantee full and complete installation of said water and sewer facilities.

C. All applications for approval of subdivisions submitted to the Commissioner shall state a date and time deemed reasonable by the Commission for the completion of such water or sewer facilities.

D. If a municipality requires a performance bond, it shall incorporate the requirements of this article and name the County of Broome as an additional insured.

E. A municipal bond as set forth in Subsection D shall be in addition to the bond required in Subsection A, unless the amount of the municipal bond is deemed adequate by the Commissioner.

ARTICLE III
Food and Food Establishments

§ 305-12. Definitions.

As used in this article, the following terms shall have the meanings indicated:

DRINK — All liquid substances, except drugs, used or intended to be used for human consumption.

FOOD — All substances, except drugs, used or intended to be used for human consumption.

FOOD ESTABLISHMENT — Any food storage warehouse, vehicle used to transport unpackaged or perishable food, bakery, butcher shop, confectionery, delicatessen, food stores (egg, fish, fruit, grocery, ice cream, milk and vegetable), service food establishment and any other establishment where food or drink is prepared or offered for sale or sold to the public and all kitchens and rooms pertinent thereto or connected therewith and used for the purpose of storing, cooking, processing or preparing such food or drink.

SERVICE FOOD ESTABLISHMENT — Any place in which food is prepared for public service, including all eating and drinking establishments, whether fixed or mobile, temporary or permanent, except common carriers in interstate services.

TRANS FAT — A cooking oil shall be deemed to contain artificial trans fat if the food is labeled as, lists as an ingredient, or has vegetable shortening, margarine or any kind of

partially hydrogenated vegetable oil. However, an oil whose nutrition facts label or other documentation from the manufacturer lists the trans fat content of the food as less than 0.5 gram per serving shall not be deemed to contain artificial trans fat. **[Added 12-17-2009 by L.L. No. 1-2010]**

§ 305-13. Food establishment regulations.

A. Sanitary requirements. Any person owning or operating or in responsible charge of a food establishment where food or drink intended for human consumption is sold, manufactured, cooked, processed, prepared, transported, kept or offered for sale shall operate and maintain such food establishment at all times in a clean, sanitary condition and so as to conform to the requirements of the State Sanitary Code. Any food or drink kept or displayed in such establishment in the manner that food or drink for sale for human consumption is ordinarily kept or displayed shall be deemed to be offered for sale for human consumption. Sale or offering for sale in the Health District of food or drink manufactured, cooked, processed or prepared in any store or place located outside the Health District shall be contingent upon evidence satisfactory to the Commissioner of reasonable compliance with the regulations of the Sanitary Code. When any service food establishment, upon inspection by the Broome County Health Department, has received notification by said Health Department of violations of the Sanitary Code pertaining to food and food contact surfaces, the permit issued to such service food establishment pursuant to the Sanitary Code shall be automatically suspended and the service food establishment closed for a minimum period of three days if the violations have not been corrected within 24 hours. Said service food establishment shall remain closed and the permit to operate said service food establishment shall not be reissued until full compliance with the Sanitary Code and the previous inspection report satisfactory to the Commissioner of Health or his designee is achieved. **[Amended 4-4-1978 by L.L. No. 3-1978]**

B. Permit required. **[Amended 4-4-1978 by L.L. No. 3-1978; 3-29-1983 by L.L. No. 5-1983]**

(1) No person, firm or corporation shall maintain or operate a food establishment without first having obtained a permit therefor from the Commissioner. Said permit shall be issued upon proof of compliance with the provisions of the State Sanitary Code and payment of an annual fee.

(2) The Commissioner may, at his or her discretion, waive the required permit for itinerant or temporary eating places where such places are maintained by nonprofit community organizations, fraternal organizations or religious or other like organizations serving occasional single meals, provided that any such establishments conform to all other requirements of the State Sanitary Code.

C. Rules and regulations. Food establishments shall comply with the provisions of Part 14 of the New York State Sanitary Code entitled "Service Food Establishments," and any amendments thereto, as the same is set forth in Title 10 of the New York Codes, Rules and Regulations.

D. Exceptions. In the case of places handling essentially packaged food and providing limited services such as vehicles, mobile lunch wagons or carts, roadside stands and stands of concessions operated in conjunction with a fair, carnival or circus, exceptions to the above requirements will be considered only when, in the opinion of the Commissioner, full enforcement is impracticable and such modification will not unduly endanger the public health.

E. Sampling, embargo and condemnation.

(1) Such samples of food, drink, ingredients, containers or any substance used in connection with the preparation of food or drink may be taken by a duly authorized representative of the Department of Health for examination from any food establishment at any time and as often as he may deem necessary for the detection of unwholesome or unsanitary conditions.

(2) Any such food, drink or other substance may be stopped from sale or use or placed under an embargo by the Commissioner for such reasonable period of time as may be necessary to determine that such food, drink or substance is decomposed, unwholesome, unfit for human consumption or dangerous to the public health. No such food, drink or other substance shall be used, removed, destroyed or otherwise disposed of while under such embargo.

(3) Should the embargoed articles be found unfit for human consumption, the Commissioner shall inform the owner, in writing, stating the reasons as to why they are unfit and directing their disposal under his supervision. The owner of the article may request a hearing before the Commissioner within five days of the date of this statement. Unless agreed upon by the owner, the embargoed articles shall not be disposed of within this period of five days. The decision resulting from the hearing shall be final.

(4) Nothing in this section shall prohibit the Commissioner from referring the entire matter at any time to the duly authorized representative of federal, state and local agencies having responsibilities or jurisdiction in the matter concerned.

F. Prohibition of using cooking oils containing trans fat. **[Added 12-17-2009 by L.L. No. 1-2010]**

(1) No cooking oils, shortenings or fats that are used for frying that contain trans fat, as defined in this article, shall be stored, distributed, held for service or used at any food services establishment.

(2) Food establishments shall maintain on site the original labels for all cooking oils, shortenings or fats that are, when purchased by such food service establishments, required by applicable federal and state law to have labels, and that the products are currently stored, distributed, held for service, used in preparation of any menu item or served by the food service establishment. If original labels were not required by law, then documentation from the manufacturer or distributor indicating the trans fat content in these food items must be maintained at the food service establishment.

ARTICLE IV
Sewage Disposal and Water Supply

§ 305-14. Definitions. [Amended 4-4-1978 by L.L. No. 3-1978]

As used in this article, the following terms shall have the meanings indicated:

CERTIFICATE OF APPROVAL — A written statement signed by the Commissioner of Health approving the water supply and/or sewage disposal facilities for any individual dwelling, school, place of business, industry, trade establishment, institution or other premises.

COMPLIANCE SCHEDULE — A written statement signed by the Commissioner of Health or his representative detailing the reasonable steps necessary to correct any violation of this chapter and detailing reasonable time periods necessary to complete such steps. Each such statement shall contain a space at the end of such written statement wherein the person so notified may execute said schedule and agree to the terms therein.

PRIVATE SEWAGE DISPOSAL SYSTEM — A sewage disposal system or facility that is not directly connected to an approved public or municipal sanitary sewerage system.

SEWAGE — Human excreta or the water-carried discharges of the human body and/or the liquid wastes from household, business, recreation, industry or trade establishments or other places, together with such groundwater infiltration and surface water as may be present.

§ 305-15. Sewage disposal systems; prohibited discharges. [Amended 4-4-1978 by L.L. No. 3-1978]

A. No person shall construct, maintain or operate or allow to be constructed or maintained or operated any private sewage disposal system, privy or cesspool so as to expose or discharge the sewage or sewage effluent therefrom so as to endanger any source or supply of drinking water or so as to cause a public health nuisance without the permission of and treatment acceptable to the Commissioner. Such sewage disposal system, privy or cesspool shall be corrected in a manner acceptable to or recommended by the Commissioner or his representative.

(1) In order to achieve flexibility in methods designed to achieve compliance with the State Sanitary Code, the Broome County Department of Law may and hereby is authorized to enter into written schedules of compliance with any person who shall have been found to have constructed, maintained or operated or who has allowed such construction, maintenance or operation of any private sewage disposal system, privy or cesspool in violation of the State Sanitary Code. Such compliance schedules shall specify the reasonable steps to be taken by said person to correct said violations and shall specify reasonable dates upon which said steps shall have been completed. When such schedules are issued, the person so notified may sign a copy of said schedule and return it to the Broome County Department of Law. Thereafter, any violation of the terms of said schedule shall be a separate violation of this chapter.

(2) Upon receipt of a compliance schedule, any person who contests the reasonableness of the steps to be taken or the reasonableness of the completion

dates therein may request, in writing, within 10 days of the issuance of said schedule, a hearing as to the tasks to be undertaken and the dates required for completion. At the option of the person requesting such hearing, that person may request a hearing before the Commissioner or his representative or may request that the Commissioner appoint an impartial hearing officer; said Hearing Officer shall be a local attorney admitted to the practice of law in New York State. The Commissioner, his representative or a duly appointed Hearing Officer, when requested, shall hold a hearing under the provisions of this chapter. The Commissioner, his representative or a duly appointed hearing officer, after a hearing, may rescind or modify the compliance schedule or direct that the original terms of the compliance schedule be carried out. If after a hearing, or where no hearing has been requested, the person so notified refuses to sign said compliance schedule, the Commissioner or his representative shall cause a copy of said compliance schedule to be personally served upon the person originally notified. Upon such personal service, the terms of the compliance schedule shall be in full force and effect as if personally executed by the person so served.

B. No persons shall discharge any sewage or sewage effluent into any watercourse or surface body of water in the Broome County Health District unless a permit therefor has been issued under the provisions of the Public Health Law or State Sanitary Code for such discharge, and such discharge shall be made in accordance with the requirements thereof.

C. Any person who is engaged, in whole or in part, in the business of selling, constructing, maintaining, installing or cleaning septic tanks or private sewage disposal systems shall register that fact with the Department of Health. Such registration shall be on a form prescribed and furnished by the Commissioner. Reregistration may be required from time to time by the Commissioner or his representative, and such reregistration shall be when requested by the Commissioner or his representative. Any person who fails or refuses to so register shall be in violation of the Sanitary Code and shall be subject to the penalties set forth in § 305-41 of this chapter.

D. Any person engaged in the business of water well drilling and/or water hauling for human consumption shall register that fact with the Department of Health. Such registration shall be made on a form prescribed and furnished by the Commissioner. Reregistration may be required from time to time by the Commissioner or his representative, and such reregistration shall be when requested by the Commissioner or his representative. Any person who fails or refuses to so register shall be in violation of the Sanitary Code and shall be subject to the penalties set forth in § 305-41 of this chapter.

§ 305-16. Approval required for sewage disposal systems.

A. No person, either as owner or agent thereof, or lessee or tenant, shall undertake to construct or provide a system or facilities for the private disposal of waterborne sewage, domestic or trade wastes to serve any dwelling, school, institution or premises from which such wastes may be discharged without first having obtained preliminary approval of the proposed sewage facilities upon forms furnished by the Commissioner and upon a

determination by the Commissioner that said proposed sewage facilities will be adequate to serve the sewage disposal needs of the premises.

B. The owner or his agent or the lessee or tenant who shall be in responsible charge of any dwelling, school, institution or premises for which a preliminary approval has been obtained shall have the system, when completed, left uncovered for inspection by a representative of the Broome County Health Department and/or municipal building inspector, provided that said inspector is approved by the Commissioner, who shall make final inspection and give final approval before backfilling and covering is carried out. If backfilling has been completed before final inspection, the owner or his agent will be required to have the work uncovered to permit such inspection. **[Amended 4-4-1991 by L.L. No. 10-1991]**

C. A copy of the preliminary approval shall be issued by the Broome County Health Department and shall be supplied to the town planning board or other municipal agency charged with the responsibility of issuing building permits and to the owner or his agent.

§ 305-17. Approval required for private water supply.

A. No person, either as owner or agent thereof, or lessee or tenant, shall undertake to construct or provide a system or facilities for the supply of water from a dug, driven or drilled well or from any other source to serve any dwelling, school, institution or premises without first having obtained preliminary approval of the proposed system from the Commissioner of Health. Such preliminary approval shall be granted upon the filing with the Commissioner of a description of the proposed facilities upon forms furnished by the Commissioner and upon a determination by the Commissioner that the proposed facilities will be adequate to serve the water supply needs of the premises.

B. The owner or his agent or the lessee or tenant who shall be in responsible charge of any dwelling, school, institution or premises for which a preliminary approval has been obtained shall have the system, when completed, left uncovered for inspection by a representative of the Broome County Health Department and/or municipal building inspector, provided that said inspector is approved by the Commissioner, who shall make final inspection and give final approval before backfilling and covering is carried out. If backfilling has been completed before final inspection, the owner or his agent will be required to have the work uncovered to permit such inspection. **[Amended 4-4-1991 by L.L. No. 10-1991]**

C. A copy of the certificate of approval shall be issued by the Broome County Health Department and shall be supplied to the owner or his agent.

§ 305-18. Exceptions.

A. A certificate of approval shall not be required when a permit therefor has been issued by the State Commissioner of Health or the State Water Pollution Control Board.

B. No certificate of approval shall be required for sewage and water facilities serving a building which is to be used solely for agricultural purposes.

§ 305-19. Penalties for offenses.

In addition to the penalties set forth in § 305-41 of this chapter, the Commissioner of Health shall, in his discretion, have the power to issue an order prohibiting occupancy of any premises until a certificate of approval has been obtained as here and before provided.

ARTICLE V
Air Pollution Control

§ 305-20. Definitions.

As used in this article, the following terms shall have the meanings indicated:

AIR-CLEANING DEVICE — Any method, process or equipment which removes, reduces or renders less noxious air contaminants discharged into the atmosphere.

COMBUSTION INSTALLATION — A plant, equipment or device in which fuel is burned for the purpose of generating heat, steam or hot water.

COMBUSTION PRODUCTS — Particulate and gaseous contaminants created by the burning of any kind of material.

CONTROL EQUIPMENT — A device or process which is used to reduce the emission of smoke or gaseous or particulate contaminants.

FLUE-FED INCINERATOR — An incinerator served by a vertical charging flue.

FUEL — Solid, liquid or gaseous combustible material used primarily either to kindle or sustain fire or to produce heat, including refuse to be consumed in refuse-burning equipment.

GARBAGE — Waste resulting from the distribution, preparation and serving of foods.

INCINERATOR — Any device specifically designed for the destruction by burning of garbage or other combustible refuse or waste material.

MOTOR VEHICLE — Any vehicle deriving its motive power from the internal combustion of volatile hydrocarbon liquid compounds, whether gasoline, diesel fuel or other oil, and including but not limited to earthmoving and those moving by rail.

MULTIPLE CHAMBER DESIGN — Any incinerator consisting of two or more chambers to separate the charging chute from the flue for carrying the products of combustion to the atmosphere by employing adequate design parameters necessary for maximum combustion of the material burned.

OPEN FIRE — Any fire- or smoke-producing process wherein the combustion products are directly emitted into the atmosphere without passing through a stack.

PARTICULATES — Airborne material, except water, existing in a finely divided form as a liquid or solid at standard conditions, capable of being suspended in a gaseous system.

REFUSE — Garbage, rubbish and trade waste.

RINGELMANN CHART — The chart published and described in the United States Bureau of Mine Information Circular 7718, on which are illustrated graduated shades of gray for use in estimating the light-obscuring density of smoke. (See Appendix "A.")[6]

RUBBISH — Solid or liquid waste material, including but not limited to paper, rags, ashes, tree branches, yard trimmings, furniture, tin cans, glass, crockery, demolition materials, discarded automobiles, tires, automotive parts, paints and oils.

SMOKE — Small gasborne particles, consisting essentially of black carbonous material from the burning of fuel, in sufficient number to be observable.

STACK — Conduit, chimney, duct, vent or flue arranged to conduct gaseous or gasborne products to the outer air.

TEPEE INCINERATOR — Fire enclosed in a truncated cone, with or without fire grates.

TRADE WASTE — Combustible solid or liquid material resulting from construction or any business, trade or industry operations, including but not limited to the following materials: plastics, cartons, chemicals, paints, greases, oils, other petroleum products, sawdust, dead animals and dead fowl.

§ 305-21. Commissioner's powers and duties concerning air pollution.

The Commissioner shall have the following powers and duties:

A. To control and abate air pollution in accordance with any code, rule or regulation which the Broome County Legislature may promulgate under this article and the New York State air pollution control rules and regulations.

B. To investigate complaints, make observations of smoke and other air pollution conditions and air pollution nuisances and require the necessary and proper steps to comply with this article.

C. To inspect from time to time any installation, equipment or devices that may, can or do cause air pollution or air pollution nuisance.

D. To enforce the provisions of this chapter.

E. To disseminate information to the public on air pollution reduction and control.

F. To enlist the cooperation of civic, trade, technical, scientific, educational, governmental and other organizations in the control and reduction of air pollution.

§ 305-22. Prohibitions.

A. General.

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6. Editor's Note: Appendix A is on file in the office of the Commissioner of Health, where it can be examined during regular office hours.

(1) No person shall undertake to construct a new installation which will or might reasonably be expected to increase the amount or change the effects or the characteristics of the air contaminants discharged or install an air-cleaning device without first submitting plans and specifications to the Commissioner for approval and without obtaining such approval prior to the initiation of construction. These plans and specifications will be reviewed and/or approved in accordance with the Rules to Prevent New Air Pollution, adopted by the New York State Air Pollution Control Board, as authorized by the Public Health Law.

(2) In the event that the requirement for approval prior to construction will create an undue hardship to the applicant, the applicant may request of the Commissioner a waiver to proceed with construction. The application for a waiver shall explain the circumstances which will cause undue hardship.

(3) If a waiver is granted, the applicant shall submit a report and/or plans and specifications for approval as soon as is reasonably practical, as specified by the Commissioner. The applicant, after a waiver is granted, proceeds with the construction at his own risk; and if, after construction, modification, relocation or installation has begun or been completed, the report and/or plans and specifications and completed installation do not meet approval, the alterations required to effect such approval shall be made within a reasonable time, as specified by the Commissioner.[7]

B. Smoke.

(1) Prohibitions.

(a) No person shall operate any fuel-burning equipment or other combustion installation, where the installation is first put into operation after February 1, 1967, so as to produce, emit or permit the escape of smoke, regardless of how produced or discharged, of a shade of gray density darker than No. 1 on the Ringelmann Smoke Chart or equivalent standard, except when allowed in Subsection B(2) of this section.

(b) No person shall operate any fuel-burning equipment or other combustion installation, which was in operation on or before February 1, 1967, so as to produce, emit or permit the escape of smoke, regardless of how produced or discharged, of a shade of gray density darker than No. 2 on the Ringelmann Smoke Chart or equivalent standard, except when allowed in Subsection B(2).

(2) Exceptions.

(a) When building a new fire, tube blowing or when a breakdown of equipment occurs such as to make it evident that the emission was not reasonably preventable, smoke which is equal to No. 3 on the Ringelmann Smoke Chart

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7. Editor's Note: Original Subsection B, Open fires, which immediately followed this subsection, was repealed at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I).

or equivalent standard may be emitted for a period or periods aggregating three minutes in any thirty-minute period.

(b) Special equipment to prevent frost damage may be used in agricultural operations, with the concurrence and approval of the Commissioner.

(c) Smoke may be emitted for purposes of training or research when approved by the Commissioner.

(3) Abatement.

(a) The Commissioner may require the installation of smoke-recording devices on any fuel-burning equipment or combustion installation where the density of smoke emissions has repeatedly exceeded the permissible smoke density limits of Subsection B(1).

(b) The Commissioner may order the installation of control equipment or devices to serve any equipment which causes a violation of Subsection B(1).

(c) The Commissioner may order a change in the manner of operation of any fuel-burning equipment or other combustion installation which is operated so as to cause a violation of Subsection B(1).

(d) The Commissioner may order the cleaning, repair, replacement or alteration of any fuel-burning equipment, combustion installation or control equipment which causes or is operated so as to cause a violation of Subsection B(1).

(e) The Commissioner may seal any equipment which does not conform to the requirements of Subsection B(1). The seal may be removed from equipment only upon receipt of written notice from the Commissioner stating that the equipment has been corrected to his satisfaction and that it may be used or operated.

C. Incinerators.

(1) New incinerators.

(a) No person shall undertake to construct a new incinerator or install an air-cleaning device without first submitting plans and specifications to the Commissioner and without obtaining the written approval for such new installations, modification to an existing installation or air-cleaning device from the Commissioner, except as provided elsewhere in this article.

(b) In the event that the requirement for approval prior to construction will create an undue hardship to the applicant, the applicant may request of the Commissioner a waiver to proceed with construction. The procedures following application for a waiver shall be those as described in Subsection A(2) and (3).

(c) Plans and specifications for such new installation, modifications to an existing installation or air-cleaning device shall be submitted in accordance with and shall be constructed in accordance with the standards, guides, rules

or regulations duly promulgated by the Commissioner and with the terms or conditions of the permit issued therefor or approved amendments thereto.

(d) No new installation, modification to an existing installation or air-cleaning device for which an application and plans and specifications were approved shall be placed in operation, except for testing as provided for in this article, for a period of more than 30 days without first obtaining a certificate of operation from the Commissioner.

(e) An approval of plans and specifications or certificate of operation shall not be transferable either from one location to another or from one piece of equipment to another.

(f) Whenever considered necessary by the Commissioner, such tests as are necessary to evaluate the performance of an installation shall be conducted in accordance with methods and procedures acceptable to the Commissioner, and the result of such tests shall be certified and submitted to the Commissioner. The costs of such tests shall be borne by the owner of the installation. A representative of the Commissioner shall be permitted to witness the test or tests to be conducted, which shall be performed at a time mutually convenient to all parties.

(g) Any person operating air-cleaning equipment for purposes of removing air contaminants shall provide for removal and disposal of the collected air contaminants in conformity with other provisions of this chapter and existing laws and at such intervals as may be necessary to maintain the equipment at the required operating efficiency. Such collection and disposal shall be performed in such a manner as to minimize the reintroduction of contaminants to the outer air.

(h) Persons responsible for a suspended new or modified source of air pollution, upon request of the Commissioner, shall provide, in writing, pertinent data concerning emissions.

(2) Standards. In determining compliance with the provisions of this article, the Commissioner shall be guided by the provisions of the Rules to Prevent New Air Pollution: Par. 194 Control of Air Contamination from Incinerators proposed by the New York State Air Pollution Control Board, dated November 3, 1966, and the Ambient Air Quality Objectives Classifications System adopted by the New York State Air Pollution Control Board, and any subsequent amendments thereto, or the provisions of any other rules or code which may be enacted by the New York State Air Pollution Board or by the local municipality in which the installation is located, provided that the provisions of such rules or code do not permit lower or less exacting requirements than required by the provisions of Title 10 of the New York Codes, Rules and Regulations.

(3) Existing incinerators. The operation of existing incinerators which constitute a nuisance and do not meet the requirements of the guides utilized by the Commissioner, which are the provisions of the Rules to Prevent New Air Pollution, adopted by the New York State Air Pollution Control Board, and any

subsequent amendments thereto or revisions thereof, will be reviewed in accordance with these guides. These existing incinerators will be modified to meet the requirements of this amendment.

D. Motor vehicles.

(1) Applicability. This article shall apply to all motor vehicles, including but not limited to stationary, earthmoving and those moving by rail, using gasoline or diesel fuel for motive power.

(2) No motor shall be permitted to idle more than three minutes in any one period when not in use performing its intended functions as a source of power, except under the following conditions:

(a) When a vehicle in the flow of traffic is forced to stand still because of traffic conditions over which the operator has no control.

(b) When it is necessary to idle a motor vehicle undergoing repair or servicing or during difficult starting operation due to severe weather conditions.

(c) When dilution of exhaust is so great as to create a condition which, in the judgment of the Commissioner, will not contribute significantly to air pollution.

ARTICLE VI
Rodent Control

§ 305-23. Definitions.

The following definitions shall apply only in the interpretation and enforcement of this article:

DWELLING — Any building or structure which is wholly or partly intended to be used for living or sleeping by human occupants, and includes appurtenances attached thereto.

DWELLING UNIT — Any habitable room or rooms located within a dwelling which is used or intended to be used for living, sleeping, cooking or eating.

EXTERMINATION — The control and elimination of rodents, insects, vermin or other pests by eliminating their harborage places; by removing and making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping or by any other elimination methods approved by the Commissioner of Health.

GARBAGE — Animal or vegetable waste resulting from handling, preparation, cooking or consumption of food, and also combustible waste material. The term shall also include paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings and other combustible materials.

HARBORAGES — Improperly stored or handled containers, lumber, boxes, building material, barrels, machinery, vehicles, raw materials and other such items that afford protection or nesting places for rodents, insects, vermin or other pests.

INFESTATION — The presence of any rodents, insects, vermin or other pests on a premises.

MULTIPLE DWELLING — Any dwelling containing more than two dwelling units.

NONDWELLING STRUCTURE — Any structure, except a dwelling, used or intended to be used for the shelter or enclosure of any person, animal or property of any kind.

OCCUPANT — A person who uses or occupies a building structure, whether as owner or tenant. A tenant who uses a part of a building structure shall be deemed the "occupant" of that part of which he has actual or constructive possession. The owner, agent or other person having custody or control of a building structure shall be deemed the "occupant" of the part that is vacant.

OWNER — Any person who, alone or jointly or severally with others:

A. Shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or

B. Shall have charge, care or control of any dwelling unit or dwelling as owner, lessee, mortgagee or vendee in possession, assignee of rents or as a receiver; or an executor, administrator or trustee who shall be bound to comply with the provisions of this article to the same extent as if he were the owner.

PERSON — Includes any individual, firm, public or private corporation, municipality, association, trust, estate, agency, board, department or bureau of a municipality, partnership or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

PREMISES — A parcel of land, with or without a dwelling or nondwelling erected thereon, and includes any building, accessory structure, or other structure thereon.

RODENT STOPPAGE — Preventing ingress and egress of rodents. It shall consist of blocking all passages which rodents are likely to use for a dwelling with material impervious to rodent gnawing and shall be done in a manner acceptable to the Commissioner of Health.

RUBBISH — Noncombustible waste material, and shall include the residue from the burning of weeds, coal, coke, and also tin cans, metals, mineral matter, glass, crockery, dust and other noncombustible matter.

§ 305-24. Responsibilities of owners.

A. The owners shall keep all multiple dwellings, premises or commercial vehicles free from rodents, insects, vermin and other pests and from any condition conducive to rodents, insects, vermin or other pests.

B. Whenever infestation by rodents, insects, vermin or other pests is caused by failure of the owner to maintain a dwelling, building, premises or vehicle in a rodentproof or reasonably insectproof condition, extermination shall be the responsibility of the owner.

C. When any building, premises or vehicle is subject to infestation by rodents, insects, vermin or other pests, the owner shall provide rodent stoppage.

D. When the Commissioner of Health makes a determination that an area, building, multiple dwelling, premises or vehicle is infested with rodents, insects or other pests, he may order the owner to take such rodent extermination measures as the Commissioner of Health considers necessary.

E. The owner of a multiple dwelling shall supply facilities or containers for clean, sanitary and safe storage and/or disposal of rubbish and garbage. Containers shall be animalproof, rodentproof, insectproof and watertight.

F. It shall be the responsibility of the owner to maintain free of actual or potential rodent feeding areas and harborages all communal, shared or public areas of dwellings and premises.

§ 305-25. Responsibilities of occupants.

A. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of rodents, insects, vermin or other pests therein or on the premises, and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested.

B. Every occupant of a dwelling or dwelling unit shall dispose of his garbage and rubbish in a clean, sanitary and safe manner by placing it in the facility or containers required by this article.

C. Every occupant of a dwelling unit, when required to do so by the Commissioner, shall provide rodent stoppage within the unit occupied by him.

D. The occupant of any dwelling or premises other than a multiple dwelling shall supply facilities or containers for the clean, safe, sanitary storage and/or disposal of rubbish and garbage. Containers shall be animalproof, rodentproof, insectproof and watertight.

E. No person shall feed in the open any domesticated or wild fowls, birds or animals other than in a suitable container and in such a manner so as to prevent scattering of food upon the ground or ground level which will or can provide food for rodents, insects, vermin or other pests.

ARTICLE VII
Investigations; Enforcement; Penalties

§ 305-26. Right of inspections.

A. All premises, places and persons affected by this Sanitary Code shall be subject to inspection or examination by the Commissioner or his authorized representative when required by this chapter.

B. No person shall unlawfully refuse to permit any officer or employee of the Department of Health fully and freely to inspect legally any and all premises or places when such officer or employee is so authorized by the Commissioner, and no person shall molest or

resist any such officer or employee of the Department of Health in the discharge of his duties.

C. If the owner, occupant, agent, manager or other person in charge of the premises refuses entry to the representative of the Commissioner of Health onto the premises for the purposes of making an inspection, the Commissioner of Health or his agent may then make application for a search warrant, in a court of competent jurisdiction, to effectuate the inspection.

§ 305-27. Investigations. [Amended 10-15-1985 by L.L. No. 6-1985]

The Commissioner of Health, upon receiving a complaint of violation of the Public Health Law, this chapter or the New York State Sanitary Code, or when the probable existence of a violation comes to his attention, shall make or cause to be made by his duly authorized representative an immediate and thorough inspection and investigation for the purpose of determining whether a violation exists.

§ 305-28. Notice of violation. [Added 10-15-1985 by L.L. No. 6-1985]

Whenever the Commissioner of Health determines that a violation exists, he shall direct the Environmental Health Services Director to issue a notice setting forth the alleged violation and directing the person, owner, tenant, operator, occupant or person in charge to correct such conditions as may be in violation. This notice shall be in writing and shall provide a reasonable time within which the violations must be corrected. Service of this notice shall be made personally or by certified or registered mail, return receipt requested, but the respondent's refusal to accept such mailed notice may render him liable for the cost of personal service should any of the allegations contained in said notice be sustained by admission, default or otherwise in any subsequent enforcement proceedings.

§ 305-29. Reinspections. [Added 1-15-1985 by L.L. No. 6-1985]

Upon notice of correction of the violations alleged, or at the end of the time period allowed for the correction of any violation alleged, the Commissioner shall direct an immediate reinspection. If upon reinspection it is determined that the violations have not been corrected, the Commissioner shall cause to be served a finding of violation, as provided in § 305-30, upon the respondent.

§ 305-30. Findings of violations. [Added 10-15-1985 by L.L. No. 6-1985]

A. Enforcement proceedings shall commence with the service of a finding of violation signed by a Department of Health inspector. Service of the finding of violation shall be made personally or by certified or registered mail, return receipt requested. The finding of violation shall be served at least 15 days prior to the hearing date designated therein, when service is effected personally, and at least 20 days prior to the hearing date when service is effected by mail. Should personal service be necessary due to the respondent's refusal to accept a mailed finding of violation, the respondent may be liable for the cost

of such personal service should any of the allegations be sustained by admission, default or otherwise in any subsequent enforcement proceedings.

B. The finding of violation shall contain:

(1) A short and plain statement of the facts which are alleged to constitute a violation, including the dates when such facts were observed. An inspection report of the Departmental inspector may be used in whole or in part as the Department's description of alleged violations.

(2) Specific reference to the provisions of the Public Health Law, this chapter or the New York State Sanitary Code alleged to have been violated.

(3) Information adequate for the respondent to calculate the maximum penalty assessable if the alleged violations are found to be as alleged.

(4) The date, time and place designated for a hearing on the alleged violation(s).

(5) Information adequate to apprise the respondent of the provisions relating to answers and hearings set forth in §§ 305-31 and 305-33 of this article.

(6) A statement that the respondent will be given a reasonable opportunity to be heard by written or oral argument at the scheduled hearing on issues of law and fact.

C. The Hearing Officer duly designated as provided in § 305-32 herein may allow amendments to the finding of violation, but such amendments must be reasonably within the scope of the original finding of violation or must relate to subsequent violations of the same nature as those set forth in the original finding of violation.

§ 305-31. Answer to finding of violation. [Added 10-15-1985 by L.L. No. 6-1985]

A. A respondent shall have 10 days after receipt of service of the finding of violation within which to submit an answer to the Commissioner of Health. An answer shall be deemed submitted upon receipt. The answer shall be in such form and in accordance with such instructions furnished to the respondent with the finding of violation.

B. If the respondent elects to contest any of the allegations in the finding of violation, the respondent may include with the answer a statement of defense, mitigation, denial or explanation for each contested alleged violation. When the respondent elects a hearing on the allegations, the respondent must indicate in the answer whether any witnesses will be called.

C. If the respondent elects not to contest all or part of the allegations in the finding of violation, the answer shall contain a statement to the effect that the uncontested allegations are true. Such an answer shall constitute a waiver of a hearing on the existence of the facts alleged in the finding of violation and, unless the respondent indicates that an explanation will be offered, be deemed a waiver of any hearing as to the amount of any penalty.

D. Failure of the respondent to submit an answer within 10 days after service of a finding of violation shall constitute a waiver of the right to a hearing and authorizes the Hearing

Officer duly designated as provided in § 305-32 herein, without further notice, to render a decision sustaining the allegations and to take such other appropriate action as authorized by § 305-32 herein.

E. Allegations in a finding of violation not answered within the prescribed ten-day period will be deemed admitted.

§ 305-32. Hearing officers. [Added 10-15-1985 by L.L. No. 6-1985]

The Commissioner of Health shall designate an administrative hearing officer to preside over hearings instituted pursuant to the provisions of this article. Such officer shall be appointed upon the issuance of a finding of violation and shall serve at the pleasure of the Commissioner. Such officer shall hear allegations of violations of the Public Health Law, the chapter or the New York State Sanitary Code and, in connection therewith, shall have the power to:

A. Accept pleas.

B. Examine witnesses and receive evidence.

C. Administer oaths and affirmations.

D. Sign and issue subpoenas in the name of the Commissioner of Health at the request of any party requiring the attendance, testimony and/or production of books, papers, documents or other evidence by any witness, such subpoenas to be governed by the Civil Practice Law and Rules.

E. Provide for the taking of testimony by deposition.

F. Regulate the course of hearings, set the time and place for continued hearings, and fix the time for the filing of briefs and other documents.

G. Make findings of fact and determine allegations of violations.

H. Assess penalties and order the revocation or suspension of permits and other closure.

I. Order abatement of violations and a schedule for such abatement.

J. Order the reinspection of any facility to determine compliance with the Public Health Law, this chapter, the New York State Sanitary Code or any order for abatement.

§ 305-33. Hearings. [Added 10-15-1985 by L.L. No. 6-1985]

A. Hearings shall be open to the public, presided over by a hearing officer selected by the Commissioner of Health and shall proceed with reasonable expedition and order and, insofar as practicable, shall be held at a time and place that will minimize postponements and adjournments.

B. The Hearing Officer shall not be bound by any formal rules of evidence but may hear, examine and include in the record any pertinent evidence.

C. Each party to a proceeding has the right to be represented by counsel, to present evidence, to examine and cross-examine witnesses (subject to the requirement contained in Subsection D of this section) and shall have all rights essential to a fair and impartial hearing.

D. Upon receipt of a written request from the respondent prior to the hearing date designated in the finding of violation, the Commissioner of Health will ensure the appearance of the departmental employee who signed the finding of violation. Such employee shall testify and produce for examination and consideration any written evidence deemed relevant to the allegations.

E. Failure to appear at the time and place designated for the hearing will constitute a waiver of the respondent's right to a hearing and authorizes the Hearing Officer without further notice to find the facts to be as alleged in the finding of violation and to render a decision sustaining the allegations, and to take such other appropriate action as authorized by §§ 305-32 and 305-36 of this article, notwithstanding the respondent's timely submission of any answer.

§ 305-34. Recordkeeping of hearings. [Added 10-15-1985 by L.L. No. 6-1985]

A. The record of a hearing will include:

(1) All notices, pleadings, motions and intermediate rulings.

(2) Evidence presented.

(3) Questions, offers of proof, objections and rulings.

(4) Proposed findings and exceptions, if any.

(5) Any decision or report rendered.

B. Hearings may be mechanically, electronically or otherwise recorded under the supervision of the Hearing Officer, and the original recording or an official transcript thereof shall be a part of the record.

C. Upon the written request of any party, the Department of Health will prepare the record, together with any transcript of the proceedings, within a reasonable time and shall furnish a copy to the persons so requesting such record. Except when any statute authorizes otherwise, the Department of Health is authorized to charge the cost for preparation and furnishing of such record or transcript or any part thereof and to require payment prior to preparation.

§ 305-35. Disqualification of Hearing Officer. [Added 10-15-1985 by L.L. No. 6-1985]

Hearings shall be conducted in an impartial manner. Upon filing in good faith by a respondent of a timely and sufficient affidavit of personal bias or disqualification of a hearing officer, the Hearing Officer shall determine the matter as a part of the record in the case, and his determination shall be a matter subject to judicial review at the conclusion of the hearing.

Whenever a hearing officer is disqualified or it becomes impractical for the Hearing Officer to continue a hearing, another Hearing Officer will be assigned to continue with the case.

§ 305-36. Decisions, determinations and orders. [Added 10-15-1985 by L.L. No. 6-1985; amended 10-15-1986 by L.L. No. 7-1986]

A. Promptly after the conclusion of the hearing, the Commissioner of Health shall render a written decision sustaining or dismissing the finding of violation, in whole or in part, based on the evidence adduced at the hearing. The decision, a copy of which will be served without delay on the respondent personally or by certified mail, return receipt requested, shall contain the findings of fact and, as applicable, orders issued and penalties assessed. The decision shall also state the time within which the penalty must be paid or the order must be carried out.

B. Final orders or determinations of the Commissioner of Health shall be subject to review as provided in Article 78 of the Civil Practice Law and Rules.

C. Should the respondent fail to pay any penalty assessed or otherwise fail to comply with any orders issued, the Commissioner of Health may institute a suit in his name in any court of competent jurisdiction to recover penalties or to compel compliance.

§ 305-37. Variances. [Added 10-15-1985 by L.L. No. 6-1985; amended 10-15-1986 by L.L. No. 7-1986]

At any time during the investigation and enforcement proceedings provided herein, the Commissioner of Health may grant variances from the provisions of this chapter if he finds that there is a practical difficulty or undue hardship connected with the performance of any act required by this chapter. The party seeking such variance shall agree, in writing, to take such alternative measures as will in the Commissioner's judgment adequately protect the public health. All such variances shall be subject to the requirements of the New York State Sanitary Code.

§ 305-38. Compliance schedule agreements. [Added 10-15-1985 by L.L. No. 6-1985]

A. At any time during the investigation or enforcement proceedings provided herein, the Commissioner may enter into a compliance schedule agreement for the correction of any violation of the Public Health Law, this chapter or the New York State Sanitary Code. Such agreement shall be approved as to form by the Broome County Department of Law. During the term of such agreement, all further enforcement action against the person signing such agreement shall be suspended; provided, however, that where such violation worsens so as to constitute an immediate public health hazard, enforcement may resume, and the period of suspension provided in the agreement shall be terminated. Further, any failure to meet the requirements established by such agreement shall terminate the period of suspension provided therein, and enforcement may resume.

B. Where such agreement is fully executed, any violation of the terms of the schedule shall constitute a separate violation of this chapter and subject the violator to the penalties set forth in § 305-41 of this chapter.

§ 305-39. Effect on other legislation. [Added 10-15-1985 by L.L. No. 6-1985]

A. The procedures set forth in this article shall be in addition to the provisions relating to the issuance, expiration, suspension or revocation of permits as set forth in § 305-2 of this chapter.

B. Nothing contained herein shall be construed to preclude the Commissioner from compelling compliance or restraining violations under any other applicable provision of law.

§ 305-40. Interference with notices.

No person shall remove, mutilate or conceal any notice or placard of the Department of Health posted in or on any premises or place, except by first obtaining the written permission of the Commissioner.

§ 305-41. Penalties for offenses. [Amended 10-15-1985 by L.L. No. 6-1985; 10-15-1986 by L.L. No. 7-1986]

A. Any violation of any provision of the Public Health Law, this chapter or the New York State Sanitary Code shall be deemed a violation, and any person found guilty thereof shall be liable for a civil penalty which shall not exceed $500 per violation.

B. Each day in violation shall constitute a new violation.

C. The investigation of violations hereunder and the enforcement of the penalties provided herein shall proceed as set forth in this article.

D. In addition to the above-provided civil penalties, the Commissioner of Health may also maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or to restrain any violations of the Public Health Law, this chapter or the New York State Sanitary Code.

E. In addition to the above-provided civil penalties, any person found guilty of a violation of any provision of this chapter shall be liable to a fine not exceeding $250 or to imprisonment not to exceed 15 days, or both, for a first offense; and to a fine which shall not exceed $500 or to imprisonment not to exceed 15 days, or both, for a second or subsequent offense.

ARTICLE VIII
Feline Rabies Control
[Added 2-21-1991 by L.L. No. 6-1991]

§ 305-42. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ANIMAL CONTROL OFFICIAL — Any person, persons or organization contracted by a municipality for the control of animals.

BITE — To seize by the teeth so that the skin of the person or animal has been nipped or gripped, wounded or pierced and includes probable contact of saliva with a break or abrasion of the skin or with any mucous membrane.

CAT — All members of the domesticated feline (Felis catus) three months of age or older.

OWNER — Any person who keeps or harbors a cat or who has it in his care or permits it to remain on or about any premises occupied by him.

RABID TERRESTRIAL ANIMAL — An animal or animals that by its nature feeds on the ground and that is infected with rabies.

RABIES VACCINE — An animal rabies vaccine licensed by the United States Department of Agriculture and administered according to the recommendations of the National Association of State Public Health Veterinarians.

SIGNIFICANTLY REPORTED — The verbal or written report of a confirmed rabid terrestrial animal infected with a strain of virus that is expected to rapidly spread to other terrestrial animals.

VACCINATION — The administration of rabies vaccine by a licensed veterinarian or under the supervision of a licensed veterinarian. A cat is considered vaccinated only during the time the vaccine has given it an immunity to rabies.

§ 305-43. Vaccination required; exceptions.

A. The owner of every cat which is three months of age or older shall have the cat vaccinated against rabies.

   (1) The duration of the vaccine's immunity shall be consistent with the specifications of the rabies vaccine used.

   (2) Evidence of vaccination shall consist of a certificate signed by a licensed veterinarian, with the original certificate given to the owner and a copy retained by the person administering the vaccine.

   (3) The certificate shall legibly include a description of the cat; its age, sex and breed; the name and address of the owner; the name of the manufacturer of the vaccine, its type and lot number used; and the date the cat shall be revaccinated.

B. The vaccination requirement shall not apply to cats owned by a nonresident while passing through Broome County for a period not exceeding 15 days, to cats confined to the premises of incorporated societies devoted to the care of lost, strayed or homeless animals or confined to the premises of public or private hospitals devoted to the treatment of sick animals or confined for the purposes of research to the premises of colleges or other educational or research institutions.

§ 305-44. Penalties for offenses.

A. As long as terrestrial rabies is not significantly reported in Broome County, owners of cats shall be subject to a notice of violation and to a penalty when the cat(s) is found to be unvaccinated at the following times:

(1) When the cat is reported to have bitten a person.

(2) When the cat is reported to have bitten or been bitten by other domestic or wild warm-blooded animals other than rodents.

(3) When the cat has been impounded by an animal control official and is redeemed by the owner.

B. When terrestrial rabies is significantly reported in Broome County, the owners of cats shall be subject to a notice of violation and to a penalty when the cat(s) is found, at any time, to be unvaccinated.

ARTICLE IX
Automated External Defibrillators
[Added 9-4-2007 by L.L. No. 5-2007]

§ 305-45. Definitions. [Amended 7-17-2008 by L.L. No. 4-2008]

As used in this article, the following terms shall have the meanings indicated:

ADULT RESIDENTIAL FACILITIES — Adult homes and assisted-living programs licensed by New York State law and skilled-nursing facilities certified by New York State law that offer medical or custodial care provided in conjunction with housing.

AED — An automated external defibrillator.

FITNESS/HEATH CLUBS — Those fitness/health clubs with a membership of 200 or more persons.

GOLF COURSES — All golf courses regardless of size and number of holes, including municipal, public and private courses.

MUNICIPAL RECREATION FIELDS OR FACILITIES — Those fields or facilities used by youth and adult organizations for sporting events.

PLACES OF PUBLIC ASSEMBLY — Those places of public or private assembly or employment and shall include all facilities used for conducting recreational and sporting events, gymnasiums, theaters, businesses, malls, and social organizations.

SCHOOLS — Those schools, whether public or private, with an enrollment of 200 or more students.

YOUTH ORGANIZATIONS — Those organizations with enrollment or membership of 200 or more persons.

§ 305-46. Facilities and organizations required to have on-site AEDs and trained personnel. [Amended 7-17-2008 by L.L. No. 4-2008]

The following facilities/organizations are required to have an AED on site and a person available who is trained in CPR and the use of an AED:

A. All places of public assembly during an event at which 500 or more individuals are in attendance at any given moment in time.

B. All youth organizations during all sponsored sporting or recreational events at which 500 or more individuals are in attendance at any given moment in time, including participants, officials and spectators.

C. All fitness/heath clubs, during hours of operation.

D. All schools, public or private, during regular school hours and for extra curricular activities at which 500 or more individuals are in attendance at any given moment in time.

E. Adult residential facilities consisting of 20 or more residential dwelling units, during hours of operation.

§ 305-47. Facilities/organizations required to have AED available. [Amended 7-17-2008 by L.L. No. 4-2008]

The following facilities/organizations are required to have an AED available on site:

A. All municipal recreation fields or facilities during events at which 500 or more individuals are in attendance at any given moment in time, including participants, officials, and spectators.

B. Golf courses are required to have an AED on site and an employee trained in CPR and AEDs. Golf courses are required to post, in the clubhouse and all golf carts, signs that state that an AED is available and the location of the AED. Said signs shall include the phone number for the golf course pro shop or business office or building where the AED is located as well as the phone number for the appropriate emergency medical responder(s).

§ 305-48. Investigations; enforcement; penalties for offenses.

Article VII of this chapter shall apply to investigations, enforcement and penalties.

§ 305-49. Waivers.

Those entities subject to the requirements of this article that do not have an AED on site and a person trained in CPR and the use of an AED available on the effective date of this article shall have six months from the effective date of this article to comply with said requirements. Prior to the expiration of said six-month period, the Broome County Commissioner/Director

of Health, upon application of the entity, may waive compliance with this article for an additional period of six months.

§ 305-50. Limitation of liability.

Section 225(5-b)(e) of the New York Public Health Law shall apply to any public access defibrillation provider or any employee or other agent of the provider who, in accordance with the provisions of the Public Health Law and this article, voluntarily and without expectation of monetary compensation renders emergency medical or first aid treatment using an AED which has been made available pursuant to the requirements of this article or the New York Public Health Law.

§ 305-51. Interagency cooperation.

All schools are encouraged to make their AEDs available to community groups when nonsponsored events take place at their facilities. Troop C of the New York State Police, when responding to incidents in Broome County, is requested to provide an AED and trooper trained in its use. All places of worship are encouraged to have an AED and trained operator present during substantially attended events. Other law enforcement agencies in Broome County are encouraged to equip their patrols with an AED and train their personnel in its proper use.

§ 305-52. Responsibility for compliance.

It shall be the responsibility of the owner of a facility required under § 305-46 or 305-47 of this article to ensure that his or her facility is in compliance either by directly supplying the AED and trained personnel or by requiring an organization using the facility to provide the AED and trained personnel.

ARTICLE X
Sale and Possession of Synthetic Cathinones, Synthetic Cannabinoids, Synthetic Hallucinogens and Salvia Divinorem
[Added 5-7-2013 by L.L. No. 5-2013]

§ 305-53. Definitions.

For the purposes of this article, the following terms shall have the meanings indicated, unless the context clearly requires otherwise:

DISTRIBUTE, DISTRIBUTING or DISTRIBUTION — Means and covers the following activity: to offer for sale, distribute, furnish, gift, transfer, exchange or give, to any person and each transaction of those natures made by any person, whether as principal, proprietor, agent, servant, or employee.

MORTGAGEE — The person who is listed as the mortgagee on any unsatisfied or otherwise open mortgage on the premises recorded in the office of the Broome County Clerk.

OWNER — The person in whose name the premises affected by an order, issued in accordance with this article, is recorded as the owner in the office of the Broome County Clerk.

PERSON — Any individual, minor, corporation, business trust, estate, trust, partnership or association, or any other entity or business organization of any kind.

POSSESSION — To possess on one's own person or possession by a person exercising dominion or control over the immediate area where contraband is found, whether in a vehicle, vessel, container, snowmobile, dwelling, building or structure or whether upon public or private property.

PREMISES — The building, place, or property whereon a public nuisance is being conducted or exists.

PUBLIC NUISANCE — For purposes of this article, a public nuisance shall be deemed to exist whenever, through violations of any of the following provisions resulting from separate incidents predicated at events, circumstances or activities occurring on the premises, 12 or more points are accumulated within a period of six months, or 18 or more points within a period of 12 months, in accordance with the following point system: Where more than one violation occurs during a single incident, the total points for the incident shall be the highest point value assigned to any single violation.

SALE — Means and covers the following activities: to offer for sale, to sell, to distribute, to furnish, to gift, to transfer, to barter, exchange or give to any person or minor and each and every transaction of the same or similar nature made by any person, whether as principal, proprietor, agent, servant, or employee, with or without actual consideration.

SALVIA DIVINORUM — The herb commonly known as "Diviner's Sage," "Maria Pastora," "Sage of the Seers," "The Key," "Purple Salvia," "Purple Haze," or "Sally D," whether sold as a whole plant, loose leaves, or as a concentrated extract of the chemical salvinorin A.

SHERIFF — The Sheriff of the County of Broome or his or her designee.

SYNTHETIC CANNABINOIDS —

A. Any organic product consisting of plant material that contains a synthetic chemical compound that elicits psychoactive or psychotropic euphoric effects, including but not limited to the following: any synthetic cannabinoid compound that contains 1-pentyl-3-(1-naphthoyl) indole (JWH-018), 1-butyl-3-(1-naphthoyl) indole (JWH-073), 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200), 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, (CP-47,497), 5-(1,1-dimethyloctyl)-2-[1R,3S)-3-hydroxycyclohexyl]-phenol, (cannabicyclohexanol; CP-47, 497 C8 homologue); 2-(3 hydroxycyclohexyl)-phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent; 3-(1-naphthoyl) indole or 3-(1-naphthylmethane) indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent; 3-(1-naphthoyl) pyrrole by substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent, whether

or not substituted on the naphthoyl ring to any extent; 1-(1-naphthylmethylene) indene by substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent; 3-phenylacetylindole or 3-benzoylindole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent; 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP-47,497); 5-(1,1-dimethyloctyl)-2-[(l R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol or CP-47,497 C8-homolog); l- pentyl-3-(1-naphthoyl)indole (JWH-018 and AM678); l-butyl-3-(1-naphthoyl) indole (JWH-073); 1-hexyl-3-(1-naphthoyl) indole (JWH-019); 1-[2-(4- morpholinyl)ethy1]-3-(1-naphthoyl) indole (JWH-200); 1-pentyl-3-(2-methoxyphenylacetyl) indole (JWH-250); 1-pentyl-3-[1-(4-methoxynaphthoyl)] indole (JWH-081); 1-pentyl-3-(4-methyl-l-naphthoyl) indole (JWH-122); l-pentyl-3-(4-chloro-l-naphthoyl) indole (JWH-398); l-(5-fluoropentyl)-3-(l-naphthoyl) indole (AM2201); 1-(5-fluoropentyl)-3-(2-iodobenzoyl) indole (AM694); 1-pentyl-3-[(4- methoxy)-benzoyl] indole (SR-19 and RCS-4); 1-cyclohexylethyl-3-(2-methoxyphenylacetyl) indole (SR-18 and RCS-8); and 1-pentyl-3-(2-chlorophenylacetyl) indole (JWH-203); or any derivatives, synthetic substances and their isomers with similar chemical structure or any chemical alteration of these compounds which exhibit the same effects and/or any other substantially similar chemical structure or compound.

B. Synthetic cannabinoids products are commonly marketed under the following names: K2, K3, Spice, Genie, Smoke, Pot-Pourri, Buzz, Spice 99, Voodoo, Pulse, Hush, Mystery, Earthquake, Black Mamba, Stinger, Ocean Blue, Serenity, Fake Weed, but may be marketed under other trade names and contain a common disclaimer that these products are "not safe for human consumption" or similar disclaimer.

SYNTHETIC CATHINONES —

A. Any crystalline or powder product that contains a synthetic chemical compound that elicits psychoactive or psychotropic stimulant effects, including but not limited to the following substances: 3,4-methylenedioxymethcathinone (Methylone); 4-methoxymethcathinone (Methedrone); 4-fluoromethcathinone (Flephedrone); 3-fluoromethcathinone (3-FMC); naphthylpyrovalerone; alpha-pyrrolidinopentiophenon (Alpha-PVP); Penteedrone; Ethylpropion; 4-methylethcathinone (4-MEC); alpha-pyrrolidinobutiopnenone; or any derivatives, analogues, synthetic substances and their isomers with similar chemical structure or any chemical alteration of these compounds which exhibit the same effects and/or any other substantially similar chemical structure or compound.

B. Synthetic cathinones are commonly marketed under the following trade names: Bliss, Blizzard, Blue Silk, Bonzai Grow, Charge Plus, Charlie, Cloud Nine, Euphoria, Glass Cleaner, Hurricane, Ivory Snow, Ivory Wave, Legal Phunk, Tranquility, Zoom, Lunar Wave, Ocean, Ocean Burst, Pixie Dust, Plant Food, Posh, Pure Ivory, Purple Wave, Red Dove, Scarface, Snow Leopard, Stardust, Vanilla Sky, White Dove, White Night and White Lightning, but may be marketed under other trade names and contain a common disclaimer that these products are "not safe for human consumption" or similar disclaimer.

C. "Synthetic cathinones," as defined herein, shall not apply to nonprescription over-the-counter drugs approved or regulated by the Federal Food and Drug Administration.

SYNTHETIC DRUG — Includes the definitions of "synthetic cathinones," synthetic cannabinoids," "synthetic drug," and "synthetic hallucinogens" in this section and shall additionally be defined as:

A. Any substance prohibited in the federal Synthetic Drug Abuse Prevention Act of 2012, (S. 3187);[8] and

B. Any synthetic drug analog which shall include a substance prohibited by 21 U.S.C. § 813, the Federal Analog Act, or any synthetic drug prohibited hereunder:

(1) The chemical structure of which is substantially similar to the chemical structure of a synthetic drug as described above; or

(2) Which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a synthetic drug as described above; or

(3) Which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a synthetic drug as described above.

SYNTHETIC HALLUCINOGENS — Any crystalline or powder product or any organic plant material that is laced with or contains a synthetic chemical compound that elicits psychoactive or psychotropic stimulant effects, including but not limited to the following substances: 2-(2,5-dimethoxy-4-ethylphenyl) ethanamine (2C-E); 2-(2,5-dimethoxy-4-methylphenyl) ethanamine (2C-D); 2-(4-chloro-2,5-dimethoxyphenyl) ethanamine (2C-C); 2-(4-iodo-2,5-dimethoxyphenyl) ethanamine (2C-I); 2-[4-(ethylthio)-2,5-dimethoxyphenyl] ethanamine (2C-T-2); 2-[4-(isopropylthio)-2,5-dimethoxyphenyl] ethanamine (2C-T-4); 2-(2,5-dimethoxyphenyl) ethanamine (2C- H); 2-(2,5-dimethoxy-4-nitro-phenyl) ethanamine (2C-N); and, 2-(2,5-dimethoxy-4-(n)-propylphenyl) ethanamine (2C-P); or any derivatives, synthetic substances and their isomers with similar chemical structure or any chemical alteration of these compounds which exhibit the same effects and/or any other substantially similar chemical structure or compound.

§ 305-54. Sale or possession of synthetic drugs prohibited.

A. Unlawful possession of a synthetic drug. A person is guilty of unlawful possession of a synthetic drug when said person knowingly and unlawfully possesses a substance containing psychoactive bath salts, psychoactive herbal incense and/or a synthetic hallucinogen unless otherwise prescribed by a licensed physician.

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8. Editor's Note: See 21 U.S.C. § 801 et seq.

B. Criminal sale of a synthetic drug. A person is guilty of criminal sale of a synthetic drug when said person knowingly and unlawfully sells a substance containing psychoactive bath salts, psychoactive herbal incense and/or a synthetic hallucinogen unless otherwise licensed by the U.S. Drug Enforcement Agency, the Food and Drug Administration or New York State Department of Health.

§ 305-55. Sale or possession of Salvia divinorum prohibited.

A. No person shall knowingly possess, sell or offer for sale Salvia divinorum within the County of Broome.

B. The provisions of this section shall not apply to nonprescription over-the-counter drugs approved or regulated by the Federal Food and Drug Administration.

§ 305-56. Enforcement.

Sections 168-54 and 168-55 may be enforced by any police officer, as that term is defined by the New York State Criminal Procedure Law § 1.20 (34), within the County of Broome.

§ 305-57. Penalties for offenses.

Any person who knowingly and unlawfully violates the provisions of § 168-54 or § 168-55 shall be guilty of an unclassified misdemeanor as defined by New York State Penal Law § 55.10.(2)(c) and, upon conviction, shall be punishable by a fine of up to $1,000 or up to one year's imprisonment, or both.

§ 305-58. Public nuisance declared.

A. It is hereby declared to be a public nuisance for any person to manufacture, repackage, sell or distribute synthetic cathinones, synthetic hallucinogens and/or synthetic cannabinoids within the County of Broome.

B. It is hereby declared to be a public nuisance for any person to sell, manufacture, repackage, mislabel and/or distribute any product or substance represented as or designed to resemble synthetic hallucinogens, synthetic cathinones and synthetic cannabinoids within the County of Broome. Indications of distribution of substances represented as or designed to resemble synthetic cathinones, synthetic hallucinogens and/or synthetic cannabinoids shall include, without limitation, one or more of the following: the manner in which such substances are packaged, branded, described, marketed and/or portioned.

C. It is hereby declared to be a public nuisance for any person to permit or allow the distribution of synthetic cathinones, synthetic hallucinogens and synthetic cannabinoids on property owned, controlled or managed by such person within the County of Broome.

D. Merely disclaiming or labeling any synthetic cannabinoids, synthetic hallucinogens and/or synthetic cathinones as "not safe for human consumption" or some similar statement indicating that the product should not be consumed, inhaled or ingested by an individual will not avoid the application of this section.

§ 305-59. Violations and points to be assessed against premises.

A. The following violations shall be assigned a point value of six:

(1) Sale or distribution of synthetic cathinones, synthetic hallucinogens or synthetic cannabinoids to a minor under the age of 18 years of age.

(2) The manufacturing of synthetic hallucinogens, synthetic cathinones or psychoactive herbal incense upon a premises or knowingly selling or repackaging a synthetic hallucinogen, synthetic cannabinoids or synthetic cathinones in bulk where the name of the original manufacturer, price and net weight are not listed upon a package at time of sale.

B. The following violation shall be assigned a point value of four:

(1) Sale or distribution of synthetic hallucinogens, synthetic cathinones or psychoactive herbal incense to a person 18 years of age or older.

(2) Knowingly maintaining false books or business records, or issuing false sales receipts at retail which indicate that another product was sold instead of the actual brand name or trade name of the synthetic cathinones, synthetic cannabinoids or synthetic hallucinogen sold at retail.

C. For purposes of this section, a conviction for an offense in a court of competent jurisdiction or a finding before an administrative tribunal shall not be required. Instead, the County of Broome shall prove by a preponderance of the evidence that the violations have occurred. However, a conviction as defined and applied in accordance with the provisions of § 1.20 of the Criminal Procedure Law, in any court of competent jurisdiction, shall constitute conclusive proof of a violation. Conviction of an attempt to commit a violation of any of the specified provisions shall be considered a conviction for a violation of the specified provision.

§ 305-60. Remedies to abate public nuisances.

In addition to the enforcement procedures established elsewhere in this article, the Sheriff or his or her designee, after notice and opportunity for a hearing, shall be authorized to:

A. Order the discontinuance of such activity at the premises where such public nuisance exists; and/or

B. Order the closing of the premises to the extent necessary to abate the public nuisance.

§ 305-61. Service of notice.

A. Prior to the issuance of an order by the Sheriff, pursuant to § 168-60, the Sheriff shall give notice and opportunity for a hearing to the owner and any other person directly or indirectly in control of the premises wherein the public nuisance is being conducted, maintained or permitted. Such notice and opportunity to be heard shall be given to a mortgagee of the premises. Such notice shall be served upon an owner or any other person directly or indirectly in control of the premises, pursuant to Article 3 of the New

York State Civil Practice Law and Rules, and upon a mortgagee by means of certified mail, return receipt requested, sent to the mortgagee's last known address, provided that any service other than delivery to the person to be served shall be complete immediately upon delivery, mailing or posting without the necessity of filing proof of service with the clerk of the court.

B. The notice provided for in Subsection A of this section shall:

(1) Specify the activity creating the public nuisance;

(2) Provide 30 days for elimination of the public nuisance;

(3) Inform the person to whom it is directed of his/her right to apply within 10 days of service of the notice for a hearing before the Sheriff;

(4) Inform the owner or any other person directly or indirectly in control of the premises that upon expiration of 30 days after service without a hearing before the Sheriff, or upon noncompliance with any written agreement reached at the hearing, the Sheriff shall act to obtain compliance as provided by this article; and

(5) Inform the owner or any other person directly or indirectly in control of the premises of the obligation to post a copy of the notice within five days, in a conspicuous place, so that all premises occupants and others entering the premises shall have notice that the public nuisance is being conducted, maintained, or permitted on the premises and that upon expiration of 30 days after service of the notice, the Sheriff shall act to obtain compliance as provided in this article, including, but not limited to, closing the premises.

§ 305-62. Lack of knowledge not a defense.

The lack of knowledge of, acquiescence or participation in, or responsibility for a public nuisance on the part of the owner, mortgagees, or any other person directly or indirectly in control of the premises, or having any interest in the premises or in any property, real or personal, used in conducting or maintaining the public nuisance, shall not be a defense by such owner, mortgagee or other person.

§ 305-63. Issuance of order.

The Sheriff shall issue the order provided for in § 305-61 by posting said order on the premises wherein the public nuisance is occurring and mailing a copy, by first-class mail, of said order to the owner, mortgagee, or any other persons directly or indirectly in control of the premises, within one business day of the posting of said order on the premises.

§ 305-64. Enforcement of order.

A. No sooner than five business days after the issuance of an order pursuant to §§ 305-58 and 305-60 and upon the directive of the Sheriff, Broome County Deputy Sheriffs or any

other police officer in the County of Broome are authorized to act upon and enforce such order.

B. Where the Sheriff closes a premises pursuant to this section, such closing shall be for such period as the Sheriff may direct, but in no event shall the closing be for a period of greater than one year from the issuance of the order.

C. Upon receiving a copy of the order issued by the Sheriff, pursuant to this article, the County Attorney shall maintain a special proceeding to affix a civil penalty in the amount not to exceed $5,000, and to collect any costs and expenses incurred by the County of Broome in commencing the proceeding, closing the premises, and in relocating any occupants on the premises. The County Attorney shall file a notice of pendency of the proceeding in the Broome County Clerk's office in accordance with the provisions of the CPLR.

D. Any judgment in such proceeding in favor of the County of Broome shall establish the penalty sued for with costs and disbursements as a lien upon the premises, subject only to taxes, assessments, water rates, mortgages and mechanics' liens as they exist thereon.

§ 305-65. Judgment and appointment of receiver.

A. The County Attorney's Office shall and is hereby authorized, on ex parte application to any court of competent jurisdiction, to seek the appointment of a receiver of rents and profits of the premises for the purposes of collecting the civil penalty established pursuant to this article and abating the public nuisance. The receiver shall have the powers, duties, and rights of a receiver of rents and profits of real estate, as provided by law; provided, however, that the County Attorney shall act as counsel to the receiver, and the receiver shall not be allowed any expenditure for counsel fees, and the receiver's commission shall be no greater than 10% of the receiver's collections from the premises, which sum shall be full compensation for the receiver's services and those of any agent or agents whom the receiver may retain. The receivership shall continue until the amount of the County of Broome’s liens, with interest at the rate of 9% per annum and the receiver’s commissions, have been fully paid and the nuisance abated, provided further that nothing in this section shall be construed to prevent any prior lienor from applying to a court in a proper case for a receiver of the premises.

B. At any time after the entry of any judgment establishing a lien upon the premises, the County Attorney, on behalf of the County of Broome, may apply to a court for leave to sell the premises on behalf of the County of Broome. Upon such application, the court may order the premises sold at public auction, subject to taxes, assessments, water rates, mortgages and mechanics' liens.

§ 305-66. Closing not possession.

A closing directed by the Sheriff pursuant to this article shall not constitute an act of possession, ownership or control by the County of Broome of the closed premises.

§ 305-67. Penalties for disobedience of order.

A. It shall be an unclassified misdemeanor punishable by a fine of $1,000 or imprisonment for up to one year, or both, for any person to use or occupy, or to permit any other person to use or occupy, the premises, or any portion thereof, ordered closed by the Sheriff.

B. Mutilation or removal of a posted order of the Sheriff shall be a violation punishable by a fine of not more than $250 or by imprisonment not exceeding 15 days, or both, provided such order contains therein a notice of such penalty.

C. Intentional disobedience of or resistance to any provision of the order issued by the Sheriff, in addition to any other punishment prescribed by law, shall be an offense punishable by a fine of not more than $500 or imprisonment not exceeding six months, or both.

D. Each day a violation continues shall constitute a separate and distinct offense.

§ 305-68. Promulgation of rules and regulations.

The Sheriff may promulgate such rules, procedures, forms and regulations as may be necessary to carry out the provisions of this article.

§ 305-69. Applicability.

Sections 305-58 to 305-68 shall apply within the County of Broome; provided, however, that where a local city, town or village has enacted a nuisance abatement law declaring synthetic hallucinogens, psychoactive bath salts or psychoactive herbal incense a public nuisance within the borders of the city, town or village, the local enactment shall preempt this article.

§ 305-70. Exceptions.

The provisions of this chapter shall not apply:

A. To public officers or their employees in the lawful performance of their official duties requiring possession or control of synthetic cathinones, synthetic cannabinoids, synthetic hallucinogens, and Salvia divinorum;

B. To temporary incidental possession by employees or agents of persons lawfully entitled to possession, or by persons whose possession is for the purpose of aiding public officers in performing their official duties;

C. When such conduct is required or authorized by law or by judicial decree, or is performed by a public servant in the reasonable exercise of his official powers, duties or functions.

Chapter 311

SEX OFFENDERS

§ 311-1. Statutory authority; legislative intent.

§ 311-2. Statement of purpose.

§ 311-3. Definitions.

§ 311-4. Prohibited conduct.

§ 311-5. Penalties for offenses; remedies.

[HISTORY: Adopted by the Broome County Legislature 4-19-2007 by L.L. No. 4-2007; amended in its entirety 5-15-2008 by L.L. No. 3-2008 (Ch. 170 of the 1991 Code). Subsequent amendments noted where applicable.]

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§ 311-1. Statutory authority; legislative intent.

This chapter is enacted pursuant to the New York Municipal Home Rule Law, which enables local governments to adopt local laws relating to their property, affairs or government so long as the local laws are not inconsistent with the New York Constitution or any general law of New York State. The New York Municipal Home Law also authorizes local governments to adopt local laws regulating the protection, order, conduct, safety, health and welfare of the persons within the local municipality. It is the intent of the County to adopt a law which is consistent with the Constitution and laws of the State of New York, as well as the Constitution of the United States.

§ 311-2. Statement of purpose.

In order to safeguard and protect the health, safety and welfare of the children of the County of Broome, and in particular to protect the children of the County of Broome from access by convicted sex offenders who may be present in the County, it is hereby declared that the movement and residence of certain convicted sex offenders must be monitored to minimize the possibility of contact between such sex offenders and the children of the County.

§ 311-3. Definitions.

For the purposes of this chapter, the following terms shall have the meanings indicated:

FACILITY OR INSTITUTION PRIMARILY USED FOR THE CARE OR TREATMENT OF PERSONS UNDER THE AGE OF 18 — Any facility or institution primarily used for the care or treatment of persons under the age of 18 while one or more of such persons under the age of 18 are present, including but not limited to day-care centers licensed, certified or otherwise sanctioned by the State of New York and/or a political subdivision of the State of New York.

LEVEL THREE SEX OFFENDER — A person who is designated as a Level Three sex offender pursuant to Subdivision 6 of § 168-a of the New York State Correction Law.

LEVEL TWO SEX OFFENDERS —

A. Is convicted of an offense defined in § 130, 235 or 263 of the New York State Penal Law and the victim of the offense was a person under the age of 18 at the time of the offense; or is designated as a Level Two sexual offender pursuant to Subdivision 6 of § 168-a of the New York State Correction Law; and

B. By reason of his or her conviction for the offense, the person:

(1) Receives a sentence or probation or conditional discharge on or after September 1, 2005; or

(2) Is released on parole or a conditional release pursuant to Subdivision 14 of § 259-c of the New York State Executive Law on or after September 1, 2005; or[1]

(3) Is conditionally released pursuant to § 70.40 of the New York State Penal Law on or after September 1, 2005.

PUBLIC PARK — Any park open to the public and owned by a municipality organized under the State of New York; or any area accessible to such public park or any parked automobile or other parked vehicle located within 1,000 feet of the real property boundary line comprising any such public park. For the purposes of this section, an "area accessible to the public" shall mean sidewalks, streets, parking lots, parks, playgrounds, stores and restaurants.

SCHOOL GROUNDS —

A. Any area in or on or within any building, structure, athletic playing field, playground or land contained within the real property boundary line of a public or private elementary, parochial, intermediate, junior high, vocational, or high school; or

B. Any area accessible to such school or any parked automobile or other parked vehicle located within 1,000 feet of the real property boundary line comprising any such school. For the purposes of this section, an "area accessible to the public" shall mean sidewalks, streets, parking lots, parks, playgrounds, stores and restaurants.

§ 311-4. Prohibited conduct.

Level Two sex offenders and Level Three sex offenders are hereby prohibited from:

A. Knowingly entering into or upon any school grounds, any facility or institution primarily used for the care or treatment of persons under the age of 18 or any public park; provided, however, that if such Level Two sex offender is a registered student, participant or employee of such school grounds, facility or institution primarily used for the care or treatment of persons under the age of 18 or public park, said Level Two sex offender may enter upon such facility only if a written authorization of his or her probation officer or the Court and the superintendent, chief administrator or executive of

1. **Editor's Note: Amended at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I).**

such school grounds or facility or institution primarily used for the care or treatment of persons under the age of 18 or public park is obtained for the limited purposes authorized by the probation officer or the court and superintendent, chief administrator or executive of such school grounds, facility or public park. In addition to the foregoing, such Level Two sex offender may also lawfully enter into or upon a school grounds, facility or institution primarily used for the care or treatment of persons under the age of 18 or public park, if he or she: (i) has a medical emergency requiring immediate attention at a health-care provider; or (ii) has lawful business at a federal, state or local court or governmental agency; or (iii) is traveling on an interstate or New York State-maintained roadway within the proximity of a school grounds, a facility or institution primarily used for the care or treatment of persons under the age of 18 or public park. Nothing in this chapter shall be construed as restricting any lawful condition of supervision that may be imposed on a sentenced Level Two sex offender.

B. Maintaining his or her residence, either permanently or temporarily, within 1,000 feet of any school grounds, any facility or institution primarily used for the care or treatment of persons under the age of 18 or public park.

§ 311-5. Penalties for offenses; remedies.

A. Any person who shall violate any provisions of this chapter, upon conviction, shall be guilty of an offense and subject to a fine of not less than $100 nor more than $500 or imprisonment for a period of not more than six months, or both, for a conviction of a first offense; for a conviction of a second offense, both of which were committed within a period of five years, punishable by a fine of not less than $500 nor more than $750 or imprisonment for a period of not more than six months, or both; and upon conviction of a third or subsequent offense, all of which were committed with a period of five years, punishable by a fine of not less than $750 nor more than $1,000 or imprisonment for a period of not more than six months, or both.

B. For the purposes of § 311-4B of this chapter, each period of continual residence for a period in excess of one week shall be considered a separate offense.

C. In addition to the penalties set forth in § 311-5A, the County shall be entitled to obtain appropriate injunctive relief in any court of competent jurisdiction.

Chapter 317

SOLID WASTE

ARTICLE I
Landfill

§ 317-1. Definitions.

§ 317-2. Only Broome County waste to be accepted.

§ 317-3. Trespassing prohibited.

§ 317-4. Disposal to be in compliance.

§ 317-5. Permit required for commercial users; application; fees; issuance; exception for residential users.

§ 317-6. Operating regulations.

§ 317-7. Responsibility for control and operation.

§ 317-8. Host community to receive remuneration.

§ 317-9. Fees and charges.

§ 317-10. Penalties for offenses.

ARTICLE II
Solid Waste Management

§ 317-11. Title.

§ 317-12. Purposes.

§ 317-13. Definitions.

§ 317-14. Disposal of solid waste; recycling.

§ 317-15. Permit required: application; issuance; fees and charges.

§ 317-16. Enforcement.

§ 317-17. Penalties for offenses.

§ 317-18. Precedence over other legislation.

ARTICLE III
Dumps and Dumping

§ 317-19. Purpose.

§ 317-20. Definitions.

§ 317-21. Disposal of solid waste restricted; open dumps prohibited.

§ 317-22. Penalties for offenses; enforcement; disposition of fines.

ARTICLE IV
Source Separation

§ 317-23. Title.

§ 317-24. Purpose.

§ 317-25. Definitions.

§ 317-26. Source separation required.

§ 317-27. Preparation of recyclables and other source-separated materials for curbside collection.

§ 317-28. Multifamily buildings and complexes.

§ 317-29. Residential/commercial (institutional) and industrial waste and recyclables.

§ 317-30. Penalties for waste generators.

§ 317-31. Penalties for waste haulers.

§ 317-32. Solid waste disposal on public property.

§ 317-33. Enforcement.

§ 317-34. Reporting to Deputy Commissioner.

§ 317-35. Acceptance of source-separated materials by County facilities; tipping fee.

§ 317-36. Priority.

[HISTORY: Adopted by the Broome County Legislature as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Fees and charges — See Ch. 257, Art. XIV.

Sanitary Code — See Ch. 305.

ARTICLE I
Landfill
[Adopted 9-10-1985 by L.L. No. 5-1985 (Ch. 179, Art. I, of the 1991 Code)]

§ 317-1. Definitions. [Amended 5-20-1993 by L.L. No. 9-1993]

A. As used in this article, the following terms shall have the meanings indicated: **[Amended 3-16-2000 by L.L. No. 6-2000; 11-8-2012 by L.L. No. 8-2012]**

CHARGEABLE TONNAGE — All material transported over Broome County facility scales for which a payment is assessed by Broome County to the transporting user of the facility.

COMMERCIAL USER — One generating or transporting solid waste in the course of business, earning a livelihood or other regularly income-producing service or activity. This includes, but is not limited to, the following commercial waste haulers and processors, contractors, small businesses, corporations and institutions.

DEPUTY COMMISSIONER — The Deputy Commissioner of Public Works, Parks, Recreation and Youth Services for the Division of Solid Waste Management.

RESIDENTIAL USER — One generating waste in the course of daily living and improvement of their own residence. This specifically excludes those hauling commercial waste or waste from commercial building and other contracting projects.

B. Other terms, as used or referred to in this article, unless a different meaning clearly appears from the context, are as defined in Title 6 Part 360 of the New York Codes, Rules and Regulations, Solid Waste Management Facilities, as amended.

§ 317-2. Only Broome County waste to be accepted. [Added 5-20-1993 by L.L. No. 9-1993]

No solid waste generated or produced outside the County of Broome shall be accepted for disposal except upon the prior written approval of the County Executive. Waste accepted for disposal shall be the by-product of activity conducted within Broome County. Hauling by a Broome County permitted hauler for the purposes of disposal does not, in itself, constitute such an activity.

§ 317-3. Trespassing prohibited. [Added 5-20-1993 by L.L. No. 9-1993; amended 3-16-2000 by L.L. No. 6-2000]

No person shall be permitted to enter or remain within the confines of the landfill or other County-owned solid waste facility during operating hours without notifying the Division and receiving its acceptance, nor after closing hours and before opening hours as set and established from time to time by the Deputy Commissioner.

§ 317-4. Disposal to be in compliance.

It shall be unlawful to dispose of any solid waste in a County-owned and/or -operated solid waste disposal facility in any manner other than as directed and prescribed by this article.

§ 317-5. Permit required for commercial users; application; fees; issuance; exception for residential users. [Amended 12-5-1989 by L.L. No. 15-1989; 12-28-1989 by L.L. No. 2-1990; 5-20-1993 by L.L. No. 9-1993; 6-16-1995 by L.L. No. 7-1995; 11-21-1995 by L.L. No. 15-1995; 3-19-1998 by L.L. No. 4-1998; 9-30-1998 by L.L. No. 12-1998; 2-17-2000 by L.L. No. 4-2000; 3-16-2000 by L.L. No. 6-2000; 11-13-2006 by L.L. No. 7-2006; 4-21-2011 by L.L. No. 2-2011]

No person, firm or corporation, public or private, engaged in the transporting of solid waste shall be authorized to use any County-owned and/or -operated sanitary landfill site without first obtaining from the County of Broome a permit to use said site for the purpose of disposal of solid waste and paying a fee for such a permit as provided herein. An exception shall be made for residential users. Solid waste from residential users, such as municipal solid waste, construction and demolition debris, tires or oversized items shall be charged separately based on the tipping fees, with no permit required.

A. Applications for permits shall be upon forms provided by the Division of Solid Waste Management. Each applicant shall state in such application his or her name, address, legal character (corporation, partnership or individual) and such other information as the Director of the Division of Solid Waste Management may require. No collections shall be made in areas outside the County of Broome except upon the prior written approval by the County Executive.

B. A permit shall not be issued unless the applicant agrees, in writing, to the following hold-harmless clause, which shall be included as a part of the application form: "The permittee shall indemnify and hold harmless Broome County and any of its officers, agents and employees from all claims, demands, causes of action and judgments arising out of injuries to persons and property of whatever kind or nature as a result of the fault or negligence of the permittee, its employees or agents in the permittee's use of a County-owned and/or -operated sanitary landfill."

C. Permits issued pursuant to this article shall be for a period of one year or less, beginning July 1; subject, however, to the revocation or suspension thereof as provided herein.

D. Fees for permits and permitted vehicles are as set forth in the Schedule of County Fees in Chapter 257, Fees and Charges, Article XIV, for the following.[1]

(1) An annual permitting fee per commercial user plus a charge per vehicle used by the commercial user for the purposes of transporting solid waste to the landfill shall be charged for the permits at the time the application is processed, or it may be billed.

(2) The initial vehicle fee for any vehicle shall be issued on a prorated basis for the permit year remaining.

(3) Commercial user scale-house pass will be replaced at a charge for each.

(4) For commercial hazardous waste facility users located in Broome County, an annual permitting fee per commercial user shall be charged for the permits at the time the application is processed, or it may be billed.[2]

(5) For commercial hazardous waste facility users located out-of-county, an annual permitting fee shall be charged for permits at the time of application, as authorized by intermunicipal agreement.

E. Suspension or revocation.

(1) Every permit issued pursuant to this section shall be issued subject to compliance by the permittee with the operating regulations set forth in § 317-6 of this article or such additional regulations as may be added from time to time. Violation of said operating regulations or any other provisions of this article may be cause for revocation or suspension of the permit. One or more violations of the provisions of this article may, at the discretion of the Deputy Commissioner for the Division of Solid Waste Management, be cause for suspension of the permit for a period of up to four weeks. Such suspension shall take effect three days after receipt of written notice of such suspension by the permit holder. Three or more violations of any of the provisions of this article during any consecutive twelve-month period by the permittee or provision of false information in the permit application by the permittee may result in the revocation of the permit. Revocation of the permit shall be at the discretion of the Deputy Commissioner for the Division of Solid Waste Management. Such revocation shall become effective three days after receipt by the permit holder of such notice of revocation. Revocation may be for any period of up to and including one year from the date of revocation. At the end of the revocation period, the permittee must apply for a new permit.

(2) In the event that the permit holder fails to concur in the determination of the Deputy Commissioner for the Division of Solid Waste Management to suspend or revoke such permit, the permit holder shall have the right to request a hearing. Such hearing shall be held five days after receipt of such request. In the event of a

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1. Editor's Note: Amended at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I).

2. Editor's Note: Former Subsection D(4), regarding an additional fee for New York State Department of Environmental Conservation (NYSDEC) Part 364 waste transport permit holders, was repealed 9-30-1998 by L.L. No. 12-1998, and subsequent subsections renumbered.

determination by such designee adverse to the permit holder, the permit holder shall have the right to appeal such determination on written submission to the Broome County Executive, whose decision in such matters shall be final and binding. Revocation or suspension of a permit shall be in addition to any other fines, penalties or forfeitures applicable to a violation of this article or any other applicable law.

F. Commencing January 1, 1991, no permit application shall be approved until the applicant files a plan in compliance with the provisions of Article IV of this chapter, pertaining to source separation, and the rules and regulations promulgated pursuant thereunto, which states the applicant's plan for eliminating banned materials from disposal at any solid waste management or resource recovery facility and for reporting the tonnages diverted to other solid waste management facilities for the purpose of recycling, composting or alternative management.

§ 317-6. Operating regulations. [Amended 5-6-1986 by L.L. No. 2-1986; 12-18-1989 by L.L. No. 2-1990; 5-20-1993 by L.L. No. 9-1993]

A. General. Any sanitary landfill site in the County of Broome designated by the Broome County Legislature for that purpose shall be operated in accordance with the following:

(1) Any County-owned and/or -operated sanitary landfill shall be open at such hours established by the Deputy Commissioner for the Division of Solid Waste Management, except that they shall not be operated between 11:00 p.m. and 6:00 a.m. or on Sundays except by executive order in the event of an emergency. Open hours shall be posted at the entrance to the facility site. **[Amended 3-16-2000 by L.L. No. 6-2000]**

(2) No dumping shall be permitted at any other time in order that the operator at the landfill site will have the time to properly compact and cover the solid waste with a minimum six-inch compacted layer of earth or other approved cover material at the close of each day's operation.

(3) The disposal of solid waste shall be planned as an engineering project. The general supervision shall be provided by the Broome County Division of Solid Waste Management.

(4) The regulatory agency responsible for the compliance of the landfill with Title 6 Part 360 of the New York Codes, Rules and Regulations, Operating Permit, and this article shall be the Broome County Division of Solid Waste Management.

B. Any County-owned and/or -operated landfill shall be operated in compliance with Title 6 Part 360 of the New York Codes, Rules and Regulations and the operating permit issued for that facility.

C. The County-authorized operator of the landfill site shall be in full charge of all matters concerning dumping and placing of solid waste at the landfill. Failure to obey any direction of the landfill operator which is reasonable and consistent with the provisions

of this article, Article IV, pertaining to source separation, or the rules and regulations promulgated pursuant to either article shall be deemed a violation.

D. A maximum speed limit of 15 miles per hour shall be maintained on access roads within the landfill site. **[Amended 9-30-1998 by L.L. No. 12-1998]**

E. All vehicles transporting solid waste to, entering and/or exiting the landfill site shall have loads appropriately covered or confined in the vehicle by use of tarpaulins, nets or other devices to prevent paper, litter and other substances from blowing out or falling from the vehicle. Vehicles traveling to and/or entering the landfill with loads not appropriately covered or confined shall be charged with a violation of this article. Vehicles exiting the landfill with loads not appropriately covered, such that paper, litter and/or other substances are blowing out or falling from the vehicle, shall be charged with a violation of this article. For permitted vehicles, three or more violations of this section during the term of the aforesaid permit shall result in revocation of the permit as provided under § 317-5. **[Amended 6-19-1997 by L.L. No. 6-1997]**

F. All commercial users transporting solid waste to a County-owned and/or -operated sanitary landfill shall have the business name and phone number clearly displayed on the side of the vehicle with a minimum letter and number height of three inches.

G. No material shall be burned at the sanitary landfill site, except as permitted by the New York State Department of Environmental Conservation. No person shall bring hot ashes or cause a fire to start at the landfill site.

H. No person shall pick over, collect, rummage through or salvage material from solid waste at the landfill site unless authorized to do so by a contract approved by the Broome County Board of Acquisition and Contract or participating in a landfill designated give-back program. **[Amended 2-6-2013 by L.L. No. 3-2013]**

I. In order to be accepted for management at the landfill, any asbestos waste, leaf/yard waste, pallets, tires and white goods shall be properly segregated from any other solid wastes brought to the landfill. **[Amended 9-30-1998 by L.L. No. 12-1998; 12-19-2002 by L.L. No. 2-2003[3]]**

J. The following wastes, in addition to those listed in Title 6 Part 360 of the New York Codes, Rules and Regulations, Operating Permit, shall not be accepted for disposal at Broome County-owned and/or -operated sanitary landfill(s): **[Amended 9-30-1998 by L.L. No. 12-1998]**

(1) Large dead animals (e.g., horses and cows).

(2) Automobile or other vehicle bodies.

(3) Liquid wastes (containing less than 20% solids by weight), including septic tank pumpings.

(4) Potentially infectious biological and radioactive wastes.

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3. Editor's Note: This local law provided an effective date of 1-1-2003.

(5) Any other waste deemed to be detrimental to the safe operation of the solid waste disposal facility as determined by the Broome County Division of Solid Waste Management.

§ 317-7. Responsibility for control and operation. [Amended 12-28-1989 by L.L. No. 2-1990; 3-16-2000 by L.L. No. 6-2000]

The Deputy Commissioner for the Division of Solid Waste Management will be responsible for the proper operation, control and maintenance of any landfill owned and/or operated by the County of Broome.

§ 317-8. Host community to receive remuneration. [Added 5-20-1993 by L.L. No. 9-1993; amended 9-30-1998 by L.L. No. 12-1998]

Host communities shall receive remuneration in accordance with the Host Community Agreement dated December 1996.

§ 317-9. Fees and charges. [Amended 11-14-1986 by L.L. No. 10-1986; 3-22-1988 by L.L. No. 2-1988; 12-5-1989 by L.L. No. 15-1989; 11-13-1989 by L.L. No. 16-1989; 11-8-1990 by L.L. No. 14-1990; 4-4-1991 by L.L. No. 8-1991; 1-21-1992 by L.L. No. 1-1992; 5-21-1992 by L.L. No. 7-1992; 3-25-1993 by L.L. No. 8-1993; 5-20-1993 by L.L. No. 9-1993; 11-12-1993 by L.L. No. 13-1993; 4-21-1994 by L.L. No. 8-1994; amended 7-20-1995 by L.L. No. 8-1995; 11-21-1995 by L.L. No. 15-1995; 5-15-1997 by L.L. No. 2-1997;1-22-1998 by L.L. No. 2-1998; 6-8-1998 by L.L. No. 7-1998; 9-30-1998 by L.L. No. 12-1998; 3-18-1999 by L.L. No. 6-1999; 12-16-1999 by L.L. No. 1-2000; 2-17-2000 by L.L. No. 4-2000; 4-20-2000 by L.L. No. 8-2000; 2-21-2002 by L.L. No. 4-2002; 11-21-2002 by L.L. No. 1-2003; 3-20-2003 by L.L. No. 3-2003[4] ; 7-17-2003 by L.L. No. 5-2003; 4-21-2005 by L.L. No. 4-2005; 8-17-2005 by L.L. No. 5-2005; 4-21-2011 by L.L. No. 2-2011; 11-8-2012 by L.L. No. 8-2012 ; 12-19-2013 by L.L. No. 1-2014]

Fees and charges for use of the Broome County Landfill and the hazardous waste facility located at the Nanticoke Landfill are as set forth in the Schedule of County Fees in Chapter 257, Fees and Charges, Article XIV.

A. Landfill charges.

(1) [5] Commencing January 1, 2014, the following charge(s) will apply at the County Landfill: **[Amended 12-19-2013 by L.L. No. 2-2014]**

(a) Vehicle weight and vehicle load billed at a fee per ton; a portion of said fee shall be dedicated to a fund payable to the host communities of the landfill to be divided among the host communities as set forth in the Host Community Benefit Agreement dated December 1996.

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4. Editor's Note: This local law provided an effective date of March 1, 2003.

5. Editor's Note: Original Subsection A(1), regarding charges for residential household waste bags, was repealed 3-19-1998 by L.L. No. 4-1998.

(b) Entrance into a contract agreement guaranteeing a minimum of 30,000 tons deposited annually at the Broome County Landfill will be billed at a fee per ton.

(2) The following separate charges will apply at the Broome County Landfill:

(a) Aggregate materials such as brick, stone, concrete, and asphalt, bulk metals and pallets: at the feet set per ton.

(b) Tires.

[1] With rim size up to and including 20 inches: fee per tire; bulk loads: fee per ton. Rims need not be removed.

[2] Larger sizes up to and including 42 inches in outside diameter: fee per tire; bulk loads: fee per ton. Rims need not be removed.

[3] All equipment tires and tires greater than 42 inches in outside tire diameter are not acceptable.

(c) Minimum municipal solid waste (MSW) charges:

[1] There shall be a minimum charge per weighed commercial vehicle, regardless of vehicle weight.

[2] There shall be a minimum charge per weighed residential vehicle, regardless of vehicle weight.

[3] There shall be a minimum charge per unit containing refrigerants such as freon.

(d) Leaf/yard waste, tree trunks and stumps. **[Amended 12-19-2013 by L.L. No. 2-2014]**

[1] Leaf/yard waste at a fee per ton.

[2] Tree trunks and stumps with a diameter greater than eight inches at a fee per ton.

(e) Glass aggregate. The following charges will apply to glass aggregate collected at the County Landfill:

[1] In-County sources that are cleaned and screened to 3/8 inch or less may be accepted at a fee per ton for use in various applications as a substitute for traditional aggregates. **[Amended 12-19-2013 by L.L. No. 2-2014]**

[2] Out-of-County sources that are cleaned and screened to 3/8 inch or minus may be accepted at a charge per ton; all other out-of-County glass may be accepted at a charge per ton for use in various applications as a substitute for traditional aggregates.

(f) Tire shreds/chips. Tire shreds/chips collected at the County Landfill from in-County and out-of-County sources shall be accepted free of charge for use in various applications as a substitute for traditional aggregates.

(g) Auto shredder fluff: charged per ton. To be accepted from in-County and out-of-County processors on an as-needed basis and used as an alternative daily cover material subject to rules and regulations as may be promulgated by the Division of Solid Waste Management from time to time, and provided the processor(s) furnish(es) documentation showing the fluff to have been tested and to be in compliance with applicable Department of Environmental Conservation requirements and/or the Environmental Conservation Law.

(h) Backyard compost bins: per current pricing conditions.

(i) Safety vests, at a per-vest charge.

(j) Asbestos.

[1] Bagged friable asbestos and other similar particulate material: fee per ton.

[2] Bulk loads of friable asbestos: fee per ton with proper approvals and variances to be shown prior to acceptance.

[3] Nonfriable asbestos: fee per ton.

(k) Waste-to-energy incinerator ash: fee per ton to be accepted under the direction of the Deputy Commissioner of Public Works for Solid Waste Management, who may enter into agreements with vendors and/or brokers as necessary and appropriate in order to receive this material as alternative cover for the landfill, and provided the processor(s) furnish(es) documentation showing the ash to have been tested and to be in compliance with applicable Department of Environmental Conservation requirements and/or the Environmental Conservation Law. **[Amended 12-19-2013 by L.L. No. 2-2014]**

(l) The following separate charges will apply to recycling bins at the Broome County Landfill: **[Amended 12-19-2013 by L.L. No. 2-2014]**

[1] Yellow curbside recycling bins. All haulers will be charged a service fee of half the current cost per bin except for those haulers utilizing the County contracted recycling facility.

[2] Specialized thirty-two-gallon recycling bins; as per current pricing conditions.

(m) Fees ranging from $1 to $100 that may differ from what is listed as standard tip fees will be considered on a case-by-case basis and would require approval of the Legislative Public Works and Transportation Committee. These exceptions will be on a limited basis and are based on market conditions. These exceptions will be limited to specific projects that would

have tonnages in excess of 2,000 tons (allowance of a fifteen-percent variance). **[Added 2-6-2013 by L.L. No. 3-2013]**

(n) Construction and demolition debris. **[Added 12-19-2013 by L.L. No. 2-2014]**

[1] Construction and demolition debris: fee per ton.

[2] Reusable construction and demolition materials: fee per ton; as deemed acceptable and reusable by the Division of Solid Waste for distribution through the material reuse program.

(3) Commencing January 1, 2014, the following separate charge shall apply at the Broome County Landfill: **[Amended 12-19-2013 by L.L. No. 2-2014]**

(a) Contaminated soils which can be used as an alternative daily cover, as appropriate, to ensure environmental health and safety: fee per ton.

(b) Contaminated soils which are accepted for disposal and buried at the Broome County Landfill: fee per ton.

(4) Commencing January 1, 2014, the following charges shall apply at the hazardous waste facility located at the Broome County Landfill: **[Amended 12-19-2013 by L.L. No. 2-2014]**

(a) Residential waste from Broome County residents:

[1] On collection days: free.

[2] Non-collection day: fee per car load.

(b) Commercial waste: a charge per pound; a charge per pound for wastes containing PCBs.

(c) Out-of-County residential waste: a charge per pound, as authorized by intermunicipal agreement.

(5) Commencing January 1, 2014, the following separate charge shall apply at the Broome County Landfill: **[Amended 12-19-2013 by L.L. No. 2-2014]**

(a) Stabilized sludge from municipal wastewater treatment facilities located in Broome County: fee per ton.

(b) "Stabilized sludge" means sludge that has been digested or otherwise treated to reduce putrescibility and odor, reduce pathogenic organisms and, except for lime stabilization, reduces the volatile solids content and must be dewatered to at least 20% solids.

(6) Commencing May 1, 2002, the charges set forth in this section shall be waived for a one-day period per annum, per municipality within the County of Broome, to allow for municipal cleanup days. **[Amended 2-6-2013 by L.L. No. 3-2013; 12-19-2013 by L.L. No. 2-2014]**

(a) Eligibility for this program shall be limited to Broome County municipalities and properties of the Broome County Land Bank.

(b) The applicable date for this one-day waiver shall be established by each individual municipality, by application, annually.

(c) Wastes eligible for this waiver shall include bulk items, white goods, scrap metals, wastes from illegal dump site cleanups and other wastes as may be generated by special, municipal-wide cleanup efforts. Wastes not eligible for this waiver include general municipal solid wastes, leaves and yard wastes and construction and demolition debris that are collected through the course of regular solid waste collection services.

(d) The amount of fee waiver for any applicant shall be limited to the tipping fee for disposal of eligible wastes resulting from the designated cleanup day. Specifically excluded from this waiver is reimbursement for costs associated with collection or transportation of the wastes, which shall be solely the responsibility of the municipality.

(e) The total cost of this fee waiver program shall not exceed $30,000 per year.

(f) The Division of Solid Waste Management shall prepare appropriate regulations to implement the intent of this subsection, which regulations shall be filed with the Clerk of the Legislature.[6]

(7) The charges set forth in Chapter 247, Article XIV, shall be waived for disposal of debris related to damage occurring during a natural or man-made disaster resulting in a declaration of a state of emergency by the County Executive.[7]

(a) Eligibility for this program shall be limited to the property owners suffering damage due to such man-made or natural disaster.

(b) The person requesting a fee waiver shall file an application with the Division of Solid Waste Management on forms provided by the Division.

(c) The application for a waiver shall contain a certification from an appropriate code enforcement or emergency services official that the applicant qualifies for the fee waiver based on records of damage due to such natural or man-made disaster.

(d) The amount of the fee waived for any applicant shall be limited to the tipping fee for disposal of debris which is not covered by any insurance or local, state or federal emergency assistance.

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6. Editor's Note: Original Subsection A(8), regarding the waiving of charges to allow for cleanup days, was renumbered as Subsection A(7) 9-30-1998 by L.L. No. 12-1998.

7. Editor's Note: Former Subsection A(7), regarding the waiving of charges for disposal of debris related to flood damage occurring during January of 1996, was repealed 9-30-1998 by L.L. No. 12-1998, which local law also provided for the renumbering of former Subsection A(8) as Subsection A(7).

(e) The Division of Solid Waste Management shall prepare appropriate regulations to implement the intent of this subsection, which regulations shall be filed with the Clerk of the Legislature.

(8) Commencing January 1, 2014, the following separate charge shall apply at the Broome County Landfill: **[Added 12-19-2013 by L.L. No. 2-2014]**

(a) Industrial waste from facilities located in Broome County: fee per ton.

(b) "Industrial waste" means solid waste generated by manufacturing or industrial processes.

B. Finance charges and collection costs.

(1) For amounts invoiced hereinabove and which remain unpaid for a period of more than 30 days, an additional penalty of one 1 1/2% on the unpaid balance for each month or any fraction thereof that such amount remains unpaid. Accounts 60 days past due are subject to suspension. Accounts 90 days past due are subject to revocation.

(2) Any collection made by Broome County Security on returned checks or partial payments for past-due balances on permit user accounts or tipping fees shall incur a finance charge of $20 in addition to the outstanding balance.

(3) Failure to pay any tipping fee is a violation of this article.

(4) Except as otherwise provided herein or by resolution duly adopted by the Broome County Legislature, there shall be no other County fee or charge for use of landfill sites operated in and for the County of Broome.

§ 317-10. Penalties for offenses. [Amended 12-28-1989 by L.L. No. 2-1990; 5-30-1990 by L.L. No. 6-1990; 5-20-1993 by L.L. No. 9-1993]

A. A violation of any section of this article shall constitute a violation punishable by a fine not in excess of $1,000 or imprisonment for a term not to exceed 15 days, or both.

B. Each such violation shall constitute a new violation.

C. In addition to the above, the violation of any section of this article shall be subject to a civil penalty imposed by the County of Broome in an amount not in excess of $1,000 for each offense.

D. In addition to the above-provided sections and penalties, Broome County may also maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or to restrain by injunction any violation of this article.

E. In addition to or in lieu of the above, permit holders may be subject to suspension or revocation of their permit pursuant to the provisions of § 317-5E of this article.

ARTICLE II

Solid Waste Management

[Adopted 10-15-1986 by L.L. No. 8-1986[8] (Ch. 179, Art. II, of the 1991 Code)]

§ 317-11. Title.

This article shall be known and may be cited as the "Solid Waste Management Law."

§ 317-12. Purposes.

This article is adopted pursuant to Chapter 930 of the Laws of 1983 of the State of New York for the purpose of effectuating the management on a County-wide basis of all solid waste generated within or coming into from outside of the County of Broome in order to protect the public health and safety and to improve the environment by control of air, water and land pollution and carrying out the expressed solid waste disposal policy of the state to displace competition with regulation or monopoly public service.

§ 317-13. Definitions. [Amended 5-24-1988 by L.L. No. 5-1988]

As used or referred to in this article, unless the context otherwise requires, the following terms shall have the meanings indicated:

COMMERCIAL USER — One generating or transporting recyclable waste in the course of business, earning a livelihood or other regularly income-producing service or activity. This includes but is not limited to the following: commercial waste haulers and processors, contractors, small businesses, corporations and institutions. **[Added 5-20-1993 by L.L. No. 9-1993]**

COUNTY OF BROOME — The entire County of Broome as constituted and existing under the laws of the State of New York.

DEPUTY COMMISSIONER — The Deputy Commissioner of Public Works, Parks, Recreation and Youth Services for the Division of Solid Waste Management. **[Added 3-16-2000 by L.L. No. 6-2000; amended 11-8-2012 by L.L. No. 8-2012]**

DISPOSAL OF SOLID WASTE — The transporting or delivery of solid waste to a solid waste management - resource recovery facility.

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8. Editor's Note: Section 9 of this local law, as amended 5-24-1988 by L.L. No. 5-1988, read as follows: "This local law shall take effect following a public hearing before and approval by the County Executive in the manner provided by law. Section 4(B) of this local law shall be effective throughout the County no later than December 1990 and following a public hearing before and approval by the County Executive in the manner provided by law. The County Executive or his designee shall, within 90 days of the signing of this local law, file with the Clerk of the Broome County Legislature and of each municipality within the County a schedule for implementation of this local law, giving the date that this law will be effective in each town, city and village within the County. An adjustment and education period of 12 months from the effective date of this local law is hereby established. During such adjustment and education period, any violation of this local law shall not be subject to ordinary enforcement and penalties, but shall instead be handled as follows: i) Verbal warning or instruction to the person in violation; ii) Written warning or instruction to the person in violation; or iii) Meeting with person in violation to determine the reasons for such violation and to educate or assist such person to achieve compliance."

DROPOFF AREA — Any area designated from time to time by the County Executive or his designee (as hereinafter provided) where persons can bring recyclables for aggregation and further transport to a materials recovery facility.

MATERIALS RECOVERY FACILITY — A type of solid waste management - resource recovery facility, duly designated pursuant to this article, at which recyclables are aggregated and processed for eventual transportation to markets, where said materials can be beneficially reused or distributed for beneficial reuse.

MUNICIPALITY — Any county, city, town, village, improvement district (or a county, city, town or village acting on behalf of an improvement district), public corporation, municipal corporation, political subdivision, government agency or department or bureau of the state or federal government.

PERSON — Any natural person, individual, partnership, copartnership, association, joint venture, corporation, trust, estate or any other legal entity, inclusive of a municipality.

RECYCLABLES — That component of solid waste which may be reclaimed for further use, specifically those materials designated as recyclable in Article IV of this chapter.

RESIDENTIAL USER — One generating recyclable waste in the course of daily living and improvement of his own residence. This specifically excludes those hauling commercial recyclable waste. **[Added 5-20-1993 by L.L. No. 9-1993]**

SOLID WASTE — All solid materials or substances which are useless, unused, unwanted or discarded and which have no market or other value at their place of location, including garbage, refuse and other discarded solid materials, including solid waste materials resulting from industrial, commercial and agricultural operations and from community activities, but not including solids or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater effluents, dissolved materials in irrigation return flows or other common water pollutants or special nuclear or by-product material within the meaning of the Atomic Energy Act of 1954, as amended, and waste which appears on the list of hazardous waste promulgated by the Commissioner of Environmental Conservation pursuant to § 27-0903 of the Environmental Conservation Law of the State of New York.

SOLID WASTE MANAGEMENT - RESOURCE RECOVERY FACILITY or FACILITY — Any facility, plant, works, system, building, structure, improvement, machinery, equipment, fixture or other real or personal property which is to be used, occupied or employed for the collecting, receiving, transporting, storing, processing or disposal of solid waste or the recovery by any means of any material or energy product or resource therefrom, including but not limited to recycling centers, transfer stations, baling facilities, rail haul or maritime facilities, collection vehicles, processing systems, resource recovery facilities, steam and electric generating and transmission facilities, including auxiliary facilities to supplement or temporarily replace such generating facilities, steam distribution facilities, sanitary landfills, plants and facilities for compacting, composting or pyrolization of solid waste, incinerators and other solid waste disposal, reduction or conversion facilities and resource recovery equipment and disposal equipment as defined in Subdivisions 4 and 5 of § 51-0903 of the Environmental Conservation Law of the State of New York.

§ 317-14. Disposal of solid waste; recycling. [Amended 5-24-1988 by L.L. No. 5-1988; 5-20-1993 by L.L. No. 9-1993; 12-19-2013 by L.L. No. 2-2014]

A. Designation of facilities; flow control.

(1) The County Executive ("Executive") or his designee, which designee must be an officer or agent of the County, is hereby authorized and directed to designate, by written statement, from time to time, one or more solid waste management-resource recovery facilities to be used for the disposal of solid waste generated, originated or brought within the County of Broome, which designation may include a determination that a particular solid waste management-resource recovery facility shall be the only facility used for the disposal of solid waste generated, originated or brought within all of, or a described area within, the County of Broome or by a particular person or persons. Such written designation of a facility shall be filed with the Clerk of the Broome County Legislature and shall become effective within 60 days of filing, unless rescinded or modified by appropriate resolution of the Broome County Legislature.

(2) In making such designation, the Executive or his designee shall give due consideration to the capacity of any facility so designated, the size and population of the area or person or persons to be served and such other factors as shall enable the Executive or his designee to determine that the public interest is served by such designation. No person shall dispose of solid waste generated within or coming into from outside the County of Broome except at a solid waste management-resource recovery facility designated by the Executive or his designee in accordance with this section. The Executive or his designee is hereby authorized and directed to promulgate, in writing, such rules and regulations as he shall determine to be necessary to effectuate the purposes of this article, including the requirement that all private haulers of solid waste be licensed by the Executive or his designee. All acts and proceedings taken by the Executive or his designee pursuant to this article shall in all respects be consistent with the Environmental Conservation Law and other applicable laws and rules and regulations promulgated pursuant thereto. Rules and regulations promulgated pursuant to this section shall be in writing and filed with the Clerk of the Broome County Legislature, and they shall take effect within 60 days after filing, unless rescinded or modified by appropriate resolution of the Broome County Legislature.

B. Handling of recyclables.

(1) General provisions.

(a) Recyclables generated or brought within the County shall not be accepted for disposition or handling at any solid waste management-resource recovery facility except at a materials recovery facility duly designated pursuant to this article.

(b) From the time that solid waste, including recyclables, is placed for collection at a roadside, dropoff area or other proper collection area, such solid waste, including recyclables, shall become the property of the County or its authorized agent. It shall be a violation of this article for any person without

authority of the County to collect, pick up, remove or cause to be collected, picked up or removed any solid waste, including recyclables, placed for collection at a roadside, dropoff area or other proper collection area. Each such collection, picking up or removal from a particular residence, business, dropoff area or other collection area shall constitute a separate and distinct offense in violation of this article.

(c) Broome County dropoff areas or stations shall be for the sole use of residential users. Commercial generators shall not make use of these facilities. Unauthorized commercial use of dropoff areas or stations shall be considered a violation of Article III of this chapter pertaining to dumping.

(d) All vehicles transporting recyclables to and/or entering a material recovery facility site shall have the recyclables appropriately covered or confined in the vehicle by the use of tarpaulins, nets or other devices to prevent papers, litter and other substances from blowing out or falling from the vehicle. Vehicles traveling to and/or entering such a facility with loads not appropriately covered or confined shall be permitted to unload the recyclable material at the facility and shall be charged with a violation of this article.

§ 317-15. Permit required: application; issuance; fees and charges. [Added 5-20-1993 by L.L. No. 9-1993]

No person, firm or corporation, public or private, engaged in the transporting of recyclables shall be authorized to use any County-owned and/or -operated material recovery facility without first obtaining from the County of Broome a permit to use said facility for the purpose of solid waste management.

A. Applications for permits shall be upon forms provided by the Deputy Commissioner for the Division of Solid Waste Management. Each applicant shall state in such application his or her name, address, legal character (corporation, partnership or individual), including the area or areas of operation, and such other information as the Deputy Commissioner for the Division of Solid Waste Management may require. Areas of operation listed on the application shall not be varied, increased, decreased or in any other way altered during the period covered by the permit without the prior written consent of the Deputy Commissioner for the Division of Solid Waste Management. No collections shall be made in areas outside the County of Broome except upon the prior written approval of the County Executive. **[Amended 3-16-2000 by L.L. No. 6-2000]**

B. A permit shall not be issued unless the applicant agrees, in writing, to the following hold-harmless clause, which shall be included as a part of the application form: "The permittee shall indemnify and hold harmless Broome County and any of its officers, agents and employees from all claims, demands, causes of action and judgments arising out of injuries to persons and property of whatever kind or nature as a result of the fault or negligence of the permittee, its employees or agents in the permittee's use of a County-owned and/or -operated MRF."

C. Permits issued pursuant to this article shall be for a period of one year or less, beginning July 1; subject, however, to the revocation or suspension thereof as provided herein.

§ 317-16. Enforcement.

It shall be the responsibility of the Executive or his designee, in consultation with the County Attorney, to enforce the provisions of this article and all rules, regulations and designations made pursuant thereto. Such enforcement shall be by such legal or equitable proceedings, including, without limitation, a proceeding for specific performance brought in the name of the County of Broome as may be provided or authorized by law.

§ 317-17. Penalties for offenses.

Any person who violates this article shall be guilty of an offense and subject to a fine of not more than $500 and/or imprisonment for not more than 15 days and/or suspension or revocation of collecting, receiving, transporting and/or disposing privileges in conjunction with solid waste within the County of Broome. Each and every act of disposal committed which is prohibited by § 317-14 hereof shall constitute a separate violation of this article.

§ 317-18. Precedence over other legislation.

Pursuant to Section 2047-t of Chapter 930 of the Laws of 1983 of the State of New York, this article takes precedence over and shall supersede any inconsistent provisions of any local law enacted by any municipality within the County of Broome.

ARTICLE III
Dumps and Dumping
[Adopted 7-25-1991 by L.L. No. 11-1991 (Ch. 179, Art. III, of the 1991 Code)]

§ 317-19. Purpose.

A. The purpose of this article is to prohibit the disposal of solid waste at any location other than facilities or sites authorized by the State of New York, County of Broome, City of Binghamton, or any town or village situated in the County of Broome.

B. The Broome County Legislature acknowledges the growing costs associated with the disposal of solid waste and the resulting inclination of those who may seek to avoid such costs by depositing such material along highways, on vacant lots, on business sites, in private dumpsters and other places. Such activities are hereby deemed to pose an imminent hazard to the public health, safety and welfare of the residents of the County.

C. The adoption and vigorous enforcement of this article is intended to be an effective deterrent to indiscriminate dumping of solid waste.

§ 317-20. Definitions.

As used in this article, the following terms shall have the meanings indicated:

DISPOSE — To discharge, deposit, inject, dump, spill, leak or place into or on any land or water or onto or in any receptacle or dumpster such solid waste or any constituent thereof.

OPEN DUMP — A solid waste disposal area which does not comply with required public health and environmentally controlled practices.

PERSON — Any individual, firm, public or private corporation, political subdivision, government agency, trust, estate or any other legal entity whatsoever.

SOLID WASTE — All putrescible and nonputrescible materials or substances that are discarded or rejected as being spent, worthless, useless or in excess to the owners at the time of such discard or rejection, including but not limited to garbage, refuse, industrial and commercial waste, sludge from air or water treatment facilities, rubbish, tires, ashes, contained gaseous material, incinerator residue, construction and demolition debris, discarded automobiles and offal.

§ 317-21. Disposal of solid waste restricted; open dumps prohibited.

A. No person shall dispose or attempt to dispose of solid waste in the County of Broome except at:

(1) A disposal facility exempt from the requirements of 6 NYCRR 360 if its exempt status is unaffected by such disposal; or

(2) A disposal facility authorized to accept such waste for disposal pursuant to said Part 360 or to an order issued by the New York State Department of Environmental Conservation or a court having jurisdiction.

B. There shall be no open dumps in Broome County. This shall not be construed as to prohibit disposal areas located in the property areas of a farm as otherwise permitted by law, except in cases creating a public health nuisance as defined in the Broome County Sanitary Code and such other state and local laws as may apply.

§ 317-22. Penalties for offenses; enforcement; disposition of fines.

A. All provisions of this article are enforceable by the Broome County Security Department and/or the Broome County Sheriff's Department or their designee(s).

B. Failure to comply with this article by any person or tenant in cases where a lease agreement gives specific responsibility for solid waste disposal to said tenant shall be an offense punishable as provided.

C. Any person who commits a violation of § 317-21A and/or B and/or 317-15 is subject to arrest and punishment, upon conviction, as hereinafter provided:[12]

(1) First offense. Conviction of a first offense as provided by this article shall be punishable by a fine of not less than $50 nor more than $1,500, and/or a term of imprisonment not to exceed 15 days, together with restitution based on avoided disposal fees and cost of collection and hauling and/or community service. Violation of this provision shall be a violation as defined by Subdivision 3 of § 55.10 of the Penal Law of the State of New York.

(2) Second or subsequent offense. Conviction of a second or subsequent offense within five years shall be punishable by a fine of not less than $500 nor more than $2,500 and/or a term of imprisonment not to exceed six months, together with restitution based on avoided disposal fees and cost of collection and hauling, and/or community service. Violation of this provision shall be a misdemeanor as defined by Subdivision 2 of § 55.10 of the Penal Law of the State of New York.

(3) Conviction of any company, partnership, municipality or any entity other than an individual person shall be punishable by a fine of not less than $500 nor more than $2,500 and/or community service.

D. Each day during which a violation continues may be deemed to be a separate violation.

E. Enforcement shall be effected as follows: by a peace officer or police officer as provided by the Criminal Procedure Law of the State of New York.

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12. Editor's Note: Amended at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I).

F. Civil enforcement. Notwithstanding the penalties set forth above, the Broome County Attorney may institute a civil action to obtain restitution to the County of Broome from such offender for the actual costs incurred in rectifying the program created by the aforesaid violation or improper disposal of solid waste or to abate, enjoin or otherwise compel cessation of the violation of any provision of this article, including but not limited to reasonable attorneys' fees and environmental testing.

G. Disposition of fines. Any fines collected shall be split 50/50 with the municipality in which the violation occurred and with Broome County. The portion of fine made payable to the County of Broome shall be transmitted to the Broome County Director of the Office of Management and Budget to be placed in a dedicated fund for the express purpose of providing financial assistance in the cleanup of illegally disposed waste in the event that a violator cannot be identified. Applications for the use of these funds shall be directed to the appropriate committee as defined in the Rules of Order of the Broome County Legislature, which will have responsibility for allocation and administration of these funds.[13]

H. Area of enforcement. This article shall be enforced in all municipalities within Broome County, including municipalities that have enacted ordinances regulating the disposal of solid waste.

ARTICLE IV
Source Separation
[Adopted 8-20-1992 by L.L. No. 10-1992; amended in its entirety 5-20-1993 by L.L. No. 9-1993 (Ch. 179, Art. IV, of the 1991 Code)]

§ 317-23. Title. [14]

This article shall be known as the "Mandatory Source Separation Law."

§ 317-24. Purpose.

A. The purpose of this article is to encourage, facilitate and mandate the source separation of recyclable materials on the part of each and every household, business and institution within Broome County.

B. The Broome County Legislature acknowledges that recycling will decrease the flow of solid waste to landfills, aid in the conservation of valuable resources and reduce the required capacity or extend the useful life of existing and proposed solid waste management facilities.

C. It further acknowledges that methods of solid waste management emphasizing source reduction, recycling, recovery and conversion of solid wastes are essential to the long-range preservation of the health, safety and well-being of the public, to the

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13. Editor's Note: Amended at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I).

14. Editor's Note: Local Law No. 9-1993 contained no text for this section.

economic productivity and environmental quality of Broome County and to the conservation of resources.

§ 317-25. Definitions.

A. Terms as used or referred to in this article, unless a different meaning clearly appears from the context, are as defined in Title 6 Part 360 of the New York Codes, Rules and Regulations, Solid Waste Management Facilities, as amended.

B. As used in this article, the following terms shall have the meanings indicated:

AUTHORIZED AGENT OF THE COUNTY — Refers to waste haulers permitted by Broome County.

PARTICIPATING HAULER — An authorized agent of the County that utilizes the Broome County Landfill exclusively for the disposal of solid waste it collects. **[Added 9-20-2001 by L.L. No. 5-2001; amended 2-6-2013 by L.L. No. 3-2013]**

PUBLIC FACILITY — Any facility allowing public access, including but not limited to parks, recreational facilities, shopping centers, shopping malls, office buildings, restaurants, hospitals, schools and churches.

SOURCE SEPARATION — That recyclables shall be maintained and placed for collection separately from refuse intended for disposal.

§ 317-26. Source separation required.

A. Source separation shall be required of each and every generator within Broome County producing solid waste destined for a disposal facility within Broome County and by any generator outside of Broome County where such waste will be processed or disposed in a Broome County solid waste management facility.

B. Materials that must be source separated include paper, corrugated cardboard, glass, metals, plastics, leaves, yard wastes, tires, batteries (wet and dry cell) and household hazardous waste. A detailed published list of materials to be accepted will be on file with the Broome County Legislature. **[Amended 12-19-2002 by L.L. No. 2-2003[15] ; 2-6-2013 by L.L. No. 3-2013]**

C. For the purpose of this article, the term "recyclable material" shall mean those materials that must be source-separated, as defined in § 317-26B, with the exception of household hazardous waste.

D. Each and every waste hauler, public and private, providing waste collection services in the County of Broome shall be required to provide curbside or dropoff collection of source-separated recyclables for all units serviced by the hauler.

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15. Editor's Note: This local law provided an effective date of 1-1-2003.

E. All municipal and private haulers are prohibited from commingling source-separated recyclables with solid waste. **[Added 2-6-2013 by L.L. No. 3-2013]**

§ 317-27. Preparation of recyclables and other source-separated materials for curbside collection.

A. Nothing in this article is intended to prevent any waste generator from making arrangements for the reuse, private collection, sale or donation of recyclables; provided, however, that records shall be kept of all such collection of recyclables.

B. From the time any person places any recyclable materials at or near any curb, sidewalk or street for purposes of collection by a permitted hauler, those recyclable materials shall be considered the property of the County or its authorized agent. No person who is not acting under authority of the County or its authorized agent shall collect, pick up, remove or cause to be collected, picked up or removed any recyclable materials so placed for collection. Each such unauthorized collection, pickup or removal shall constitute a separate violation of this article.

C. In the event that a hauler has refused to collect certain recyclable materials because they have not been placed or treated in accordance with the provisions of this article, the person responsible for initially placing those materials for collection may and shall remove those materials from any curb, sidewalk or street in accord with the provisions of this article.

D. Placement.

(1) Recyclable materials shall be placed separately from any nonrecyclable solid waste placed for collection. Recyclable materials should be prepared in conformance with County practices and standards established pursuant to this section.

(2) No person shall place any recyclable materials at or near any curb, sidewalk or street for purposes of collection unless the materials are prepared in conformance with County practices and standards established pursuant to this section.

(3) The Deputy Commissioner for Solid Waste Management is hereby authorized and directed to designate, by written statement, from time to time, the practices and standards for preparation of recyclables for collection. Such written designation shall be filed with the Clerk of the County Legislature and shall become effective within 90 days of filing unless rescinded or modified by appropriate resolution of the County Legislature. **[Amended 3-16-2000 by L.L. No. 6-2000]**

(4) The Deputy Commissioner shall solicit information from solid waste collectors, solid waste management facility operators and other concerned parties prior to designating revised rules for preparation of materials. **[Amended 3-16-2000 by L.L. No. 6-2000]**

E. Waste haulers shall not be responsible for collection of waste materials which have not been placed or prepared in accord with this article. In the event of noncollection of waste or recyclable materials, the hauler shall provide written notification of reason for noncollection.

F. The responsible generator shall immediately remove and properly prepare and dispose of all materials refused for collection, taking all measures necessary to properly and legally restore all disturbed land and surface to the condition existing prior to deposition or reimburse the County or other municipal entity for the same.

§ 317-28. Multifamily buildings and complexes.

A. Apartment complexes, condominium complexes, cooperative apartments, hotels, motels and bungalow or resort colonies shall be required to establish a private dropoff program for the source separation of recyclable materials for collection and transportation to a recycling facility where curbside collection is not practiced or desired.

B. The owner and/or manager of every multifamily apartment building or condominium within the County shall provide and maintain, in a neat and sanitary condition, recycling dropoffs to receive all recyclable materials generated by residents of the building or complex. In cases where a condominium association exists, the condominium association shall be responsible for provision and maintenance of the recycling dropoff(s). It shall be the tenant's responsibility to separate designated recyclable materials from the solid waste and deposit the recyclables in the dropoff(s) in the manner prescribed by facility management.

C. The owner or manager of every multifamily building or complex shall arrange for the collection and/or transportation of all recyclable materials to a material recovery facility or secondary materials market.

§ 317-29. Residential/commercial (institutional) and industrial waste and recyclables. [Amended 2-6-2013 by L.L. No. 3-2013]

A. All residential solid waste collected by either municipal or private haulers shall be source separated and delivered to an appropriate facility for disposition, as may be designated by the County.

B. All commercial/industrial/institutional solid waste collected by either municipal or private haulers shall be source separated and delivered to an appropriate facility for disposition, as may be designed by the County.

C. All recyclable commercial/industrial/institutional by-products shall be source separated and delivered to an appropriate facility for the express purpose of processing for sale to a secondary materials market. Nothing in this section shall prevent generators from marketing these materials directly to an end-use market, secondary materials market or secondary materials broker.

§ 317-30. Penalties for waste generators.

A. Failure to comply with this article by any person shall be an offense punishable as provided.

B. Each day of violation of this article shall constitute a separate offense.

C. The waste hauler shall maintain the right to refuse collection of solid waste and/or recyclables due to a lack of source separation or proper preparation on the part of the waste generator. In such a case, the hauler shall affix a notice to the waste material which clearly states the reason for noncollection.

D. Individuals convicted of a first offense under this article shall be subject to a fine of not less than $25 and not more than $50. Conviction of a second offense within one year of the first offense shall be punishable by a fine of not less than $50 nor more than $100. Conviction of subsequent offense(s) within one year of the first offense shall be punishable by a fine of at least $100 and not more than $200. In addition to the penalties listed above, anyone convicted of an offense under the provisions of this article shall be subject to a civil penalty to recover cost of enforcement and prosecution, including but not limited to attorneys' fees, court costs and site cleanup cost, if applicable.

E. Any company, partnership, corporation, municipality or entity other than an individual person convicted of a first offense as provided for by this article shall be subject to a fine of not less than $200 and not more than $1,000 and/or revocation of solid waste collection and disposal permits. Conviction of subsequent offenses shall be punishable by a fine of not less than $1,000 and not more than $2,000. Any such entity convicted of an offense under the provisions of this article shall also be subject to a civil penalty to recover the cost of enforcement and prosecution, including but not limited to attorney's fees, court costs and site cleanup costs, if applicable. In addition, the County Attorney may also maintain an action or proceeding in the name of Broome County in a court of competent jurisdiction to compel compliance with or to restrain by injunction such violation.

§ 317-31. Penalties for waste haulers.

A. Failure of any hauler to comply with this article shall be an offense punishable as provided.

B. Each day of violation of this article shall constitute a separate offense.

C. Violation of any section of this article shall be punishable by a fine not in excess of $1,000 and/or revocation of the hauler's landfill user's permit, or any combination thereof. In addition, the violation of any section of this article shall be subject to a civil penalty imposed by the County to recover cost associated with enforcement and prosecution, including but not limited to reasonable attorney's fees, court costs and site cleanup costs, if applicable. And, in addition, Broome County may also maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or to restrain by injunction any violation of this article.

§ 317-32. Solid waste disposal on public property.

A. All public facilities within the County of Broome shall provide public refuse receptacles for solid waste disposal by facility users and employees.

B. There shall be provided separate public receptacles for recyclables. Such containers shall be clearly marked RECYCLE, and a list of recyclable items shall accompany said public refuse receptacle. There shall be an adequate number of clearly marked and accessible public receptacles for recyclable materials in order to facilitate recycling.

C. All recyclable materials shall be placed in separate public recycling receptacles. The responsibility to separate recyclables from nonrecyclables shall be placed on the facility user.

(1) Parks may, in lieu of providing separate public receptacles for recyclables, require that park patrons take their recyclable materials with them upon leaving the park. The municipalities shall post signs at all park entrances advising the public of the rule. Park patrons shall be responsible for removing recyclables from the park and disposing of them in accordance with this article.

(2) Notwithstanding the provisions of the subsection, concession stands within the park providing food or other items packaged in recyclable containers shall provide both refuse and recyclable containers to conform to this section.

D. It shall be a violation of this article for any person to place or to cause to be placed any material other than a recyclable in or near a public receptacle designated for recyclable materials.

E. It shall also be a violation of this article for any person to place or to cause to be placed any recyclable material in or near a public refuse receptacle designated for nonrecyclable materials.

F. Any person, including employees of public facilities, convicted of a violation of this section shall be subject to a fine of up to $50 or community service.

G. The proprietor of any public facility convicted of a violation of this section shall be subject to a fine of up to $200 or community service. Each day of violation shall constitute a separate offense.

§ 317-33. Enforcement.

All provisions of this article shall be enforced by the Broome County Security Division or may be enforced by a municipal code enforcement official or other appropriate enforcement agencies.

§ 317-34. Reporting to Deputy Commissioner. [Amended 3-16-2000 by L.L. No. 6-2000]

A. All waste haulers, and any other person or entity that collects, transports and/or markets recyclables, must maintain monthly records of all recyclable material. These records must include the following: **[Amended 12-19-2013 by L.L. No. 2-2014]**

(1) The total tonnage, by material, of recyclable material collected.

(a) The total tonnage, by material, of recyclable material delivered to each and every materials recovery facility, secondary materials market, secondary materials broker or end-use market.

(b) Weight slips from the broker or end market will fulfill this requirement.

B. Reports containing the information required in this section shall be compiled and delivered to the Deputy Commissioner for the Division of Solid Waste Management on an annual basis. Reports shall be filed with the Deputy Commissioner no later than January 31 of the subsequent year of filing.

C. [13] Each waste hauler shall retain for no less than five years the records and documents required pursuant to this article and shall make such documents available upon the request of the Deputy Commissioner or law enforcement officers.

§ 317-35. Acceptance of source-separated materials by County facilities; tipping fee. [Amended 9-20-2001 by L.L. No. 5-2001; amended 12-19-2013 by L.L. No. 1-2014]

Upon payment of any tipping fee imposed by the County, the County shall accept any materials source-separated pursuant to this article at a designated solid waste management facility or through special collections, including but not limited to household hazardous wastes. The tipping fee imposed shall be as indicated in the Schedule of County Fees in Chapter 257, Fees and Charges, Article XIV; provided, however, that the tipping fee shall be waived for participating haulers.

§ 317-36. Priority.

Pursuant to Section 1 of Chapter 675 of the Laws of 1982 of the state, this article takes precedence over and shall supersede any inconsistent provisions of any local law enacted by any municipality within the County.

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13. Editor's Note: Former Subsection C, regarding an annual collection vehicle permit, and Subsection D, regarding the permit sticker, were repealed 12-19-2013 by L.L. No. 2-2014. Said local law also redesignated former Subsection E as Subsection C.

Chapter 323

SUBDIVISION MAPS

§ 323-1. Filing with Department of Real Property Tax Service required.

[HISTORY: Adopted by the Broome County Legislature 6-18-1992 by L.L. No. 9-1992 (Ch. 181 of the 1991 Code). Amendments noted where applicable.]

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§ 323-1. Filing with Department of Real Property Tax Service required. [Amended 6-21-2001 by L.L. No. 3-2001[1]]

Any and every map, plot or subdivision map identifying land located wholly or in part within the County of Broome showing a subdivision of such lands into five or more blocks or lots shall, before it is filed in the office of the Clerk of the County of Broome, be presented to the Real Property Tax Service Agency and a Mylar copy thereof filed in the Real Property Tax Service Agency, and said original map or plot shall be stamped by said Real Property Tax Service Agency. If any such map or plot which has not been so stamped shall be placed on file, the owner thereof at the time of filing shall forfeit to Broome County the sum of $50, plus costs and disbursements necessary to obtain said map or plot. If said sum is not paid within 20 days of written notice of violation, the County shall be authorized to commence an action in the name of Broome County in any court of competent jurisdiction to collect said sum.

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1. **Editor's Note: Amended at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I).**

Chapter 330

TAXATION

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[HISTORY: Adopted by the Broome County Legislature as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Department of Audit and Control — See Charter, Art. IV; Administrative Code, Art. IV.
Office of Management and Budget — See Charter, Art. V; Administrative Code, Art. V.
Financial procedures — See Charter, Art. VI; Administrative Code, Art. VI.
Fees for duplicate tax bills; delinquent tax title searches — See Ch. 257, Art. XIV.
Tax exemptions — See Ch. 333.

ARTICLE I

Collection of Delinquent Village Taxes

[Adopted 8-5-1975 by L.L. No. 5-1975 (Ch. 185, Art. I, of the 1991 Code)]

§ 330-1. Requests from villages. [Amended 8-19-2010 by L.L. No. 8-2010[1]]

Notwithstanding any general, special or local law to the contrary, upon receipt of a village ordinance, local law or resolution of a village within Broome County requesting the County of Broome to collect delinquent village taxes subsequent to the effective date of this article and upon certification of correctness of such unpaid taxes by the village authorities, the Director of Management and Budget of Broome County may collect such village taxes, provided that said certificate by the village authorities is received by the Director of Management and Budget no later than the 15th day of November following the levy of taxes.

§ 330-2. Payments to village authorized. [Amended 8-19-2010 by L.L. No. 8-2010[2]]

The Director of Management and Budget shall, on or before the first day of April following the receipt of the certification as provided in § 330-1 of this article, pay to the officer charged by law with the custody of village moneys, moneys of the County appropriated therefor. If the amount appropriated for such purpose shall be insufficient, it shall be the duty of the County Legislature to increase such appropriation by the amount necessary. The moneys to meet such increase shall be provided from moneys not otherwise appropriated or committed from relevy or collection of delinquent village taxes, from moneys appropriated for a contingent fund, or pursuant to the Local Finance Law.

§ 330-3. Relevying of taxes. [Amended 8-19-2010 by L.L. No. 8-2010[3]]

Such statement and certificate shall be transmitted by the Director of Management and Budget to the County Legislature, which shall cause the amount of such unpaid taxes, with 7% of the amount of principal and interest in addition thereto, to be relevied upon the real property upon which the same were imposed. When collected, the same shall be returned to the Director of Management and Budget to reimburse the County for the amount advanced, with the expenses of collection.

§ 330-4. Payments to County. [Amended 8-19-2010 by L.L. No. 8-2010[4]]

Any person whose real property is levied against may pay the amount of taxes levied thereon, with 5% added thereto, to the Director of Management and Budget at any time before the County Legislature shall have directed the same to be relevied, except as otherwise provided in Subdivision 2 of § 1432 of the Real Property Tax Law in relation to the payment of interest in lieu of such 5%.

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1. **Editor's Note: This local law provided an effective date of 1-1-2011.**
2. **Editor's Note: This local law provided an effective date of 1-1-2011.**
3. **Editor's Note: This local law provided an effective date of 1-1-2011.**
4. **Editor's Note: This local law provided an effective date of 1-1-2011.**

§ 330-5. Methods of collection; foreclosure.

The County of Broome shall have the same authority to collect such village delinquent taxes and shall use the same proceedings as used for the collection of delinquent County taxes, including foreclosure, pursuant to the Real Property Tax Law.

ARTICLE II
Duplicate Tax Bills.

§ 330-6. Charge for duplicate tax bills. [Adopted 6-18-1998 by L.L. No. 9-1998 (Ch. 185, Art. XII, of the 1991 Code)[5]]

A fee as set forth in the Schedule of County Fees in Chapter 257, Article XIV, shall be charged for the processing of duplicate tax bills when requested by the public.

ARTICLE III
Hotel or Motel Occupancy Tax
[Adopted 11-1-1977 by L.L. No. 10-1977 (Ch. 185, Art. III, of the 1991 Code)]

§ 330-7. Title. [6]

This article shall be known as the "Broome Hotel or Motel Room Occupancy Tax Law."

§ 330-8. Intent. [Amended 8-23-2007 by L.L. No. 7-2007]

The intent of this article shall be to promote Broome County and its cities, towns and villages in order to increase conventions, trade shows, tourist business and economic development in the County.

§ 330-9. Definitions. [Amended 4-17-1990 by L.L. No. 5-1990; 8-19-2010 by L.L. No. 8-2010[7]]

When used in this article, the following terms shall mean:

COMPTROLLER — The Comptroller of Broome County.

DIRECTOR OF MANAGEMENT AND BUDGET — The Director of Management and Budget of Broome County.

HOTEL or MOTEL — A building or portion of it which is regularly used and kept open as such for the lodging of guests. The term "hotel" or "motel" includes an apartment hotel, motor court or inn, boardinghouse or club or similar hotel or motel type of accommodations by whatever name designated, whether or not meals are served.

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5. **Editor's Note: Amended at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I).**

6. **Editor's Note: Amended at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I).**

7. **Editor's Note: This local law provided an effective date of 1-1-2011.**

OCCUPANCY — The use or possession, or the right to use or possess, any room in a hotel or motel. "Right to use or possess" includes the rights of a room remarketer as described in this section. **[Amended 1-23-2014 by L.L. No. 3-2014]**

OCCUPANT — A person who, for a consideration, uses, possesses or has the right to use or possess any room in a hotel or motel under any lease, concession, permit, right of access, license to use or other agreement, or otherwise. "Right to use or possess" includes the rights of a room remarketer as described in this section. **[Amended 1-23-2014 by L.L. No. 3-2014]**

OPERATOR — Any person operating a hotel or motel in the County of Broome, including but not limited to the owner or proprietor of such premises, lessee, sublessee, mortgagee in possession, licensee or any other person otherwise operating such hotel or motel.

PERMANENT RESIDENT — Any occupant of any room or rooms in a hotel or motel who maintains occupancy for at least 30 consecutive days shall be considered a permanent resident with regard to the period of such occupancy.

PERSON — An individual, partnership, society, association, joint-stock company, corporation, estate, receiver, trustee, assignee, referee and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of the foregoing.

RENT — The consideration received for occupancy valued in money, whether received in money or otherwise, including any service or other charge or amount required to be paid as a condition for occupancy, and also any amount for which credit is allowed by the operator or a room remarketer or another person on behalf of either of them. **[Amended 1-23-2014 by L.L. No. 3-2014]**

RETURN — Any return filed or required to be filed as herein provided.

ROOM — Any room or rooms of any kind in any part or portion of a hotel or motel which is available for or let out for any purpose other than a place of assembly.

ROOM REMARKETER — A person who reserves, arranges for, conveys, or furnishes occupancy, whether directly or indirectly, to an occupant for rent in an amount determined by such room remarketer, directly or indirectly, whether pursuant to a written or other agreement. Such person's ability or authority to reserve, arrange for, convey, or furnish occupancy, directly or indirectly, and to determine rent therefor, shall be the "rights of a room remarketer." A room remarketer is not a permanent resident with respect to a room for which such person has the rights of a room remarketer. **[Added 1-23-2014 by L.L. No. 3-2014]**

§ 330-10. Imposition of tax. [Amended 4-17-1990 by L.L. No. 5-1990; 8-23-2007 by L.L. No. 7-2007]

On and after the first day of October 2007, there is hereby imposed and there shall be paid a tax of 5% upon the rent for every occupancy of a room or rooms in a hotel or motel in this County, except that the tax shall not be imposed upon a permanent resident or exempt organizations as hereinafter set forth.

§ 330-11. Transitional provisions. [Amended 8-23-2007 by L.L. No. 7-2007]

The tax imposed by this article shall be paid upon any occupancy on and after the first day of October 2007, although such occupancy is pursuant to a prior contract, lease or other arrangement. Where rent is paid on a weekly, monthly or other term basis, the rent shall be subject to the tax imposed by this article to the extent that it covers any period on and after the first day of October 2007.

§ 330-12. Exemptions.

A. Except as otherwise provided in this section, any use or occupancy by any of the following shall not be subject to the tax imposed by this article:

(1) The State of New York or any of its agencies, instrumentalities, public corporations (including a public corporation created pursuant to agreement or compact with another state or Canada), improvement districts or political subdivisions of the state.

(2) The United States of America or any of its agencies and instrumentalities, insofar as it is immune from taxation.

(3) Any corporation, association, trust or community chest, fund or foundation organized and operated exclusively for religious, charitable or educational purposes or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation; provided, however, that nothing in this subsection shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this subsection.

B. Where any organization described in Subsection A(3) of this section carries on its activities in furtherance of the purposes for which it was organized in premises in which, as part of said activities, it operates a hotel or motel, occupancy of rooms in the premises and rents therefrom received by such corporation or association shall not be subject to tax thereunder.

§ 330-13. Territorial limits.

The tax imposed by this article shall apply only within the territorial limits of the County of Broome.

§ 330-14. Registration. [Amended 12-19-1996 by L.L. No. 10-1996; 8-19-2010 by L.L. No. 8-2010[8] ; 1-23-2014 by L.L. No. 3-2014]

A. Within 10 days after the effective date of this article or, in the case of operators or room remarketers commencing business after such effective date, within three days after such commencement or opening, every operator or room remarketer shall file with the Director of Management and Budget a certificate of registration in a form prescribed by the Director of Management and Budget. The Director of Management and Budget shall, within five days after such registration, issue without charge to each operator or room remarketer a certificate of authority empowering such operator or room remarketer to collect the tax from the occupant and duplicate thereof for each additional hotel or motel of such operator. Each certificate or duplicate shall state the hotel or motel to which it is applicable. Such certificates of authority shall be prominently displayed by the operator in such manner that it may be seen and come to the notice of all occupants and persons seeking occupancy. Such certificate shall be nonassignable and nontransferable and shall be surrendered immediately to the Director of Management and Budget upon the cessation of business at the hotel or motel named or upon its sale or transfer.

§ 330-15. Administration and collection. [Amended 8-23-2007 by L.L. No. 7-2007; 8-19-2010 by L.L. No. 8-2010[9]]

A. The tax imposed by this article shall be administered and collected by the Director of Management and Budget of the County of Broome or other fiscal officers of the County as he may designate by such means and in such manner as are other taxes which are now collected and administered by such officers in accordance with the County Charter or as otherwise are provided by this article.

B. The tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof at the time when the occupancy is arranged or contracted for and charged for and upon every evidence of occupancy or any bill or statement or charge made for said occupancy issued or delivered by the operator, and the tax shall be paid by the occupant to the operator or room remarketer as trustee for and on account of the County and the operator or room remarketer shall be liable for the collection thereof and for the tax. The operator or room remarketer and any officer of any corporate operator or room remarketer shall be personally liable for the tax collected or required to be collected under this article, and the operator or room remarketer shall have the same right in respect to collecting the tax from the occupant, or in respect to nonpayment of the tax by the occupant, as if the tax were a part of the rent for the occupancy payable at the time such tax shall become due and owing, including all rights of eviction, dispossession, repossession and enforcement of any innkeeper's lien that he may have in the event of nonpayment of rent by the occupant; provided, however, that the Director of Management and Budget or other fiscal officer or officers, employees or agents duly designated by him shall be joined as a party in any action or proceeding brought by the operator to collect or enforce collection of the tax. **[Amended 1-23-2014 by L.L. No. 3-2014]**

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8. Editor's Note: This local law provided an effective date of 1-1-2011.

9. Editor's Note: This local law provided an effective date of 1-1-2011.

C. Where the occupant has failed to pay and the operator or room remarketer has failed to collect a tax as imposed by this article, then in addition to all other rights, obligations and remedies provided, such tax shall be payable by the occupant directly to the County Director of Management and Budget, and it shall be the duty of the occupant to file a return thereof with the County Comptroller and to pay the tax imposed thereon to the County Director of Management and Budget within 15 days after such tax was due. **[Amended 1-23-2014 by L.L. No. 3-2014]**

D. The Director of Management and Budget may, wherever he deems it necessary for the proper enforcement of this article, provide by regulation that the occupant shall file returns and pay directly to the Director of Management and Budget the tax herein imposed at such times as returns are required to be filed and payment made over by the operator.

E. The tax imposed by this article shall be paid upon any occupancy on and after October 1, 2007, although such occupancy is had pursuant to a contract, lease or other arrangement made prior to such date. Where rent is paid or charged or billed, or falls due on either a weekly, monthly or other term basis, the rent so paid, charged, billed or falling due shall be subject to the tax herein imposed to the extent that it covers any portion of the period on and after October 1, 2007. Where any tax has been paid hereunder upon any rent which has been ascertained to be worthless, the Director of Management and Budget may by regulation provide for credit and/or refund of the amount of such tax upon application therefor as provided in § 330-21 of this article.

F. For the purposes of the proper administration of this article and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents are subject to tax until the contrary is established, and the burden of proving that a rent for occupancy is not taxable hereunder shall be upon the operator or room remarketer, except that, where by regulation pursuant to Subsection D of this section an occupant is required to file returns and pay directly to the Director of Management and Budget the tax herein imposed, the burden of proving that a rent for occupancy is not taxable shall be upon the occupant. Where an occupant claims exemption from the tax under the provisions of § 330-12 of this article, the rent shall be deemed taxable hereunder unless the operator or room remarketer shall receive from the occupant claiming such exemption a certificate duly executed by an exempt corporation or association certifying that the occupant is its agent, representative or employee, together with a certificate executed by the occupant certifying that his occupancy is paid or to be paid by such exempt corporation or association, and is necessary or required in the course of or in connection with the occupant's duties as a representative of such corporation or association. Where deemed necessary by the operator or room remarketer, he may further require that any occupant claiming exemption from the tax furnish a copy of a certificate issued by the Director of Management and Budget certifying that the corporation or association therein named is exempt from the tax under § 330-12. **[Amended 1-23-2014 by L.L. No. 3-2014]**

§ 330-16. Recordkeeping. [Amended 8-19-2010 by L.L. No. 8-2010[10] ; 1-23-2014 by L.L. No. 3-2014]

Every operator or room remarketer shall keep records of every occupancy and of all rent paid, charged or due thereon and of the tax payable thereon, in such form as the Director of Management and Budget may by regulation require. Such records shall be available for inspection, examination and audit at any time upon demand by the Director of Management and Budget or his duly authorized agent or employee and shall be preserved for a period of three years, except that the Director of Management and Budget may consent to their destruction within that period or may require that they be kept longer.

§ 330-17. Returns. [Amended 8-19-2010 by L.L. No. 8-2010[11]]

A. Every operator or room remarketer (except exempt operators as provided in §§ 330-10 and 330-14 above) shall file with the Director of Management and Budget a return of occupancy and of rents and of the taxes payable thereon for the periods ending on the last day of February, May, August and November of each year, on and after January 1, 1978. Such returns shall be filed within 20 days from the expiration of the period covered thereby. The Director of Management and Budget may permit or require returns to be made by other periods and upon such dates as he may specify. If the Director of Management and Budget deems it necessary in order to ensure the payment of the tax imposed by this article, he may require returns to be made for shorter periods than those prescribed pursuant to the foregoing provisions of this subsection and upon such dates as he may specify. **[Amended 12-19-2013 by L.L. No. 1-2014; 1-23-2014 by L.L. No. 3-2014]**

B. The forms of returns shall be prescribed by the Director of Management and Budget and shall contain such information as he may deem necessary for the proper administration of this article. The Director of Management and Budget may require amended returns to be filed within 20 days after notice and to contain the information specified in the notice.

C. If a return required by this article is not filed, or a return when filed is incorrect or insufficient on its face, the Director of Management and Budget shall take the necessary steps to enforce the filing of such a return or of a corrected return.

§ 330-18. Payment of taxes. [Amended 8-19-2010 by L.L. No. 8-2010[12] ; 1-23-2014 by L.L. No. 3-2014]

A. At the time of filing a return of occupancy and of rents, each operator (except exempt operators) or room remarketer shall pay to the Director of Management and Budget the taxes imposed by this article upon the rents required to be included in such return, as well as all other moneys collected by the operator or room remarketer acting or purporting to act under the provisions of this article. Where the Director of Management

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10. Editor's Note: This local law provided an effective date of 1-1-2011.

11. Editor's Note: This local law provided an effective date of 1-1-2011.

12. Editor's Note: This local law provided an effective date of 1-1-2011.

and Budget in his discretion deems it necessary to protect revenues to be obtained under this article, he may require any operator or room remarketer required to collect the tax imposed by this article to file with him a bond, issued by surety company authorized to transact business in this state and approved by the Superintendent of Insurance of this state as to solvency and responsibility, in such amount as the Director of Management and Budget may fix to secure the payment of any tax and/or penalties and interest due or which may become due from such operator.

B. In the event that the Director of Management and Budget determines that an operator or room remarketer is to file such bond, he shall give notice to such operator or room remarketer to that effect, specifying the amount of the bond required. The operator or room remarketer shall file such bond within five days after the giving of such notice, unless within such five days the operator or room remarketer shall request, in writing, a hearing before the Director of Management and Budget at which the necessity, propriety and amount of the bond shall be determined by the Director of Management and Budget. Such determination shall be final and shall be complied with within 15 days after the giving of notices thereof. In lieu of such bond, securities approved by the Director of Management and Budget, or cash in such amount as he may prescribe, may be deposited which shall be kept in the custody of the Director of Management and Budget, who may at any time without notice to the depositor apply them to any tax and/or interest or penalties due, and for that purpose the securities may be sold by him at public or private sale without notice to the depositor thereof.

§ 330-19. Determination of taxes by Director of Management and Budget. [Amended 8-19-2010 by L.L. No. 8-2010[13]]

A. If a return required by this article is not filed, or if a return when filed is incorrect or insufficient, the amount of tax due shall be determined by the Director of Management and Budget from such information as may be obtainable and, if necessary, the tax may be estimated on the basis of external indices, such as the number of rooms, the location, the scale of rents, comparable rents, the type of accommodations and service, the number of employees and/or other factors.

B. Notice of such determination shall be given to the person liable for the collection and/or payment of the tax. Such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within 30 days after giving of notice of such determination, shall apply to the Director of Management and Budget for a hearing, or unless the Director of Management and Budget of his own motion shall redetermine the same. After such hearing, the Director of Management and Budget shall give notice of his determination to the person against whom the tax is assessed. The determination of the Director of Management and Budget shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by proceeding under Article 78 of the Civil Practice Law and Rules, if application therefor is made to the Supreme Court within 30 days after the giving of the notice of such determination.

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13. Editor's Note: This local law provided an effective date of 1-1-2011.

C. A proceeding under Article 78 of the Civil Practice Law and Rules shall not be instituted unless the amount of any tax sought to be reviewed, with penalties and interest thereon, if any, shall be first deposited with the Director of Management and Budget and there shall be filed with the Director of Management and Budget an undertaking, issued by a surety company authorized to transact business in this state and approved by the Superintendent of Insurance of this state as to solvency and responsibility, in such amount as a justice of the Supreme Court shall approve, to the effect that if such proceeding is dismissed or the tax is confirmed the petitioner will pay all costs and charges which may accrue in the prosecution of the proceeding; or at the option of the applicant, such undertaking filed with the Director of Management and Budget may be in a sum sufficient to cover the taxes, penalties and interest thereon stated in such determination plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the applicant shall not be required to deposit such taxes, penalties and interest as a condition precedent to the application.

§ 330-20. Disposition of revenue. [Amended 8-23-2007 by L.L. No. 7-2007]

Three-fifths of revenues resulting from the imposition of the tax under this article shall be paid into the treasury of the County and shall be credited to and deposited in the general fund of the County and shall thereafter be allocated at the discretion of the Broome County Legislature for any County purpose in order to increase conventions, trade shows and tourist business. Two-fifths of revenues resulting from the imposition of the tax under this article shall be deposited in a special account to be known as the "County Economic Development Initiative Fund" and to be marked separate and apart from any other funds and accounts of the County. The Broome County Legislature shall designate the specific purpose for which these funds may be used.

§ 330-21. Refunds. [Amended 8-19-2010 by L.L. No. 8-2010[14]]

A. In the manner provided in this section, the Director of Management and Budget shall refund or credit, without interest, any tax, penalty or interest erroneously, illegally or unconstitutionally collected or paid if application to the Director of Management and Budget for such refund shall be made within one year from the payment thereof. Whenever a refund is made by the Director of Management and Budget, he shall state his reason therefor in writing. Such application may be made by the occupant, operator or other person who has actually paid the tax. Such application may also be made by an operator who has collected and paid over such tax to the Director of Management and Budget, provided that the application is made within one year of the payment of the occupant to the operator, but no actual refund of moneys shall be made to such operator until he shall first establish to the satisfaction of the Director of Management and Budget, under such regulations as the Director of Management and Budget may prescribe, that he has repaid to the occupant the amount for which the application for refund is made. The Director of Management and Budget may, in lieu of any refund required to be made, allow credit therefor on payments due from the applicant.

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14. Editor's Note: This local law provided an effective date of 1-1-2011.

B. An application for a refund or credit made as herein provided shall be deemed an application for a revision of any tax, penalty or interest complained of, and the Director of Management and Budget may receive evidence with respect thereto. After making his determination, the Director of Management and Budget shall give notice thereof to the applicant, who shall be entitled to review such determination by a proceeding pursuant to Article 78 of the Civil Practice Law and Rules, provided that such proceeding is instituted within 30 days after the giving of notice of such determination, and provided that a final determination of tax due was not previously made. Such a proceeding shall not be instituted unless an undertaking is filed with the Director of Management and Budget in such amount and with such sureties as a Justice of the Supreme Court shall approve, to the effect that, if such proceedings are dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

C. A person shall not be entitled to a revision, refund or credit under this section of a tax, interest or penalty which had been determined to be due pursuant to the provisions of § 330-18 of this article where he has had a hearing or an opportunity for a hearing, as provided in said section, or has failed to avail himself of the remedies therein provided. No refund or credit shall be made of a tax, interest or penalty paid after a determination by the Director of Management and Budget after a hearing of his own motion or in a proceeding under Article 78 of the Civil Practice Law and Rules, pursuant to the provisions of said section, in which event refund or credit without interest shall be made of the tax, interest or penalty found to have been overpaid.

D. A room remarketer shall be allowed a refund or credit against the taxes collected and required to be remitted pursuant to this article in the amount of the tax it paid to the operator of the hotel or another room remarketer under this article; provided, however, that in order to qualify for a refund or credit under this subsection with respect to any quarterly period, as described in this article, the room remarketer must, with respect to such quarter, be registered for hotel room occupancy tax purposes under this article and collect the taxes imposed by this article. Subject to the conditions and limitations of this subsection, the provisions of this article shall apply to refunds of credits under this subsection. **[Added 1-23-2014 by L.L. No. 3-2014]**

§ 330-22. Reserves.

In cases where the occupant or operator has applied for a refund and has instituted a proceeding under Article 78 of the Civil Practice Law and Rules to review a determination adverse to him on his application for refund, the Comptroller shall set up appropriate reserves to meet any decision adverse to the County.

§ 330-23. Remedies to be exclusive. [Amended 8-19-2010 by L.L. No. 8-2010[15]]

The remedies provided by §§ 330-18 and 330-20 of this article shall be exclusive remedies available to any person for the review of tax liability imposed by this article, and no

15. Editor's Note: This local law provided an effective date of 1-1-2011.

determination or proposed determination of tax or determination on any application for refund shall be enjoined or reviewed by an action for declaratory judgment, an action for money had and received, or by any action or proceeding other than a proceeding in nature of a certiorari proceeding under Article 78 of the Civil Practice Law and Rules; provided, however, that a taxpayer may proceed by declaratory judgment if he institutes suit within 30 days after a deficiency assessment is made and pays the amount of the deficiency assessment to the Director of Management and Budget prior to the institution of such suit and posts a bond for costs as provided in § 330-18 of this article.

§ 330-24. Proceedings to recover tax. [Amended 8-19-2010 by L.L. No. 8-2010[16]]

A. Whenever any operator or room remarketer or any officer of a corporate operator or any occupant or other person shall fail to collect and pay over any tax and/or to pay any tax, penalty or interest imposed by this article as herein provided, the County Attorney shall, upon the request of the Director of Management and Budget, bring or cause to be brought an action to enforce the payment of the same on behalf of the County of Broome in any court of the State of New York or of any other state of the United States. If, however, the Director of Management and Budget in his discretion believes that any such operator or room remarketer, officer, occupant or other person is about to cease business, leave the state or remove or dissipate the assets out of which the tax or penalties might be satisfied, and that any such tax or penalty will not be paid when due, he may declare such tax or penalty to be immediately due and payable and may issue a warrant immediately. **[Amended 1-23-2014 by L.L. No. 3-2014]**

B. As an additional or alternate remedy, the Director of Management and Budget may issue a warrant, directed to the Sheriff, commanding him to levy upon and sell the real and personal property of the operator or room remarketer or officer of a corporate operator or room remarketer or other person liable for the tax, which may be found within the County, for the payment of the amount thereof, with any penalties and interest, and the cost of executing the warrant, and to return such warrant to the Director of Management and Budget and to pay to him the money collected by virtue thereof within 60 days after the receipt of such warrant. The Sheriff shall, within five days after the receipt of the warrant, file with the County Clerk a copy thereof, and thereupon such Clerk shall enter in the judgment docket the name of the person mentioned in the warrant and the amount of the tax, penalties and interest for which the warrant is issued and the date when such copy is filed. Thereupon the amount of such warrant so docketed shall become a lien upon the interest in real and personal property of the person against whom the warrant is issued. The Sheriff shall then proceed upon the warrant in the same manner and with like effect as that provided by law in respect to executions issued against property judgments of a court of record, and for services in executing the warrant he shall be entitled to the same fees, which he may collect in the same manner. In the discretion of the Director of Management and Budget, a warrant of like terms, force and effect may be issued and directed to any officer or employee of the Director of Management and Budget, and in the execution thereof such officer or employee shall have all the powers conferred by law upon sheriffs, but shall be entitled to no fee or compensation in excess of the actual

16. Editor's Note: This local law provided an effective date of 1-1-2011.

expenses paid in the performance of such duty. If a warrant is returned not satisfied in full, the Director of Management and Budget may from time to time issue new warrants and shall also have the same remedies to enforce the amount due thereunder as if the County has recovered judgment therefore and execution thereon has been returned unsatisfied. **[Amended 1-23-2014 by L.L. No. 3-2014]**

C. Whenever an operator shall make a sale, transfer or assignment in bulk of any part or the whole of his hotel or motel, of his lease, license or other agreement or right to possess or operate such hotel or motel or of the equipment, furnishings, fixtures, supplies or stock of merchandise, or said premises or lease, license or other agreement or right to possess or operate such hotel or motel and the equipment, furnishings, fixtures, supplies and stock of merchandise pertaining to the conduct or operation of said hotel or motel otherwise than in the ordinary and regular prosecution of business, the purchaser, transferee or assignee shall, at least 10 days before taking possession of the subject of the sale, transfer or assignment or paying therefor, notify the Director of Management and Budget by registered mail of the proposed sale and of the price, terms and conditions thereof, whether or not the seller, transferor or assignor has represented to or informed the purchaser, transferee or assignee that it owes any tax pursuant to this article, and whether or not the purchaser, transferee or assignee has knowledge that such taxes are owing, and whether any such taxes are in fact owing.

D. Whenever the purchaser, transferee or assignee shall fail to give notice to the Director of Management and Budget as required by the preceding subsection, or whenever the Director of Management and Budget shall inform the purchaser, transferee or assignee that a possible claim for such tax or taxes exists, any sums of money, property or choses in action, or other consideration which the purchaser, transferee or assignee is required to transfer over to the seller, transferor or assignor shall be subject to a first priority right and lien for any such taxes theretofore or thereafter determined to be due from the seller, transferor or assignor to the County, and the purchaser, transferee or assignee is forbidden to transfer to the seller, transferor or assignor any such sums of money, property or choses in action to the extent of the amount of the County's claim. For failure to comply with the provisions of this subsection, the purchaser, transferee or assignee, in addition to being subject to the liabilities and remedies imposed under the provisions of Article 6 of the Uniform Commercial Code, shall be personally liable for the payment to the County of any such taxes theretofore or thereafter determined to be due to the County from the seller, transferor or assignor, and such liability may be assessed and enforced in the same manner as the liability for tax under this article.

§ 330-25. General powers of Director of Management and Budget. [Amended 8-19-2010 by L.L. No. 8-2010[17]]

A. In addition to the powers granted to the Director of Management and Budget in this article, he is hereby authorized and empowered to:

(1) Make, adopt and amend rules and regulations appropriate to the carrying out of this article and the purposes thereof.

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17. Editor's Note: This local law provided an effective date of 1-1-2011.

(2) Extend, for cause shown, the time of filing any return for a period not exceeding 30 days and, for cause shown, to remit penalties but not interest computed at the rate of 6% per annum, and to compromise disputed claims in connection with the taxes hereby imposed.

(3) Request information from the Tax Commissioner of the State of New York or the Treasury Department of the United States relative to any person and to afford information to such Tax Commission or such Treasury Department relative to any person, any other provision of this article to the contrary notwithstanding.

(4) Delegate his functions hereunder to a Deputy Director or any employee or employees of the Office of Management and Budget.

(5) Prescribe methods for determining the rents for occupancy and to determine the taxable and nontaxable rents.

(6) Require any operator within the County to keep detailed records of the nature and type of hotel maintained, the nature and type of service rendered, the rooms available and rooms occupied daily, leases or occupancy contracts or arrangements, rents received, charged and accrued and the names and addresses of the occupants, whether or not any occupancy is claimed to be subject to the tax imposed by this article, and to furnish such information upon request to the Director of Management and Budget.

(7) Assess, determine, revise and readjust the taxes imposed under this article.

B. Administration of oaths and compelling testimony.

(1) The Director of Management and Budget or his employees or agents duly designated and authorized by him shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of their powers and duties under this article. The Director of Management and Budget shall have power to subpoena and require the attendance of witnesses and the production of books, papers and documents to secure information pertinent to the performance of his duties hereunder and of the enforcement of this article and to examine them in relation thereto, and to issue commissions for the examination of witnesses who are out of the state or unable to attend before him or excused from attendance.

(2) A Justice of the Supreme Court, either in court or at chambers, shall have power summarily to enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and documents called for by the subpoena of the Director of Management and Budget under this article.

(3) Any person who shall refuse to testify or to produce books or records or who shall testify falsely in any material matter pending before the Director of Management and Budget under this article shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than $1,000 or imprisonment for not more than one year, or both such fine and imprisonment.

(4) The officers who serve the summons or subpoena of the Director of Management and Budget and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts of record, except as herein otherwise provided. Such officers shall be the County Sheriff and his duly appointed deputies or any officers or employees of the Office of Management and Budget designated to serve such process.

§ 330-26. Construal of reference to "tax."

Wherever reference is made in placards or advertisements or in any other publications to this tax, such reference shall be substantially in the following form: "Tax on occupancy of hotel or motel rooms," except that, in any bill, receipt, statement or other evidence or memorandum of occupancy or rent charge issued or employed by the operator, the words "occupancy tax" will suffice.

§ 330-27. Penalties and interest. [Amended 8-19-2010 by L.L. No. 8-2010[18]]

A. Any person failing to file a return or to pay over any tax to the Director of Management and Budget within the time required by this article shall be subject to a penalty of 5% of the amount of tax due, plus interest at the rate of 1% of such tax for each month of delay, excepting the first month after such return was required to be filed or such tax became due; but the Director of Management and Budget, if satisfied that the delay was excusable, may remit all or any part of such penalty, but not interest at the rate of 6% per year. Such penalties and interest shall be paid and disposed of in the same manner as other revenues from this article. Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this article.

B. Any operator or room remarketer or occupant and any officer of a corporate operator or room remarketer or occupant failing to file a return required by this article, or filing or causing to be filed or making or causing to be made or giving or causing to be given any return, certificate, affidavit, representation, information, testimony or statement required or authorized by this article which is willfully false, and any operator or room remarketer and any officer of a corporate operator or room remarketer willfully failing to file a bond required to be filed pursuant to § 330-19 of this article, or failing to file a registration certificate and such data in connection therewith as the Director of Management and Budget may by regulation or otherwise require, or display or surrender the certificate of authority or exemption as required by this article, or assigning or transferring such certificate of authority or exemption, and any operator or room remarketer and any officer or a corporate operator or room remarketer willfully failing to charge separately from the rent the tax herein imposed, or willfully failing to state such tax separately on any evidence of occupancy and on any bill or statement or receipt of rent issued or employed by the operator or room remarketer, or willfully failing or refusing to collect such tax from the occupant, and any operator or room remarketer and any officer of a corporate operator or room remarketer who shall refer or cause reference to be made to this tax in a form or manner other than that required by this article, and any operator or

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18. Editor's Note: This local law provided an effective date of 1-1-2011.

room remarketer failing to keep the records required by § 330-16 of this article shall, in addition to the penalties herein or elsewhere prescribed, be guilty of a misdemeanor, punishment for which shall be a fine of not more than $1,000 or imprisonment for not more than one year, or both such fine and imprisonment. Officers of a corporate operator or room remarketer shall be personally liable for the tax collected or required to be collected by such corporation under this article and subject to the penalties hereinabove imposed. **[Amended 1-23-2014 by L.L. No. 3-2014]**

C. The certificate of the Director of Management and Budget to the effect that a tax has not been paid, that a return, bond or registration certificate has not been filed or that information has not been supplied pursuant to the provisions of this article shall be presumptive evidence thereof.

§ 330-28. Returns to be confidential; penalties for disclosure.

A. Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for the Director of Management and Budget or any officer or employee of the Office of Management and Budget to divulge or make known in any manner the rents or other information relating to the business of a taxpayer contained in any return required under this article. The officers charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the Director of Management and Budget in an action or proceeding under the provisions of this article, or on behalf of any party to any action or proceeding under the provisions of this article when the returns of facts shown thereby are directly involved in such action or proceeding, in either of which events the courts may require the production of and may admit in evidence so much of said returns or of the facts shown thereby as are pertinent to the action or proceeding and no more. Nothing herein shall be construed to prohibit the delivery to a taxpayer or his duly authorized representative of a certified copy of any return filed in connection with his tax, nor to prohibit the publication of statistics so classified as to prevent the identification of particular returns and the items thereof, or the inspection by the County Attorney or other legal representatives of the County of the return of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted for the collection of a tax or penalty. Returns shall be preserved for three years and thereafter until the Director of Management and Budget permits them to be destroyed. **[Amended 8-19-2010 by L.L. No. 8-2010[19]]**

B. Any violation of Subsection A of this section shall be punishable by a fine not exceeding $1,000 or by imprisonment not exceeding one year, or both, in the discretion of the court, and if the offender is an officer or employee of the County, he shall be dismissed

19. Editor's Note: This local law provided an effective date of 1-1-2011.

from office and be incapable of holding any public office for a period of five years thereafter.

§ 330-29. Notices; time limits.

A. Any notice authorized or required under the provisions of this article may be given by mailing the same to the person for whom it is intended in a postpaid envelope addressed to such person at the address given in the last return filed by him pursuant to the provisions of this article or in any application made by him, or if no return has been filed or application made, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom it is addressed. Any period of time which is determined according to the provisions of this article by the giving of notice shall commence to run from the date of mailing of such notice.

B. The provisions of the Civil Practice Law and Rules or any other law relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by the County to levy, appraise, assess, determine or enforce the collection of any tax or penalty provided by this article. However, except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of the filing of a return; provided, however, that where no return has been filed as provided by the law, the tax may be assessed at any time.

C. Where before the expiration of the period prescribed herein for the assessment of an additional tax a taxpayer has consented, in writing, that such period be extended, the amount of such additional tax due may be determined at any time within such extended period. The period so extended may be further extended by subsequent consents, in writing, made before the expiration of the extended period.

§ 330-30. When effective; expiration. [Amended 10-15-1980 by L.L. No. 9-1980; 12-6-1983 by L.L. No. 18-1983; 1-27-1987 by L.L. No. 3-1987; 11-13-1989 by L.L. No. 12-1989; 12-17-1992 by L.L. No. 1-1993; 11-21-1995 by L.L. No. 16-1995; 11-19-1998 by L.L. No. 14-1998; 11-20-2001 by L.L. No. 10-2001; 12-28-2004 by L.L. No. 2-2005; 8-23-2007 by L.L. No. 7-2007; 8-4-2011 by L.L. No. 4-2011; 9-20-2012 by L.L. No. 5-2012]

The tax herein imposed shall be effective for the period of three years and shall expire on December 31, 2015, unless further extended by subsequent action of the Broome County Legislature.

ARTICLE IV

Payment of Delinquent Real Property Tax

[Adopted 12-29-1994 by L.L. No. 1-1951 (Ch. 185, Art. X, of the 1991 Code)]

§ 330-31. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ELIGIBLE DELINQUENT TAXES — The delinquent taxes, including interest, penalties and charges, which have accrued against a parcel as of the date on which an installment agreement is executed.

ELIGIBLE OWNER — An owner of real property who is eligible to or has entered into an installment agreement.

INSTALLMENT AGREEMENT — A written agreement between an eligible owner and the enforcing officer providing for the payment of eligible delinquent taxes in installments pursuant to the provisions of § 1184 of the Real Property Tax Law and this article.

§ 330-32. Installment agreement. [Amended 8-19-2010 by L.L. No. 8-2010[21]]

The Broome County Director of Real Property Tax Services, the enforcing officer of Broome County, is authorized to enter into an installment agreement providing for the payment of eligible delinquent taxes in installments with property owners. Such installment payment of eligible delinquent taxes shall be made available to each eligible owner on a uniform basis pursuant to the provisions of the New York State Real Property Tax Law and this article. Such installment payments of eligible delinquent taxes shall commence upon the signing of an agreement between the Broome County Real Property Tax Service Agency and the eligible owner. The agreement shall be kept on file in the office of the Broome County Real Property Tax Service Agency, and copies of each agreement shall be provided to the Director of Management and Budget and the Comptroller.

§ 330-33. Term of agreement.

The term of the installment agreement shall be 24 months; the payment schedule shall be monthly, quarterly or semiannually; the required initial down payment shall be 25% of the eligible delinquent taxes; and eligible properties shall include all properties within Broome County.

§ 330-34. Eligibility requirements.

A property owner shall not be eligible to enter into an agreement pursuant to this section where:

A. There is a delinquent tax lien on the same property for which the application is made or on another property owned by such person and such delinquent tax lien is not eligible to be made part of the agreement pursuant to this section;

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21. Editor's Note: This local law provided an effective date of 1-1-2011.

B. Such person is the owner of another parcel within the tax district on which there is a delinquent tax lien, unless such delinquent tax lien is eligible to be and is made part of the agreement pursuant to this section;

C. Such person was the owner of property on which there existed a delinquent tax lien and which lien was foreclosed within three years of the date on which an application is made to execute an agreement pursuant to this section; or

D. Such person defaulted on an agreement executed pursuant to this section within three years of the date on which an application is made to execute an agreement pursuant to this section.[22]

§ 330-35. When eligible.

A property owner shall be eligible to enter into an agreement pursuant to this section no earlier than 30 days after the delivery of the return of unpaid taxes to the enforcing officer.

§ 330-36. Payment.

The amount due under an installment agreement shall be the eligible delinquent taxes plus the interest that is to accrue on each installment payment up to and including the date on which each payment is to be made. The agreement shall provide that the amount due shall be paid, as nearly as possible, in equal amounts on each payment due date. Each installment payment shall be due on the last day of the month in which it is to be paid.

§ 330-37. Interest and penalties.

Interest on the total amount of eligible delinquent taxes, less the amount of the down payment made by the eligible owner, if any is required, shall be that amount as determined pursuant to New York State Real Property Tax Law § 924-a. The rate of interest in effect on the date the agreement is signed shall remain constant during the period of the agreement. If an installment is not paid on or before the date it is due, interest shall be added at the rate prescribed by New York State Real Property Tax Law § 924-a for each month or portion thereof until paid. In addition, if any installment is not paid by the end of the 15th calendar day after the payment due date, a late charge of 5% of the overdue payment shall be added.

§ 330-38. Default.

A. The eligible owners shall be deemed to be in default of the agreement upon:

(1) Nonpayment of any installment within 30 days from the payment due date;

(2) Nonpayment of any tax, special ad valorem levy or special assessment which is levied subsequent to the signing of the agreement by the tax district and which is not paid prior to the expiration of the warrant of the collecting officer; or

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22. Editor's Note: Added at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I).

(3) Default of the eligible owner on another agreement made and executed pursuant to this section.

B. In the event of a default, the County shall have the right to require the entire unpaid balance, with interest and late charges, to be paid in full. The County shall also have the right to enforce the collection of the delinquent tax lien pursuant to the applicable sections of law, special tax act, Charter or local law.

C. Where an eligible owner is in default and the County does not either require the eligible owner to pay in full the balance of the delinquent taxes or elect to institute foreclosure proceedings, the County shall not be deemed to have waived the right to do so.

§ 330-39. Notification of potential eligible owners.

A. Within 45 days after receiving the return of unpaid taxes from the collecting officer, the enforcing officer shall notify, by first class mail, all potential eligible owners of their possible eligibility to make installment payments on such tax delinquencies. The enforcing officer shall add $1 to the amount of the tax lien for such mailing.

B. The failure to mail any such notice, or the failure of the addressee to receive the same, shall not in any way affect the validity of taxes or interest prescribed by law with respect thereto.

C. The enforcing officer shall not be required to notify the eligible owner when an installment is due.

§ 330-40. Lien.

The provisions of this section shall not affect the tax lien against the property, except that the lien shall be reduced by the payments made under an installment agreement and that the lien shall not be foreclosed during the period of installment payments, provided that such installment payments are not in default.

§ 330-41. Redemption period.

A. With respect to taxes becoming liens during 1995, the redemption period for all property shall be four years after the lien date.

B. With respect to taxes becoming liens during 1996 and thereafter, the redemption period for all property sold pursuant to the bulk tax sale provisions of former Real Property Tax Law Article X, Title II, and § C613 of the Broome County Charter shall be the redemption period in effect in Broome County on December 31, 1994. **[Amended 11-21-1995 by L.L. No. 17-1995]**

C. With respect to taxes becoming a lien in 2003 and thereafter, the redemption period shall be 24 months after the lien date. **[Added 9-18-2003 by L.L. No. 6-2003]**

§ 330-42. Charges; payment of delinquent property taxes. [Amended 8-20-1998 by L.L. No. 11-1998[23]]

Pursuant to § 1102, Subdivision 1(e) of the Real Property Tax Law and commencing with taxes becoming a lien in 1995, there shall be a charge as set forth in the Schedule of County Fees in Chapter 257, Fees and Charges, Article XIV, per parcel for the reasonable and necessary costs of title searches required or authorized to satisfy the notice requirements of the Real Property Tax Law.

ARTICLE V
Real Estate Transfer Tax
[Adopted 7-21-1994 by L.L. No. 11-1994 (Ch. 185, Art. IX, of the 1991 Code)]

§ 330-43. Definitions. [Amended 8-19-2010 by L.L. No. 8-2010[24]]

When used in this article, unless otherwise expressly stated, the following terms shall have the meanings indicated:

CONSIDERATION — The price actually paid or required to be paid for the real property or interest therein, including payment for an option or contract to purchase real property, whether or not expressed in the deed or whether paid or required to be paid by money, property or any other thing of value. It shall include the cancellation or discharge of an indebtedness or obligation. It shall also include the amount of any mortgage, purchase money mortgage, lien or other encumbrance, whether or not the underlying indebtedness is assumed or taken subject to.

A. In the case of a creation of a leasehold interest or the granting of an option with use and occupancy of real property, "consideration" shall include, but not be limited to, the value of the rental and other payments attributable to the use and occupancy of the real property or interest therein, the value of any amount paid for an option to purchase or renew, and the value of rental or other payments attributable to the exercise of any option to renew.

B. In the case of a creation of subleasehold interest, "consideration" shall include, but not be limited to, the value of the sublease rental payments attributable to the use and occupancy of the real property, the value of any amount paid for an option to renew and the value of rental or other payments attributable to the exercise of any option to renew less the value of the remaining prime lease rental payments required to be made.

C. In the case of a controlling interest in any entity that owns real property, "consideration" shall mean the fair market value of the real property or interest therein, apportioned based on the percentage of the ownership interest transferred or acquired in the entity.

D. In the case of an assignment or surrender of a leasehold interest or the assignment or surrender of an option or contract to purchase real property, "consideration" shall not include the value of the remaining rental payments required to be made pursuant to the

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23. Editor's Note: Amended at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I).

24. Editor's Note: This local law provided an effective date of 1-1-2011.

terms of such lease or the amount to be paid for the real property pursuant to the terms of the option or contract being assigned or surrendered.

E. In the case of the original conveyance of shares of stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold by the cooperative corporation or cooperative plan sponsor and the subsequent conveyance by the owner thereof of such stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold for a cooperative unit other than an individual residential unit, "consideration" shall include a proportionate share of the unpaid principal of any mortgage on the real property of the cooperative housing corporation comprising the cooperative dwelling or dwellings. Such share shall be determined by multiplying the total unpaid principal of the mortgage by a fraction, the numerator of which shall be the number of shares of stock being conveyed in the cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold and the denominator of which shall be the total number of shares of stock in the cooperative housing corporation.

CONTROLLING INTEREST —

A. In the case of a corporation, either 50% or more of the total combined voting power of all classes of stock of such corporation or 50% or more of the capital, profits or beneficial interest in such voting stock of such corporation.

B. In the case of a partnership, association, trust or other entity, 50% or more of the capital, profits or beneficial interest in such partnership, association, trust or other entity.

CONVEYANCE —

A. The transfer or transfers of any interest in real property by any method, including but not limited to sale, exchange, assignment, surrender, mortgage foreclosure, transfer in lieu of foreclosure, option, trust indenture, taking by eminent domain, conveyance upon liquidation or by a receiver or transfer or acquisition of a controlling interest in any entity with an interest in real property. Transfer of an interest in real property shall include the creation of a leasehold or sublease only where:

(1) The sum of the term of the lease or sublease and any options for renewal exceeds 49 years;

(2) Substantial capital improvements are or may be made by or for the benefit of the lessee or sublessee; and

(3) The lease or sublease is for substantially all of the premises constituting the real property.

B. Notwithstanding the foregoing, conveyance of real property shall not include the creation, modification, extension, spreading, severance, consolidation, assignment, transfer, release or satisfaction of a mortgage, a mortgage subordination agreement, a mortgage severance agreement, an instrument given to perfect or correct a recorded mortgage or a release of lien of tax pursuant to this article or the Internal Revenue Code.

GRANTEE — The person who obtains real property or interest therein as a result of a conveyance.

GRANTOR — The person making the conveyance of real property or interest therein. Where the conveyance consists of a transfer or an acquisition of a controlling interest in an entity with an interest in real property, "grantor" means the entity with an interest in real property or a shareholder or partner transferring stock or partnership interest.

INTEREST IN THE REAL PROPERTY — Includes title in fee, a leasehold interest, a beneficial interest, an encumbrance, development rights, air space and air rights or any other interest with the right to use or occupancy of real property or the right to receive rents, profits or other income derived from real property. It shall also include an option or contract to purchase real property. It shall not include a right of first refusal to purchase real property.

PERSON — An individual, partnership, society, association, joint-stock company, corporation, estate, receiver, trustee, assignee, referee or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, any combination of individuals, and any other form of unincorporated enterprise owned or conducted by two or more persons.

REAL PROPERTY — Every estate or right, legal or equitable, present or future, vested or contingent, in lands, tenements or hereditaments, including buildings, structures and other improvements thereon, which are located in whole or in part within the County of Broome. It shall not include rights to sepulture.

RECORDING OFFICER — The County Clerk of the County of Broome.

TREASURER — The Director of Management and Budget of the County of Broome.

§ 330-44. Imposition of tax.

There is hereby imposed in Broome County a tax on each conveyance of real property or interest therein when the consideration exceeds $500, at the rate of $0.50 for each $500 or fractional part thereof. Such tax shall apply to any conveyance occurring on or after October 1, 1994, but shall not apply to conveyances made on or after such date pursuant to binding written contracts entered into prior to such date, provided that the date of execution of such contract is confirmed by independent evidence such as the recording of the contract, payment of a deposit or other facts and circumstances as determined by the Treasurer.

§ 330-45. Payment of tax.

A. The real estate transfer tax imposed pursuant to this article shall be paid to the Treasurer or the recording officer acting as the agent of the Treasurer upon designation as such agent by the Treasurer. Such tax shall be paid at the same time as the real estate transfer tax imposed by Article 31 of the Tax Law is required to be paid. Such Treasurer or recording officer shall endorse upon each deed or instrument effecting a conveyance a receipt for the amount of the tax so paid.

B. A return shall be required to be filed with such Treasurer or recording officer for purposes of the real estate transfer tax imposed pursuant to this article at the same time

as a return is required to be filed for purposes of the real estate transfer tax imposed by Article 31 of the Tax Law. The return, for purposes of the real estate transfer tax imposed pursuant to this article, shall be a photocopy or carbon copy of the real estate transfer tax return required to be filed pursuant to § 1409 of the Tax Law. However, when an apportionment is required to be made pursuant to § 1449-r of the Tax Law, a supplemental form shall also be required to be filed. The real estate transfer tax returns and supplemental forms required to be filed pursuant to this section shall be preserved for three years and thereafter until such Treasurer or recording officer orders them to be destroyed.

C. The recording officer shall not record an instrument effecting a conveyance unless the return required by this section has been filed and the tax imposed pursuant to this article shall have been paid as provided in this section.

§ 330-46. Liability for tax.

A. The real estate transfer tax shall be paid by the grantor. If the grantor has failed to pay the tax imposed pursuant to this article or if the grantor is exempt from such tax, the grantee shall have the duty to pay the tax. Where the grantee has the duty to pay the tax because the grantor has failed to pay, such tax shall be the joint and several liability of the grantor and the grantee.

B. For the purpose of the proper administration of this article and to prevent evasion of the tax hereby authorized, it shall be presumed that all conveyances are taxable. Where the consideration includes property other than money, it shall be presumed that the consideration is the fair market value of the real property or interest therein. These presumptions shall prevail until the contrary is proven, and the burden of proving the contrary shall be on the person liable for payment of the tax.

§ 330-47. Exemptions.

A. Exemption for government agencies.

(1) The following shall be exempt from payment of the real estate transfer tax:

(a) The State of New York or any of its agencies, instrumentalities, political subdivisions or public corporations (including a public corporation created pursuant to agreement or compact with another state or the Dominion of Canada).

(b) The United Nations, the United States of America and any of its agencies and instrumentalities.

(2) The exemption of such governmental bodies or persons shall not, however, relieve a grantee from them of liability for the tax.

B. The tax shall not apply to any of the following conveyances:

(1) Conveyances to the United Nations, the United States of America, the State of New York or any of their instrumentalities, agencies or political subdivisions (or any public corporation, including a public corporation created pursuant to agreement or compact with another state or the Dominion of Canada).

(2) Conveyances which are or were used to secure a debt or other obligation.

(3) Conveyances which, without additional consideration, confirm, correct, modify or supplement a prior conveyance.

(4) Conveyances of real property without consideration and otherwise than in connection with a sale, including conveyances conveying realty as bona fide gifts.

(5) Conveyances given in connection with a tax sale.

(6) Conveyances to effectuate a mere change of identity or form of ownership or organization where there is no change in beneficial ownership, other than conveyances to a cooperative housing corporation of the real property comprising the cooperative dwelling or dwellings.

(7) Conveyances which consist of a deed of partition.

(8) Conveyances given pursuant to the Federal Bankruptcy Act.

(9) Conveyances of real property which consist of the execution of a contract to sell real property without the use or occupancy of such property or the granting of an option to purchase real property without the use or occupancy of such property.

(10) Conveyances of an option or contract to purchase real property with the use or occupancy of such property where the consideration is less than $200,000 and such property was used solely by the grantor as his personal residence and consists of a one-, two- or three-family house, an individual residential condominium unit or the sale of stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold covering an individual residential cooperative unit.

§ 330-48. Credit.

A grantor shall be allowed a credit against the tax due on a conveyance of real property to the extent tax was paid by such grantor on a prior creation of a leasehold of all or a portion of the same real property or on the granting of an option or contract to purchase all or a portion of the same real property by such grantor. Such credit shall be computed by multiplying the tax paid on the creation of the leasehold or on the granting of the option or contract by a fraction, the numerator of which is the value of the consideration used to compute such tax paid which is not yet due to such grantor on the date of the subsequent conveyance (and which such grantor will not be entitled to receive after such date) and the denominator of which is the total value of the consideration used to compute such tax paid.

§ 330-49. Cooperative housing corporation transfers.

A. Notwithstanding the definition of "controlling interest" contained in § 330-43 or anything to the contrary contained in the definition of "conveyance" in § 330-43, the tax imposed pursuant to this article shall apply to:

(1) The original conveyance of shares of stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold by the cooperative corporation or cooperative plan sponsor.

(2) The subsequent conveyance of such stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold by the owner thereof. With respect to any such subsequent conveyance where the property is an individual residential unit, the consideration for the interest conveyed shall exclude the value of any liens on certificates of stock or other evidences of an ownership interest in and a proprietary lease from a corporation or partnership formed for the purpose of cooperative ownership of residential interest in real estate remaining thereon at the time of conveyance. In determining the tax on a conveyance described in Subsection A(1), a credit shall be allowed for a proportionate part of the amount of any tax paid upon the conveyance to the cooperative housing corporation of the real property comprising the cooperative dwelling or dwellings to the extent that such conveyance effectuated a mere change of identity or form of ownership of such property and not a change in the beneficial ownership of such property. The amount of the credit shall be determined by multiplying the amount of tax paid upon the conveyance to the cooperative housing corporation by a percentage representing the extent to which such conveyance effectuated a mere change of identity or form of ownership and not a change in the beneficial ownership of such property, and then multiplying the resulting product by a fraction, the numerator of which shall be the number of shares of stock conveyed in a transaction described in Subsection A(1) and the denominator of which shall be the total number of shares of stock of the cooperative housing corporation (including any stock held by the corporation). In no event, however, shall such credit reduce the tax on a conveyance described in Subsection A(1) below zero, nor shall any such credit be allowed for a tax paid more than 24 months prior to the date on which occurs the first in a series of conveyances of shares of stock in an offering of cooperative housing corporation shares described in Subsection A(1).

B. Every cooperative housing corporation shall be required to file an information return with the Treasurer by July 15 of each year covering the preceding period of January 1 through June 30 and by January 15 of each year covering the preceding period of July 1 through December 31. The return shall contain such information regarding the conveyance of shares of stock in the cooperative housing corporation as the Treasurer may deem necessary, including, but not limited to, the names, addresses and employee identification numbers or social security numbers of the grantor and the grantee, the number of shares conveyed, the date of the conveyance and the consideration paid for such conveyance.

§ 330-50. Designation of agents.

The Treasurer is authorized to designate the recording officer to act as its agent for purposes of collecting the tax authorized by this article. The Treasurer shall provide for the manner in which such person may be designated as its agent subject to such terms and conditions as it shall prescribe. The real estate transfer tax shall be paid to such agent as provided in § 330-45.

§ 330-51. Liability of recording officer.

A recording officer shall not be liable for any inaccuracy in the amount of tax imposed pursuant to this article that he shall collect so long as he shall compute and collect such tax on the amount of consideration or the value of the interest conveyed as such amounts are provided to him or her by the person paying the tax.

§ 330-52. Refunds.

Whenever the Treasurer shall determine that any moneys received under the provisions of this article were paid in error, it may cause such moneys to be refunded pursuant to such rules and regulations it may prescribe, provided that any application for such refund is filed with the Treasurer within two years from the date the erroneous payment was made.

§ 330-53. Deposit and disposition of revenue. [Amended 8-19-2010 by L.L. No. 8-2010[25]]

A. All taxes collected or received by the Treasurer or his duly authorized agent under the provision of this article shall be paid over on or before the 10th day of each succeeding month to the Director of Management and Budget and shall be deposited into the general fund of the County of Broome and shall only be appropriated by the County Legislature to fund veterans' services programs within Broome County.

B. The Director of Management and Budget shall maintain a system of accounts showing the revenue collected or received from the tax imposed pursuant to this article.

§ 330-54. Judicial review.

A. Any final determination of the amount of any tax payable under § 330-45 of this article shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under Article 78 of the Civil Practice Law and Rules if application therefor is made to the Supreme Court within four months after the giving of the notice of such final determination; provided, however, that any such proceeding under Article 78 of the Civil Practice Law and Rules shall not be instituted unless:

   (1) The amount of any tax sought to be reviewed, with such interest and penalties thereon as may be provided for by local law, shall be first deposited and there is filed an undertaking, issued by a surety company authorized to transact business in

25. Editor's Note: This local law provided an effective date of 1-1-2011.

this state and approved by the Superintendent of Insurance of this state as to solvency and responsibility, in such amount as a justice of the Supreme Court shall approve, to the effect that, if such proceeding shall be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding; or

(2) At the option of the petitioner, such undertaking may be a sum sufficient to cover the taxes, interest and penalties stated in such determination, plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the petitioner shall not be required to pay such taxes, interest or penalties as a condition precedent to the application.

B. Where any tax imposed hereunder shall have been erroneously, illegally or unconstitutionally assessed or collected and application for the refund or revision thereof duly made to the Treasurer, and such Treasurer shall have made a determination denying such refund or revision, such determination shall be reviewable by a proceeding under Article 78 of the Civil Practice Law and Rules; provided, however, that:

(1) Such proceeding is instituted within four months after the giving of the notice of such denial;

(2) A final determination of tax due was not previously made; and

(3) An undertaking is filed with the Treasurer in such amount and with such sureties as a justice of the Supreme Court shall approve, to the effect that, if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

§ 330-55. Apportionment.

A. Where real property is situated partly within and partly without the boundaries of the County of Broome, the consideration subject to tax is such part of the total consideration as is attributable to the portion of such real property situated within the County of Broome or to the interest in such portion. If the consideration attributable to the property located in the County of Broome is set forth in the contract, such amount may be used to compute the tax due.

B. If the contract does not set forth the amount of consideration attributable to the portion of real property or interest therein situated within the County of Broome, the consideration must be reasonably allocated between the portion of such property or interest therein situated within the County of Broome and the portion of such property or interest therein situated without the County of Broome.

(1) If the grantor and the grantee enter into a written agreement, signed by both the grantor and the grantee, which sets forth a reasonable allocation of consideration, that allocation of consideration may be used to compute the tax due.

(2) If the grantor and the grantee do not enter into such an agreement or if the allocation of consideration set forth in such agreement is deemed unreasonable by the Treasurer, the allocation of consideration must be computed by multiplying the

amount of consideration by a fraction, the numerator of which is the fair market value of the real property or interest therein situated within the County of Broome and the denominator of which is the total fair market value of all the real property or interest therein being conveyed. Except in the case of a transfer or acquisition of a controlling interest where consideration means fair market value of the real property or interest therein, the tax is computed on the allocated portion of the actual consideration paid even if that amount is greater or less than the fair market value as determined by appraisal.

C. Where the methods provided under this section do not allocate the consideration in a fair and equitable manner, the Treasurer may require a grantor and grantee to allocate the consideration under such method as it prescribes, as long as the prescribed method results in a fair and equitable allocation.

§ 330-56. Determination of tax.

A. If a return required by this article is not filed or if a return when filed is incorrect or insufficient, the amount of tax due shall be determined by the Treasurer from such records or information as may be obtainable, including the assessed valuation of the real property or interest therein and other appropriate factors. Notice of such determination shall be given to the person liable for the payment of the tax. Such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within 90 days after the giving of notice of such determination, shall petition the County Executive for a hearing or unless the Treasurer, on the Treasurer's own motion, shall redetermine the same. The County Executive may designate, in writing, a hearing officer to hear the appeal and file a written report and recommendation to the County Executive. In any case before the County Executive under this article, the burden of proof shall be on the petitioner. After such hearing, the County Executive shall give notice of the determination to the person against whom the tax is assessed and the Treasurer. Such determination may be reviewed in accordance with the provisions of § 330-54 of this article. A proceeding for judicial review shall not be instituted unless:

(1) The amount of any tax sought to be reviewed, with penalties and interest thereon, if any, shall be first deposited with the Treasurer, and there shall be filed with the Treasurer an undertaking, issued by a surety company authorized to transact business in this state and approved by the Superintendent of Insurance of this state as to solvency and responsibility, in such amount and with such sureties as a justice of the Supreme Court shall approve, to the effect that, if such proceeding shall be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of the proceeding; or

(2) At the option of the petitioner, such undertaking filed with the Treasurer may be in a sum sufficient to cover the taxes, penalties and interest thereon stated in such decision, plus the costs and charges which may accrue against him in the prosecution of the proceeding; in which event, the petitioner shall not be required to deposit such taxes, penalties and interest as a condition precedent to the commencement of the proceeding.

B. A person liable for the tax imposed by this article (whether or not a determination assessing a tax pursuant to Subsection A of this section has been issued) shall be entitled to have a tax due finally and irrevocably fixed prior to the ninety-day period referred to in Subsection A of this section by filing with the Treasurer a signed statement in writing in such form as the Treasurer shall prescribe consenting thereto.

§ 330-57. Remedies exclusive.

The remedies provided by §§ 330-52 and 330-56 of this article shall be the exclusive remedies available to any person for the review of tax liability imposed by this article. No determination or proposed determination to tax or determination on any application for refund shall be enjoined or reviewed by any action for declaratory judgment, an action for money had and received, or by any action or proceeding other than a proceeding under Article 78 of the Civil Practice Law and Rules.

§ 330-58. Proceedings to recover tax.

A. Whenever any person shall fail to pay any tax, penalty or interest imposed by this article, the County Attorney shall, upon the request of the Treasurer, bring or cause to be brought an action to enforce the payment of the same on behalf of the County of Broome in any court of the State of New York or of any other state or of the United States.

B. As an additional or alternate remedy, the Treasurer may issue a warrant, directed to the Sheriff of Broome County, commanding him to levy upon and sell the real and personal property of any grantor or grantee liable for the tax which may be found within the County for payment of the amount thereof, with any penalty and interest and the cost of executing the warrant, and to return such warrant to the Treasurer and to pay the Treasurer the money collected by virtue thereof within 60 days after the receipt of such warrant. The Sheriff shall, within five days after the receipt of the warrant, file with the Clerk a copy thereof, and thereupon such Clerk shall enter in the judgment docket the name of the person mentioned in the warrant and the amount of the tax, penalty and interest for which the warrant is issued. Such lien shall not apply to personal property unless such warrant is filed in the Department of State. The Sheriff shall then proceed upon the warrant in the same manner and with like effect as that provided by law in respect to executions issued against property upon judgments of a court of record, and for services in executing the warrant, he shall be entitled to the same fees, which he may collect in the same manner. In the discretion of the Treasurer, a warrant of like terms, force and effect may be issued and directed to any officer or employee of the County, and in the execution thereof, such officer or employee shall have all the powers conferred by law upon sheriffs but shall be entitled to no fee or compensation in excess of the actual expenses paid in the performance of such duty. Upon such filing of a copy of a warrant, the Treasurer shall have the same remedies to enforce the amount due thereunder as if the County had recovered the judgment therefor.

§ 330-59. Powers and duties of Treasurer.

The Treasurer shall have the power to:

A. Administer and enforce the tax imposed by this article, and the Treasurer is authorized to make such rules and regulations and to require such facts and information to be reported as the Treasurer may deem necessary to enforce the provisions of this article.

B. For the purposes of ascertaining the correctness of any return or for the purpose of making an estimate of tax of any person, examine or to cause to have examined, by any agent or representative designated by the Treasurer for that purpose, any books, papers, records or memoranda related to the matters required to be included in the return and may require the attendance of the person rendering the return or any officer or employee of such person or the attendance of any other person having knowledge of the matters included in the return and may take testimony and require proof material for its information, with the power to administer oaths to such person or persons.

C. Extend, for cause shown, the time of filing any return for a period not exceeding three months.

D. Prescribe the methods for determining the consideration and net consideration attributable to that portion of real property located partly within and partly without the County of Broome which is located within the County of Broome or any interest therein.

E. Require any grantor or grantee to keep such records, for such length of time as may be required for the proper administration of this article, and to furnish such records to the Commissioner of Taxation and Finance upon request.

F. On the Treasurer's own motion, to abate any small unpaid balance of an assessment of the tax to be levied hereunder or any liability in respect thereof if the Treasurer determines under rules prescribed by the Treasurer that the administration and collection costs involved would not warrant collection of the amount due. The Treasurer may also abate, on the Treasurer's own motion, the unpaid portion of the assessment of any tax or any liability in respect thereof which is excessive in amount or is assessed after the expiration of the period of limitation properly applicable thereto or is erroneously or illegally assessed. No claim for abatement under this subsection shall be filed by a taxpayer.

§ 330-60. Interest and civil penalties.

A. Any grantor or grantee failing to file a return or to pay any tax within the time required by this article shall be subject to a penalty of 10% of the amount of tax due plus an interest penalty of 2% of such amount for each month of delay or fraction thereof after the expiration of the first month after such return was required to be filed or such tax became due; such interest penalty shall not exceed 25% in the aggregate. If the Treasurer determines that such failure or delay was due to reasonable cause and not due to willful neglect, the Treasurer shall remit, abate or waive all of such penalty and such interest penalty.

B. If any amount of tax is not paid on or before the last date prescribed in § 330-45 for payment, interest on such amount at the rate of 10% shall be paid for the period from such last date to the date paid.

C. The penalties and interest provided for in this section shall be paid to the Treasurer and shall be determined, assessed, collected and distributed in the same manner as the tax imposed by this article, and any reference to tax in this article shall be deemed to refer to the penalties and interest imposed in this section.

§ 330-61. Returns to be confidential; penalties for offenses.

A. Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for the Treasurer or any officer or employee of the County of Broome or any person engaged or retained by such County on an independent-contract basis to divulge or make known in any manner the particulars set forth or disclosed in any return required under this article. However, nothing in this section shall prohibit the recording officer from making a notation on an instrument effecting a conveyance indicating the amount of tax paid. No recorded instrument effecting a conveyance shall be considered a return for purposes of this section.

B. The officers charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the County in any action or proceeding involving the collection of a tax due under this article to which such County or an officer or employee of such County is a party or a claimant or on behalf of any party to any action or proceeding under the provisions of this article when the returns or facts shown thereby are directly involved in such action or proceeding; in any of which events, the Court may require the production of and may admit in evidence so much of said returns or of the facts shown thereby as are pertinent to the action or proceeding and no more.

C. Nothing herein shall be construed to prohibit the delivery to a grantor or grantee of an instrument effecting a conveyance or the duly authorized representative of a grantor or grantee of a certified copy of any return filed in connection with such instrument or to prohibit the publication of statistics so classified as to prevent the identification of particular returns and the items thereof or the inspection by the legal representatives of such County of the return of any taxpayer who shall bring action to set aside or review the tax based thereon.

D. Any officer or employee of such County who willfully violates the provisions of this section shall be dismissed from office and be incapable of holding any public office in this state for a period of five years thereafter.

ARTICLE VI
Recording Tax
[Adopted 7-21-1994 by L.L. No. 10-1994 (Ch. 185, Art. VIII, of the 1991 Code)]

§ 330-62. Imposition of tax.

There shall be imposed in Broome County a tax of $0.25 for each $100 and each remaining major fraction thereof of principal debt or obligation which is or under any contingency may be secured at the date of execution thereof or at any time thereafter by a mortgage on real property situated within such County and recorded on or after September 1, 1994, and a tax of

$0.25 on such mortgage if the principal debt or obligation which is or by any contingency may be secured by such mortgage is less than $100.

§ 330-63. Payment of tax; receipt issued. [26]

The tax imposed by this article shall be payable upon the recording of each mortgage of real property subject to taxes thereunder. Such tax shall be paid to the recording officer of the County in which the real property or any part thereof is situated; except, where real property is situated within and without the County, the recording officer of the county in which the mortgage is first recorded shall collect the tax imposed by this article, as required by Subdivision 2 of § 253-e of the Tax Law. It shall be the duty of such recording officer to endorse upon each mortgage a receipt for the amount of the tax so paid. Any mortgage so endorsed may thereupon or thereafter be recorded by any recording officer, and the receipt for such tax endorsed upon each mortgage shall be recorded therewith. The record of such receipt shall be conclusive proof that the amount of tax stated therein has been paid upon such mortgage.

§ 330-64. Applicability.

The taxes imposed under the authority of this article shall be administered and collected in the same manner as the taxes imposed under Subdivision 1 of § 253 and Subdivision 1(b) of § 255 of the Tax Law. Except as otherwise provided in this article, all the provisions of the Tax Law relating to or applicable to the administration and collection of the taxes imposed by such subdivisions shall apply to the taxes imposed under the authority of this article, with such modifications as may be necessary to adapt such language to the tax so authorized. Such provisions shall apply with the same force and effect as if those provisions had been set forth in full in this article, except to the extent that any provision is either inconsistent with a provision of this article or not relevant to the tax authorized by this article. For purposes of this article, any reference in the Tax Law to the tax or taxes imposed by the Tax Law shall be deemed to refer to a tax imposed pursuant to this article, and any reference to the phrase "within this state" shall be read as "within Broome County," unless a different meaning is clearly required.

§ 330-65. Rate determined by location.

Where the real property covered by the mortgage subject to the tax imposed pursuant to the authority of this article is situated in this state but within and without Broome County, the amount of such tax due and payable to Broome County shall be determined in a manner similar to that prescribed in the first paragraph of § 260 of the Tax Law, which concerns real property situated in two or more counties. Where such property is situated both within Broome County and without the state, the amount due and payable to Broome County shall be determined in the manner prescribed in the second paragraph of such § 260, which concerns property situated within and without Broome County; the recording officer of the jurisdiction

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26. Editor's Note: Amended at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I).

in which the mortgage is first recorded shall be required to collect the taxes imposed pursuant to this article.

§ 330-66. Tax to be additional.

A tax imposed pursuant to this article shall be in addition to the taxes imposed by § 253 of the Tax Law.

§ 330-67. Taxes apportioned; deposited; appropriated. [Amended 8-19-2010 by L.L. No. 8-2010[27]]

The balance of all moneys paid to the recording officer of Broome County during each month on account of the tax imposed pursuant to this article, after deducting the necessary expenses of his office as provided in § 262 of the Tax Law, except taxes paid upon mortgages which under the provisions of this article or § 260 of the Tax Law are first to be apportioned by the Commissioner of Taxation and Finance, shall be paid over by such officer on or before the 10th day of each succeeding month to the Director of Management and Budget of Broome County and, after the deduction by such Director of Management and Budget of the necessary expenses of his or her office as provided in § 262 of the Tax Law, shall be deposited in the general fund of the County of Broome and shall only be appropriated by the County Legislature of the County of Broome to fund the Office for Aging of Broome County. Notwithstanding the provisions of the preceding sentence, the tax so imposed and paid upon mortgages covering real property situated in two or more counties which under the provisions of this article or § 260 of the Tax Law are first to be apportioned by the Commissioner of Taxation and Finance shall be paid over by the recording officer receiving the same as provided by the determination of said Commissioner of Taxation and Finance.

ARTICLE VII
Tax Equalization Rates
[Adopted 8-20-1985 by Res. No. 324 (Ch. 235, Art. I, of the 1991 Code)]

§ 330-68. Method of equalization adopted.

The County Legislature hereby adopts the alternative method of County equalization provided by §§ 840 through 848 of the Real Property Tax Law, as follows.

§ 330-69. Commissioner to determine. [Amended 12-26-1991 by Res. No. 581[28]]

The Commissioner shall determine the County equalization rates for each city and town in Broome County for the purpose of apportioning the next ensuing County tax levy; provided, however, that if one or more of these cities or towns in the County fails to file an Assessor's annual report for equalization purposes, or if the Commissioner is unable to reconcile one or

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27. Editor's Note: This local law provided an effective date of 1-1-2011.

28. Editor's Note: Amended at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I).

more of such annual reports which have been filed, then and in that event, this resolution and Title 2 of Article 8 of the Real Property Tax Law shall not be applicable.

§ 330-70. Filing of report; actions upon assessor not filing. [29]

A. If an assessor's annual report for equalization purposes is not filed within the time prescribed by the Commissioner, the Commissioner shall so notify the County Director of Real Property Tax Services. The Director shall take such action as he shall deem necessary and appropriate to assist the assessor in preparing and filing such report.

B. If an assessor's annual report for equalization purposes is not filed or cannot be reconciled by the Commissioner on or before the 15th day of October, the Commissioner shall notify the County Director of Real Property Tax Services and the Clerk of the County Legislature that the provisions of Title 2 of Article 8 of the Real Property Tax Law and of this resolution shall not be applicable and that Broome County's equalization rates shall be governed by the provisions of Title 1 of Article 8 of the Real Property Tax Law or such other law as may be appropriate.

§ 330-71. Effect of resolution.

This resolution shall remain in effect unless rescinded by the County Legislature by resolution adopted on or before the first day of September in any subsequent year.

§ 330-72. Computations.

All computations and use of County equalization rates and all review thereof shall be as provided in Title 2 of Article 8 of the Real Property Tax Law.

ARTICLE VIII
Tax Sale Certificates
[Adopted 11-10-1992 by L.L. No. 4-1993 (Ch. 185, Art. V, of the 1991 Code)]

§ 330-73. Purpose.

It is the purpose of this article to authorize the County of Broome to sell tax sale certificates at private sale pursuant to negotiated terms and conditions that reflect market values, interest rates and other factors. It is the intent of this article to provide the maximum allowable flexibility to the County of Broome to achieve such purpose, and the provisions hereof shall be in addition to and/or in lieu of the bulk tax sale provisions of the Real Property Tax Law.

§ 330-74. Authorization of sale.

Notwithstanding the requirements of the bulk tax sale provisions of the Real Property Tax Law, the County of Broome is hereby authorized to sell or assign a portion or all of the

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29. Editor's Note: Amended at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I).

County's tax sale certificates at private sale without public advertisement or public auction. The contract of sale or assignment of the tax sale certificates shall be for an agreed upon price and such other terms and conditions that reflect market values, interest rates and other factors as negotiated by the County Executive. The County of Broome in its discretion may also include as a term or condition of the contract of sale or assignment an obligation to repurchase the tax sale certificates for a negotiated price, including accrued interest, penalties and other costs, at any time prior to the issuance of a tax deed. If the County utilizes the provisions of this article to effectuate a private sale of tax sale certificates, the provisions of the Real Property Tax Law relating to qualifications of bidders shall not apply.

§ 330-75. When effective.

This article shall become effective 45 days after adoption or upon approval by a majority of the qualified electors in the event a permissive referendum is held in accordance with the Municipal Home Rule Law.[30]

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30. Editor's Note: No permissive referendum was held.

Chapter 333

TAX EXEMPTIONS

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[HISTORY: Adopted by the Broome County Legislature as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Department of Audit and Control — See Charter, Art. IV; Administrative Code, Art. IV.
Office of Management and Budget — See Charter, Art. V; Administrative Code, Art. V.
Financial procedures — See Charter, Art. VI; Administrative Code, Art. VI.
Taxation — See Ch. 330.

ARTICLE I
Business Investment Exemptions
[Adopted 8-2-1977 by L.L. No. 7-1977 (Ch. 185, Art. II, of the 1991 Code)]

§ 333-1. Reduction of exemption.

The business investment tax exemption provided for by the Real Property Tax Law § 485-b, insofar as it pertains to and grants an exemption from real property taxes imposed by the County of Broome, is hereby reduced to zero, and there shall be no exemption from tax for business improvements commenced subsequent to July 1, 1976, as said improvements may affect the 1978 County real property taxes or any subsequent County real property taxes.

ARTICLE II
Cold War Veterans
[Adopted 8-19-2010 by L.L. No. 9-2010 (Ch. 185, Art. XVII, of the 1991 Code)]

§ 333-2. Exemption granted; statutory authority.

The provisions of § 458-b, Subdivision 2, Paragraphs (a)(i) and (b), of the Real Property Tax Law be and hereby are adopted, enacted and in effect in the County of Broome for taxes levied by Broome County.

§ 333-3. Maximum exemption.

The maximum exemption allowable shall be $4,000 for the provisions of § 458-b(2)(a)(i) and $20,000 for the provisions of § 458-b(2)(b) in accordance with the provisions of § 458-b(2)(c)(iii) of the Real Property Tax Law.

§ 333-4. Effective date.

This article shall take effect for assessment rolls prepared on the basis of taxable status dates occurring on or after December 31, 2011.

ARTICLE III
Disabled Persons with Limited Incomes
[Adopted 5-21-1998 by L.L. No. 6-1998 (Ch. 185, Art. XI, of the 1991 Code)]

§ 333-5. Eligibility; income limits.

A. Real property owned by one or more persons with disabilities, or real property owned by a husband, wife, or both, or by siblings, at least one of whom has a disability, and whose income, as hereafter defined, is limited by reason of such disability, shall be exempt from real property taxation by the County of Broome to the extent of 50% of the assessed valuation thereof as hereinafter provided.

B. To the extent that the income of the owner or combined income of the owners of the property for the income tax year immediately preceding the date of making application exceeds the amount set forth in § 333-8A (hereinafter referred to as "M") but is less than the amount set forth on the following schedule, such real property shall be exempt from real property taxation by the County of Broome to the extent of the percentage of the assessed valuation of said real property set forth on the following schedule.

Annual Income	Percentage of Assessed Valuation Exempt From Taxation
More than (M) but less than (M+ $1,000)	45%
(M+ $1,000) or more but less than (M+ $2,000)	40%
(M+ $2,000) or more but less than (M+ $3,000)	35%
(M+ $3,000) or more but less than (M+ $3,900)	30%
(M+ $3,900) or more but less than (M+ $4,800)	25%
(M+ $4,800) or more but less than (M+ $5,700)	20%
(M+ $5,700) or more but less than (M+ $6,600)	15%
(M+ $6,600) or more but less than (M+ $7,500)	10%
(M+ $7,500) or more but less than (M+ $8,400)	5%

§ 333-6. Definitions.

As used in this article, the following terms shall have the meanings indicated:

PERSON WITH A DISABILITY — One who has a physical or mental impairment, not due to current use of alcohol or illegal drug use, which substantially limits such person's ability to engage in one or more major life activities, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working, and who is certified to receive social security disability insurance (SSDI) or supplemental security income (SSI) benefits under the Federal Social Security Act, or who is certified to receive railroad retirement disability benefits under the Federal Railroad Retirement Act, or who has received a certificate from the State Commission for the Blind and Visually Handicapped stating that such person is legally blind. An award letter from the Social Security Administration or the Railroad Retirement Board or a certificate from the State Commission for the Blind and Visually Handicapped shall be submitted as proof of disability.

SIBLING — A brother or a sister, whether related through half blood, whole blood or adoption.

§ 333-7. Computation after other exemptions.

Any exemption provided by § 333-5 shall be computed after all other partial exemptions allowed by law have been subtracted from the total amount assessed; provided, however, that no parcel may receive an exemption from Broome County real property taxation pursuant to both this section and § 467 of the Real Property Tax Law of the State of New York and Article X of this chapter of the Broome County Charter and Code.

§ 333-8. Conditions for exemption.

No exemption shall be granted:

A. If the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of $18,500. "Income tax year" shall mean the twelve-month period for which the owner or owners filed a federal personal income tax return or, if no return is filed, the calendar year. Where title is vested in either the husband or the wife, their combined income may not exceed such sum, except where the husband or wife, or ex-husband or ex-wife, is absent from the property due to divorce, legal separation or abandonment, then only the income of the spouse or ex-spouse residing on the property shall be considered and may not exceed such sum. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings, and net income from self-employment, but shall not include a return of capital, gifts, inheritances or moneys earned through employment in the Federal Foster Grandparent Program, and any such income shall be offset by all medical and prescription drug expenses actually paid which were not reimbursed or paid for by insurance. In computing net rental income and net income from self-employment, no depreciation deduction shall be allowed for the

exhaustion or wear and tear of real or personal property held for the production of income.

B. Unless the property is used exclusively for residential purposes; provided, however, that in the event that any portion of such property is not so used exclusively for residential purposes but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section.

C. Unless the real property is the legal residence of and is occupied in whole or in part by the disabled person; except where the disabled person is absent from the residence while receiving health-related care as an inpatient of a residential health-care facility, as defined in § 2801 of the Public Health Law, provided that any income accruing to that person shall be considered income for purposes of this section only to the extent that it exceeds the amount paid by such person or spouse or sibling of such person for care in the facility.

§ 333-9. Property owned by cooperative apartment corporations.

A. Title to that portion of real property owned by a cooperative apartment corporation in which a tenant-stockholder of such corporation resides, and which is represented by his share or shares of stock in such corporation as determined by its or their proportional relationship to the total outstanding stock of the corporation, including that owned by the corporation, shall be deemed to be vested in such tenant-stockholder.

B. That proportion of the assessment of such real property owned by a cooperative apartment corporation determined by the relationship of such real property vested in such tenant-stockholder to such entire parcel and the buildings thereon owned by such cooperative apartment corporation in which such tenant-stockholder resides shall be subject to exemption from taxation pursuant to this section, and any exemption so granted shall be credited by the appropriate taxing authority against the assessed valuation of such real property; the reduction in real property taxes realized thereby shall be credited by the cooperative apartment corporation against the amount of such taxes otherwise payable by or chargeable to such tenant-stockholder.

§ 333-10. Application for exemption; forms; notice.

A. Application for such exemption must be made annually by the owner or all of the owners of the property, on forms prescribed by the Commissioner, and shall be filed in the Assessor's office on or before the taxable status date; provided, however, that proof of a permanent disability need be submitted only in the year exemption pursuant to this section is first sought or the disability is first determined to be permanent.[1]

B. At least 60 days prior to the taxable status date, the Assessor shall mail, to each person who was granted exemption pursuant to this section on the latest completed assessment roll, an application form and a notice that such application must be filed on or before the taxable status date and be approved in order for the exemption to continue to be granted.

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1. **Editor's Note: Amended at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I).**

Failure to mail such application form or the failure of such person to receive the same shall not prevent the levy, collection and enforcement of the payment of the taxes on property owned by such person.

§ 333-11. Real property held in trust.

Notwithstanding any other provision of law to the contrary, the provisions of this section shall apply to real property held in trust solely for the benefit of a person or persons who would otherwise be eligible for a real property tax exemption, pursuant to § 333-5 of this article, were such person or persons the owner or owners of such real property.

ARTICLE IV
Empire Zone
[Adopted 2-17-1994 by L.L. No. 5-1994 (Ch. 185, Art. VII, of the 1991 Code)[2]]

§ 333-12. Adoption of provisions.

The County of Broome herein adopts the provision of § 485-e of the Real Property Tax Law of the State of New York relating to any and all empire zones within the County's territorial borders.

§ 333-13. Sales tax exemption granted.

The County of Broome will forego the collection of sales taxes on all materials used for capital improvements to property located within an empire zone or zones within the territorial borders of Broome County.

§ 333-14. Real property exemption. [Added 3-21-1996 by L.L. No. 4-1996]

Real property constructed, altered, installed or improved in an area designated an empire zone pursuant to Article 18-B of the General Municipal Law shall be exempt from taxation and special ad valorem levies by the County of Broome for the period and to the extent provided in § 485-e of the Real Property Tax Law of the State of New York.

§ 333-15. Term of exemption. [Added 3-21-1996 by L.L. No. 4-1996]

The exemption herein authorized shall be for a term of 10 years, notwithstanding that the designation of the empire zone may expire prior to the end of such ten-year term.

§ 333-16. Amount of exemption. [Added 3-21-1996 by L.L. No. 4-1996]

The amount of such exemption in the first seven years of its term shall be 100% of the base amount determined in accordance with § 485-e of the Real Property Tax Law of the State of

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2. Editor's Note: Amended at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I).

New York. The amount of such exemption in the eighth, ninth and 10th years of its term shall be 75%, 50% and 25%, respectively, of such base amount.

ARTICLE V
Gold Star Parents
[Adopted 3-22-2001 by L.L. No. 1-2001 (Ch. 185, Art. XIII, of the 1991 Code)]

§ 333-17. Gold Star Parent.

A Gold Star Parent, as defined in § 458-a(7)(a) of the Real Property Tax Law, shall be included in the definition of "qualified owners" in § 458-a(1)(c) of the Real Property Tax Law for the purposes of eligibility for the veterans' alternative exemption with regard to taxes levied by Broome County.

§ 333-18. Property owned by Gold Star Parent.

Property owned by a Gold Star Parent shall be included within the definition of "qualifying residential real property" in § 458-a(1)(d) of the Real Property Tax Law, provided that such property shall be the primary residence of the Gold Star Parent, for the purposes of eligibility for the veterans' alternative exemption with regard to taxes levied by Broome County.

§ 333-19. When effective.

This article shall take effect immediately upon filing with the Secretary of State and shall apply to taxes levied by Broome County based on current rolls prepared on the basis of taxable status dates occurring on or after the effective date of this article.

ARTICLE VI
Home Improvements
[Adopted 11-18-2010 by L.L. No. 11-2010 (Ch. 185, Art. XVIII, of the 1991 Code)]

§ 333-20. Purpose.

The purpose of this exemption is to encourage owners to make improvements and thus to keep neighborhoods viable and attractive.

§ 333-21. Exemption.

Residential buildings reconstructed, altered or improved subsequent to March 1, 2011, shall be exempt from taxation to the extent provided hereinafter.

§ 333-22. Exemption criteria.

A. Only one-family and two-family residences qualify.

B. This exemption covers only the period from taxable status date of March 1, 2011 through March 1, 2013, and will only apply to building permits issued in that said period and for work that is actually completed on or before March 1, 2013. **[Amended 8-16-2012 by L.L. No. 4-2012]**

C. Exemption terminates immediately if the property is sold/transferred other than to an immediate family member, heir or distributee or ceases to be used for residential purposes.

D. Value of the improvement must exceed $3,000, but the maximum value of the improvement for which the exemption would apply cannot exceed $80,000, although the total value of the improvement itself may exceed $80,000.

E. Ordinary maintenance and repairs do not qualify.

F. The greater portion of the building reconstructed, altered or improved as determined by square footage must be at least five years old.

G. The exemption does not apply to special district charges.

H. Each taxing authority (city, town, village, school district) decides independently whether or not to grant the exemption for such taxing authority's taxes.

I. The exemption is for eight years. The first year the exemption will be 100% of the increase in assessment due to the improvement and, thereafter, reduced by 12.5% per year for the remaining term of the exemption.

J. Applications for exemption must be filed with the assessor who prepares the assessment roll used for the municipality in which the property is located between January 1, 2012 and March 1, 2013, on the prescribed New York State exemption forms. **[Amended 8-16-2012 by L.L. No. 4-2012]**

ARTICLE VII
Improvements to Property of Physically Disabled Persons
[Adopted 1-21-1993 by L.L. No. 6-1993 (Ch. 185, Art. VI, of the 1991 Code)]

§ 333-23. Exemption granted.

An improvement to any real property used solely for residential purposes as a one-, two- or three-family residence shall be exempt from taxation to the extent of any increase in value attributable to such improvement if such improvement is used for the purpose of facilitating and accommodating the use and accessibility of such real property by:

A. A resident owner of the real property who is physically disabled; or

B. A member of the resident owner's household who is physically disabled, if such member resides on the real property.

§ 333-24. Qualifications. [3]

To qualify as physically disabled for the purposes of this article, an individual shall submit to the Assessor a certified statement from a physician licensed to practice in New York State, on a form prescribed and made available by the Commissioner, which states that the individual has a permanent physical impairment which substantially limits one or more of such individual's major life activities, except that an individual who had obtained a certificate from the State Commission for the Blind and Visually Handicapped stating that such individual is legally blind may submit such certificate in lieu of a physician's certified statement.

§ 333-25. Application for exemption. [4]

Such exemption shall be granted only upon application by the owner or all of the owners of the real property on a form prescribed and made available by the Commissioner. The applicant shall furnish such information as the Commissioner shall require. The application shall be filed together with the appropriate certified statements of physical disability or certificate of blindness with the Assessor on or before the taxable status date.

§ 333-26. Approval of application; duration of exemption.

If the Assessor is satisfied that the improvement is necessary to facilitate and accommodate the use and accessibility by a resident who is physically disabled and that the applicant is entitled to an exemption pursuant to this section, the Assessor shall approve the application and enter the taxable assessed value of the parcel for which an exemption has been granted pursuant to this section on the assessment roll with the taxable property, with the amount of the exemption as determined pursuant to § 333-23 of this article in a separate column. Once granted, the exemption shall continue on the real property until the improvement ceases to be necessary to facilitate and accommodate the use and accessibility of the property by the resident who is physically disabled.

ARTICLE VIII
Living Quarters for Parents and Grandparents
[Adopted 3-18-2004 by L.L. No. 2-2004 (Ch. 185, Art. XIV, of the 1991 Code)]

§ 333-27. Eligibility; limitations. [5]

There shall be granted an exemption from taxation to the extent of any increase in assessed value of residential property resulting from the construction or reconstruction of such property for the purpose of providing living quarters for a parent or grandparent who is 62 years of age or older. Such exemption shall not exceed: a) the increase in assessed value resulting from construction or reconstruction of such property; b) 20% of the total assessed value of such property as improved; or c) 20% of the median sale price of residential property as

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3. **Editor's Note: Amended at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I).**

4. **Editor's Note: Amended at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I).**

5. **Editor's Note: Amended at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I).**

represented in the most recent sale statistical summary published by the Commissioner of Taxation and Finance for the county in which the property is located, whichever is less.

§ 333-28. Conditions.

No such exemption shall be granted unless:

A. The property is within the geographical area in which such construction or reconstruction is permitted; and

B. The residential property so constructed or reconstructed is the principal place of residence of the owner.

§ 333-29. Applicable time periods.

Such exemption shall be applicable only to construction or reconstruction which occurred subsequent to August 30, 2000, and shall only apply during the years during which at least one parent or grandparent maintains a primary place of residence in such living quarters.

§ 333-30. Application for exemption.

Such exemption from taxation shall be granted upon an application made annually by the owner of such property to the assessor of the municipality where the property is located on or before the taxable status date for such municipality. If the assessor is satisfied that the property is entitled to an exemption pursuant to this article, he shall approve the application and such residential improvements shall be exempt from taxation and special ad valorem levies as provided in this article.

§ 333-31. Definition.

For the purpose of this article, the term "parent or grandparent" shall be deemed to include the natural or adopted parents and grandparents of the owner or the spouse of the owner.

§ 333-32. When effective.

This article shall take effect upon filing with the Secretary of State and shall apply to real property having a taxable status date on or after the effective date of this article.

ARTICLE IX
Qualified Infrastructure
[Adopted 4-22-2004 by L.L. No. 3-2004 (Ch. 185, Art. XV, of the 1991 Code)]

§ 333-33. Extent of exemption.

Residential building lots which are part of a subdivision plat for residential development which includes infrastructure intended to be dedicated to a municipal corporation or a special

district within Broome County, in accordance with the provisions of Real Property Tax Law § 485-g, shall be exempt from taxation to the extent of the increased assessed value of such lots resulting from the addition of such infrastructure for a period until the issuance of a certificate of occupancy, but in no event longer than three years from granting of the exemption herein, which certifies that a residence is constructed on a building lot in such subdivision.

§ 333-34. Value of exemption; time limit.

A. Such exemption shall be the value of the infrastructure proportionately applied to each of the lots in the subdivision.

B. Upon issuance of the certificate of occupancy, but in no event longer that three years from granting of the exemption herein, the exemption provided shall lapse.

§ 333-35. Definition.

For purposes of this article, "infrastructure" shall be comprised of the following public facilities which are intended to be dedicated to a municipal corporation or a special district thereof:

A. Streets.

B. Storm and sanitary sewers.

C. Drainage facilities.

D. Any other facilities required by a municipality to be installed in such residential subdivision as noted on the filed plat plan for such residential subdivision.

§ 333-36. Application process.

Such exemption shall be granted only upon application by the owner of the real property on a form prescribed and made available by the New York State Office of Real Property Services. The application shall be filed with the assessor of the appropriate assessing unit. Such application shall be filed on or before the appropriate taxable status date of such assessing unit and not later than one year from the date of completion of such construction, installation or improvement. On approved subdivision lots in which such infrastructure has been completed as of the effective date of this article, provided that the exemption under this section shall be applicable, and for which a certificate of occupancy has not been issued, application shall be made within one year from the effective date of this article.

ARTICLE X

Senior Citizens Tax Exemption

[Adopted 9-16-1980 by L.L. No. 7-1980 (Ch. 185, Art. IV, of the 1991 Code)]

§ 333-37. Exemption granted. [Amended 11-7-1984 by L.L. No. 6-1984; 9-27-1988 by L.L. No. 6-1988; 9-25-1990 by L.L. No. 12-1990; 4-4-1991 by L.L. No. 10-1991; 10-3-1991 by L.L. No. 14-1991; 5-15-1997 by L.L. No. 3-1997; 5-15-1997 by L.L. No. 4-1997; 6-22-2000 by L.L. No. 11-2000; 4-29-2004 by L.L. No. 9-2004]

A. To the extent that the income of the owner or combined income of the owners of real property for the income tax year immediately preceding the date of making application for exemption does not exceed $24,000, such real property shall be exempt from real property taxation by the County of Broome to the extent of 50% of the assessed valuation thereof. "Income tax year" shall mean the twelve-month period for which the owner or owners file a federal personal income tax return or, if no return is filed, the calendar year. Where title is vested in either the husband or wife, their combined income may not exceed the sum of $24,000. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings and net income from self-employment, but shall not include a return of capital, gifts or inheritances. In computing net rental income and net income from self-employment, no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income.

B. To the extent that the income of the owner or combined income of the owners of real property for the income tax year immediately preceding the date of making application for exemption exceeds $24,000 but is less than the amount set forth on the following schedule, such real property shall be exempt from real property taxation by the County of Broome to the extent of the percentage of the assessed valuation of said real property set forth on the following schedule. "Income tax year" shall mean the twelve-month period for which the owner or owners file a federal personal income tax return or, if no return is filed, the calendar year. Where title is vested in either the husband or wife, their combined income must be less than the maximum set forth in the following schedule for each percentage class. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings and net income from self-employment, but shall not include a return of capital, gifts or inheritances. In computing net rental income and net income from self-employment, no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income.

Schedule of Percentage of Exemption

Annual Income (combined income of spouses)	**Percentage of Assessed Valuation Exempt from Taxation**
More than $24,000 but less than $25,000	45%
$25,000 or more but less than $26,000	40%

Schedule of Percentage of Exemption

Annual Income (combined income of spouses)	Percentage of Assessed Valuation Exempt from Taxation
$26,000 or more but less than $27,000	35%
$27,000 or more but less than $27,900	30%
$27,900 or more but less than $28,800	25%
$28,800 or more but less than $29,700	20%
$29,700 or more but less than $30,600	15%
$30,600 or more but less than $31,500	10%

C. Income, as determined pursuant to Subsections A through B above, shall be offset by all medical and prescription drug expenses actually paid which were not reimbursed or paid for by insurance.

§ 333-38. Qualifications. [Amended 5-10-1983 by L.L. No. 8-1983; 11-7-1984 by L.L. No. 6-1984; 9-27-1988 by L.L. No. 6-1988; 9-25-1990 by L.L. No. 12-1990; 10-3-1991 by L.L. No. 14-1991; 1-18-1996 by L.L. No. 1-1996; 5-15-1997 by L.L. No. 3-1997; 5-15-1997 by L.L. No. 4-1997]

A. No exemption shall be granted from real property taxes levied by the County of Broome for the year commencing January 1, 1981, and ending December 31, 1981, if the income of the owner or the combined income of the owners of the real property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of $8,200. "Income tax year" shall mean the twelve-month period for which the owner or owners file a federal personal income tax return, or, if no return is filed, the calendar year. Where title is vested in either the husband or wife, their combined income may not exceed the sum of $8,200. Such income shall include social security and retirement benefits, interest, dividends, net rental income, salary or earnings and net income from self-employment but shall not include gifts or inheritances.

B. No exemption shall be granted from real property taxes levied by the County of Broome for the year commencing January 1, 1982, and ending December 31, 1982, if the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of $8,700. "Income tax year" shall mean the twelve-month period for which the owner or owners file a federal personal income tax return or, if no return is filed, the calendar year. Where title is vested in either the husband or wife, their combined income may not exceed the sum of $8,700. Such income shall include social security and retirement benefits, interest, dividends, net rental income, salary or earnings and net income from self-employment, but shall not include gifts or inheritances.

C. No exemption shall be granted from real property taxes levied by the County of Broome for the year commencing January 1, 1983, and ending December 31, 1983, and for years subsequent thereto, if the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of $9,200. "Income tax year" shall mean the

twelve-month period for which the owner or owners file a federal personal income tax return or, if no return is filed, the calendar year. Where title is vested in either the husband or wife, their combined income may not exceed the sum of $9,200. Such income shall include social security and retirement benefits, interest, dividends, net rental income, salary or earnings and net income from self-employment but shall not include gifts or inheritances.

D. No exemption shall be granted from real property taxes levied by the County of Broome for the year commencing January 1, 1985, and ending December 31, 1985, and for years subsequent thereto, if the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of $10,200. "Income tax year" shall mean the twelve-month period for which the owner or owners file a federal personal income tax return or, if no return is filed, the calendar year. Where title is vested in either the husband or wife, their combined income may not exceed the sum of $10,200. Such income shall include social security and retirement benefits, interest, dividends, net rental income, salary or earnings and net income from self-employment but shall not include gifts or inheritances.

E. No exemption shall be granted from real property taxes levied by the County of Broome for the year commencing January 1, 1986, and ending December 31, 1986, and for years subsequent thereto, if the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of $13,499.99. "Income tax year" shall mean the twelve-month period for which the owner or owners file a federal personal income tax return or, if no return is filed, the calendar year. Where title is vested in either the husband or wife, their combined income may not exceed the sum of $13,499.99. Such income shall include social security and retirement benefits, interest, dividends, net rental income, salary or earnings and net income from self-employment but shall not include gifts or inheritances.

F. No exemption shall be granted from real property taxes levied by the County of Broome for the year commencing January 1, 1989, and ending December 31, 1989, and for years subsequent thereto, if the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of $15,024.99. "Income tax year" shall mean the twelve-month period for which the owner or owners file a federal personal income tax return or, if no return is filed, the calendar year. Where title is vested in either the husband or wife, their combined income may not exceed the sum of $15,024.99. Such income shall include social security and retirement benefits, interest, dividends, net rental income, salary or earnings and net income from self-employment but shall not include gifts or inheritances.

G. No exemption shall be granted from real property taxes levied by the County of Broome for the year commencing January 1, 1992, and ending December 31, 1992, and for years subsequent thereto, if the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of $18,599.99. "Income tax year" shall mean the twelve-month period for which the owner or owners file a federal personal income

tax return or, if no return is filed, the calendar year. Where title is vested in either the husband or wife, their combined income may not exceed the sum of $18,599.99. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange or a capital asset in the same income tax year, net rental income, salary or earnings and net income from self-employment but shall not include a return of capital, gifts or inheritances. In computing net rental income and net income from self-employment, no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income.

H. No exemption shall be granted from real property taxes levied by the County of Broome for the year commencing January 1, 1993, and ending December 31, 1993, and for years subsequent thereto, if the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of $19,800. "Income tax year" shall mean the twelve-month period for which the owner or owners file a federal personal income tax return or, if no return is filed, the calendar year. Where title is vested in either the husband or wife, their combined income may not exceed the sum of $19,800. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings and net income from self-employment but shall not include a return of capital, gifts or inheritances. In computing net rental income and net income from self-employment, no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income.

I. No exemption shall be granted for real property taxes levied by the County of Broome for the year commencing January 1, 1999 and ending December 31, 2000 and for years subsequent thereto, if the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of $26,000. "Income tax year" shall mean the twelve-month period for which the owner or owners file a federal income tax return or, if no return is filed, the calendar year. Where title is vested in either the husband or wife, their combined income may not exceed the sum of $26,000. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings and net income from self-employment but shall not include a return of capital, gifts or inheritances. In computing net rental income and net income from self-employment, no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income.

J. No exemption shall be granted for real property taxes levied by the County of Broome for the year commencing January 1, 2002, and ending December 31, 2002, and for years subsequent thereto, if the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of $27,000. "Income tax year" shall mean the twelve-month period for which the owner or owners file a federal income tax return or, if no return is filed, the calendar year. Where title is vested in either the husband or wife,

their combined income may not exceed the sum of $27,000. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings and net income from self-employment but shall not include a return of capital, gifts or inheritances. In computing net rental income and net income from self-employment, no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income. **[Added 6-22-2000 by L.L. No. 11-2000]**

K. No exemption shall be granted for real property taxes levied by the County of Broome for the year commencing January 1, 2006, and ending December 31, 2006, and for years subsequent thereto, if the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of $31,500. "Income tax year" shall mean the twelve-month period for which the owner or owners file a federal income tax return or, if no return is filed, the calendar year. Where title is vested in either the husband or wife, their combined income may not exceed the sum of $31,500. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings and net income from self-employment but shall not include a return of capital, gifts or inheritances. In computing net rental income and net income from self-employment, no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income. **[Added 4-29-2004 by L.L. No. 4-2004[6]]**

L. No exemption shall be granted for real property taxes levied by the County of Broome unless the title of the property shall have been vested in the owner or one of the owners of the property for at least 24 consecutive months prior to the date of making application for exemption; provided, however, that in the event of the death of either a husband or wife in whose name the title of the property shall have been vested at the time of death, which title then becomes vested solely in the survivor by virtue of devise by or descent from the deceased husband or wife, the time of ownership of the property by the deceased husband or wife shall be deemed also a time of ownership by the survivor, and such ownership shall be deemed continuous for the purposes of computing such period of 24 consecutive months; provided, further, that in the event of a transfer by either a husband or wife to the other spouse of all or part of the title to the property, the time of ownership of the property by the transferor spouse shall be deemed also a time of ownership by the transferee spouse, and such ownership shall be deemed continuous for the purposes of computing such period of 24 consecutive months; and provided, further, that where property of the owner or owners has been acquired to replace property formerly owned by such owner or owners and taken by eminent domain for other involuntary proceedings, except a tax sale, the period of ownership of the former property shall be combined with the period of ownership of the property for which application is made for exemption, and such periods of ownership shall be deemed to be

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6. Editor's Note: This local law also redesignated former Subsections K through N as L through O, respectively.

consecutive for purposes of this section. Where a residence is sold and replaced with another within one year and is located in Broome County, the period of ownership of the former property shall be combined with the period of ownership of the replacement residence and deemed consecutive for exemption from taxation; provided, however, that where the replacement property is in another school district the periods of ownership of both properties shall also be deemed consecutive for purposes of the exemption from taxation by such school district. Notwithstanding any other provision of law, where a residence is sold and replaced with another within one year and both residences are within the state, the period of ownership of both properties shall be deemed consecutive for purposes of the exemption from taxation by Broome County or any other municipality within the state granting such exemption.

M. No exemption shall be granted unless the property is used exclusively for residential purposes.

N. No exemption shall be granted unless the real property is the legal residence of and is occupied in whole or in part by the owner or by all the owners of the property.

O. Effective for the year commencing January 1, 1999, and ending December 31, 2000, and for years subsequent thereto, income, as determined pursuant to § 333-37A and B above, shall be offset by all medical and prescription drug expenses actually paid which were not reimbursed or paid for by insurance.[7]

§ 333-39. Application for exemption.

A. Application for such exemption must be made by the owner or all of the owners of the property, on forms prescribed by the Commissioner, to be furnished by the appropriate assessing authority, and shall furnish the information and be executed in the manner required or prescribed in such forms and shall be filed in such assessor's office on or before the appropriate taxable status date.

B. At least 60 days prior to the appropriate taxable status date, the assessing authority shall mail to each person who was granted exemption pursuant to this section on the latest completed assessment roll an application form and a notice that such application must be filed on or before the taxable status date and be approved in order for the exemption to be granted. The assessing authority shall, within three days of the completion and filing of the tentative assessment roll, notify by mail any applicant who has included with his application at least one self-addressed, prepaid envelope of the approval or denial of the application; provided, however, that the assessing authority shall, upon the receipt and filing of the application, send by mail notification of receipt to any applicant who has included two of such envelopes with the application. Where an applicant is entitled to a notice of denial pursuant to this subsection, such notice shall be on a form prescribed by the Commissioner and shall state the reasons for such denial and shall further state that the applicants may have such determination reviewed in the manner provided by law. Failure to mail any such application form or notices or the failure of such person to receive any of the same shall not prevent the levy, collection and enforcement of the

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7. Editor's Note: These provisions of L.L. No. 3-1997, adopted 5-15-1997, were included at the request of the Clerk of the Legislature.

payment of the taxes on property owned by such person. **[Amended 11-7-1984 by L.L. No. 6-1984[8]]**

§ 333-40. Penalties for offenses.

Any conviction of having made any willful false statement in the application for such exemption shall be punishable by a fine of not more than $100 and shall disqualify the applicant or applicants from further exemption for a period of five years.

ARTICLE XI
Veterans
[Adopted 2-24-2009 by L.L. No. 3-2009 (Ch. 185, Art. XVI, of the 1991 Code)]

§ 333-41. Adoption of provisions.

The provisions of § 458, Subdivision 5(a), of the Real Property Tax Law be and hereby are adopted, enacted and in effect in the County of Broome for taxes levied by Broome County.

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8. Editor's Note: Amended at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I).

Chapter 336

TAXICABS

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[HISTORY: Adopted by the Broome County Legislature 12-16-2010 by L.L. No. 15-2010[1] (Ch. 85 of the 1991 Code). Amendments noted where applicable.]

ARTICLE I
General Provisions

§ 336-1. Applicability.

This chapter shall apply to all taxicabs, limousines (except where exempted), vans and/or other vehicles, utilized in the business of transporting passengers for compensation, as defined herein, which nonexclusively load or discharge passengers in the County of Broome and the taxicab drivers and operators of those vehicles. For purposes of this chapter, the actions of taxicab drivers shall be treated as actions of the owner of said vehicles.

§ 336-2. Definitions.

Unless otherwise expressly stated, whenever used in this chapter, the following words shall have the meanings given to them by this section. Whenever used in this chapter, pronouns and other references to persons and entities shall be considered to include the masculine and the feminine and the singular and the plural, as the sense and neutral application thereof shall require.

COUNTY — The County of Broome, New York.

COUNTY TRANSPORTATION FACILITY — Any County-owned or -operated property used for the purpose of transportation to include the Greater Binghamton Airport and Greater Binghamton Transportation Center.

DIRECTOR OF SECURITY — (Hereinafter "Director.") The Director of Security of the County of Broome or the officer designated by him to perform the duties and carry out the responsibilities assigned to the Director of Security hereunder, unless otherwise specified.

EXEMPT VEHICLE — Any motor vehicle which is used for commercial transportation purposes for charge or hire by paying passengers or persons for whom a fare has been paid but which is, or is being used as, an ambulance; a truck carrying freight or otherwise engaged in interstate commerce; a van or other like vehicle used for transportation of disabled, frail or elderly persons; a bus or van used for school or educational purposes; a bus or other vehicle

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1. **Editor's Note: This local law repealed, effective 6-30-2010, former Ch. 85, Airport: Ground Transportation Services, adopted 11-21-2000 by L.L. No. 16-2000, amended in its entirety 6-20-2002 by L.L. No. 6-2002, as amended, which chapter was previously repealed 3-18-2010 by L.L. No. 3-2010. This local law also provided that, pursuant to General Municipal Law § 181, constituent municipalities of the County of Broome now having the authority to enact ordinances may adopt ordinances regulating the registration and licensing of taxicabs.**

used for mass transit; or a vehicle being used in a funeral or for such other purpose as the law or the Director of Security may determine to be exempt from the provisions of this chapter.

FARE — Either a customer or passenger paying or for whom a charge has been paid to hire a lawfully licensed taxicab for transportation services under this chapter; or the charge so levied and lawfully incurred by such passenger, according to the sense thereof as used herein.

LIMOUSINE — A luxury passenger sedan usually with an extended wheel base driven by a chauffeur.

OWNER — Any person owning or having control of the use of one or more taxicabs used for hire upon the streets of the County or engaged in the business of operating a taxicab or a taxicab company in the County of Broome.

RATE CARD — A card on which is printed the tariff rates or fares charged for taxi service in the County.

STREET — Includes any street, alley, avenue, thoroughfare, court, bridge, lane or other public place in the County.

TAXICAB — Any motor vehicle, including limousines engaged in the business of carrying persons for hire, whether the same is operated from a street stand or subject to calls from a garage or otherwise operated for hire, except vehicles subject to the provisions of the Transportation Law and exempted thereby from the provisions of this chapter or used by funeral homes or undertakers in carrying on their business.

TAXICAB DRIVER — Any person who drives a taxicab available for hire or under hire, whether such person is the owner or lessee of such taxicab or employed by or in contract with a taxicab owner, operator or lessor.

TAXICAB DRIVER'S LICENSE — A license granted by the County to any otherwise qualified person to drive any licensed taxicab for hire or under hire upon the streets of the County.

TAXICAB NUMBER — A number included on each taxicab vehicle license and sticker issued by the Director of Security; each vehicle so licensed shall be assigned one unique number as described in this chapter.

TAXICAB STAND — Includes any place alongside the curb of a street or elsewhere which is exclusively reserved by the Director of Security and/or by the codes and rules of the constituent municipalities of the County for the use of taxicabs and specifically designated therefor.

TAXICAB VEHICLE LICENSE — A license granted by the County to any business or person to keep for hire any vehicle to be used as a taxicab in such County; each such license being specifically issued to one specified vehicle only.

TRIP SHEET — One or more sheets of paper upon which the driver and/or operator records information pertaining to each trip carrying one or more paying passengers, as described in this chapter.

ARTICLE II
Taxicab Requirements

§ 336-3. Business license required; application.

A. It shall be unlawful for any person, corporation or entity to operate a taxicab business that has fares originating within the County, or further has fares which bring the taxicab business into the County more than five times a year, without first having obtained and paid for a license to operate such business and causing the same to be and remain in force and effect at all times under the provisions of this chapter. Application for such license shall be made available by the Director and shall be accompanied by an annual fee as determined by resolution of the Broome County Legislature. Upon the issuance of a taxicab business license, each such company shall be assigned a unique identification number pursuant to § 336-13C of this chapter.

B. One application for each taxicab business license shall be made by the owner or other person with legal authority over same upon blank forms furnished by the Director. Such application, which shall be signed and sworn to by the applicant and filed with the Director as a permanent record, shall contain at a minimum:

(1) His full name, current residence, phone number (home, work, cellular), age, date of birth, and whether he is a citizen of the United States.

(2) Whether he has been previously licensed to operate a taxi service and in what municipality and, if so, whether his license has ever been suspended or revoked and for what cause. Any previous experience he has had in the business of owning, furnishing, leasing, operating, driving, repairing or other enterprises in connection with providing transportation or related services for hire or charge.

(3) The company name, business address and the telephone number from which the applicant will operate the taxicab business; the address, phone number and date of birth of the business contact person if other than the owner; the address of the vehicle maintenance facility and the address of the dispatching facility.

(4) Proof of New York State workers' compensation insurance, if the taxicab company is required to carry such insurance, in a form and amount as required by New York State law.

(5) A copy of the established rates for fare for transport within, throughout and outside County limits along with all established additional fees for any service provided by the taxicab company to a passenger pursuant to § 336-19A(4)(a) of this chapter.

(6) Such other information as the Director may deem necessary.

C. All outstanding fees payable to any County department or agency in connection with ground transportation must be paid prior to the issuance of a taxicab vehicle and/or taxicab driver's license.

§ 336-4. Licenses required.

It shall be unlawful for any person to drive, operate, offer or keep for hire or charge within the limits of the County any taxicab or other motor vehicle providing transportation service for charge or fee without first having obtained and paid for a taxicab driver's license and a taxicab vehicle license, and all other licenses and permits required by law, and causing the same to be and remain in force and effect at all times under the provisions of this chapter.

§ 336-5. Driver's license required.

No person shall drive a taxicab or other motor vehicle providing transportation service for charge or fee and no person shall permit anyone to drive a taxicab within the limits of the County without such driver having first obtained and paid for, and having in force and effect at all times, both a valid New York State driver's license of the appropriate class and certification, including but not limited to a chauffeur's license, and a taxicab driver's license issued under the provisions of this chapter.

§ 336-6. Taxicab driver's license application.

A. Each applicant for a taxicab driver's license must comply with the following requirements and provide the required information to the satisfaction of the Director:

(1) He must first have obtained all required state licenses, including a state chauffeur's license. The full residence address of the applicant must be entered on the Department of Motor Vehicles driver's license; post office box numbers are not acceptable.

(2) Must be of good eyesight and not subject to any medical condition of body or mind which might render him unfit for the safe operation of a public vehicle, and the applicant shall affirm to such physical status in writing.

(3) Must produce, on forms provided by the Director, affidavits of good character from two reputable citizens of the County who have known the applicant personally and have observed his conduct for at least one year preceding the date of the application, unless, at the option of the Director, sufficient reason is given for its omission.

(4) He shall fill out, upon forms provided by the Director, a statement which shall be signed and sworn to by the applicant and filed with the Director as a permanent record, which shall contain the following:

(a) His full name, current residence, places of residence for the five years immediately preceding his moving to his present address, age, date of birth, height, color of eyes and hair, place of birth, whether a citizen of the United States, places of previous employment for the immediate past five years, and whether married or single;

(b) Whether he has ever been convicted of a felony or misdemeanor or any offenses involving illegal drugs, or alcohol, or domestic violence, or a sexually related offense or has any pending charges for any offense; and

(c) Whether he has been previously licensed as a driver or chauffeur and, if so, whether his license has ever been revoked and for what cause, the number of the chauffeur's license issued by the state, and the company name, business address and telephone number from which the applicant will operate and/or drive any taxicab.

(5) He shall additionally submit to the following requirements:

(a) A drug screening test, performed on the date of the applicant's submission, from a laboratory as directed to by the Director which performs approved drug abuse testing, indicating the applicant does not use controlled substances unless prescribed by a licensed health-care provider, the results of which test shall be submitted directly to the Director. All costs associated with the testing required for application and renewal as may be required by the Director shall be included in the nonrefundable application or renewal fee.

(b) Review of his State Department of Motor Vehicles driver's license abstract, which shall be requested by the Director, and true and accurate copies of certificates of disposition for any and all arrests of such applicant. All costs associated with the driver's license abstract required for application and renewal as may be required by the Director shall be included in the nonrefundable application or renewal fee.

(c) A photograph taken at the time of the filing of the application by the Director. All costs associated with the photograph required for application and renewal as may be required by the Director shall be included in the nonrefundable application or renewal fee.

(d) Submission of his fingerprints taken by such vendor as may be designated by the Director. The Director is hereby authorized to submit such fingerprints to the New York State Division of Criminal Justice Services for a noncriminal applicant fingerprint inquiry for the purpose of conducting a criminal history and background check for such applicant. The Director shall be responsible for reviewing the criminal history record information disseminated by the Division of Criminal Justice Services, which shall be used by the Director to evaluate and determine the qualifications and fitness of such applicant to be issued a license hereunder. All costs associated with the noncriminal applicant inquiry required for application are the responsibility of the applicant and shall be paid directly to the designated vendor.

B. Each application for a driver's license shall contain the following statement:

"PURSUANT TO THE NEW YORK STATE PENAL LAW § 210.45, IT IS A CRIME PUNISHABLE AS A CLASS A MISDEMEANOR TO KNOWINGLY MAKE A FALSE STATEMENT HEREIN."

C. Any false statement knowingly made by the applicant in an application for a taxicab driver's license shall be promptly investigated by the Director and reported to the District Attorney of Broome County, if appropriate, and shall result in the denial of such application or revoking of an issued license.

D. The Director is hereby authorized and empowered to require such additional information as same shall be reasonably related to the applicant's fitness and/or eligibility as he may deem necessary from any applicant for any license required by this chapter. The Director is hereby authorized to waive the production of any information from any applicant as may otherwise be required under this chapter if in his opinion such requirement is unreasonable, unnecessary, inappropriate or unjust under the circumstances.

§ 336-7. Application fee; approval of Director.

A. The filing required by this chapter for a taxicab driver's license shall be accompanied by a nonrefundable application fee as determined by resolution of the Broome County Legislature.

B. Applications with photograph, criminal history report information, drug test results, and driver's license abstract attached shall forthwith be sent to the Director, and no license shall be issued under the provisions of this chapter until the approval of the issuance of such license(s), in writing, from the Director. The Director shall conduct an investigation of each applicant for a taxicab driver's license, and the report of this investigation and a copy of the traffic and police record, if any, shall be attached to the application and filed. The Director shall refuse to issue or renew a driver's license if the driver:

(1) Does not meet a qualification for a license.

(2) Has made a material false statement on the application.

(3) Has submitted a drug screening test with a positive result or has refused to submit to a test or has failed to provide a test result or information regarding same.

(4) Has been convicted of, pleaded guilty to or forfeited bond or collateral upon any of the following charges, whether the conviction, plea or forfeiture occurred in the State of New York or elsewhere:

(a) Any offense which constitutes a "serious offense," as the term is defined by § 265.00 of the Penal Law of the State of New York or any act supplementary thereof or amendment thereto.

(b) Has accumulated, within the past 18 months, 11 or more points on his driver's license, as such points are determined by the Department of Motor Vehicles of the State of New York.

(5) Has had any taxicab driver's license or a similar license or permit revoked.

(6) For any other reason reasonably related to the applicant's fitness and/or eligibility for a taxicab driver's license.

C. The Director shall notify the applicant, in writing, of any refusal to approve any application and the reason therefor.

D. If a prospective applicant has been convicted of a specified criminal activity, any decision regarding such prospective applicant's fitness for a license shall be made upon consideration of New York State Correction Law §§ 701 to 703-b and §§ 751 to 753. The Director shall be authorized to approve a taxicab driver's license if an applicant is otherwise ineligible based on the contents of this section if, at the request of said applicant, the Director reviews any extenuating circumstances for a prior conviction for any offenses pursuant to § 336-7B of this chapter and finds that the applicant is suitable for a taxicab driver's license.

E. If a prospective applicant fails the required drug screening test, the applicant shall be ineligible to reapply for a taxicab driver's license for a period of 90 days from the date of the Director's denial notice.

§ 336-8. Form and terms of taxicab driver's license; fee.

A. Issuance and form. Upon satisfactory fulfillment of the foregoing requirements and upon the payment of a nonrefundable driver's license fee, the Director shall issue to the applicant a license, which shall be in such form as to contain a photograph and signature of the licensee. Each license shall be stamped by the seal of the County. All licenses shall be numbered in the order in which they are issued and shall contain the driver's name and expiration date of the license.

B. Tampering. Any licensee who alters, defaces, mutilates, changes, removes or obliterates any official entry made upon his license, or of any other form, format, color, content or component thereof, shall be punished by the revocation of his license.

C. Duration. Taxicab driver's licenses shall be valid for one calendar year from the date of issue and shall remain valid unless otherwise revoked or suspended for the next succeeding calendar year up to the anniversary of the date of issue.

D. Display. Each such license shall be placed in a transparent plaque or frame of a size which shall be determined by the Director at all times when the driver is operating the cab for hire in a position readily visible to the passengers of said taxi.

E. Replacement. In the event a driver's appearance changes substantially or a driver's license must be replaced, the driver shall have a new photograph taken by the Director and shall accompany such photograph with an application fee as determined by resolution of the Broome County Legislature.

§ 336-9. Renewal of taxicab driver's license; fee.

A. When applying for a renewal of a taxicab driver's license, every applicant shall make such application at least 30 days prior to its expiration upon a form to be furnished by the Director, which shall be filled out with the full name and address of the applicant, together with a statement of the date upon which the original license was granted and the number thereof and such other information as the Director may deem necessary. The

driver shall submit to a drug screening test performed in accordance with the requirements of § 336-6A(5)(a) above. The driver shall also be subject to review of his New York State Department of Motor Vehicles driver's license abstract in accordance with the requirements of § 336-6A(5)(b) above. Such application for renewal shall be accompanied by a nonrefundable fee as determined by resolution of the Broome County Legislature.

B. Each application for renewal of license shall contain the following statement:

"PURSUANT TO THE PENAL LAW § 210.45, IT IS A CRIME PUNISHABLE AS A CLASS A MISDEMEANOR TO KNOWINGLY MAKE A FALSE STATEMENT HEREIN."

C. Applications for a renewal of a taxi driver's license submitted less than 30 days prior to the expiration date of same shall be treated as a new application and shall be subject to the requirements and fees of this chapter.

§ 336-10. Taxicab driver's licenses not transferable; fees not prorated.

Such licenses shall not be transferable. No license fee shall be prorated or refunded. Each fee in its entirety shall accompany each application therefor.

§ 336-11. Suspension or revocation of taxicab licenses; relicensing.

A. The Director shall monitor and record the number of convictions of violations of County Code and of the laws, codes and rules of the State of New York pertaining to and arising out of the operation of every driver, vehicle and company of one or more taxicabs in the County. License holders shall disclose any convictions of violations of the above to the Director within 30 days. Unreported convictions may result in suspension or revocation of the license holder's license.

B. The Director shall suspend and/or revoke any license issued under this chapter to any license holder who accumulates the following number of convictions of violations of this chapter, to include guilty pleas, as follows:

(1) Three or more separate convictions over any eighteen-month period shall result in the suspension of the license for a period of three months.

(2) Three or more suspensions in any thirty-six-month period shall result in the license being revoked.

(3) Three or more convictions of operating an unlicensed vehicle and/or employing an unlicensed driver in any eighteen-month period shall result in the business license of the owner being revoked.

(4) Any license issued by the County may at any time be temporarily suspended or revoked for cause by the Director after the license holder has been afforded an opportunity to be heard. "Cause" includes but is not limited to, violation of any

sections of this chapter; conviction of a violation, misdemeanor or felony pursuant to the laws of the State of New York; transporting, soliciting or procuring any person to ride in a taxicab for the purpose of commission of a crime; use of the vehicle for immoral or illegal purposes; failing to be and remain in compliance with all applicable laws, rules and regulations.

C. The penalties provided for herein shall be in addition to and not instead of any and all other penalties provided under this chapter or County Code provisions or any law, rule or regulation of the state or federal government or other regulatory authority.

D. Upon making a determination to revoke or suspend a license, the Director shall notify the holder of the license and any owner or operator by which he is employed of such decision, in writing, by certified mail to the last address set forth in the County's records and shall state the reasons for his decision in such notice and afford the license holder an opportunity to be heard. Any such suspension shall be noted, together with a statement of the reason therefor. The license shall be returned to the Director as the license is property of the County. The license shall be returned to the license holder at the expiration of the period for which it was suspended. A license holder having his license reissued to him after a suspension shall be subject to a reissuing fee as determined by resolution of the Broome County Legislature.

E. Relicensing. No license holder whose license has been revoked shall be again licensed in the County unless upon the presentation of reasons satisfactory to the Director. If a license is issued to a license holder who has had his or her license revoked after presenting satisfactory reasons to the Director, the application shall be treated as a new application and not as a renewal application.

F. Appeal of suspension or revocation. Any suspension of a license may be appealed by submitting a written appeal to the Broome County Commissioner of Public Works, Parks, Recreation and Youth Services with 10 days of the suspension or revocation by the Director. The Commissioner of Public Works, Parks, Recreation and Youth Services may uphold or overturn the decision of the Director based on the documentation provided. **[Amended 11-8-2012 by L.L. No. 8-2012]**

§ 336-12. Recordkeeping.

There shall be kept in the office of the Director a complete record of each license issued to a driver and of all renewals, suspensions and revocations thereof, which record shall be kept on file with the original application for a license.

§ 336-13. Taxicab vehicle license required; fee.

A. It shall be unlawful for any person to drive, operate or permit to be operated a taxicab upon the streets of the County or to solicit or pick up taxicab passengers within the County without first having paid a nonrefundable fee as provided for herein for each such vehicle so licensed and without first having obtained for each such vehicle a taxicab vehicle license under the provisions of this chapter from the Director. Such license shall be valid for one calendar year from the date of issue and shall expire on the anniversary

of the date of issue of the next succeeding calendar year unless sooner suspended or revoked. It shall be unlawful for any person to drive, operate or keep for hire or pay within the limits of the County any taxicabs not equipped as required by § 336-19 or which has not been inspected as required by § 336-18 or which does not display the inspection sticker as required by § 336-18I.

B. The annual fee for each vehicle so licensed shall be determined by resolution of the Broome County Legislature.

C. For each vehicle licensed as a taxicab hereunder, the Director shall issue a sticker of uniform design. Each sticker shall display a unique number as provided in this chapter and shall show the expiration date of said taxicab vehicle license. Each sticker shall also display the vehicle identification number for the vehicle being licensed as a taxicab. Such sticker shall be affixed to a location at the discretion of the Director. Each taxi company shall be assigned a unique number, and each vehicle operated by each such company shall be assigned a unique number with said company; thus, each vehicle shall have a unique number in the form AB-CD where AB is the number assigned to the company and CD is the number assigned to each vehicle operated by each such company.

D. The acceptance by an owner or operator of a license issued under this chapter is conditioned upon and shall be sufficient evidence of the continuing consent of such owner or operator and of the driver of each and every taxicab vehicle to display the public notice as required by and described in § 336-17 of this chapter and to consent to any such stop and visual inspection by any law enforcement agency within the County.

E. The County shall issue new stickers as described in this section annually or at such other times as the County shall determine to be appropriate and necessary.

§ 336-14. Taxicab vehicle license application.

A. One application for each taxicab vehicle license shall be made by the owner or other person with legal authority over same upon blank forms furnished by the Director. Such application shall contain at a minimum:

(1) The name, age and residence of the person applying for the license, proof of his ownership and/or legal authority over each such vehicle and, if other than the owner, the name, age and residence of the person or persons to be in immediate charge of the driving of each such taxicab;

(2) For each such vehicle, the type of motor vehicle to be used, the horsepower, the vehicle identification number, the state license and registration numbers and the seating capacity according to its trade rating;

(3) Whether and when the vehicle has ever been previously licensed to operate as a taxicab or vehicle for hire and, if so, where;

(4) Whether such vehicle's license to operate as a taxicab or vehicle for hire has ever been revoked or suspended, when, and for what cause;

(5) Copy of New York State vehicle registration and expiration date of current New York State motor vehicle inspection and sticker number. The full address of the registered owner must be on the Department of Motor Vehicles registration; post office box numbers are not acceptable;

(6) Proof that the vehicle is covered by a current for-hire insurance policy shall be attached to the application in the form of a certificate of insurance. Broome County shall be a certificate holder on the policy; and

(7) Such other information as the Director may deem necessary.

B. Miscellaneous.

(1) Each taxicab vehicle license application shall contain the following statement:

"PURSUANT TO THE PENAL LAW § 210.45, IT IS A
CRIME PUNISHABLE AS A CLASS A MISDEMEANOR
TO KNOWINGLY MAKE A FALSE STATEMENT HEREIN."

(2) Any false statement knowingly made by the applicant in an application for a taxicab driver's permit shall be promptly investigated by the Director and reported to the District Attorney of Broome County, if appropriate, and shall result in the denial of such application or revoking of an issued license.

(3) The application must include the approved assigned unique official taxicab vehicle number assigned by the Director, which shall be added to such application by the applicant or Director when such application is approved.

§ 336-15. Insurance required.

A. No taxicab company shall be licensed as a taxicab company hereunder unless it carries a New York State workers' compensation insurance policy as required by New York State law. In lieu of a worker's compensation policy, a waiver issued by the New York State Workers' Compensation Board may be submitted.

B. No vehicle shall be licensed as a taxicab hereunder unless it has a for-hire insurance policy in effect, to include a public policy for damages, for death or injuries to persons in the amount provided in the laws, rules and regulations established by the State of New York as the minimum required of any vehicle operated as a taxicab.

C. The certificate face shall:

(1) Indicate coverage and minimum amounts as prescribed by the laws of New York State; and

(2) Provide that the coverage shall not be canceled, terminated or materially changed until at least 30 days' prior written notice has been given to the Broome County Office of Risk and Insurance.

D. The certificate holder should read:

Broome County Office of Risk and Insurance
P.O. Box 1766
Binghamton, NY 13902

E. If the applicant fails to procure or maintain the required coverage and minimum limits, such failure shall constitute a material breach of this chapter and shall result in denial or revocation of the license.

§ 336-16. Refusal/revoking of license.

The Director shall refuse a taxicab vehicle license or, if already issued, shall revoke or suspend a license if the vehicle is unsuitable for public patronage by virtue of being unclean, unsafe or out of compliance with any applicable law, rule or regulation, or if, in the discretion of the Director, the design, capacity or other specifications of such vehicle render it unsuitable for use as a taxicab.

§ 336-17. Taxicab vehicle license card.

If upon inspection a vehicle is found to be in proper condition and in compliance in accordance with the provisions of all applicable laws, rules and regulations and, upon the approval of the application for a taxicab vehicle license and the payment of the license fee hereinafter set forth, such vehicle shall be licensed by delivering to the owner a card of such size and form as may be prescribed by the Director. The card shall contain the official license number of the taxicab vehicle, vehicle identification number, the name, address and phone number of the owner of the vehicle and a statement to the effect that, in case of any complaints, the Director shall be notified, giving the license number of the taxicab and the telephone number and address via which such complaints may be made. Such card shall be signed by the Director. The taxicab vehicle license number assigned hereunder shall, in each case, be the same as that assigned to the vehicle for that year pursuant to law. Taxicab vehicle license cards must be displayed in a prominent place visible to all passengers in the taxicab vehicle for which the license card is issued, as determined by the Director. For each such vehicle, the license number shall correspond to the number appearing on the inspection sticker required by this chapter.

ARTICLE III
Inspection Criteria

§ 336-18. Vehicle inspections required; reports of inspection; expiration of inspection.

A. Taxicabs are to be inspected annually at a private New York State licensed inspection station. Such inspection shall occur once per year as required by the New York State Vehicle and Traffic Law and regulations.

B. No vehicle shall be licensed as a taxicab pursuant to this chapter until it has been inspected and examined and found to be in a thoroughly suitable condition for the transportation of passengers, clean, fit, of good appearance, well painted in accordance with this chapter and in complete compliance with all requirements of the County Code and with all other applicable laws, codes and regulations, including that each such vehicle shall bear taxi or livery license plates issued by the New York State Department of Motor Vehicles.

C. In addition to the prelicensing inspection, it shall be the responsibility of each operator, owner and driver of a taxi applying for or licensed in the County as a taxicab vehicle to cause all such licensed taxicabs to be inspected by the Director or his designee at intervals of not more than 180 days, or upon receipt of notification from the Director that a complaint has been submitted, or as often as may be necessary. Reports of all inspections shall be filed with the Director. Failure to comply with inspection requirements or notifications shall result in a suspension or revoking of the taxicab vehicle license.

D. A copy of the inspection report shall be given to the vehicle owner and/or operator and/or driver and the Director at the completion of the inspection.

E. For each inspection performed by the Director pursuant to this chapter, the applicant shall pay a fee as determined by resolution of the Broome County Legislature.

F. The inspection of the taxi shall include, but not be limited to, a review of the following and shall also include an inspection of those items listed in § 336-19 of this chapter.

(1) Tires (suitability for weather and hubcaps).

(2) Exterior lights (including reverse, license plate, parking lights, directional lights, and roof light).

(3) Interior lights.

(4) Windshield/all glass.

(5) Windshield wipers, washers.

(6) Front and rear window defrosters.

(7) Horn.

(8) Upholstery.

(9) Floorboards/floor mats.

(10) Door handles, inside and out.

(11) Doors and windows.

(12) Body damage and rust (including bumpers).

(13) Paint.

(14) Heater and air conditioner.

(15) Mirrors (inside and out).

(16) Seat belts.

(17) Muffler and exhaust system (noise, fumes, smoke, visible and otherwise).

(18) Fluid leaks.

(19) Wheel covers or hubcaps.

(20) "Smoking prohibited" sign.

(21) Any other items as relates to the cleanliness and operability of the vehicle as a taxicab suitable for public use that the Director may deem appropriate.

G. Upon receipt of a report which finds a taxi to be unfit or unsuited for public patronage or which shall fail to comply with the requirements of this chapter, the licensing official shall refuse a license or shall revoke or suspend the license previously issued. Repair work which is required after inspection of a taxi must be completed within five business days of the inspection, and satisfactory proof of repair shall be presented to the Director. The taxicab vehicle license shall be temporarily suspended until which time the vehicle has the completed work done to the satisfaction of the Director. Failure to make necessary repairs and to present satisfactory proof within 10 business days shall result in the taxicab's vehicle license being revoked. Taxicabs that do not have the required repair work completed within five business days of the initial inspection shall be subject to a reinspection fee as determined by resolution of the Broome County Legislature. Taxicabs that schedule an inspection appointment and are not present at the time of the appointment shall be charged the inspection fee.

H. Upon receipt of a report which finds a taxi to be fit for public patronage, the Director will issue a suitable inspection sticker with the month and year of inspection expiration marked on it. The inspection sticker shall also include the unique vehicle number assigned by the Director.

I. Upon being issued a County taxi inspection sticker, the inspector will affix the sticker to a location determined by the Director where it shall be clearly visible and available for inspection at all times while said vehicle is licensed within the County.

J. It shall be unlawful to possess or display a forged, altered or unauthorized County inspection sticker.

K. The Director may additionally inspect or cause to be inspected all taxicabs from time to time, as often as he may deem necessary for the public health, safety and welfare, and temporarily suspend the vehicle taxicab license for any violation of this chapter until such time as the deficiency is corrected. Said inspections shall not be evidence to be used against the County with respect to any claim of liability, and the County assumes no special duty or obligation to any person with respect to same, but shall be evidence merely that the licensee has had inspections made as required by this chapter.

L. No vehicle shall operate within the County with an expired taxicab's vehicle inspection sticker and shall not be operated within the County until it is inspected and has received an approved valid inspection sticker from the Director.

ARTICLE IV
General Operations

§ 336-19. Taxicab vehicle markings, safety and equipment; owner, operator and/or driver responsibilities.

A. Taxi vehicle identification.

(1) Taxicab markings must be permanently displayed on both front doors of each vehicle. Markings must include taxi owner or company name, the words "taxi" or "taxicab" or "cab" and "Broome County, New York."

(2) The taxicab number must also be permanently and visibly displayed on the rear of such vehicle in a location determined by the Director.

(3) Taxis shall each be numbered, with a unique four-digit number.

(4) Each taxicab vehicle shall prominently display on the outside of the driver's side door and on the outside of the front passenger's side door the minimum fare charged. In addition, each taxicab driver shall make a fare card available for inspection immediately upon the request of any passenger or potential passenger.

(a) Such schedule of fares shall list, at a minimum, the following information:

[1] Fees charged to passengers for the hire of such taxicab for trips originating and ending within the City of Binghamton, Towns of Dickinson, Maine, Union and Vestal and the Villages of Endicott and Johnson City;

[2] The operator's policy as regards the number of occupants who constitute a regular fare and any additional charges for additional passengers beyond such number;

[3] Any fees not included in the posted fare, which may include, but are not limited to, services such as the use of the trunk space and the loading by the driver of passenger personal effects; and

[4] The phone number and website of the County where a consumer may report or submit comments on service quality.

(5) The signs and numbers described herein as required must contain lettering in a form acceptable to the Director.

(6) The exterior roof light must contain the name of the company or words "taxi" or "taxicab" or "cab." The exterior roof light must be permanently mounted and lit at night.

B. In addition to any requirements otherwise imposed by the Vehicle and Traffic Law of the State of New York or by this chapter, each licensed taxicab operating within the County shall at all times remain in compliance with each of the following vehicle requirements:

(1) No vehicle shall be licensed as a taxicab if it was manufactured 12 years or more prior to the application date.

(2) Every vehicle shall display an approved version of the Broome County Taxi Drivers and Passengers Rights and Responsibilities decal in a location as determined by the Director.

(3) Sedans shall have no fewer than four doors, not including a hatchback or other rear entry, two of which lead into the driver's compartment, and all doors shall be so constructed that they may be opened from the inside and the outside. Under no circumstances shall any two-door vehicle be licensed as a taxicab. Vans may be licensed and approved for use as taxicab vehicles only if each such van provides a seat and a seat belt for each passenger and carries no more than seven passengers at any given time.

(4) Every vehicle shall be equipped with an adequate heater of a type which will not permit exhaust gasses to enter the interior of the vehicle.

(5) Every vehicle shall be equipped with at least three adjustable rear-view mirrors, one in the driver's compartment and two exterior mirrors installed on the exterior of the vehicle, one on the driver's side door and one on the passenger-side door.

(6) Every vehicle shall be equipped with a standard speedometer properly installed and maintained in good working order.

(7) Every vehicle shall have either acceptable snow tires, all-weather radial tires or tire chains on the drive wheels of such vehicle when pavement conditions are such as to require said use for the safety of the driver, passenger and the general public.

(8) Every vehicle shall be equipped with dual windshield wipers properly installed and maintained in good working order, which shall be operated whenever weather conditions require. This shall include windshield washers in proper working condition.

(9) Every vehicle shall contain original or replacement upholstery and floor mats in good and suitable condition for satisfactory use by the public.

(10) Every vehicle shall be equipped with an interior light capable of illuminating the entire interior of the taxicab after sundown. The light shall be so arranged as to be automatically turned on by the opening of any door to the vehicle.

(11) All glass in said licensed vehicle shall be in good condition and shall not contain air bubbles, cracks or fractures. Window tint shall remain in compliance with all applicable New York State laws and regulations.

(12) The fenders, bumpers and body of each licensed vehicle must be rigidly and tightly fastened to said vehicle, free from significant or extensive dents or mutilation, shall

be of a uniform color, and shall be so constructed as to allow the full opening of all doors of the vehicle. The exterior of the vehicle shall be properly maintained, painted and the finish in good condition. This includes all exterior light lenses to be free from cracks and to be the proper color.

(13) The vehicle must be equipped with both front and rear window defrosters/defoggers in proper working condition.

(14) Every vehicle shall be equipped with hubcaps on all four wheels in compliance with the manufacturer's specifications or shall have uniformly painted wheels in lieu thereof.

(15) Shades or curtains are prohibited on the inside of any taxicab.

(16) Every company operating any taxicab shall designate an employee who shall be responsible to keep and maintain a trip sheet at all times during the operation of such taxicab.

(a) Such trip sheet shall record, at a minimum, the following information:

[1] The name and driver's license number of each and every driver operating such vehicle for the trips recorded on the trip sheet;

[2] Date, commencement time by hour and minute and origin point of each trip for each passenger;

[3] Date, dropoff or termination time by hour and minute and destination or termination location of each trip for each passenger;

[4] Fare charged and collected for each trip for each passenger;

[5] Date, time by hour and minute and location of any accident or breakdown causing an interruption or discontinuance of the operation of such taxicab and a description thereof; and

[6] The issuance of any citation or violation of any law, rule or code involving the operation of such taxicab and/or the conduct of the driver of same.

(b) The owner of any taxicab business shall produce any and all such trip sheets for any and all taxicabs operated, owned or controlled by such persons upon demand therefor by any law enforcement officer.

(c) All such trip sheets shall be retained and kept on file and made available for audit, examination and inspection by the Director at all reasonable times for a minimum period of two years by every owner, operator and/or proprietor of every taxicab and company operating and/or owning same.

(17) Each vehicle used as a taxicab shall comply with all applicable federal, state and other laws, rules and regulations pertaining to its use by and accessibility to persons with disabilities.

(18) Each taxicab shall prominently display in the interior thereof visible to all passengers a sign or sticker written in no less than eighteen-point type advising that seat belts are available and should be used by all passengers.

(19) Each taxicab shall prominently display in the interior thereof visible to all passengers a sign or sticker written in no less than eighteen-point type stating that smoking is prohibited within the vehicle by all passengers and drivers.

C. Taxicabs licensed in accordance with this chapter may be equipped with partitions or shields made of translucent plexiglass or other shatterproof material located between and effectively separating the front and rear seats.

D. In addition to any requirements otherwise imposed by the Vehicle and Traffic Law of the State of New York or by this chapter, each licensed taxicab company operating within the County shall at all times remain in compliance with each of the following requirements applicable to all owners and operators thereof:

(1) Shall maintain and furnish a current list of drivers and employees available upon request of the Director.

(2) Shall provide a letter to the Director upon the discharge or termination for any reason of a driver and/or employee, giving the reason for such discharge or termination.

(3) Shall promptly report to the Director the transfer of ownership of any vehicle licensed by the County and concurrently turn in to the Director the taxicab vehicle license of such vehicle.

(4) Shall report, in writing, changes of address of the owner, operator or driver of a taxicab to the Director within three business days of said change.

(5) Shall report a revocation or cancellation of insurance immediately to the Director.

(6) Shall submit any changes to the established rates for fare or additional services to the Director in writing five business days prior to the effective date of the change.

(7) Shall report any vehicle accident which renders a taxicab vehicle inoperable or causes personal injuries to anyone involved in the accident in writing to the Director within five business days of the accident.

(8) Shall report convictions of violations of County Code and of the laws, codes and rules of the State of New York pertaining to and arising out of the operation of every driver, vehicle and company of one or more taxicabs in the County to the Director within 30 days.

E. In addition to any requirements otherwise imposed by the Vehicle and Traffic Law of the State of New York or by this chapter, each licensed taxicab driver operating within the County shall at all times remain in compliance with each of the following driver requirements:

(1) Shall keep the interior and exterior of the taxicab in a clean and sanitary condition and shall at all times maintain the vehicle in compliance with County Code.

(2) Shall not smoke or allow any passenger to smoke at any time within the vehicle.

(3) At no time shall a driver allow the engine of the taxicab to idle in a fixed location for more than 15 minutes.

(4) Shall immediately report any unlawful act committed in, with or in connection with his vehicle or any attempt to use his vehicle to commit a crime or escape from the scene of a crime to the police agency of jurisdiction and shall also submit a written report to the Director within five business days.

(5) Shall not permit any passenger in the taxicab except a paying fare during such time as the taxi is being used for business purposes.

(6) Shall not operate a taxicab when there is snow or ice on the pavement unless there are chains, all-weather radial tires or snow tires on the drive wheels.

(7) While on duty, the driver shall state his/her name and employer's name to any passenger or law enforcement officer on request. Also, it shall be unlawful for any driver of any taxicab to misrepresent or withhold the name of his employer or the business address and business telephone of the same.

(8) Carriage of infected persons. Should it be found by the owner, operator or driver that a taxicab has been used to convey any person infected with a contagious disease, or if any blood or bodily fluids or discharges have contaminated the passenger area of the taxi, such vehicle shall not be used until it has been thoroughly cleaned and disinfected in accordance with applicable laws, rules and regulations related to public health.

(9) Any owner or operator shall not permit any one driver to operate a taxicab more than 12 hours in any continuous twenty-four-hour period, except the driver of a taxicab exclusively hired or engaged for special trips or excursions.

(10) Shall not be permitted to carry more than five passengers, including children, in a four-door sedan vehicle and shall not be permitted to carry more than seven passengers, including children, in a station wagon or van.

(11) Shall not operate a taxicab if the vehicle has any equipment violations as defined in this chapter or in the Vehicle and Traffic Law § 375, or other laws, rules and regulations.

(12) Must not consume alcohol or intoxicating drugs prior to or during the driving or other operation of a taxicab. This excludes prescriptions prescribed by a licensed physician and over-the-counter medications which do not cause drowsiness, fatigue, blurred speech or vision or other conditions which may impair the ability to drive safely.

(13) Except when authorized in the Vehicle and Traffic Law, the driver shall not use the horn or otherwise make or create loud or unnecessary noise, such as for announcing arrival or alerting potential patrons.

(14) The driver shall pull to the curb to pick up and discharge passengers. The driver shall not intrude upon or obstruct pedestrian crossings, bus stops, loading zones, driveways, intersections or other areas requiring the free and unobstructed flow of traffic when stopped to pick up or discharge passengers.

(15) The driver shall provide a written receipt accurately stating the exact fare paid by any passenger requesting a receipt. Such receipt shall show the name of the driver, the name of the owner of the taxicab, the number of the taxicab, the time when the trip began and ended, the origin, any stops, the final destination of the trip and the amount of fare collected.

(16) No driver of a licensed taxicab shall carry any person other than the passenger first employing a taxicab without the consent of said first passenger.

(17) Each and every operator and driver of a taxicab vehicle operating as such in the County is required to accept as a paying fare every orderly adult person and shall not refuse to accept as a paying fare any adult person on the basis of any disability or on the basis of his race, ethnicity, religion, sex, age, sexual preference or other discriminatory basis or criteria prohibited by law.

(18) Shall not illegally use, consume, possess or distribute intoxicating liquors or drugs.

(19) The driver shall be neat and clean in both person and in clothing and shall wear at a minimum a shirt or blouse with collar and slacks or skirts and closed-toed shoes. No ripped or torn clothing shall be worn.

(20) No driver shall engage in fighting or in violent, tumultuous or threatening behavior; use abusive, offensive or obscene language or make obscene gestures or acts; or make unreasonable noise.

§ 336-20. Register of licensed taxicabs.

The Director shall keep a register of the name of each person owning or operating or otherwise legally responsible for a taxicab vehicle licensed under this chapter, together with the license numbers of vehicles and drivers. Such record shall be open to the inspection of the public at all reasonable times.

§ 336-21. Return of licenses, cards and permits; transfer of vehicle license; exception; fee.

A. Every licensee who has been issued a license under the provisions of this chapter shall, upon discontinuing or abandoning the ownership, operation or driving of a taxicab, return such license card, license or permit to the Director, unless such card, license or permit has been lost or for other reason cannot be restored, as these are the property of Broome County.

B. Such card, license or permit shall not be assigned or transferred to any other person or be applicable to any motor vehicle other than the one specified therein. Any licensee who permits his license to be used by any other person or for any vehicle other than the one

for which same was issued and any person who uses such license granted or given to any other person or who uses such license for a vehicle other than the one for which it was issued shall each be guilty of a violation of this chapter.

C. Notwithstanding the foregoing, the owner or operator of a vehicle licensed as a taxicab under this chapter may take such vehicle out of service as a taxicab for any reasonable cause, such as damage, wear and tear, sale of the vehicle, age of the vehicle or other. In such case, such owner or operator may apply to the Director for permission to transfer the license issued to such vehicle to another vehicle to be put in service as a taxicab to replace the vehicle originally licensed.

D. Such application shall include all the information pertaining to the replacement vehicle required for a taxicab vehicle license, and such replacement vehicle shall meet all the requirements applicable to taxicabs as required by this chapter to include the prelicensing inspection. Such application to transfer such taxicab vehicle license shall be accompanied by a nonrefundable transfer application fee as determined by resolution of the Broome County Legislature.

§ 336-22. Duplicate license, permit or card.

Whenever a license shall be lost, stolen or destroyed, without fault on the part of the holder, his agent or employee, a duplicate in lieu thereof, under the original application, may be issued by the Director upon the filing of a sworn affidavit containing the facts of such loss or theft and upon the payment of the cost of such duplicate license, permit, card, badge or tag. The replacement fee for a lost, stolen or destroyed license shall be as determined by resolution of the Broome County Legislature.

§ 336-23. Taxicab stands.

Taxicab stands may be established by law enforcement regulation or by ordinance of any constituent municipality of the County or by the County itself, subject to such approval as the governing body may require. Taxicab stands operated by the County may only be used by licensed taxicabs when available for hire and being driven by licensed taxicab drivers.

§ 336-24. Soliciting; cruising prohibited.

No person shall solicit passengers from any point other than immediately adjacent to his taxicab. Taxicabs shall not cruise or operate on the streets of the County without a fare under hire for the purpose of soliciting business.

§ 336-25. Schedule of charges.

A. The soliciting of tips, gratuities or any charges in addition to those authorized herein is prohibited. This clause shall not prohibit the voluntary offer or acceptance of a tip or gratuity.

B. No person shall charge or attempt to charge any passenger a greater fare than that to which the taxicab driver is entitled to collect under the rate sheet posted in the vehicle and on file with the Director.

C. Transport of animals.

(1) There shall be no additional charge for carrying a service animal trained to provide assistance to an individual with a disability, and no driver shall refuse or decline to carry a passenger or fare for the reason that such person is accompanied by such an animal.

(2) Drivers may refuse to transport any other animal unless the animal is securely enclosed in a kennel case which can be reasonably accommodated by such vehicle or is otherwise reasonably secured in accordance with the size, kind and nature of such animal.

§ 336-26. Payment of fares.

A. Prepayment. Every driver of a taxicab shall have the right to demand payments of the legal fare in advance and may refuse employment unless so prepaid, but no driver of a taxicab shall otherwise refuse or neglect to convey any orderly person or persons upon request to any lawful destination anywhere in the County, unless previously engaged, off duty or otherwise lawfully unable to do so.

B. Disputed fares. All disputes as to fares shall be determined by the law enforcement agency of jurisdiction at the time of the dispute. Copies of same shall be requested by the Director for review of the incident for compliance with this chapter.

§ 336-27. Overcharging prohibited.

It shall be unlawful for any taxicab owner or operator or any taxicab driver within the limits of the County to charge fares for taxicab service of more than the rate of fare for carrying a passenger to his destination on file for the taxicab owner with the Director.

§ 336-28. Riders prohibited.

No person shall be allowed to ride in the front seat of any taxicab next to the driver except paying passengers, and any driver who shall permit this may be deprived of his license via suspension or revocation of same by the Director.

§ 336-29. Carrying additional passengers.

No driver of a licensed taxicab shall carry any person(s) other than the passenger first employing a taxicab without the consent of such first passenger. No person shall be required to ride in or to pay for a called taxicab if the same is already occupied by another passenger without their consent. No person shall be required to ride in or to pay for a taxicab if the driver of same takes on additional passengers without his consent.

§ 336-30. Compliance with noise ordinance required; sounding of horn prohibited.

Every driver of a taxicab shall at all times comply with the ordinances of the County and its constituent municipalities and all other applicable laws, rules and regulations prohibiting loud or unnecessary noise in disturbance of peace and quiet.

§ 336-31. Articles found in taxicabs.

Every driver of a taxicab, immediately after the termination of any hiring or employment, must carefully search such taxicab for any property lost or left therein, and any such property, unless sooner claimed or delivered to the owner, shall be maintained at the business address of the owner of the vehicle for a period of not less than 30 days. All articles must be logged in at the business address. Items of significant value, to include but not be limited to, wallets, purses, handheld communication devices, electronics and jewelry, are to be deposited with the Director, along with the trip sheet for the period in which the item was found, by the end of the next business day.

§ 336-32. Use of vehicle for unlawful purposes and deceiving or misinforming passengers prohibited.

A. It shall be unlawful for any licensed driver of any taxicab to misrepresent his own name, and/or the name of his employer, or knowingly receive or transport any person or persons who intend any unlawful act in such vehicle during the voyage or at the termination thereof, whether within such vehicle or not. It shall be unlawful for any such driver to solicit or procure or to aid or assist in soliciting or procuring any person to ride in a licensed taxicab with the intent of the driver or of any or all passengers to commit any unlawful act therein or at any time during the voyage or immediately following the termination thereof, whether within the vehicle or not.

B. It shall be unlawful for any licensed driver of any taxicab to solicit and/or procure the sale or distribution of controlled substances. It shall be unlawful for any licensed driver of any taxicab to solicit and/or procure any person to ride in a licensed taxicab for the purpose of sale or distribution of controlled substances.

C. Operating a vehicle under the influence of alcohol or a controlled substance shall be grounds for immediate suspension and revocation of a driver's license. The Director may require a licensee to submit to drug and alcohol screening tests upon reasonable cause. Refusal to submit to such screening test or a positive test result shall constitute grounds for revocation of a license. The licensee shall be responsible for the fees associated with the drug testing as authorized in this section only if a positive test is returned.

D. No person owning, operating or driving a taxicab shall deceive or misinform any customer or passenger who may pay for taxicab service, or who may ride or desire to ride in any such vehicle, as to the shortest route to a destination or as to the lawful fare to be charged. No person owning, operating or driving a taxicab shall deceive or misinform any customer or passenger as to the location or distance of the destination requested, nor shall any passenger be transported to any destination other than the one specified and/or by any route directed or requested by such person.

ARTICLE V
Program Fees; Charges

§ 336-33. Penalties for offenses.

A. For purposes of this chapter, the actions of representatives, agents, employees or taxicab drivers utilizing vehicles owned or operated by a taxicab business shall be treated as actions of the owner of said taxicab vehicles and taxicab business.

B. Any person violating any of the provisions of this chapter shall, upon conviction, be responsible for any penalty incurred as a result and as administered by Broome County and as approved by the Broome County Legislature. In addition thereto a licensee, or the owner, operator or driver of a licensed vehicle, may have his license suspended or revoked.

C. The Director may, in his discretion, temporarily suspend or revoke a license or refuse access to all County transportation facilities pending the outcome of the prosecution of the licensee under this chapter or under any other provision of any applicable law, code, rule or regulation.

D. Vehicles found to be operating without a proper County taxicab business and vehicle license, inspection or by a driver without a valid taxicab driver's license or found to be in violation of any section of this chapter shall be subject to impoundment by any law enforcement agency operating within the County. Any violation of this provision shall be deemed a violation, and the taxicab owner shall be guilty of a violation and subject to the following schedule of fines and/or imprisonment:

(1) First offense: not more than $100.

(2) Second offense: not more than $250 or 15 days' imprisonment, or both such fine and imprisonment.

(3) Third offense: not more than $500 or 30 days' imprisonment or both such fine and imprisonment.

E. The penalties set forth in § 336-33 are in addition to the provisions of § 222-4V(9)(b) and (10)(d) of the Broome County Charter and Code. These penalties shall be in addition to and not instead of any other penalties imposed by any other applicable law, code, rule or regulation of any other governmental or regulatory agency or entity.

§ 336-34. Enforcement.

The County Executive, Director of Security Services, Commissioner of Aviation, County Sheriff and other agents duly designated in addition to local, County and state police or law enforcement officers are hereby authorized to, and they shall, enforce the foregoing rules and regulations.

§ 336-35. Public emergency; police powers.

Whenever a state of emergency is declared by the County or whenever the Director or, if there be none, the highest-ranking officer in command of the Division of Security or his designee determines that protection of public safety so requires, the County Executive and/or the Director may suspend the provisions of this chapter, in whole or in part, for part or all of the period during which such emergency conditions may prevail. Such power shall include but not be limited to the suspension of the requirement that fares be paid by passengers and/or other requirements of this chapter. Under such circumstances, all drivers and operators shall endeavor to keep and maintain accurate records showing the trips provided and the details of same during such period, similar to such records as would be required to be kept by this chapter if such period of emergency had not existed.

§ 336-36. Exceptions.

A. The provisions of this chapter shall have no application to exempt vehicles, as defined herein, or for special events, upon advance notice of same being provided to the Director and his approval thereof.

B. The licensing fee set forth in this chapter shall not be required for taxicab vehicles or other vehicles for hire to which this chapter would otherwise apply if same are owned by or operated under the control of a corporation duly organized and existing pursuant to the Not-For-Profit Corporation Law of the State of New York and while being used solely for the purposes of such corporation.

C. Limousines are exempted from certain requirements of this chapter at the discretion of the Director to include but not limited to the placement of exterior markings and signage.

Chapter 341

TOWING OF VEHICLES CONSTITUTING A TRAFFIC HAZARD

§ 341-1. Policy intent.

§ 341-2. County towing list.

§ 341-3. Priority of calls.

§ 341-4. Permit applications and additional eligibility requirements.

§ 341-5. Penalties for offenses.

§ 341-6. Information to vehicle owner.

§ 341-7. Owner's preference.

§ 341-8. Documentation of requirements.

[HISTORY: Adopted by the Broome County Legislature 4-22-2004 by L.L. No. 5-2004 (Ch. 187 of the 1991 Code). Amendments noted where applicable.]

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§ 341-1. Policy intent.

The intent of this procedure is to provide for the prompt and safe removal of vehicles to prevent traffic hazards or secondary accidents as a result of such vehicles being on or at the shoulder of public roadways. This policy shall not supersede any specific orders issued by the Broome County Sheriff through special or general orders of the Broome County Sheriff addressing specific situations, such as vehicles impounded for criminal investigative purposes.

§ 341-2. County towing list.

There shall hereby be established a County towing list. The list shall contain the names and phone numbers of towers with businesses with offices in Broome County and surrounding areas which are able to respond to calls within Broome County and who additionally meet all other requirements set forth below. All towers wishing to be placed on the list shall file a permit application with the Broome County Office of the Sheriff.

§ 341-3. Priority of calls.

Due to the need for prompt removal of vehicles when a police request is made for a tower, all such requests shall be directed by the dispatcher to the towing list. The order of names on the list shall be on a rotating basis.

§ 341-4. Permit applications and additional eligibility requirements.

A. In order to be placed on the towing list, a prospective tower must file a permit application with the Broome County Office of the Sheriff. The application shall require the following information:

   (1) The name of the owner of the business. If a partnership, corporation or other business association is involved, the names and addresses of the partners, officers

or principals shall be listed on the application. All addresses of persons involved shall be home addresses.

(2) The name, address, and day and night phone numbers of the business.

(3) The hours of operation for towing and vehicle retrieval.

B. Additional requirements for placement on the list shall be as follows:

(1) Before issuance of a permit, applicants agree to furnish to the Broome County Sheriff a certificate or certificates of insurance, in form and amount acceptable to the Broome County Office of Risk and Insurance, evidencing that the applicants are insured for comprehensive general liability, including property damage, personal injury and workers' compensation. In the event that such insurance is cancelled, terminated, modified or not renewed, such that such insurance is no longer in effect as required herein, applicants' permit shall be revoked. This permit will be renewable every two years. No subcontracting is permitted.

(2) Any person who has obtained a towing permit pursuant to this chapter shall be responsible for the conduct of himself/herself and the person's agents, servants and employees. The owner and operator of a towing company shall comply with all provisions of federal, state and local laws and ordinances relating to the conduct of the towing business and the use and maintenance of the towing company premises, and the owner and operator of a towing company shall comply with all the notices, orders, decisions and rules and regulations made by the Sheriff over the occupation.

(3) The towing firm must have full control over all towing equipment and must supply the Broome County Sheriff with a list of all equipment at its disposal, including truck weights, capacities, length of cable, make, year, registration and license plate numbers. Included in towing equipment must be at least one conventional tow truck with dollies and/or a wheel-lift; one rollback or one large-capacity tow truck with a rating of at least 20 tons. Warning equipment is required on all vehicles and must be in good working condition. All towing companies shall maintain all licenses and/or registrations required by the New York State Vehicle and Traffic Law, and all equipment utilized shall comply with said law and all applicable rules and regulations of the Commissioner of Motor Vehicles and all regulations and requirements set forth by the Sheriff. The equipment shall be in good operating condition, and all towing company personnel shall be properly trained and fully competent to perform their specific functions and shall so perform those functions in a courteous and orderly manner.

(4) The towing firm must provide a twenty-four-hour service, accept all calls given to it by the Sheriff (staffing permitting) and maintain a response time of 20 minutes or less. Towing firms with answering services are required to provide immediate responses as to their ability to answer a call; "call backs" or referrals to alternate numbers are prohibited.

(5) The towing firm must supply the Sheriff with a photostatic copy of the driver's license of each employee who operates its equipment; also, any certificates of training that the operators may have.

(6) The towing firm shall not tow vehicles outside of the County unless directed to by the owner or the Sheriff.

(7) The towing firm shall provide a storage lot which is lighted, secured, and insured to store towed vehicles. Towers must provide access to their storage lots to the Broome County Sheriff so that officers will have the opportunity to complete their investigations. All lots will be within County limits.

(8) All vehicles must have a broom and shovel as cleaning equipment for debris, and all towing firms shall be required to remove all debris related to the incident to which they are called, in accordance with New York State Vehicle and Traffic Law § 1219(c).

(9) The Broome County Sheriff reserves the right to inspect an applicant's equipment for the sole and exclusive purpose of ascertaining that the applicant is in possession of the equipment specified and described herein as well as other equipment which may be required.

(10) Any information submitted to Broome County shall be deemed accurate. Towing firms filing permit applications represent that the towing equipment specified therein is in good working order and warrant that the same is fit for its intended purpose. The towing firm understands and acknowledges that the Broome County Sheriff relies upon the towing firms' representations and warranties in issuing permits. Accordingly, by executing a permit application, and in consideration of the issuance of a permit, the towing firm agrees to defend, indemnify and save harmless Broome County and its agents and employees of and from any liability arising from the towing firm's breach of its representations and warranties and any liability arising from the negligence or other culpable conduct of the towing firm, its agents, or employees.

(11) The Broome County Sheriff may require such additional information as may be necessary in order to enforce this chapter and to ensure the safety of all persons.

§ 341-5. Penalties for offenses.

A. The Sheriff may deny a permit or placement on the list to any applicant who does not comply with the provisions of this chapter or who makes a material misrepresentation on a permit application. The Sheriff shall give written notification to an applicant of the reasons for the denial, and any applicant who is denied a permit or placement on the list may, within 10 days from the date of denial, request a hearing before the Sheriff. Hearings will be conducted in the same manner as specified in Subsection B below.

B. Violations of any portion of this chapter may result in suspension from the towing list following a Sheriff's investigation. Continued or severe violations may result in a permanent ban of a particular tower from the towing list. A towing firm against whom

penalties (suspension or revocation) are proposed shall have written notice thereof and the reasons therefor and shall be furnished a copy of the charges preferred against it. Any suspension or revocation may be appealed by filing a written notice of appeal with the Sheriff within 10 days of the date of the notice of suspension or revocation. Upon receipt of the notice of appeal, the matter will be scheduled for a hearing that shall be conducted within 10 business days of the receipt of the notice of appeal. The towing firm against whom charges are preferred shall be entitled to be represented by counsel, to summon witnesses on its behalf, and to cross-examine those witnesses who testify against it. Compliance with technical rules of evidence shall not be required. The Sheriff or his or her designee shall conduct the hearing and make his or her determination within 10 business days of the hearing.

§ 341-6. Information to vehicle owner.

A. Each towing firm on the list must supply the owner/operator of a vehicle who is at the scene with a card containing his/her business name, address, phone numbers, hours of operation, and summary of the expected charges. The summary must detail at least the anticipated towing charge (including tow, mileage, winch and road service fees), cleanup charge (if any), and the daily storage fee(s). A towing company, upon request of a vehicle owner paying to retrieve a towed vehicle, shall deliver a receipt to such person at the time of payment. Such receipt shall contain at least the following information:

(1) The name, business address, and telephone number of the towing company.

(2) The date the vehicle was towed and the date of the retrieval by the vehicle owner.

(3) The license plate number and vehicle make of the vehicle towed.

(4) The starting and ending location of the tow and the amount of miles towed.

(5) An itemization of all fees charged, including towing, storage and any other charges.

B. A towing company shall maintain accurate records concerning all vehicles towed, which shall contain at least the information required above, and such records shall be retained for at least three years after a towed vehicle has been retrieved.

C. All towing and storage fees must be reasonable, based upon local customs and common procedures. A towing company must be open to allow the retrieval of towed vehicles between 9:00 a.m. and 5:00 p.m. daily or whenever such company provides towing services, whichever time period is greater. After a towed vehicle has remained in the tower's possession for a period of 30 days, the tower is required to notify the owner of the vehicle: 1) that the vehicle remains in storage and that storage fees continue to accrue; 2) the daily storage fees and the amount currently owing in storage fees; and 3) the times that the vehicle may be retrieved. The tower is required to update the owner of the stored vehicle with this information every 30 days.

§ 341-7. Owner's preference.

Nothing within this chapter shall prevent a vehicle owner from choosing to call a tower who is not on the County towing list; provided, however, that should the tower be unable to respond in what the officer at the scene feels is a reasonable period of time and the officer at the scene has safety concerns regarding the vehicle's location, the officer may supersede the desires of the owner and call a tower based upon the list.

§ 341-8. Documentation of requirements.

Following the establishment of the initial towing list, the County will update the list, based upon any new applications, on a semiannual basis. In order to maintain accurate records and accountability to the citizens, should information provided in a permit application change, the towing firm must report such change to the office of the Sheriff within 72 hours by calling 778-2492, 8:00 a.m. to 4:30 p.m., Monday through Friday.

Chapter 353

DWI/DWAI VEHICLE REMOVAL

§ 353-1. Removal of vehicles.
§ 353-2. Effect of other laws.
§ 353-3. Rules and regulations.

[HISTORY: Adopted by the Broome County Legislature 11-18-2004 by L.L. No. 9-2004 (Ch. 189, Art. I, of the 1991 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Towing of vehicles — See Ch. 341.

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§ 353-1. Removal of vehicles.

A. Whenever a person has been arrested for a violation of New York Vehicle and Traffic Law §§ 1192(1), 1192(2), 1192(3), 1192(4), 1192(5), 1192(6) and/or 1192-a, the Office of the Broome County Sheriff or its duly authorized agent shall remove and take possession of the vehicle the person was operating at the time of his/her arrest.

B. A vehicle removed pursuant to Subsection A shall remain in the possession of the Office of the Broome County Sheriff or its duly authorized agent until and when the following conditions are met:

(1) The vehicle may be released to the arrestee no earlier than 12 hours after the time of the arrest.

(2) The vehicle may be released to a party other than the arrestee, if:

(a) The vehicle is owned or leased by the individual claiming the vehicle, other than the arrestee; or

(b) The vehicle is owned or leased by the arrestee, the arrestee is 18 or older, and the arrestee gives his or her written permission, pursuant to the requirements of the arresting law enforcement agency or its duly authorized agent, to another individual to claim the vehicle; or

(c) The vehicle is owned or leased by the arrestee, the arrestee is under 18 and unemancipated, in which case the vehicle may be released to the parent or legal guardian of the arrestee.

(3) A vehicle removed under this section shall not be released to any person unless the person claiming the vehicle from the Office of the Broome County Sheriff or its duly authorized agent:

(a) Presents a valid license, proof of ownership or lawful authority to operate a motor vehicle;

(b) Would not be in violation of New York Vehicle and Traffic Law §§ 1192(1), 1192(2), 1192(3), 1192(4), 1192(5), 1192(6) and/or 1192-a in connection with operating the vehicle and is otherwise able to operate the vehicle in a safe manner; and

(c) Meets any other reasonable conditions established for release of the vehicle established by the Office of the Broome County Sheriff or its duly authorized agent, including but not limited to reasonable fees for towing and storage of the vehicle until the time the vehicle is claimed. The office of the Broome County Sheriff or its duly authorized agent may retain custody of the vehicle until such conditions are complied with or fees are paid.

(4) Nothing in this chapter shall be construed to prevent or supersede a court of competent jurisdiction from exercising its authority in connection with the release of a vehicle removed under this chapter.

§ 353-2. Effect of other laws.

Notwithstanding any provision of this chapter to the contrary, this chapter is not intended to supersede or compromise any local, state or federal law, rule or regulation that would authorize the continued removal of a vehicle for evidentiary or other legal purposes.

§ 353-3. Rules and regulations.

The Office of the Broome County Sheriff or its duly authorized agents are hereby authorized to promulgate such rules and regulations that are lawful, necessary and appropriate to implement, enforce or otherwise carry out the purpose of this chapter.

Chapter 362

WATERWAYS

§ 362-1. Definitions.

§ 362-2. Prohibitions during dangerous flood conditions.

§ 362-3. Penalties for offenses.

[HISTORY: Adopted by the Broome County Legislature 2-17-1976 by L.L. No. 1-1976 (Ch. 191 of the 1991 Code). Amendments noted where applicable.]

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§ 362-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

DANGEROUS FLOOD CONDITIONS — Conditions of waterways in Broome County that necessitate precautionary measures to be taken with respect to dams, banks or uses of the waterways.

WATERWAYS — The Susquehanna, Chenango and Delaware Rivers and their tributaries in Broome County.

§ 362-2. Prohibitions during dangerous flood conditions.

Upon declaration of dangerous flood conditions by the County Executive, all swimming, boating, fishing or other recreational uses of the waterways in Broome County are hereby prohibited on those waterways or tributaries specified in said declaration.

§ 362-3. Penalties for offenses.

Any violation of the provisions of this chapter, in addition to being a violation of the appropriate federal, state or local laws, when applicable, shall constitute an offense, and any person guilty of such violation may, upon conviction thereof, be punished by a fine not exceeding $250 or by imprisonment not exceeding 15 days, or by both such fine and imprisonment. In addition, the violation of any of the provisions of the law which is otherwise defined under the Penal Law of the State of New York shall constitute the crime as described therein and shall be punishable as provided therein.

APPENDIX

DERIVATION TABLE

Chapter DT

DERIVATION TABLE

§ DT-1. Derivation Table of 1991 Code to 2013 Code

In order to assist Code users in the transition to the new Code's organization, the Derivation Table indicates where chapters and articles of the 1991 Code have been included in the 2013 Code, or the reason for exclusion.

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§ DT-1. Derivation Table of 1991 Code to 2013 Code

NCM = Not Code material (legislation is not general or permanent in nature).
REP = Repealed effective with adoption of Code; see Ch. 1, Art. I.
NI = Not included in Code but saved from repeal.
NLP = New legislation is pending.

Chapter/Title From 1991 Code	Location in 2013 Code
Part I – Charter	
Broome County Charter	Charter
Part II – Administrative Code	
Broome County Administrative Code	Administrative Code
Part III – Administrative Local Laws	
Ch. 1, General Provisions	
Art. I, Adoption of Code	NLP; see Ch. 1, Art. I
Art. II, Legislation Enacted During Codification	NI
Ch. 5, "Adopt-A-Project" Program	Ch. 5
Ch. 10, Claims Approval	Ch. 21
Ch. 19, Ethics	Repealed by L.L. No. 1-2013; see Ch. 53
Ch. 25, Jails	
Art. I, Reimbursement for Services	Ch. 82, Art. I
Ch. 28, Lease or Sale of County Property	
Art. I, Time Limits for Leases	Ch. 89, Art. I
Art. II, Public Airport Property	Ch. 89, Art. II
Art. III, Advertising and Bidding Requirements	Ch. 89, Art. III
Ch. 31, Moving Expenses	Ch. 96
Ch. 33, Off-Track Betting	
Art. I, Authorization	Ch. 105, Art. I

Chapter/Title From 1991 Code	Location in 2013 Code
Art. II, Participation in Catskill Regional Off-Tract Betting Corporation	Ch. 105, Art. II
Ch. 38, Payroll Deductions	Ch. 112
Ch. 48, Records Management	Ch. 123
Ch. 52, Reserve Funds	
Art. I, Liability and Casualty Reserve Fund	Ch. 130, Art. I
Art. II, Contingency and Tax Stabilization Reserve Fund	Ch. 130, Art. II
Ch. 56, Residency Requirements	Ch. 17, Art. I
Ch. 58, Salaries and Compensation	Ch. 144
Ch. 60, Sheriff's Department	
Art. I, Mutual Police Assistance	Ch. 150, Art. I
Art. II, Sheriff's Benefits	Ch. 150, Art. II
Ch. 64, Soil Conservation District	Ch. 156
Ch. 68, Transportation Services	
Art. I, Public Transportation Facilities	Ch. 163, Art. I
Art. II, Contracts	Ch. 163, Art. II
Ch. 72, Travel Expenses	
Art. I, Advance Payments	Ch. 169, Art. I
Art. II, Mileage Reimbursements	Ch. 169, Art. II
Ch. 76, Workers' Compensation Self-Insurance Plan	
Art. I, Self-Insurance Plan	Ch. 180, Art. I
Art. II, Apportionments to Participants	Ch. 180, Art. II
Part IV – Regulatory Local Laws	
Ch. 84, Airport	
Art. I, Landing Fees	Ch. 193, Art. I
Art. II, Customs Fees	Ch. 193, Art. II
Ch. 85, Taxicabs	Ch. 336
Ch. 86, Alarm Systems	
Art. I, Avoidable Alarms	Ch. 199
Ch. 98, Code Enforcement	
Art. I, Uniform Fire Prevention and Building Code	Ch. 210
Ch. 100, County Roads, Hauling on	Ch. 228
Ch. 102, Consumer Protection	REP
Ch. 106, County Property, Use of	Ch. 222
Ch. 110, Criminal Background Checks	
Art. I, Drivers of Handicapped Children	Ch. 234, Art. I
Ch. 115, Dogs and Other Animals	

Chapter/Title From 1991 Code	Location in 2013 Code
Art. I, Charges and Fees	Ch. 243, Art. I
Art. II, Rabies Vaccinations	Ch. 243, Art. II
Art. III, Decisions Regarding Dog Damages	REP
Ch. 120, Emergency Telephone System	
Art. I, Enhanced 911 Surcharge	Ch. 250, Art. I
Art. II, Address Numbering System	Ch. 250, Art. II
Art. III, Public Service Answer Point for Wireless Services	Ch. 250, Art. III
Ch. 125, Fees and Charges	
Art. I, Service Charge for Handling Securities	Ch. 257, Art. XI
Art. II, Sheriff's Department Fees	Ch. 257, Art. XII
Art. III, Pistol or Revolver License Fees	Ch. 257, Art. IX
Art. IV, Inspections of Weights and Measures	Ch. 257, Art. V
Art. V, County Historian Fees	Ch. 257, Art. I
Art. VI, (Reserved)	NI
Art. VII, (Reserved)	NI
Art. VIII, Payments to the Division of Security	Ch. 257, Art. VIII
Art. IX, Legislative Clerk Fees	Ch. 257, Art. VI
Art. X, Motor Vehicle Use Fee	Ch. 257, Art. VII
Art. XI, Wireless Communications Surcharge	Ch. 257, Art. XIII
Art. XII, County Probation Department	Ch. 257, Art. II
Art. XIII, Documents Acquired from Web Site	Ch. 257, Art. IV
Art. XIV, Recording and Certification Fees; Personal Privacy Protection	Ch. 257, Art. X
Art. XV, District Attorney's Traffic Ticket Diversion Program Fee	Ch. 257, Art. III
Ch. 150, Notification of Defects	Ch. 274
Ch. 158, Parks and Recreation Areas	Ch. 281
Ch. 168, Sanitary Code	Ch. 305
Ch. 170, Sex Offenders	Ch. 311
Ch. 175, Soliciting	
Art. I, Soliciting by Law Enforcement Affiliated Organizations	Ch. 287, Art. I
Ch. 179, Solid Waste	
Art. I, Landfill	Ch. 317, Art. I
Art. II, Solid Waste Management	Ch. 317, Art. II
Art. III, Dumps and Dumping	Ch. 317, Art. III
Art. IV, Source Separation	Ch. 317, Art. IV

Chapter/Title From 1991 Code	Location in 2013 Code
Ch. 181, Subdivision Maps	Ch. 323
Ch. 185, Taxation	
Art. I, Collection of Delinquent Village Taxes	Ch. 330, Art. I
Art. II, Business Investment Exemptions	Ch. 333, Art. I
Art. III, Hotel or Motel Occupancy Tax	Ch. 330, Art. III
Art. IV, Senior Citizens Tax Exemption	Ch. 333, Art. X
Art. V, Tax Sale Certificates	Ch. 330, Art. VIII
Art. VI, Improvement For Physically Disabled Exemption	Ch. 333, Art. VII
Art. VII, Economic Development Zone Exemption	Ch. 333, Art. IV
Art. VIII, Recording Tax	Ch. 330, Art. VI
Art. IX, Real Estate Transfer Tax	Ch. 330, Art. V
Art. X, Payment of Delinquent Real Property Taxes	Ch. 330, Art. IV
Art. XI, Exemption for Disabled Persons With Limited Income	Ch. 333, Art. III
Art. XII, Duplicate Tax Bills	Ch. 330, Art. II
Art. XIII, Exemption for Gold Star Parents	Ch. 333, Art. V
Art. XIV, Exemption for Living Quarters for Parents and Grandparents	Ch. 333, Art. VIII
Art. XV, Exemption for Qualified Infrastructure	Ch. 333, Art. IX
Art. XVI, Veterans Exemption Assessments	Ch. 333, Art. XI
Art. XVII, Exemption for Cold War Veterans	Ch. 333, Art. II
Art. XVIII, Exemption for Home Improvements	Ch. 333, Art. VI
Ch. 187, Towing, Commercial	Ch. 341
Ch. 189, Vehicles and Traffic	
Art. I, DWI/DWIA Vehicle Removal	Ch. 353
Ch. 190, Text Messaging	REP
Ch. 191, Waterways	Ch. 362
Part V – Resolutions, Rules and Regulations	
Ch. 203, Architectural and Engineering Services, Selection of	Ch. 12
Ch. 206, Defense and Indemnification	Ch. 28
Ch. 207, Donations	
Art. I, Donations to Willow Point Nursing Facility	Ch. 34, Art. I
Art. II, Acceptance by County Departments	Ch. 34, Art. II
Ch. 209, Economic Development Advisory Council	REP
Ch. 210, Environmental Management Council	
Part 1, Creation	See Ch. 49

Chapter/Title From 1991 Code	Location in 2013 Code
Part 2, Bylaws	See Ch. 49
Ch. 211, Expert Witnesses	REP
Ch. 214, Fees and Charges	
Art. I, Overpayment of Fees	Ch. 257, Art. XIV, § 257-39
Art. II, Highway Work Permit Fees	Ch. 257, Art. XIV, § 257-40
Ch. 222, Policies and Procedures	
Art. I, Sale of County-Owned Property	REP
Ch. 225, Records, Public Access to	Ch. 296
Ch. 235, Taxation	
Art. I, Tax Equalization Rates	Ch. 330, Art. VII
Ch. 240, Information Technology	
Art. I, Acceptable Use of the County Network and Online Services	Ch. 74, Art. I

DISPOSITION LIST

Chapter DL

DISPOSITION LIST

§ DL-1. Disposition of legislation.

The following is a chronological listing of legislation of the County of Broome adopted since 12-29-2003, indicating its inclusion in the Charter and Code or the reason for its exclusion. [Enabling legislation which is not general and permanent in nature is considered to be non-Code material (NCM).] The last legislation reviewed for the 2013 republication of the Charter and Code was L.L. No. 8-2013, adopted 9-4-2013. Consult municipal records for information regarding prior legislation not on this list.

§ DL-1. Disposition of legislation.

Enactment	Adoption Date	Subject	Disposition
L.L. No. 1-2004	12-29-2003	Ground transportation services at airport amendment	Repealed by L.L. Nos. 3-2010; 15-2010
L.L. No. 2-2004	1-22-2004	Solid waste: landfill fees amendment	Ch. 317, Art. I
L.L. No. 3-2004	3-18-2004	Taxation: tax exemption for living quarters	Ch. 333, Art. VIII
L.L. No. 4-2004	4-22-2004	Taxation: tax exemption for qualified infrastructure	Ch. 333, Art. IX
L.L. No. 5-2004	4-22-2004	Commercial towing	Ch. 341
L.L. No. 6-2004	4-29-2004	Taxation: senior citizens tax exemption amendment	Ch. 333, Art. X
L.L. No. 7-2004	5-20-2005	Parks and recreation areas amendment	Ch. 281
L.L. No. 8-2004	7-14-2004	Dogs and animals amendment	Ch. 243
L.L. No. 9-2004	11-18-2004	DWI/DWAI vehicle removal law	Ch. 353
L.L. No. 1-2005	12-16-2004	Salary increases for Sheriff and Clerk amendment	NCM
L.L. No. 2-2005	12-28-2004	Taxation: extension of hotel and motel occupancy tax	Ch. 330, Art. III
L.L. No. 3-2005	2-17-2005	Solid waste: landfill fees amendment	Ch. 317, Art. I
L.L. No. 4-2005	4-21-2005	Solid waste: landfill fees amendment	Ch. 317, Art. I
L.L. No. 5-2005	8-17-2005	Solid waste: landfill fees amendment	Ch. 317, Art. I

Enactment	Adoption Date	Subject	Disposition
L.L. No. 6-2005	12-15-2005	Empire Zone boundaries amendment	NCM
L.L. No. 7-2005	12-15-2005	Empire Zone boundaries amendment	NCM
L.L. No. 8-2005	12-15-2005	Solid waste: landfill amendment	Ch. 317, Art. I
L.L. No. 1-2006	12-28-2005	Fees and charges: County Probation Department fees	Ch. 257, Art. II
L.L. No. 2-2006	2-16-2006	Parks and recreation areas amendment	Ch. 281
L.L. No. 3-2006	6-21-2006	Empire Zone boundaries amendment	NCM
L.L. No. 4-2006	6-21-2006	Empire Zone boundaries amendment	NCM
L.L. No. 5-2006	7-19-2006	Fees and charges: inspections of weights and measures fees amendment	Ch. 257, Art. V
L.L. No. 6-2006	11-13-2006	Fees and charges: documents acquired from website	Ch. 257, Art. IV
L.L. No. 7-2006	11-03-2006	Solid waste: landfill amendment	Ch. 317, Art. I
L.L. No. 8-2006	11-13-2006	Parks and recreation areas amendment	Ch. 281
L.L. No. 1-2007	12-21-2006	Dogs and other animals: charges and fees amendment	Ch. 243, Art. I; Ch. 257, Art. XIV
L.L. No. 2-2007	12-21-2006	Airport: Airport landing fees amendment	Ch. 193, Art. I; Ch. 257, Art. XIV
L.L. No. 3-2007	4-19-2007	Fees and charges: inspections of weights and measures fees amendment	Ch. 257, Art. V
L.L. No. 4-2007	4-19-2007	Sex offenders	Ch. 311
L.L. No. 5-2007	9-4-2007	Sanitary Code amendment (automated external defibrillators)	Ch. 305
L.L. No. 6-2007	8-23-2007	Solid waste: landfill amendment	Ch. 317, Art. I
L.L. No. 7-2007	8-23-2007	Taxation: hotel or motel room occupancy tax amendment	Ch. 330, Art. III
L.L. No. 8-2007	10-18-2007	Use of County property amendment	Ch. 222
L.L. No. 9-2007	10-18-2007	Ethics amendment	Repealed by L.L. No. 1-2013; see Ch. 53

Enactment	Adoption Date	Subject	Disposition
L.L. No. 10-2007	11-20-2007	Solid waste: landfill amendment	Ch. 317, Art. I
L.L. No. 1-2008	4-8-2008	Charter amendment; Administrative Code amendment	§ C201; § A201
L.L. No. 2-2008	5-15-2008	Charter amendment; Administrative Code amendment	§§ C1201, C1202; § A1202
L.L. No. 3-2008	5-15-2008	Sex offenders amendment	Ch. 311
L.L. No. 4-2008	7-17-2008	Sanitary Code amendment	Ch. 305
L.L. No. 5-2008	7-17-2008	Charter amendment; Administrative Code amendment	§§ C903; A904
L.L. No. 6-2008	8-20-2008	Fees and charges: recording and certification fees and personal privacy protection	Ch. 257, Art. X
L.L. No. 7-2008	9-18-2008	Ethics amendment	Repealed by L.L. No. 1-2013; see Ch. 53
L.L. No. 8-2008	10-16-2008	Dogs: charges and fees amendment	Ch. 243, Art. I; Ch. 257, Art. XIV
L.L. No. 9-2008	8-28-2008	Charter amendment; Administrative Code amendment	§ C201; § A201
L.L. No. 1-2009	1-22-2009	Charter amendment	§ C203
L.L. No. 2-2009	1-22-2009	Empire Zone boundaries amendment	NCM
L.L. No. 3-2009	2-24-2009	Tax exemptions: veterans exemption assessments	Ch. 333, Art. XI
L.L. No. 4-2009	5-21-2009	Text messaging	REP
L.L. No. 5-2009	7-8-2009	Administrative Code amendment	§§ A1401-A1405
L.L. No. 6-2009	9-24-2009	Solid waste: landfill amendment	Ch. 317, Art. I
L.L. No. 7-2009	11-23-2009	Sanitary code amendment	Ch. 305
L.L. No. 1-2010	12-17-2009	Sanitary code amendment	Ch. 305
Res. No. 2009-598	12-17-2009	Policies and procedures: sale of County-owned property	REP
L.L. No. 2-2010	1-21-2010	Parks and recreation areas amendment	Ch. 281
L.L. No. 3-2010	3-18-2010	Taxicabs	Superseded by L.L. No. 15-2010

Enactment	Adoption Date	Subject	Disposition
Res. No. 2010-199	4-22-2010	Policies and procedures: sale of County-owned property amendment	REP
L.L. No. 4-2010	6-17-2010	Empire Zone boundaries amendment	NCM
L.L. No. 5-2010	6-17-2010	Hauling on County roads	Ch. 228
L.L. No. 6-2010	6-17-2010	Charter amendment; Administrative Code amendment; Sheriff's Department: Mutual Police Assistance amendment; alarm systems: avoidable alarms amendment; Sheriff's Department fees amendment; pistol and revolver license fees amendment	§ C2606; §§ A2303, A2304, A2305, A2306, A2307; Chs. 150, Art. I; 199; 257, Arts. XII and IX
L.L. No. 7-2010	8-19-2010	Retirement incentive	NCM
L.L. No. 8-2010	8-19-2010	Charter amendment; Administrative Code amendment; ethics amendment; payroll deductions amendment; Liability and Casualty Reserve Fund amendment; Contingency and Tax Stabilization Reserve Fund amendment; travel expenses: advance payments amendment; mileage reimbursements amendment; workers' compensation self-insurance plan amendment; emergency telephone system: enhanced 911 surcharge amendment; fees and charges: service charges for handling securities amendment; collection of delinquent village taxes amendment; hotel or motel occupancy tax amendment; recording tax amendment; real estate transfer tax amendment; payment of delinquent real property taxes amendment; public access to records amendment	§§ C105, C302, C307, C311, C501, C502, C602, C607, C2302-A, C2604; §§ A105, A203, A216, A302, A305, A309, A402, A405, A501 through A509, A602, A603, A1004, A1004-A, A1305, A1306, A1504, A1505, A1805, A2005, A2306, A2307, A2302, A2303-A; 53; 112; 130, Arts. I and II; 169, Arts. I and II; 180, Art. I; 250, Art. I; 257, Art. XI; 330, Arts. I, III, VI, V and IV; 296

Enactment	Adoption Date	Subject	Disposition
L.L. No. 9-2010	8-19-2010	Tax exemptions: Cold War veterans	Ch. 333, Art. II
L.L. No. 10-2010	10-21-2010	Sanitary Code amendment	Ch. 305
L.L. No. 11-2010	11-18-2010	Tax exemptions: home improvements	Ch. 333, Art. VI
L.L. No. 12-2010	11-18-2010	Fees and charges: documents acquired from website amendment	Ch. 257, Art. IV
L.L. No. 13-2010	11-18-2010	Dogs and other animals: charges and fees amendment	Ch. 243, Art. I; Ch. 257, Art. XIV
L.L. No. 14-2010	2-18-2010	Charter amendment	§§ C603, C606, C607
L.L. No. 15-2010	12-16-2010	Taxicabs	Ch. 336
L.L. No. 1-2011	12-16-2010	Charter amendment; Administrative Code amendment	§ C610; § A609
L.L. No. 2-2011	4-21-2011	Solid waste: landfill amendment	Ch. 317, Art. I
L.L. No. 3-2011	5-19-2011	Charter amendment; Administrative Code amendment	§ C1503; §§ A1504, A1505
L.L. No. 4-2011	8-4-2011	Taxation: hotel or motel occupancy tax amendment	Ch. 330, Art. III
L.L. No. 5-2011	12-15-2011	Fees and charges: District Attorney's Traffic Ticket Diversion Program Fee	Ch. 257, Art. III
L.L. No. 6-2011	12-15-2011	Charter amendment	§ C606
L.L. No. 7-2011	12-15-2011	Parks and recreation areas amendment	Ch. 281
L.L. No. 1-2012	1-19-2012	Charter amendment; Administrative Code amendment	§ C201; § A201
L.L. No. 2-2012	3-15-2012	Use of County property amendment	Ch. 222
L.L. No. 3-2012	3-15-2012	Selection of architectural and engineering services amendment	Ch. 12
L.L. No. 4-2012	8-16-2012	Tax exemptions: home improvements amendment	Ch. 333, Art. VI
L.L. No. 5-2012	9-20-2012	Taxation: hotel or motel occupancy tax amendment	Ch. 330, Art. III
L.L. No. 6-2012	9-20-2012	Airport: customs fees amendment	Ch. 193, Art. II

Enactment	Adoption Date	Subject	Disposition
L.L. No. 7-2012	9-20-2012	Worker's compensation self-insurance plan amendment	Ch. 180, Art. I
L.L. No. 8-2012	11-8-2012	Charter amendment; Administrative Code amendment; taxicabs amendment; construction codes, uniform amendment; County roads, hauling on amendment; notification of defects on highways, sidewalks, bridges and culverts amendment; parks and recreation areas amendment; solid waste: landfill amendment; architectural and engineering services, selection of amendment; Environmental Management Council amendment	§§ C901 through C905, C1201, Art. XI; §§ A602, A901 through A906, A1201, A2303-A; A2307-A; 336; 210; 228; 274; 281; 317, Art. I; 12; 49
L.L. No. 1-2013	12-20-2012	Ethics code, disclosure and Board amendment	Ch. 53
L.L. No. 2-2013	12-20-2012	Charter amendment; Administrative Code amendment	Art. III-A, § C301-A; Art. III-A, § A301-A
L.L. No. 3-2013	2-6-2013	Schedule of County fees amendment; solid waste: landfill amendment; source separation amendment	Chs. 257, Art. XV; 317, Arts. I; IV
L.L. No. 4-2013	4-19-2013	Lease agreement	NCM
L.L. No. 5-2013	5-7-2013	Sanitary Code amendment	Ch. 305
L.L. No. 6-2013	7-10-2013	Airport: landing fees amendment	Ch. 193, Art. I
L.L. No. 7-2013	8-8-2013	Use of County property amendment	Ch. 222
L.L. No. 8-2013	9-4-2013	Charter amendment; Administrative Code amendment	§ C1003-A; § A1005-A
L.L. No. 9-2013	11-21-2013	Emergency telephone system: enhanced 911 surcharge amendment	Ch. 250, Art. I
L.L. No. 1-2014	12-19-2013	Adoption of Charter and Code	Ch. 1, Art. I

Enactment	Adoption Date	Subject	Disposition
L.L. No. 2-2014	12-19-2013	Schedule of County fees amendment; solid waste: landfill amendment; management amendment; source separation amendment	Chs. 257, Art. XV; 317, Arts. I, II and IV
L.L. No. 3-2014	1-23-2014	Hotel or motel occupancy tax amendment	Ch. 330, Art. III
L.L. No. 4-2014	11-20-2014	Schedule of County fees amendment	Ch. 257, Art. XV
L.L. No. 1-2015	4-7-2015	Charter amendment	§ C213
L.L. No. 2-2015	7-23-2015	Administrative Code amendment	§ A1203