

ORLEANS COUNTY HEALTH DEPARTMENT



SANITARY CODE

As Adopted by the Orleans County Board of Health

Effective November 15, 2011

ORLEANS COUNTY HEALTH DEPARTMENT
Paul A. Pettit, MSL
Public Health Director
14012 Route 31 West
Albion, NY 14411
585-589-3278
www.orleansny.com/publichealth

**SANITARY CODE
OF THE
ORLEANS COUNTY HEALTH DISTRICT**

Table of Contents

PREFACE.....	2
ARTICLE I.....	4
GENERAL PROVISIONS.....	4
PART 1. TITLE.....	4
PART 2. DEFINITIONS.....	4
PART 3. RULES AND REGULATIONS.....	7
PART 4. STATE SANITARY CODE.....	7
PART 5. LOCAL ORDINANCES.....	7
PART 6. RIGHT OF ENTRANCE AND INSPECTION.....	7
PART 7. INTERFERENCE WITH NOTICES.....	8
PART 8. PERMITS.....	8
PART 9. CODE VIOLATIONS.....	9
PART 10. FEES.....	9
PART 11. VIOLATIONS AND PENALTIES.....	9
PART 12. UNCONSTITUTIONALITY CLAUSE.....	10
PART 13. VARIANCES AND WAIVERS.....	10
ARTICLE II.....	11
ENVIRONMENTAL HEALTH SERVICES.....	11
PART 14. NUISANCES AND GENERAL SANITATION.....	11
PART 15. WATER SUPPLIES.....	14
PART 16. SEWAGE.....	15
PART 17. PUBLIC SEWAGE.....	18
PART 18. CONSTRUCTION APPROVAL, INSPECTION AND CERTIFICATION.....	19
PART 19. REALTY SUBDIVISIONS.....	20
PART 20. SWIMMING POOLS, BATHING BEACHES and RECREATIONAL AQUATIC SPRAY GROUNDS.....	20
PART 21. FOOD SERVICE ESTABLISHMENTS.....	20
PART 22. MIGRANT FARMWORKER HOUSING.....	20
PART 23. TEMPORARY RESIDENCES.....	21
PART 24. MOBILE HOME PARKS.....	21
PART 25. CHILDREN'S CAMPS.....	21
PART 26. COMMUNICABLE DISEASES.....	21
PART 27. LEAD POISONING CONTROL.....	22
PART 28. TANNING FACILITIES.....	22
PART 29. CAMPGROUNDS.....	22
PART 30. MASS GATHERINGS.....	22
PART 31. AGRICULTURAL FAIR GROUNDS.....	22
EFFECTIVE DATE.....	23
CERTIFICATION.....	24

PREFACE

Section 347, Subdivision 1; Section 348 Subdivisions 1, 2, 3; and Section 309, Subdivisions 1, 2, 3, 4, 5 of the Public Health Law of the State of New York provide as follows:

Section 347. County or part-County Boards of Health; powers and duties; rules and regulations: initiative

1. Upon the establishment of a board of health for a county or part-county health district as provided in this article it shall exercise all the powers and perform all duties of local boards of health as provided in this chapter, and such board of health may formulate, promulgate, adopt and publish rules, regulations, orders and directions for the security of life and health in the health district which shall not be inconsistent with the provisions of this chapter and the sanitary code*. Such rules, regulations, orders and directions shall be known as the sanitary code of such district.
 - a. Every rule, regulation, order and direction adopted by a board of health or a county officer or body exercising the rule-making functions of a board of health shall state the date on which it takes effect and a copy thereof signed by the county health commissioner or his deputy or such county officer or the elective or appointive chief executive officer of such county body exercising the rule-making functions of a board of health shall be filed as a public record in the department**, in the county or part-county department of health and in the office of the county clerk and shall be published in such manner as the board of health or such county officer or body exercising the rule-making functions of a board of health may from time to time determine. No such rule, regulation, order or direction shall be effective prior to filing as a public record in the department.
 - b. The county health commissioner or deputy shall furnish certified copies of the sanitary code of the health district and its amendments for a fee of one dollar.
 - c. Nothing herein contained shall be construed to restrict the power of any county, city, town or village to adopt and enforce additional ordinances or enforce existing ordinances relating to health and sanitation provided that such ordinances are not inconsistent with the provisions of this chapter or the sanitary code.

Section 348. County or part-county health districts; sanitary codes; violations and penalties.

- a. The provisions of this sanitary code of a county or part-county health district shall have the force and effect of law.
- b. Any non-compliance or non-conformance with any provision of such sanitary code or of a rule or regulation, duly made thereunder shall constitute a violation punishable on conviction for a first offense by a fine of not more than two hundred fifty dollars (\$250.00) or by imprisonment for not more than fifteen (15) days or by both such fine and imprisonment; and for a second or subsequent offense by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment not exceeding fifteen (15) days, or both.

- c. Certified copies of the sanitary code of a county or part-county health district shall be received in evidence in all courts and proceeding in the state.

Section 309. Local boards of health; quasi-judicial powers; enforcement

1. Every local board of health may:
 - a. Issue subpoenas which shall be regulated by the civil practice and law and rules.
 - b. Compel the attendance of witnesses.
 - c. Administer oaths to witnesses and compel them to testify.
 - d. By resolution, designate one of its members to sign and issue such subpoenas.
 - e. Issue warrants to any peace officer, acting pursuant to his special duties, or police officer of the municipality to apprehend and remove such person or persons as cannot otherwise be subjected to its orders or regulations, and to the sheriff of the county to bring to its aid the power of the county whenever it shall be necessary to do so.
 - f. Prescribe and impose penalties for the violation of or failure to comply with any of its orders or regulations, or any of the regulations of the state sanitary code, not exceeding one thousand dollars for a single violation or failure, to be sued for and recovered by it in any court of competent jurisdiction.
 - g. Appoint one or more hearing officers as shall be necessary to carry out its functions and duties. The hearing officer shall have the same powers possessed by the board to hold and conduct hearings. The hearing officer shall function under the supervision of the local board and shall make findings of fact and recommendations of the board.
2. No subpoena shall be served outside the jurisdiction of the board of health issuing it, and no witness shall be interrogated or compelled to testify upon matters not related to the public health.
3. Every warrant issued by a local board of health shall be forthwith executed by the officer to whom directed, who shall have the same powers and be subject to the same duties in the execution thereof, as if it had been duly issued out of a court of record of the state.
4. Nothing in this section contained shall be construed to alter or repeal any existing provision of law declaring such violations or any of them misdemeanors or felonies or prescribing a penalty therefor.
5. The penalty imposed by this section may be released or compromised by the commissioner.

* = Sanitary Code means the New York State Sanitary Code.

** = Department means the New York State Department of Health.

**ARTICLE I
GENERAL PROVISIONS**

PART 1. TITLE.

The rules and regulations herein contained together with any duly enacted amendments or additions thereto shall be known as the Sanitary Code of the Orleans County.

PART 2. DEFINITIONS.

- 2.1 Actively Immunized – Injection of a rabies vaccine which meets the standards prescribed by the United States Department of Agriculture for interstate sale and administered according to the manufacturer’s instructions under the direction of a duly licensed veterinarian.
- 2.2 Adequate – Shall mean sufficient to accomplish the purpose intended, and to such a degree that no unreasonable risk is presented to health or safety. Within the meaning of the Code, an item installed, maintained, designed and assembled, an activity conducted, or act performed, in accordance with recognized generally accepted standards, principles or practices applicable to a particular trade, business, occupation, or profession shall be considered adequate.
- 2.3 Adequate Ventilation - The exchange of air within a building to create a more healthy living space. The goals of adequate ventilation are, to bring in clean fresh air from the outside, to distribute air and heat throughout the building, to even out moisture levels within the building, to remove excess moisture, and to reduce indoor pollutants..
- 2.4 Applicant - An individual, municipal official, or officer of a corporation who is sponsoring the project and formally signs the Application for Plan Approval.
- 2.6 Approved Disposal Area - A specific area, site or location operated under a permit issued by the New York State Department of Environmental Conservation.
- 2.7 Board of Health - The Orleans County Board of Health.
- 2.9 Commissioner - The Commissioner of Health or Public Health Director of Orleans County.
- 2.10 Construct - To construct, reconstruct or replace in whole or in major part.
- 2.11 Consultant - An individual or firm who is hired by the applicant to perform professional design services within a given specialized field for which they are qualified, and who possess a current license to practice that profession as issued by the New York State Education Department.

- 2.12 Contractor - Any person, firm, partnership, corporation, or other entity which constructs, reconstructs or replaces any portion of an onsite wastewater treatment system.
- 2.13 Development - Any proposal to construct new, enlarge, expand, or modify any structure, utilities, infrastructure, or equipment, at facilities or on property within Orleans County, which the Health Department has jurisdiction for regulating under applicable State or County Laws, rules, and regulations.
- 2.14 Domestic Livestock – Shall mean sheep, horses, cattle, goats, swine, donkeys and mules.
- 2.15 Establishment - Any facility required to obtain a permit to operate by the Orleans County Health Department under 10NYCRR Parts 6, 7, 14, 15 or 17.
- 2.16 Habitable Area - Any part of any building, structure or shelter in which persons may reside or which is intended for human occupancy.
- 2.17 Health Department - The Orleans County Health Department (OCHD).
- 2.18 Health District - The Orleans County Health District established under Section 340 of the Public Health Law of the State of New York.
- 2.19 Immediate Family - Shall mean spouses, parents, stepparents, grandparents, children, stepchildren, grandchildren, and siblings.
- 2.20 Individual Water Supply - Any privately owned source of drinking water which serves less than five service connections (normally one single-family residence) and less than 25 persons.
- 2.21 Minor - Shall mean any person under the age of eighteen years.
- 2.22 Offensive Material - Any litter, garbage, refuse, rubbish, sewage, fecal matter, manure, offal, dead animals, meat wastes, blood, tankage, brine, urine or any putrescible organic matter, or noxious weeds, or the contents of privies, cesspools, septic tanks or chemical toilets, either in liquid or solid state, or other solid or liquid material whether waste or not, hazardous or flammable wastes, or waste tires which constitute a nuisance or is prejudicial to public health.
- 2.23 Onsite Wastewater Treatment System - Any excavations, piping, tanks or other appurtenances including, but not limited to, absorption beds, leach fields, sand filters, privies, septic/holding tanks and other systems utilized in the process of retaining, treating or disposing of sewage or wastewater.
- 2.24 Owner - Any individual, partnership, corporation or other legal entity who holds legal title to an establishment or property which is subject to Health Department regulation.

- 2.29 Permanent Residence - Any building, structure or shelter (either privately owned/occupied or leased/occupied by other persons) used or intended to be lived in by persons, exclusive of those residences regulated by 10NYCRR Parts 7 & 15.
- 2.30 Permit - A written permission issued by the Commissioner allowing the construction and/or operation of a facility regulated by 10NYCRR, or the Orleans County Sanitary Code.
- 2.31 Person - Any individual, public or private corporation, political subdivision, government agency, municipality, industry, co-partnership, association, firm, trust, estate, utility district, or any other legal entity whatsoever.
- 2.32 Potable - Water that is suitable and safe for human consumption and consistent with the microbiological standards of 10NYCRR Subpart 5-1.
- 2.33 Public Sewage System- Shall mean serving a single or multiple structures or facilities, or a dwelling designed to house three or more families, generating a wastewater flow of one thousand gallons per day or more, whether ownership shall be private, corporate or municipal.
- 2.34 Public Health Code - The rules and regulations now and hereafter formulated, promulgated and adopted by the Orleans County Board of Health, and shall also be known as the Orleans County Sanitary Code.
- 2.35 Public Health Hazard – Shall mean any condition which poses an imminent threat to the health or safety of the public. Such hazards must be corrected immediately or as specifically ordered by the Commissioner.
- 2.36 Public Health Law - The Public Health Law of the State of New York.
- 2.37 Public Health Nuisance – Shall mean any condition that affects the public interest and may be defined as the doing of certain acts which tend to produce a common injury, adversely affecting health, safety, convenience and the comfort of a considerable number of people (the general community).
- 2.38 Sewage - Any human waste from residences, buildings, industrial establishments, or other places. It shall include wash water, laundry wastes and any liquid wastes usual to a household; but shall not include any liquid comprised of, either in whole or in part, industrial wastes or other wastes.
- 2.39 Sewage System - Any pipe lines or conduits, pumping stations, and force mains, and all other constructions, devices, and appliances appurtenant thereto, used for conducting wastewater, industrial waste or other wastes at a point of ultimate treatment or disposal and any plant, septic tank, disposal field, lagoon, sand filter, privy or other non-water borne sewage disposal systems, or other works installed for the purpose of treating or disposing of sewage or wastewater.
- 2.40 State Sanitary Code – Refers to Title 10 of the Official Compilation of Codes, Rules and Regulations (10NYCRR) of the State of New York.

- 2.41 Tenant Housing- A dwelling equipped for human habitation which is owned by one party, but is occupied by one or more other parties in consideration of payment under a lease or other rental agreement.
- 2.2 Wastewater - Water-carried human or animal wastes from residences, buildings, industrial or commercial establishments or other places, together with such underground infiltration and surface water as may be present.

PART 3. RULES AND REGULATIONS.

- 3.1 The Orleans County Public Health Director is hereby authorized and empowered to make and promulgate administrative rules and regulations necessary to enforce the provisions of the New York State Sanitary Code and the Orleans County Sanitary Code.

PART 4. STATE SANITARY CODE.

- 4.1 The provisions of the Public Health Law and State Sanitary Code and any additional regulations which may be added to it from time to time are hereby incorporated as part of the Orleans County Sanitary Code.

PART 5. LOCAL ORDINANCES.

- 5.1 The provisions of the Public Health Law, in matters to which it refers, supersede all local ordinances heretofore or hereafter enacted inconsistent therewith.
- 5.2 Nothing herein contained shall be construed to restrict or abrogate the authority of any municipality in the Health District to adopt and enforce additional ordinances or to enforce existing ordinances, provided such ordinances are consistent with any New York State Law relating to public health, or with the State Sanitary Code, or with the Orleans County Sanitary Code.
- 5.3 Where applicable, the Commissioner may require a Certificate of Occupancy issued by the municipality before a permit is issued by the Department of Health.

PART 6. RIGHT OF ENTRANCE AND INSPECTION.

- 6.1 No person shall interfere with, or obstruct, the entrance to any establishment or other premises by the Commissioner, or the Commissioner's authorized representative, in the discharge of the Commissioner's official duties; nor shall any person interfere with, or obstruct, the inspection or examination of any occupancy of any such establishment or other premises by the Commissioner, or the Commissioner's authorized representative, in the discharge of the Commissioner's official duties. When determined to be necessary, an appropriate warrant shall be obtained from a court of competent jurisdiction.

PART 7. INTERFERENCE WITH NOTICES.

- 7.1 No person shall interfere with, or obstruct, any health authority in the posting of any placard in accordance with the requirements of the Public Health Law, or 10NYCRR, on any place or premises, nor shall any person conceal, mutilate, or remove any such placard, except by direction of the Commissioner.
- 7.2 In the event of any such placard being concealed, mutilated or torn down, it shall be the duty of the occupant, owner or the person in charge of the premises, whereon such placard was posted, immediately to notify the Commissioner of such fact.

PART 8. PERMITS.

- 8.1 All applications for permits or written approvals hereinafter required shall be made upon forms prescribed and furnished by the Health Department, 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.
- 8.2 Such application shall contain data and information, and be accompanied by such plan as may be required.
- 8.3 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.
- 8.4 Such 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 such permit or written approval and to the provisions of the Public Health Code.
- 8.5 Every such permit shall expire on the date stated in the permit or until revoked, 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.
- 8.6 All permits issued hereunder shall remain the property of the Health Department and shall, on demand, be surrendered to an authorized representative of the Health Department, whenever any such permit expires, is suspended, or revoked.
- 8.7 Permits shall be posted conspicuously on the premises or vehicles, for which they are issued.
- 8.8 Issuance of a permit is hereby conditioned on the payment of any and all outstanding Board of Health fines, Health Department permit fees and laboratory fees.

PART 9. CODE VIOLATIONS.

- 9.1 Alleged violations of the Public Health Law, Public Health Code or State Sanitary Code may be handled through an administrative hearing, at the option of the Commissioner, or the Commissioner's designee.
- 9.2 The policies and procedures for the conduct of such administrative hearings shall be in accordance with those rules and regulations which the Board of Health shall approve by motion at a regularly scheduled meeting of the Board of Health.
- 9.3 The Board of Health may designate one or more administrative hearing officers to conduct such administrative hearings, or contract with a qualified hearing officer (contract approved by county attorney and legislature).
- 9.4 Appeals from a Board of Health order may be made to the Board of Health or to the Health Department within 15 days of the receipt of the notice of decision.

PART 10. FEES.

- 10.1 Fees may be imposed for services rendered by the Department under this Public Health Code in accordance with such schedule or schedules as may be adopted by the Board of Health, Orleans County Legislature, the State of New York, or the United States.
- 10.2 The fee imposed as described in Section 10.1 must be paid.

PART 11. VIOLATIONS AND PENALTIES.

- 11.1 Pursuant to Section 309 of the Public Health Law, the Board of Health may prescribe and impose penalties for the violation of or failure to comply with any orders or regulations including this Sanitary Code or the State Sanitary Code, not exceeding \$2,000.00 for a single violation or failure, to be sued for and recovered in any court of competent jurisdiction.
- 11.2 Nothing contained herein shall prevent the Commissioner from authorizing the reinspection of an establishment or property, wherein a health violation exists and has not been abated in accordance with a Board of Health/Commissioner's Order, and reciting the owner for such continuing noncompliance.
- 11.3 Nothing herein contained shall be construed to exempt an offender from any other prosecutorial penalty provided by Law, including, but not limited to, Title 17 of the Environmental Conservation Law.
- 11.4 Certified copies of the Orleans County Sanitary Code shall be received in evidence in all courts and proceedings in the State, as provided in Section 348 of the Public Health Law.

- 11.5 Pursuant to Section 348 of the Public Health Law, any noncompliance or nonconformance with any provision of this Sanitary Code or of a rule or regulation duly made thereunder shall constitute a violation punishable by a fine of not more than \$250.00 or by imprisonment for not more than 15 days or by both such fine and imprisonment; and for a second and subsequent offense by a fine not exceeding \$500.00 or by imprisonment for not more than 15 days, or both.
- 11.6 Nothing contained herein shall prevent the Board of Health from revoking, or suspending for a specified period of time, any permit previously issued by the Commissioner, for multiple violations of provisions of the NYS Public Health Law, State Sanitary Code, this Code, or earlier Orders of the Board of Health.
- 11.7 It shall be a separate violation of this Code for any owner/person to not fully comply with all conditions of a stipulation offer which they signed in settlement of a Notice of Violation issued by the Health Department.
- 11.8 Section 1395, Children's Camps and 1330, Migrant Labor Camps of the Public Health Law prescribe different penalties than noted in 11.1 and 11.5.

PART 12. UNCONSTITUTIONALITY CLAUSE.

- 12.1 In the event that any section, paragraph, sentence, clause, or phrase of this Public Health Code shall be declared unconstitutional or invalid for any reason, the remainder of the Public Health Code shall not be affected thereby.

PART 13. VARIANCES AND WAIVERS

- 13.1 Variance – The permit-issuing official may, on written application and after review, grant a variance from a specific provision of this Sanitary Code, subject to appropriate conditions which shall include a time schedule for compliance when such variance is in harmony with the general purposes and intent of this Code, and when there are practical difficulties or unnecessary hardship in complying with such provision.
- 13.2 Waiver – The permit-issuing official after consulting with a representative of the State Department of Health may, on written application and after review, grant a waiver from a specific provision of this Sanitary Code, and include the waiver as a condition of the permit to operate, when it reasonably appears the public health will not be endangered by granting of such waiver and adequate alternative provisions have been made to protect the safety of the public. Such waiver shall remain in effect for a period of time concurrent with the operating permit, unless sooner revoked for cause or the facility changes operators.

ARTICLE II
ENVIRONMENTAL HEALTH SERVICES

PART 14. NUISANCES AND GENERAL SANITATION.

14.1 Declaration of Policy

- 14.1.1 It is hereby declared to be the policy of the Orleans County Health Department to abate all public health nuisances detrimental to life and the public health of citizens in Orleans County. Each citizen complaint regarding an alleged public health nuisance shall be submitted in writing to the Commissioner and shall be endorsed and dated. Such endorsed formal complaint shall be the basis upon which the Commissioner may authorize an investigation into the alleged nuisance.
- 14.1.2 Whenever any establishment, building, premises or place becomes or is maintained or operated in such a manner so as to constitute a public health nuisance, which in the opinion of the Commissioner may affect health or is the cause of such nuisances existing elsewhere, the Commissioner shall cause an investigation to be made. If, in the Commissioner's opinion, such public health nuisance requires abatement, then the Commissioner may order its abatement.
- 14.1.3 No owner of any property shall permit a condition which constitutes a public health nuisance to exist unabated.

14.2 Investigation

- 14.2.1 The Commissioner or duly authorized representative may enter upon or within any building, premises or place where nuisances or conditions dangerous to life and health, or which are the cause of nuisances existing elsewhere, are known or believed to exist, to inspect or examine same.
- 14.2.2 The owners, agents and occupants of any premises shall permit sanitary examinations and inspections to be made pursuant to the provisions of this Article and Title 1 of Article 13 of the Public Health Law.
- 14.2.3 The Commissioner shall furnish the owners, agents and occupants of the premises on which such conditions exist with a written statement of the results and conclusions of an examination or inspection conducted pursuant to this Article.

14.3 Abatement and Suppression

- 14.3.1 The Commissioner shall order the suppression and removal of all public health nuisances and conditions detrimental to life and health found to exist within the health district.

- 14.3.2 If the owner, agent or occupant of any premise, whereon such public health nuisance or condition exists, fails to comply with any such order, then the Commissioner or his designated representative may enter upon the premises to remove or suppress such nuisance, condition, or matter to which such order relates.
- 14.3.3 The expenses of such removal and abatement shall be paid for, and subsequently recovered in, the manners prescribed in Public Health Law Sections 1306 and 1307, respectively.

14.4 Enforcement

- 14.4.1 Any non-compliance or non-conformance with an order issued by the Board of Health and/ or Commissioner pursuant to this Article may be subject to the imposition of a civil penalty pursuant to Section 309 of the Public Health Law.

14.5 Insects/Rodents

- 14.5.1 All infestations of insects/rodents constituting a public health nuisance shall be prohibited. Every establishment shall be kept free of insects/rodents where practical and maintained to prevent breeding of insects/rodents. Disinfection, fumigation, extermination, installation of screens or other means of control shall be accomplished upon the order of the Commissioner.

14.6 Public Toilets

- 14.6.1 Every person, who shall provide a toilet for the use of employees, patrons or members of the public, shall maintain such toilet in a clean, well-lighted, ventilated and sanitary condition at all times. The floor of such facility shall be impervious to moisture and properly drained. An adequate supply of soap and sanitary individual towels, or a hand dryer, shall be provided, and there shall be hot and cold, or tempered, running water available at all times. The owner of a building or dwelling, or the owner's agent in charge thereof, wherein two or more tenants have common use of the toilet, shall be responsible for the maintenance of such facility so that it is kept in repair and in a clean and sanitary condition at all times.

14.7 Temporary Toilet Facilities

- 14.7.1 Any person employing workers at temporary work sites shall provide or cause to be provided a temporary portable toilet or toilets or other satisfactory toilet facilities at a convenient place upon the premises, or readily accessible thereto and the same shall be properly enclosed and maintained in a sanitary condition.

14.8 Offensive Material / Refuse

- 14.8.1 No person or municipality shall permit, deposit, store or hold any offensive material on any premise or in any place or in any building or structure unless such material is so treated, screened, covered, handled or placed as not to create a nuisance or be detrimental to health. All containers for storage of such material shall completely confine the material and shall be kept in an inoffensive and sanitary condition at all times.
- 14.8.2 Offensive material shall not be deposited, thrown, discharged, dumped or otherwise allowed to enter into streams, ponds or other bodies of water or onto the surface of the ground or into the ground or ground waters, except in such a manner which is consistent with all applicable federal, state and local regulations.
- 14.8.3 No person or municipality shall remove or transport, or permit the removal or transportation of any offensive material, except in such a manner which is consistent with all applicable federal, state and local regulations, and in such a manner as will prevent the creation of a nuisance or the loss or discharge of such material. All such material shall be so handled, covered or treated that it cannot escape; or be accessible to rodents, flies or other insects; or create a nuisance.
- 14.8.4 Any person or persons discharging, dumping, spilling or disposing of offensive materials shall be strictly liable, without regard to fault, for all clean-up and removal costs, whether direct or indirect. Clean-up costs shall include replacement of any materials used by Orleans County or other governmental personnel in the course of responding to the incident. Violators may also be liable for civil or criminal penalties imposed pursuant to any applicable law, rule, or regulation.
- 14.8.5 If the person or persons responsible for the discharge, dumping, spilling or disposing of offensive materials shall not commence remediation within twenty-four (24) hours, or sooner as may be directed by the Commissioner of Health to protect the health and safety of the public, then the Health Department may take whatever action is deemed appropriate to remediate the incident. All costs incurred by the County in the course of the remediation shall be the responsibility of the offender and shall be in addition to any penalties levied by the Board of Health.
- 14.8.6 No person shall deposit, store, or dispose of any offensive material within 100 feet of any existing private water supply, nor within 200 feet of any existing public source of drinking water. All persons shall completely remove and properly dispose of such material, within five (5) days of being so directed by the Commissioner.

14.9 Waste Tires

- 14.9.1 No person or municipality shall permit, deposit, store or hold more than ten (10) waste or used tires, unless such tires are neatly piled and controlled so as to preclude the accumulation of rainwater, breeding of insects, harborage of rodents or creation of a fire hazard. This provision applies to all waste and used tires, including those from single families and businesses, except those facilities regulated by Title 6NYCRR Part 360-13. It shall be the responsibility of both the owner of the property whereon tire disposal has taken place and the party disposing of the tires to satisfactorily remove and dispose of used tires. Satisfactory disposal shall mean disposal as defined in 6NYCRR Part 360 and may include such methods as recycling, shredding or splitting, disposal at a permitted landfill or use as fuel at a permitted facility. It shall be the responsibility of the person or persons properly disposing of used tires to provide to the Health Department receipts verifying proper disposal.

PART 15. WATER SUPPLIES.

15.1 Public Water Supplies

- 15.1.1 All public water supplies are governed by the definitions and regulations found in 10NYCRR Part 5 and Article 11 of the Public Health Law.
- 15.1.2 The Commissioner may declare a public water supply to be a public health hazard, if it is found to be in violation of any conditions stated in 10NYCRR Section 5-1.78.
- 15.1.3 The persons responsible for a public water supply which has been declared a public health hazard shall make the necessary improvements to eliminate such hazards within the length of time established by the Commissioner and shall notify the public that such hazards exist in the manner prescribed by 10NYCRR Section 5-1.78. In situations where the public health is considered to be unduly endangered by any delay, the Commissioner may declare the public health hazard to be an emergency, and may order the responsible officials to take immediate action in abating the public health hazard.
- 15.1.4 If the persons responsible for a public water supply which has been declared an emergency fail to comply with the Commissioner's order forthwith, the Commissioner shall enforce compliance with such order in accordance with Article II of the Public Health Law.
- 15.1.5 The persons responsible for a public water supply must submit sample analysis within 60 days of date of sampling.

15.2 Individual Water Supplies

- 15.2.1 The standards for new and replacement individual water wells in New York State are those prescribed in Appendix 5-B, 10NYCRR.
- 15.2.2 A copy of the Well Completion Report completed by the contractor and required by NYS Environmental Conservation Law 15-1525 shall be submitted to the Orleans County Health Department. This report shall provide a log of the well, the size and depth thereof, the capacity of the pump or pumps attached or to be attached thereto, and such other information pertaining to the withdrawal of water and operation of such water well or water wells.

15.3 Tenant Housing Water Supplies

- 15.3.1 Potable water from an approved source shall be available at all times. The domestic water supply system of the building shall be connected to such properly developed source, shall be free of microbiological contamination or shall be continuously disinfected and shall not be connected to any unsafe water supply.

PART 16. SEWAGE.

16.1 Applicability

- 16.1.1 This Part shall apply to owners and contractors of all onsite sewage disposal or wastewater treatment systems.
- 16.1.2 This Part requires the owner of any property whereon structures are located which are equipped for human occupation or habitation (either permanent or seasonal use), and sewage or wastewater is generated, to obtain permits from the Health Department for the construction and operation of any onsite sewage disposal or wastewater treatment system. In the absence of any onsite water supply, internal plumbing system, or sewage drain piping, the owner would need not apply for such permits.

16.2 General Provisions

- 16.2.1 Where, in the opinion of the Commissioner, public sanitary sewer is available and accessible, no person shall construct on any premises any privy vault, cesspool or separate system for the disposal of sewage, except a temporary privy for construction purposes.
- 16.2.2 Where in the opinion of the Commissioner, a public sanitary sewer is available and accessible, the Commissioner may issue an order to the owner of any property whereon any other method of sewage disposal is

located, requiring such owner to abandon the use of such other method of sewage disposal and to connect with such sanitary sewer system.

- 16.2.3 No person shall discharge or cause the discharge of any harmful or deleterious substance to any sanitary sewer, sewage disposal or wastewater treatment system, which discharge would endanger the use of or the materials of construction of such sewer or system, or which would result in stoppage or in other failure of the sewage system or subsequent sewage treatment.
- 16.2.4 No person shall commit any act which may harm any structure, device, equipment or treatment process which is a part of a public sanitary sewage system or sewage treatment works.

16.3 Permit to Construct

- 16.3.1 All owners who intend to construct new or replace / repair an onsite sewage disposal or wastewater treatment system must first make application for a permit to construct an onsite sewage disposal or wastewater treatment system to the Commissioner upon forms furnished by the Commissioner.
- 16.3.2 Prior to the issuance of a permit to construct an onsite sewage disposal or wastewater treatment system, a site investigation, soil percolation test and a deep hole test must be performed. Using the results of these tests, plans must be developed in accordance with official standards set forth in 10 NYCRR appendix 75-A by Health Department personnel or by a design-professional licensed to perform such work under the New York State Education Law.
- 16.3.3 Plans for the onsite sewage disposal or wastewater treatment system shall be approved by the Orleans County Health Department prior to issuance of the permit to construct an onsite sewage disposal or wastewater treatment system.
- 16.3.4 No person or contractor shall begin to construct an onsite sewage disposal or wastewater treatment system until a permit to construct an onsite sewage disposal or wastewater treatment system has been issued. No work can be performed for which a permit has not been obtained.
- 16.3.5 The permit to construct an onsite sewage disposal or wastewater treatment system shall be posted conspicuously at the construction site.
- 16.3.6 The permit to construct an onsite sewage disposal or wastewater treatment system shall be valid for one year or as otherwise stated and shall be non-transferable.

16.4 Construction and Maintenance

- 16.4.1 Construction of an onsite sewage disposal or wastewater treatment system shall be in conformance with the standard set forth in 10 NYCRR Appendix 75-A, the New York State Department of Environmental Conservation, and the Orleans County Health Department. Under special circumstances, the Commissioner or designated representative may grant variances or exemption(s) from the aforementioned standards.
- 16.4.2 It shall be the contractor's and design professional's responsibility to construct all onsite sewage disposal or wastewater treatment systems in accordance with the standards listed above, the approved plan and conditions of the permit.
- 16.4.3 It shall be the owner's / operator's responsibility to maintain the onsite sewage disposal or wastewater treatment system in accordance with the approved plan and conditions of the Permit to Operate.
- 16.4.4 The contractor, or in the contractor's absence, the owner must cause inspection by a representative of the Health Department of the completed onsite sewage disposal or wastewater treatment system before backfill, or at various stages of construction stated in the permit to construct an onsite sewage disposal or wastewater treatment system. The Health Department must be notified at least 3 working days in advance to arrange for an inspection of the construction of an onsite sewage disposal or wastewater treatment system or any part thereof.

16.5 Permit to Operate

- 16.5.1 If construction meets the County standards, the specifications as outlined in Appendix 75-A, 10NYCRR and the approved construction plan, or an exemption or variance is granted by the Commissioner, then a permit to operate the onsite sewage disposal or wastewater treatment system will be issued to the owner by the Commissioner.
- 16.5.2 No onsite sewage disposal or wastewater treatment system shall be utilized without a permit to operate.
- 16.5.3 The permit to operate shall be in force until revoked. The Commissioner may revoke such permit on the basis of sewage being discharged onto the ground surface or into waters of New York State thereby creating a public health hazard or nuisance.

16.6 Inadequately Treated or Untreated Sewage

- 16.6.1 The discharge of inadequately treated or untreated sewage onto the ground surface or into the waters of New York State is prohibited. The owner of any sewage disposal or wastewater treatment system with such a discharge shall immediately, upon notification by the Orleans County Health Department, undertake such remedial measures as the Commissioner may prescribe and accomplish such measures within a time set by the Commissioner, or its use shall be discontinued.

PART 17. PUBLIC SEWAGE.

17.1 Applicability

- 18.1.1 This Part shall apply to the construction or use of a new or modified public sewage system for the conveyance, treatment or disposal of wastewater without the admixture of industrial waste.

17.2 Prohibitions

- 17.2.1 No person shall discharge or allow or cause to be discharged onto the surface of the ground or into any street, road, alley, open excavation, stormwater sewer, land drain ditch, adjoining property, water course, body of water or ground water, any untreated or inadequately treated wastewater or other putrescible or offensive wastes, except under such circumstances as prescribed by and with the written approval of the Department or the New York State Department of Environmental Conservation (NYSDEC).
- 17.2.2 No person shall make or use any outlet or point source of discharge into the waters of the State, as defined by Article 17 of the New York State Environmental Conservation Law (ECL), or operate or construct a sewage system, without a valid State Pollutant Discharge Elimination System (SPDES) Permit, where required.
- 17.2.3 No person shall construct, modify, install or allow to be constructed, modified, or installed, a sewage system as defined in this Part without the written approval of the Department or the NYSDEC pursuant to Section 30.4 of this Part.
- 17.2.4 No person shall operate a sewage system for which a SPDES permit has been issued, or discharge wastewater from such a system, without complying with the effluent limitations and monitoring requirements set forth in that SPDES permit. No system shall be operated for which a SPDES permit has expired and not been renewed or extended.

17.3 Preparation, Submission and Approval of Plans

- 17.3.1 All new or modified sewage systems must be constructed and subsequently operated in accordance with engineering plans, reports and specifications formally approved by the Department or the NYSDEC.
- 17.3.2 No sewage system shall be constructed, modified or installed prior to or without plans approved by the Department or NYSDEC.
- 17.3.3 Engineering reports, plans and specifications shall be prepared by a person or firm licensed to practice professional engineering in the State of New York under the Education Law of the State of New York whenever engineering services are required by such law for such purposes.
- 17.3.4 Application for approval of plans and specifications shall be made on forms provided by the Department or the NYSDEC.
- 17.3.5 Sewage system design, construction, and operation shall conform to pertinent rules, regulations and standards accepted or prepared by the Department or the NYSDEC.

17.4 Construction Inspection and Certification

- 17.4.1 No new or modified sewage system shall be placed into service or used until written construction certification has been provided to the Department or the NYSDEC by the licensed professional engineer supervising construction.

PART 18. CONSTRUCTION APPROVAL, INSPECTION AND CERTIFICATION.

18.1 Applicability

- 18.1.1 No work shall commence on any project covered by any part of the Orleans County or State Sanitary Code which requires design by a Professional Engineer or Registered Architect, until all reports, plans, and specifications have been submitted to the Health Department for review and have been formally approved. Work can only begin after issuance of a Notice of Plan Approval.
- 18.1.2 Any construction project or development which was designed by a duly licensed consulting firm or individual and requires formal engineering plan approval by the Health Department shall be certified in writing by such consultant in accordance with the conditions stated on the official Notice of Plan Approval.

- 18.1.3 All construction must be supervised and routinely inspected by the licensed consultant or their qualified representative to insure that all proper construction specifications and methods are strictly met. The records of such inspections and all required testing shall be the basis for providing written certification.
- 18.1.4 No applicant or consultant shall place into service, or allow to be placed into service, any completed or partially constructed works, until such time as the written engineering certification has been filed with and accepted as valid by the Health Department. In the case of public water facilities, disinfection and microbiological testing results must also be provided to the Health Department prior to placing any new infrastructure into service.

PART 19. REALTY SUBDIVISIONS.

- 19.1 Realty Subdivisions are governed by the standards set forth in 10NYCRR Part 74; Article 11, Title 2 of the New York State Public Health Law; and Article 17, Title 15 of the New York State Environmental Conservation Law.

PART 20. SWIMMING POOLS, BATHING BEACHES and RECREATIONAL AQUATIC SPRAY GROUNDS.

- 20.1 Swimming pools, bathing beaches, and recreational aquatic spray grounds are governed by the standards set forth in 10NYCRR Part 6.

PART 21. FOOD SERVICE ESTABLISHMENTS.

- 21.1 Food Service Establishments are governed by the standards set forth in 10NYCRR Part 14.
- 21.2 Food Training Course: Subpart 14-1, Section 14-1.73 and Subpart 14-4, Section 14-4.81 of the New York State Sanitary Code authorizes the permit issuing official to establish and conduct or designate training programs and require that personnel attend them. By this authority and with support from the local Board of Health and the Legislative Health Committee, the Orleans County Health Department has designated training programs required for food service operators in Orleans County.

PART 22. MIGRANT FARMWORKER HOUSING.

- 22.1 Migrant Farmworker Housing is governed by the standards set forth in 10NYCRR Part 15 and applicable Parts of this Public Health Code.

PART 23. TEMPORARY RESIDENCES.

- 23.1 Temporary Residences are governed by the standards set forth in 10NYCRR Subpart 7-1 and applicable Parts of this Public Health Code.

PART 24. MOBILE HOME PARKS.

- 24.1 Mobile Home Parks are governed by the standards set forth in 10NYCRR Part 17.
- 24.1.1 It shall be the responsibility of the park owner/operator to provide that all mobile home installations conform with Section RAE501 of the Residential Code of New York State (19NYCRR).
- 24.1.2 It shall be the responsibility of the park owner/operator to remove any accumulation of offensive material which has been determined to be a nuisance or is prejudicial to public health or safety.

PART 25. CHILDREN'S CAMPS.

- 25.1 Children's Camps are governed by the standards set forth in 10NYCRR Subpart 7-2 and applicable Parts of this Public Health Code.

PART 26. COMMUNICABLE DISEASES.

- 26.1 Communicable diseases are governed by the standards set forth in 10NYCRR Part 2 and Articles 21, 22, and 23 of the Public Health Law.
- 26.2 Rabies
- 26.2.1 The control of rabies in Orleans County shall be in accord with Article 21, Title IV, Sections 2140 to 2145 inclusive, of the New York State Public Health Law.
- 26.2.2 The Orleans County Board of Health officially adopts Part 2, Section 2.14, of Chapter 1 of Title 10 (Health) of the New York State Sanitary Code, as may be amended from time to time, as being applicable within the Orleans County.
- 26.2.3 It shall be classified as a Public Health Hazard and a separate violation of this Code, for any person to provide false or misleading information to any Health Department employee as representative of the Commissioner, concerning the whereabouts or disposition of any animal which is the subject of an official rabies investigation. Such false or misleading testimony shall also be reported to the appropriate authorities for initiation of any appropriate criminal proceedings.

**PART 27. LEAD POISONING CONTROL
ENVIRONMENTAL ASSESSMENT AND ABATEMENT.**

27.1 Environmental assessments and supervision of hazard control activities at properties where conditions conducive to lead poisoning have been found to exist are governed by the standards set forth in 10NYCRR Subpart 62-7.

PART 28. TANNING FACILITIES

28. Tanning Facilities are governed by the standards set forth in 10NYCRR Subpart 72-1 and applicable Parts of this Public Health Code.

PART 29. CAMPGROUNDS

29. Campgrounds are governed by the standards set forth in 10NYCRR Subpart 7-3 and applicable Parts of this Public Health Code.

PART 30. MASS GATHERINGS

30. Mass Gatherings are governed by the standards set forth in 10NYCRR Subpart 7-4 and applicable Parts of this Public Health Code.

PART 31. AGRICULTURAL FAIR GROUNDS

31. Agricultural Fair Grounds are governed by the standards set forth in 10NYCRR Subpart 7-5 and applicable Parts of this Public Health Code.

EFFECTIVE DATE.

Except as otherwise specified, every provision of these amendments to the Public Health Code shall take effect November 15, 2011. The provisions of the Public Health Code shall be enforced throughout the Orleans County.

CERTIFICATION

I, Wendy Oaks Wilson, Secretary of the Orleans County Board of Health, do hereby certify that I have compared the foregoing with the Sanitary Code adopted and established by the County Board of Health at a meeting held on the 15th day of November, 2011, and that the same is a true and complete copy thereof, published by authority and order and under the direction of the Orleans County Board of Health. IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of November.

Secretary, Orleans County
Board of Health