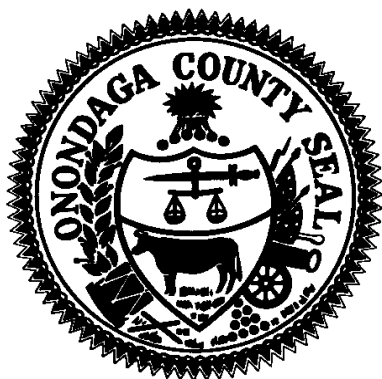


Onondaga County **SANITARY CODE**



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J. Ryan McMahon, II, County Executive

Indu Gupta, MD, MPH, Commissioner of Health

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This Code shall be supplemental to the NYS Sanitary Code, NYS Public Health Law, and other state laws relating to public health.

ARTICLE I-A
GENERAL PROVISIONS

Section A. SHORT TITLE. The rules and regulations herein contained shall constitute and comprise the sanitary code of the County of Onondaga and shall be known and may be cited as the Onondaga County Sanitary Code. In any proceeding under, or involving this code or any provision thereof, the code may be referred to by its plenary title, Sanitary Code of the County of Onondaga.

SECTION B. GENERAL DEFINITIONS

1. Whenever used in this code, unless otherwise expressly stated or unless the context or subject matter requires a different meaning, the following terms shall have the respective meanings hereinafter set forth or indicated:
 - a. BOARD. The term “board” means Health Advisory Board of the County of Onondaga.
 - b. CHARTER. The term “charter” means the Charter of the County of Onondaga
 - c. CODE. The term “code” means the Onondaga County Health Code or the Sanitary Code of the County of Onondaga.
 - d. COMMUNICABLE DISEASE. The term “communicable disease” means infectious, contagious or communicable disease.
 - e. COUNTY. The term “county” means the County of Onondaga.
 - f. COMMISSIONER. The term “commissioner” means the Commissioner of Health of the County of Onondaga.
 - g. DEPARTMENT. The term “department” means the Health Department of the County of Onondaga.
 - h. HEALTH DISTRICT. The term “health district” means the Onondaga County Health District comprising the entire area of the County of Onondaga established under Section 340 of the Public Health Law and Article XVI of the Onondaga County Charter.
 - i. PERMIT. The term “permit” means a written license and authorization to carry on a specified activity or activities as regulated by this code, the state sanitary code or the public health law, and includes a certificate of approval
 - j. PERMITTEE. The term “permittee” means a person who holds a valid permit issued by the Commissioner or the State Department of Health.
 - k. PERSON. The term “person” means any individual, firm, corporation, association, partnership, institution, public body, joint stock association or any other group of individuals, and includes the plural as well as the singular.
 - l. PUBLIC HEALTH COUNCIL. The term “Public Health Council” means the Public Health Council of the State of New York.
 - m. PUBLIC PLACE. The term “public place” means any place or premises wherein the general public is or may be an invitee, regardless of whether or not such place is owned, maintained or operated by any private or government organization or agency.
 - n. MUNICIPALITY. The term “municipality” means a city, town or village located within the County of Onondaga.
 - o. STATE. The term “state” means the State of New York.
 - p. STATE SANITARY CODE. The term “State Sanitary Code” means the rules and regulations promulgated by the Public Health Council of the State of New York and designated as the State Sanitary Code.

SECTION C. APPLICABILITY; LEGAL EFFECT.

1. The provisions of the code shall be in force throughout the County of Onondaga.
2. The code shall be supplemental to the Public Health Law, the State Sanitary Code and other state laws relating to public health, and shall supersede all local ordinances heretofore or hereafter enacted or promulgated inconsistent therewith.
3. As provided by the Charter and the Public Health Law, the provisions of this code shall have the force and effect of law.

SECTION D. LEGAL PRESUMPTIONS; EVIDENCE; REPORTS AS EVIDENCE.

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

SECTION E. CONSTRUCTION

1. This code is intended to be consistent with the applicable federal and state law and shall be construed, whenever necessary, to achieve such consistency.
2. This code shall be liberally construed for the protection of health and safety in the county.
3. This code is intended to supplement the State Sanitary Code and the Public Health Law, and wherever applicable, shall be deemed to be incorporated herein.

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

SECTION G. SAVING CLAUSE.

1. Nothing contained in this Code shall affect or impair any act done or right accruing, accrued or acquired, or any penalty, forfeiture or punishment incurred prior to the time when this act shall take effect, under or by virtue of the provision or provisions of law or the State Sanitary Code.
2. Any subsequent addition or modification to the Code shall be deemed and construed as having been added to such Code and shall be given full effect according to its context as if the same had been added expressly and in terms of such Code and shall be deemed and construed to have been inserted in such Code at the appropriate respective position in regard to and as modifying the effect of the correcting provision or provisions of such Code as herein attached and promulgated.
3. This Code shall not affect pending actions or proceedings, civil or criminal, but the same may be prosecuted or defended in the same manner and with the same effect as though this Code had not been passed.

SECTION H. CERTIFIED COPIES OF CODE; FEE. The commissioner or his/her deputy shall furnish certified copies of the code and its amendments for a fee of the rate per page covering the cost thereof.

SECTION I. TIME OF TAKING EFFECT. This code shall take effect the 4th day of November 2021.

ARTICLE I-B
ADMINISTRATION AND ENFORCEMENT

SECTION A. THE HEALTH ADVISORY BOARD; APPOINTMENT AND GENERAL POWERS.

1. As provided by the Charter, the Health Advisory Board shall be appointed by the County Executive for terms as provided in the Public Health Law.
2. As provided in the Charter, the Health Advisory Board shall at the request of the Commissioner and may on its own initiative advise on matters relating to the preservation and improvement of the public health.

SECTION B. THE COMMISSIONER; GENERAL POWERS.

1. As provided by the Charter, subject to the provisions of Public Health Law and the State Sanitary Code, the commissioner shall:
 - a. adopt, promulgate, amend or repeal rules or regulations affecting public health in the county;
 - b. make an annual sanitary survey and maintain sanitary supervision over the territory within the health district;
 - c. make a sanitary inspection periodically of all places of public assemblage, and report thereon to those responsible for the maintenance of such places of public assemblage;
 - d. promote the spread of information as to the cause, nature and prevention of prevalent diseases, and the preservation and improvement of health;
 - e. take such steps as may be necessary to secure prompt and full reports by physicians of reportable diseases;
 - f. take such steps as may be necessary to secure prompt and complete registration of births and deaths;
 - g. attend conferences called by the State Commissioner of Health or his/her authorized representative;
 - h. enforce within the health district the provisions of the Public Health Law, State Sanitary Code, and this code.
2. Whenever the commissioner is empowered to or charged with the responsibility to do or perform any act, he/she shall deputize any officer or employee in the department to do or perform the act in his/her place.

SECTION C. THE COMMISSIONER; QUASI-JUDICIAL POWERS.

1. As provided by the Public Health Law, the commissioner may:
 - a. issue subpoenas which shall be regulated by the Civil Practice 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 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; and
 - f. prescribe and impose penalties for the violation of, or failure to comply with any of these orders or regulations, or any of the provisions of the State Sanitary Code or this code;
 - g. make, without publication thereof, such orders and regulations for the suppression of nuisances and concerning all other matters in his/her judgment detrimental to the public health in special or individual cases, not of general application, and serve copies thereof upon the owner or occupant of any premises whereon such nuisances or other matters may exist, or upon which may exist the cause of other nuisances to other premises, or cause the same to be conspicuously posted thereon;

- h. maintain actions in any court of competent jurisdiction to restrain by injunction violators of his/her orders and the orders, rules and regulations of the board, or otherwise to enforce such orders and regulations;
- i. 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 hundred dollars for a single violation or failure, to be sued for and recovered by it and the municipality.

SECTION D. INSPECTIONS; IN GENERAL

1. The representatives of the department may inspect any premises, matter or thing within its jurisdiction in accordance with the provisions of the Public Health Law.

SECTION E. INSPECTIONS; INTERFERENCE.

1. No person shall interfere with, obstruct or refuse to allow any employee or authorized representative of the department to enter upon and inspect any premises or place within the jurisdiction of the department, in the discharge of his/her official duties or department business.
2. No person shall interfere with, obstruct or refuse to allow the examination of any occupant of any premises or place by an authorized employee or representative of the department, in the discharge of his/her official duties.
3. No person shall harass or resist any representative of the department in the discharge of his/her official duties.

SECTION F. INVESTIGATIONS; FORMAL HEARINGS.

1. Except in cases of emergency as set forth in Section I, the Commissioner shall cause a formal hearing to be held on any application, complaint, circumstances, or alleged violation of the health laws and regulations under his /her jurisdiction prior to issuing any determination or order based upon any violation of this Code, the Public Health Law of the State of New York, or the New York State Sanitary Code.
2. Such formal hearing shall be on 10 days notice to the person or persons concerned, as the circumstances may require, and shall be set down for a day certain.
 - a. The notice of the hearing shall set forth:
 - (1) the time and place of the hearing;
 - (2) the purpose of the hearing;
 - (3) charges and violations complained of, if any , with specific reference to the provisions and sections of the Public Health Law, State Sanitary Code and this code involved;
 - (4) the right to present evidence;
 - (5) the right to examine and cross-examine witnesses;
 - (6) the right to be represented by counsel.
3. On the return day of the hearing, the commissioner or his/her authorized representative shall note the appearance of the persons attending the hearing.
 - a. Witnesses shall be sworn and testimony shall be recorded.
 - b. The testimony shall be transcribed within a reasonable time after the conclusion of the hearing.
4. The commissioner, or his/her authorized representative shall thereafter prepare findings of facts and conclusions, upon which the commissioner shall make a determination and decision, which shall be set forth in a formal order, setting forth the determination conditions, if any, to be complied with, and penalties, if any.
5. The order provided for in subdivision 4 of this section shall be filed in the department and a copy thereof shall be served on all persons concerned.
6. Nothing herein contained shall preclude the department from taking any action other than the formal hearing herein provided for, as may be prescribed by law; nor shall the department be precluded from taking such other action by virtue of the order made pursuant to this section.

SECTION G. FORMAL HEARING; PROCEDURE.

1. The commissioner or person authorized by him/her to take testimony shall not be bound by the rules of evidence in the conduct of a hearing, but the determination shall be founded upon sufficient legal evidence to sustain it.
2. Upon the conclusion of a hearing, the commissioner shall take such action upon such finding and determinations as he/she deems proper, and shall execute an order carrying such findings and determinations into effect.
3. The action of the commissioner may include the assessment of penalties as provided by law or this code.
4. An order of suspension or revocation of any permit or license may contain such provisions as to renewal or reinstatement as the commissioner shall direct.
5. The commissioner may direct a rehearing or require the taking of additional evidence, and may rescind or affirm a prior determination after such rehearing.
6. All hearings will be recorded and a copy of the recording will be made available to all parties if requested.

SECTION H. POST HEARING PROCEDURES.

1. The commissioner shall cause to be served upon the person or persons concerned a copy of findings of fact, conclusions and order made as a result of a formal hearing.

SECTION I. EMERGENCY PROCEDURE.

1. Notwithstanding any other provision of this code, if the commissioner finds that any person is causing or contributing to a condition which creates an emergency which requires immediate action to protect the public health or safety, he/she shall order such person to discontinue immediately the condition or hazard and such order shall be complied with immediately.
2. Upon issuance of any such order, the commissioner, if requested in writing by the person so ordered, shall fix a time and place for a hearing in accordance with the procedures set forth in this article. Not more than twenty-four hours after the conclusion of such a hearing, and without adjournment thereof, the order shall be affirmed, modified or set aside.

SECTION J. VARIANCES.

1. The commissioner may grant a variance from a specific provision of this code in a particular case on written application subject to appropriate conditions to be prescribed by him/her where such variance is in harmony with the general purpose and intent of this code.
2. The commissioner may impose more stringent requirements in a specific case when in his/her opinion such requirements are in harmony with the general purpose and intent of this code.

SECTION K. ENFORCEMENT; VIOLATIONS; CRIMINAL PENALTIES.

1. As provided by the Public Health Law, the provisions of the State Sanitary Code shall have the force and effect of law and the violation of any provision thereof shall constitute a misdemeanor, punishable on conviction for a first offense by a fine not exceeding two hundred fifty dollars, or by imprisonment for not exceeding fifteen days, or both; and for a second or subsequent offense by a fine not exceeding five hundred dollars, or by imprisonment for not exceeding fifteen days, or both.
2. As provided by the Public Health Law, any violation of, or non-compliance with any provisions of this Code or any rule, regulation, order or special direction duly made thereunder shall constitute a misdemeanor punishable by a fine of not more than two hundred fifty dollars or by imprisonment for not more than fifteen days or by both such fine and imprisonment.

SECTION L. ENFORCEMENT; VIOLATIONS; CIVIL PENALTIES.

1. As provided by the Public Health Law, any person who violates, disobeys or disregards the terms of any lawful notice, order or regulation, prescribed by the State Commissioner of Health or the State Sanitary Code, for which a civil penalty is not otherwise prescribed by law, shall be liable to the people of the State for a civil penalty of not to exceed two thousand dollars for every such violation.
2. Any person who violates, disobeys, or disregards the terms of any lawful notice, order or regulation of the State Sanitary Code or this Code, or the State Commissioner of Health or the Commissioner shall be subject to the imposition of a civil penalty by the Commissioner, not exceeding two thousand dollars for a single violation or failure or omission to act.
3. The penalty provided for by subdivision 1 of this section may be recovered by an action brought by the State Commissioner of Health in any court of competent jurisdiction.
 - a. The penalty provided for by subdivision 2 of this section may be sued for and recovered by the Commissioner in the district
4. Nothing in this section contained shall be construed to alter or repeal any existing provision of the law declaring such violations or any of them to be misdemeanors or felonies or prescribing the penalty therefor.
5. Each day on which such violations or failure continues shall constitute a separate offense.

SECTION M. ENFORCEMENT; VIOLATIONS; OTHER THAN BY PROSECUTION

1. In lieu of enforcement of this Code by way of prosecution, recovery of civil penalties, revocation of permits, seizure, embargo and condemnation, and other compulsory means, the department, by its duly authorized representative may seek to obtain the voluntary compliance with this Code by way of notice, warning or other educational means.
 - a. This section shall not be construed to require that such non-compulsory methods must be employed or attempted before proceeding by way of compulsory or other legally prescribed procedures.

ARTICLE II-A
FOOD SERVICE CONTROL

SECTION A. FOOD SERVICE DEFINITIONS,

1. ADULTERATED. The term “adulterated” shall mean the condition of a food:
 - a. if it bears or contains any poisonous or deleterious substance in a quantity which may render it injurious to health;
 - b. if it bears or contains any added poisonous or deleterious substance for which no safe tolerance has been established by regulation, or in excess of such tolerance if one has been established;
 - c. if it consists in whole or in part of any filthy, putrid , or decomposed substance, or if it is otherwise unfit for human consumption;
 - d. if it has been processed, prepared, packed, or held under insanitary conditions, become contaminated with filth, or whereby it may have been rendered injurious to health;
 - e. if it is in whole or in part the product of a diseased animal, or an animal which has died otherwise than by slaughter; or
 - f. if its container is composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health.
2. APPROVED. The term “approved” shall mean acceptable to the health authority based on his/her determination as to conformance with appropriate standards and good public health practice.
3. CLOSED. The term “closed” shall mean fitted together snugly leaving no openings large enough to permit the entrance of vermin.
4. CORROSION RESISTANT MATERIAL. The term “corrosion resistant material” shall mean a material that maintains its original surface characteristics under prolonged influence of the food cleaning compounds and sanitizing solutions that may contact it.
5. EASILY CLEANABLE. The term “easily cleanable” shall mean readily accessible and of such material and finish, and so fabricated that residue may be completely removed by normal cleaning methods.
6. EMPLOYEE. The term “employee” shall mean any person working in a food service establishment who transports food or food containers, who engages in food preparation or service, or who comes in contact with food utensils or equipment.
7. EQUIPMENT. The term “equipment” shall mean all stoves, ranges, hoods, meatblocks, tables, counters, refrigerators, sinks, dishwashing machines, steamtables, and similar items, other than utensils, utensils, used in the operation of a food service establishment.
8. FOOD. The term “food” shall mean any raw, cooked or processed edible substance, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.
9. FOOD CONTACT SURFACES. The term “food contact services” shall mean those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces with which food my come in contact and drain back onto surfaces normally in contact with food.
10. FOOD-PROCESSING ESTABLISHMENT. The term “food-processing establishment” shall mean a commercial establishment in which food is processed or otherwise prepared and packaged for human consumption.
11. FOOD-SERVICE ESTABLISHMENT. The term “food-service establishment” shall mean any fixed or mobile restaurant; coffee shop; cafeteria; short-order café; luncheonette; grill; tea room; sandwich shop; soda fountain; tavern; bar; cocktail lounge; night club; roadside stand; industrial-feeding establishment; private, public or non-profit organization or institution routinely serving food; catering kitchen; commissary or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere: and any other eating or drinking establishment or operation in which food is served or provided for the public with or without charge.
12. HEALTH AUTHORITY. The term “health authority” shall mean the Commissioner of Health of the County of Onondaga or his/her designated representative.

13. KITCHENWARE. The term “kitchenware” shall mean all multi-use utensils other than tableware used in the storage, preparation, conveying, or serving of food.
14. MISBRANDED. The term “misbranded” shall mean the presence of any written, printed or graphic matter, upon or accompanying food or containers of food, which is false or misleading, or which violates any applicable Federal, State or local labeling requirements.
15. PERISHABLE FOOD. The term “perishable food” shall mean any food of such type or in such condition as may spoil or become unwholesome.
16. PERSON. The term “person” shall mean an individual, or a firm, partnership, company, corporation, trustee, association or any public or private entity.
17. POTENTIALLY HAZARDOUS FOOD. The term “potentially hazardous food” shall mean any perishable food which consists in whole or in part of milk or milk products, eggs, meat, fish, poultry, shellfish, or other ingredients capable of supporting rapid and progressive growth of infectious or toxigenic micro-organisms.
18. SAFE TEMPERATURES. The term “safe temperatures” as applied to potentially hazardous food, shall mean temperatures of 45° F, or below, and 140° F, or above.
19. SANITIZE. The term “sanitize” shall mean effective bactericidal treatment of clean surfaces of equipment and utensils by a process that has been approved by the health authority as being effective in destroying microorganisms, including disease-producing bacteria.
20. SEALED. The term “sealed” shall mean free of cracks or other openings, which permit the entry or passage of moisture.
21. SINGLE-SERVICE ARTICLES. The term “single-service articles” shall mean cups, containers, lids, or closures; plates, knives, forks, spoons, stirrers, paddles; straws, place mats, napkins, doilies, wrapping material; and all similar articles which are constructed wholly or in part from paper, paperboard, molded pulp, foil, wood, plastic, synthetic, or other readily destructible materials, and which are intended by the manufacturers and generally recognized by the public as for one usage only, then to be discarded.
22. TABLEWARE. The term “tableware” shall mean all multi-use eating and drinking utensils, including flatware (knives, forks, and spoons).
23. TEMPORARY FOOD-SERVICE ESTABLISHMENT. The term “temporary food-service establishment” shall mean any food-service establishment which operates at a fixed location for a temporary period of time, not to exceed two weeks, in connection with a fair, carnival, circus, public exhibition, or similar transitory gathering.
24. UTENSIL. The term “utensil” shall mean any tableware and kitchenware used in the storage, preparation, conveying or serving of food.
25. WHOLESOME. The term “wholesome” shall mean in sound condition, clean, free from adulteration, and otherwise suitable for use as human food.

SECTION B. FOOD SERVICE; FOOD (REPEALED; SEE NEW YORK STATE LAW)

SECTION C. FOOD SERVICE; PERSONNEL

1. HEALTH AND DISEASE CONTROL. The term “health and disease control” shall mean, no person while affected with any disease in a communicable form, or while a carrier of disease, or while afflicted with boils, infected wounds, sores or an acute respiratory infection, shall work in any area of a food-service establishment in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces with pathogenic organisms, or transmitting disease to other individuals; and no person known or suspected of being affected with any such disease or condition shall be employed in such an area or capacity. If the manager or person in charge of the establishment has reason to suspect that any employee has contracted any disease in a communicable form or has become a carrier of such disease, he/she shall notify the health authority immediately. Further, all persons engaged in the handling, preparation or distribution of food or drink shall submit to any physical examination which the health authority may require and

no owner, proprietor, manager or agent of any food-handling establishment shall employ or retain in his/her employ, any person who refuses to submit to the required examination.

2. CLEANLINESS. The term "cleanliness" shall mean, all employees shall wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty. They shall wash their hands thoroughly in an approved handwashing facility before starting work, and as often as may be necessary to remove soil and contamination. No employee shall resume work after visiting the toilet room without first washing his/her hands.

SECTION D. FOOD SERVICE; FOOD EQUIPMENT AND UTENSILS (REPEALED; SEE NEW YORK STATE LAW).

SECTION E. FOOD SERVICE; SANITARY FACILITIES AND CONTROLS (REPEALED; SEE NEW YORK STATE LAW).

SECTION F. FOOD SERVICE; OTHER FACILITIES AND OPERATIONS (REPEALED; SEE NEW YORK STATE LAW).

SECTION G. FOOD SERVICES; TEMPORARY FOOD SERVICE ESTABLISHMENTS; (REPEALED; SEE NEW YORK STATE LAW).

SECTION H. FOOD SERVICES; PERMITS.

1. PERMIT. The term "permit" shall mean, it shall be unlawful for any person to operate a food-service establishment within the County of Onondaga, or its police jurisdiction, who does not possess a valid permit issued to him/her by the health authority. Only a person who complies with the requirements of this article shall be entitled to receive and retain such a permit. Permits shall not be transferable from one person to another person or place. A valid permit shall be posted in every food-service establishment. Permits for temporary food-service establishments shall be issued for a period of time specified by the health authority. A permit under this article shall not be required for a hospital, nursing home or other food-service establishment operating under a more inclusive permit issued by the New York State Department of Health and/or the health authority.
 - a. ISSUANCE OF PERMITS: Any person desiring to operate a food-service establishment shall make written application for a permit on forms provided by the health authority. Such application shall include: The applicant's full name and post office address and whether such applicant is an individual, firm or corporation, and, if a partnership, the names of the partners, together with their addresses shall be included; the location and type of the proposed food-service establishment; and the signature of the applicant or applicants. If incorporated, attach a properly executed list of officers, signed by an officer of the firm and impressed with a corporate seal. If the application is for a temporary food service establishment, it shall also include the inclusive dates of the proposed operation.
 - (1.) The health authority, before issuing a permit shall cause an inspection to be made of the food service establishment and at least annually thereafter, and shall cause additional inspections to be made as he/she deems necessary for the proper enforcement of this article.
 - (2.) One copy of the inspection report shall be given by the health authority or his/her authorized representative to the manager or operator of the food service establishment and the latest inspection report shall be kept on file and shall not be defaced or removed by any person except the health authority or his/her authorized representative. The original of the inspection report shall be filed with the records of the health authority.
 - (3.) The person operating the food-service establishment shall upon request of the health authority or his/her authorized representative permit access to all parts of the establishment and shall furnish copies on demand or permit copying of any or all records of food purchased.

- b. **SUSPENSION OF PERMITS.** Permits may be suspended temporarily by the health authority for failure of the holder to comply with the requirements of this article.
 - (1.) Whenever a permit holder or operator has failed to comply with any notice issued under the provisions of this section, the permit holder or operator shall be notified in writing that the permit is, upon service of the notice, immediately suspended and that an opportunity for a hearing will be provided if a written request for a hearing is filed with the health authority by the permit holder.
 - (2.) Notwithstanding the other provisions of this article, whenever the health authority finds insanitary or other conditions in the operation of a food-service establishment which, in his/her judgment, constitute a substantial hazard to the public health, he/she may without warning, notice or hearing, issue a written notice to the permit holder or operator citing such condition, specifying the corrective action to be taken, and specifying the time period within which such action shall be taken; and, if deemed necessary, such order shall state that the permit is immediately suspended, and all food-service operations are to be immediately discontinued. Any person to whom such an order is issued shall comply immediately therewith, but upon written petition to the health authority, shall be afforded a hearing as soon as possible.
 - c. **REINSTATEMENT OF SUSPENDED PERMITS:** Any person whose permit has been suspended may, at any time make application for a reinspection for the purpose of reinstatement of the permit. Upon receipt of a written request, including a statement signed by the applicant that in his/her opinion the conditions causing suspension of the permit have been corrected, the health authority shall make a reinspection. If the applicant is complying with the requirements of this article, the permit may be reinstated.
 - d. **REVOCAION OF PERMITS:** For serious or repeated violations of any of the requirements of this article, or for interference with the health authority in the performance of his/her duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the health authority. Prior to such action, the health authority shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of 5 days following service of such notice, unless a request for a hearing is filed with the health authority, by the permit holder, within such 5 day period. A permit may be suspended for cause pending its revocation or a hearing relative thereto.
2. **INSPECTION OF FOOD-SERVICE ESTABLISHMENTS.**
- a. **ACCESS TO ESTABLISHMENTS:** The authority, after proper identification, shall be permitted to enter, at any reasonable time, any food-service or food-processing establishment within the County of Onondaga, or its police jurisdiction, for the purpose of making inspections to determine compliance with this ordinance. He/she shall be permitted to examine the records of the establishment to obtain pertinent information pertaining to food and supplies purchased, received, or used and persons employed.
 - b. **INSPECTION RECORDS:** Whenever the health authority makes an inspection of a food-service establishment and discovers that any of the requirements of sections B through H have been violated, he/she shall notify the permit holder or operator of such violations by means of an inspection report form or other written notice.
 - c. **ISSUANCE OF NOTICES:** Whenever the health authority makes an inspection of a food-service establishment and discovers that any of the requirements of sections B through H have been violated, he/she shall notify the permit holder or operator of such violations by means of an inspection report form or other written notice.
3. **EXAMINATION AND CONDEMNATION OF FOOD:** The term “examination and condemnation of food” means, food may be examined or sampled by the health authority as often as may be necessary to determine freedom from adulteration or misbranding. The health authority may, upon written notice to the owner or person in charge, place a hold order on any food that he/she determines or has probable cause to believe to be unwholesome or otherwise adulterated, or misbranded. Under a hold order, food shall be permitted to be suitably stored. It shall be unlawful for any person to remove or alter a hold order, notice or tag placed on food by the health authority, and neither such food nor the containers thereof shall be relabeled, repacked, reprocessed, altered,

disposed of, or destroyed without permission of the health authority except on order by a court of competent jurisdiction. After the owner or person in charge has had a hearing and on the basis of evidence produced at such hearing, or on the basis of his/her examination in the event a written request for a hearing is not received within 10 days, the health authority may vacate the hold order, or may by written order direct the owner or person in charge of the food which was placed under the hold order to denature or destroy such food or to bring it into compliance with the provisions of this ordinance: provided that such order of the health authority to denature or destroy such food or bring it into compliance with the provisions of this ordinance shall be stayed if the order is appealed to a court of competent jurisdiction within 3 days.

4. **FOOD-SERVICE ESTABLISHMENTS OUTSIDE JURISDICTION OF THE HEALTH AUTHORITY:** The term “food-service establishments outside jurisdiction of the health authority” shall mean, food from food-service establishments outside the jurisdiction of the health authority of the County of Onondaga may be sold within the County of Onondaga if such food service establishments conform to the provisions of this article or to substantially equivalent provisions. To determine the extent of compliance with such provisions, the health authority may accept reports from responsible authorities in other jurisdictions where such food-service establishments are located.
5. **PLAN REVIEW OF FUTURE CONSTRUCTION:** The term “plan review of future construction” shall mean, when a food-service establishment is hereafter constructed or extensively remodeled, or when an existing structure is converted for use as a food-service establishment, properly prepared plans and specifications for such construction, remodeling, or alteration, showing layout, arrangement, and construction materials of work areas, and the location, size and type of fixed equipment and facilities, shall be submitted to the health authority for approval before such work is begun. The water supply and sewage disposal shall be satisfactory to the health department. This section shall not apply to hospitals as defined in Article 28 of the Public Health Law.
6. **PROCEDURE WHEN INFECTION IS SUSPECTED:** The term “procedure when infection is suspected” shall mean, when the health authority has reasonable cause to suspect possibility of disease transmission from any food-service establishment employee. The health authority shall secure a morbidity history of the suspected employee, or make such other investigation as may be indicated, and take appropriate action. The health authority may require any or all of the following measures:
 - a. The immediate exclusion of the employee from all food-service establishments.
 - b. The immediate closure of the food-service establishment concerned until, in the opinion of the health authority, no further danger of disease outbreak exists.
 - c. Restriction of the employee’s services to some area of the establishment where there would be no danger of transmitting disease.
 - d. Adequate medical and laboratory examinations of the employee, of other employees, and of his/her and their body discharges.

ARTICLE II-B
FOOD VENDING CONTROL

SECTION A. FOOD VENDING: DEFINITIONS

1. ADULTERATED shall mean the condition of a food:
 - a. if it bears or contains any poisonous or deleterious substance in a quantity which may render it injurious to health;
 - b. if it bears or contains any added poisonous or deleterious substance for which no safe tolerance has been established by regulation, or excess of such tolerance if one has been established;
 - c. if it consists in whole or in part of any filth, putrid or decomposed substance, or if it is otherwise unfit for human consumption;
 - d. if it has been processed, prepared, packed or held under insanitary conditions, whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;
 - e. if it is in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health.
2. APPROVED shall mean acceptable to the health authority based on his/her determination as to conformance with appropriate standards and good public health practice.
3. CLOSED shall mean fitted together snugly leaving no openings large enough to permit the entrance of vermin.
4. COMMISSARY shall mean catering establishment, restaurant or any other place in which food containers or supplies are kept, handled, prepared, packaged, or stored and directly from which vending machines are serviced.
5. CORROSION-RESISTANT MATERIAL shall mean a material that maintains its original surface characteristics under prolonged influence of the food, cleaning compounds and sanitizing solutions that may contact it.
6. EASILY CLEANABLE shall mean readily accessible and of such material and finish, and so fabricated that residue may be completely removed by normal cleaning methods.
7. EMPLOYEE shall mean any operator or any person employed by him /her who handles any food to be dispensed through vending machines, or who comes into contact with food-contact surfaces of containers, equipment, utensils, or packaging materials, used in connection with vending machine operations, or who otherwise services or maintains one or more such machines.
8. FOOD shall mean any raw, cooked, or processed edible substance, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.
9. FOOD-CONTACT SURFACES shall mean those surfaces of equipment and utensils with which food normally comes in direct contact and those surfaces with which food may come in contact and drain back into surfaces normally in contact with food.
10. HEALTH AUTHORITY shall mean the Commissioner of Health of the County of Onondaga or his/her designated representative.
11. MACHINE LOCATION shall mean the room, enclosure, space or area where one or more vending machines are installed and operated.
12. MISBRANDED shall mean the presence of any written, printed or graphic matter, upon or accompanying food or containers of food, including signs or placards displayed in relation to such products which is false or misleading or which violates any applicable Federal, State or local labeling requirements.
13. OPERATOR shall mean any person, who by contract, agreement or ownership, takes responsibility for furnishing, installing, servicing, operating or maintaining one or more vending machines.
14. PERISHABLE FOOD shall mean any food of such type or in such conditions as may spoil.
15. PERSON shall mean an individual or a firm, partnership, company, corporation, trustee, association, or any public or private entity.

16. POTENTIALLY HAZARDOUS FOOD shall mean any perishable food which consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, or other ingredients capable of supporting rapid and progressive growth of infectious or toxigenic micro-organisms.
17. SAFE TEMPERATURE as applied to potentially hazardous food, shall mean temperatures of 45° F., or below, or 140° F. or above.
18. SANITIZE shall mean effective bactericidal treatment of clean surfaces of equipment and utensils by a process which has been approved by the health authority as being effective in destroying micro-organisms, including pathogens.
19. SINGLE-SERVICE ARTICLES shall mean cups, containers, lids or closures, plates, knives, forks, spoons, stirrers, paddles, straws, place mats, napkins, doilies, wrapping materials; and all similar articles which are constructed wholly or in part from paper, paperboard, molded pulp, foil, wood, plastic, synthetic or other readily destructible materials, and which are intended for one usage only, then to be discarded.
20. VENDING MACHINE shall mean any self-service device that, upon insertion of a coin, coins or tokens, or by other similar means, dispenses unit servings of food, either in bulk or in packages without the necessity of replenishing the device between each vending operation.
21. WHOLESOME shall mean in sound condition, clean, free from adulteration and otherwise suitable for use as human food.

SECTION B. OPERATOR'S PERMIT-ISSUANCE, SUSPENSION, REVOCATION AND REINSTATEMENT.

1. ISSUANCE OF PERMIT

- a. It shall be unlawful for any person to engage in the operation of one or more vending machines in the County of Onondaga, or its police jurisdiction, who does not possess a currently valid operator's permit from the health authority. Only persons who comply with the provisions of this ordinance shall be entitled to receive such a permit. Permits shall be issued for a period of time specified by the Commissioner of Health.
- b. Any person desiring to operate one or more vending machines in the County of Onondaga, or its police jurisdiction, shall make application in writing to the health authority on forms provided by the health authority. Such applicant shall provide the following information:
 - (1) The applicant's full name, residence and post office address, and whether such applicant is an individual, firm, or corporation. If any partnership exists, the names of the partners, together with their addresses shall be included.
 - (2) The location of the commissary or commissaries and of other establishments where vending machines are repaired or renovated.
 - (3) The identity and form of the products to be dispensed through vending machines and the number of each such type vending machine in his/her possession.
 - (4) The signature of the applicant or applicants.
- c. Upon receipt of such application, the health authority shall make an inspection of the commissary, supply storage, servicing, cleaning and sanitizing facilities, and transport facilities, and representative vending machine, and machine locations to determine compliance with the provisions of this ordinance. An operator's permit may be issued to the applicant by the health authority after compliance by the operator with the applicable provisions of this ordinance. Such permit shall not be transferable.
- d. The name and address of each vending machine operator shall be painted, embossed or otherwise securely attached to such machine. Such identification shall be printed in legible English and so located on the machine as to be easily read.
- e. In order to retain an operator's permit, the operator shall:
 - (1) Comply with the requirements of this ordinance.
 - (2) Maintain within the jurisdiction of the health authority, a list of all vending machines operated by him/her within such jurisdiction and their location and all commissaries or other establishments from which his/her machines are serviced. This information shall be available to the health authority upon request, and shall be kept current.

- (3) Notify the health authority of any change in operations involving new types of vending machines, or conversion of existing machines to dispense products other than those for which the machine was built and for which the permit was issued.
2. SUSPENSION OR REVOCATION OF PERMIT.
 - a. After an opportunity for a hearing, and following the procedures provided in Section D, an operator's permit may be suspended temporarily by the health authority upon violation by the permit holder of any of the provisions of this ordinance or may be revoked upon serious or repeated violation of such provisions, or for interference with the health authority in the performance of his/her duties.
 - b. Notwithstanding any other provisions of this ordinance, whenever the health authority finds insanitary or other conditions involving the operation of any vending machine or commissary which, in his/her judgment, constitutes a substantial hazard to the public health, he/she may, without notice or hearing, issue a written order to the operator citing the existence of such condition and specifying corrective action to be taken and, if deemed necessary, requiring immediate discontinuance of operation. Such order shall be effective immediately and shall apply only to the vending machine, commissary or product involved. Any operator to whom such order is issued shall comply therewith, but upon petition to the health authority, shall be afforded a hearing as soon as possible. When necessary corrective action has been taken and upon receipt of a written request from the operator, the health authority shall make a reinspection to determine whether operations may be resumed.
 - c. After any hearing held under the provisions of this ordinance, the health authority shall sustain, modify, or rescind any notice or order considered in the hearing.
3. REINSTATEMENT OF SUSPENDED PERMIT. Any operator whose permit has been suspended, may at any time make application for the reinstatement of the permit. Within 10 days after the receipt of a written application, accompanied by, or including, a statement signed by the operator to the effect that in his/her opinion the violated term or terms of this ordinance have been complied with, the health authority shall make a reinspection. If the applicant is again complying with the terms of this ordinance, the permit may be reinstated.

SECTION C. SALE, EXAMINATION AND CONDEMNATION OF ADULTERATED OR MISBRANDED FOOD.

1. SALE OF ADULTERATED AND MISBRANDED FOOD PROHIBITED. It shall be unlawful for any person within the County of Onondaga, or its police jurisdiction, to sell, offer, or expose for sale, through vending machines, or to have in possession with intent to sell from there any food that is adulterated or misbranded.
2. EXAMINATION AND CONDEMNATION OF ADULTERATED AND MISBRANDED FOOD. Samples of food may be taken and examined by the health authority as often as may be necessary to determine freedom from adulteration or misbranding. The health authority may, on written notice to the operator, impound and forbid the sale of any food which is adulterated or misbranded, or which he/she has probable cause to believe to be adulterated or misbranded. After the operator has been given an opportunity for a hearing, the health authority may cause to be removed or destroyed any food which is adulterated or misbranded; provided, that in the case of misbranding which can be corrected by proper labeling, such food may be released to the operator for correct labeling under the supervision of the health authority.

SECTION D. INSPECTION OF VENDING MACHINES AND COMMISSARIES.

1. ACCESS FOR INSPECTIONS. The health authority, after proper identification, shall be permitted to enter at any reasonable time, upon any private or public property within the County of Onondaga, or its police jurisdiction, where vending machines or commissaries are operated, or from which such machines are otherwise serviced, for the purpose of determining compliance with the provisions of this ordinance. The operator shall make provision for the health authority to have access, either in company with an employee or otherwise, to the interior of all vending machines operated by him/her.

2. NOTIFICATION OF INSPECTION FINDINGS. Whenever the health authority discovers a violation of any provision of this ordinance, he/she shall notify the operator concerned either by the inspection report form or by other written notice. The health authority may also advise the operator in writing that unless the violations are corrected within the specified period of time, any permit issued under the provisions of this ordinance may be suspended or revoked, in accordance with provisions of Section B, or court action may be initiated.

SECTION E. SANITATION REQUIREMENTS FOR VENDING MACHINE OPERATIONS.

1. FOOD, CONSUMER CONTAINERS, EQUIPMENT MAINTENANCE AND OPERATIONS.

Food intended for sale through vending machines and condiments available at vending machine locations shall be obtained from sources complying with the regulations of the County of Onondaga, and with other applicable State and local laws and regulations. Such food shall be wholesome, free from spoilage, and shall be processed, prepared, handled and stored in such a manner as to be protected against contamination and adulteration. All food contact surfaces of containers and equipment shall be protected from contamination. If condiments are provided for service in conjunction with food dispensed by a vending machine, they shall be packaged in individual portions in single-service containers or shall be dispensed from approved sanitary dispensers that are washed, sanitized and filled at the commissary. Relish bowls and similar non-self-closing condiment containers shall not be used. Potentially hazardous food shall be held at safe temperatures except during necessary periods of preparation. Satisfactory Compliance shall be deemed to have been satisfied when the following requirements are met:

- a. All food offered for sale through vending machines shall be manufactured, processed and prepared in commissaries or establishments that comply with all applicable State and local laws and regulations.
- b. All food offered for sale through vending machines shall be wholesome.
- c. All food shall be stored or packaged in clean protective containers, and shall be handled, transported and vended in a sanitary manner. Condiments provided for service in conjunction with food dispensed by a vending machine, shall be packaged in individual portions in single service containers or shall be dispensed from approved sanitary dispensers which are washed, sanitized and filled at the commissary. Fresh fruits that may be eaten raw without peeling may be dispensed unpackaged but must be thoroughly washed in potable water before being placed in the vending machine. Storage of cartoned, bottled, canned or packaged food by placing or submerging it in liquid is prohibited. Submerging such containers of food in ice is prohibited.
- d. Potentially hazardous food offered for sale through vending machines shall be dispensed to the consumer in the individual original container or wrapper into which it was placed at the commissary or at the manufacturer's or processor's plant, or such products shall be dispensed into single-service containers from bulk containers which were filled at the commissary or the manufacturer's or processor's plant.
- e. In those vending machines that dispense potentially hazardous food from bulk, the bulk supplies of such food shall be transferred only to bulk vending machine containers and appurtenances that have been cleaned and sanitized.
- f. Potentially hazardous food within the vending machines shall be maintained at a temperature of 45° F. or below, or 140° F. or above, whichever is applicable: provided, that exceptions may be made for (a) the actual time required to load or otherwise service the machine and for a maximum recovery period of 30 minutes, following completion of loading or servicing operation; and (b) in the case of hot food vending machines, a maximum of 120 minutes to heat food through the 45° F. to the 140° F. temperature zone. In hot food vending machines which are not equipped with refrigerated storage, there shall be no time delay to preclude heat from being applied to potentially hazardous food immediately after it is loaded or placed in the machine. Potentially hazardous food one heated to, or held at, a temperature of 140° F. or above, shall be maintained at such temperature until served or discarded. Vending machines dispensing potentially hazardous food shall be provided with adequate refrigerating or heating units, or both and thermostatic controls which insure the maintenance of applicable temperatures at all times. Such vending machines shall also have controls which prevent the

machine from vending potentially hazardous food until serviced by the operator, in the event of power failure or other condition which results in non-compliance with temperature requirements in the food storage compartment.

Hot food vending machines designed to heat food through the 45° F. to 140° F. temperature range, shall also be equipped with automatic controls which render the machine incapable of vending potentially hazardous food until serviced by the operator in the event that heating through this temperature range is not accomplished in 120 minutes or less.

Potentially hazardous food that has failed to conform to the time-temperature requirements of this item shall be removed from the vending machine, and be denatured or otherwise rendered unusable for human consumption.

Vending machines dispensing potentially hazardous food shall be provided with one or more thermometers which, to an accuracy of $\pm 2^\circ$ F., indicates the air temperature of the warmest part of the refrigerated food storage compartment, or the coldest part of the heated food storage compartment, whichever is applicable.

- g. Milk and fluid milk products offered for sale through vending machines shall be pasteurized and shall be dispensed only in individual, original containers: Provided, that such products may be reconstituted automatically within the vending machine when (a) the powder or concentrate is made from a pasteurized milk or milk product and is from an approved source; (b) the mixing chambers or bowls and any food-contact surface downstream from such mixing units are maintained at safe temperatures; and (c) the product is reconstituted for immediate dispensing in individual unit servings.
- h. Milk and fluid milk products used as an ingredient in hot liquid beverages dispensed from vending machines may be transferred to a multi-use machine canister at the machine location; provided, that (a) the location offers adequate protection against dust, insects, and other contamination; (b) the milk or fluid milk product is transferred from a dairy filled container of not to exceed on-half gallon capacity; (c) the entire contents of such dairy-filled container are used in the transfer; (d) unused portions removed from the machine are discarded to waste; and (e) the milk or fluid milk product is poured only into an empty canister which has been effectively cleaned and sanitized at the commissary: Provided further, that milk or fluid milk products shall not be used as an ingredient under the terms of this paragraph unless the temperature of the hot beverage at the point of mixing with the milk product is 160° F. or higher.

Vending machine canisters and appurtenances used for the transfer of such milk products shall be effectively cleaned and sanitized at approved, fixed facilities at the commissary by methods approved by the health authority. After sanitization, the canister and appurtenances shall be fully wrapped in a single-service bag or cover which shall not be opened until the canister unit is installed in the refrigerated compartment of the vending machine. Canisters and appurtenances shall be so designed and constructed that the handling of contact surfaces at the machine location is unnecessary; and such surfaces shall not be handled during canister installation, tube insertion, or product transfer.

- i. All multi-use containers or parts of vending machines which come into direct contact with potentially hazardous food shall be removed from the machine daily and shall be thoroughly cleaned and effectively sanitized at the commissary or other approved facility; provided that the requirement for daily cleaning and sanitizing may be waived for those food-contact surfaces which are maintained at all times at a temperature of 45° F. or below, or 140° F. or above, whichever is applicable, and an approved cleaning frequency is followed. Such parts shall, after sanitizing, be protected from contamination.
- j. All parts of vending machines that come into direct contact with other than potentially hazardous food shall be thoroughly cleaned by approved methods. The frequency of such cleaning shall be established by the health authority based upon the type of product being dispensed. A record of such cleaning operations shall be maintained by the operator in each machine or shall be made available at the time of inspection and shall be current for at least the past 30 days.
- k. All single-service articles shall be purchased in sanitary cartons or packages that protect the articles from contamination, shall be stored in a clean, dry place until used, and shall be

handled in a sanitary manner. Such articles shall be stored in the original carton or package in which they were placed at the point of manufacture until introduced into the magazine or dispenser of the vending machine. Single-service articles stored within the vending machine shall be protected from manual contact, dust, insects, rodents and other contamination.

2. MACHINE LOCATION. The machine location shall be such as to minimize the potential for contamination of the food, shall be well lighted, easily cleanable and shall be kept clean. Conveniently located handwashing facilities shall be available for use by employees servicing or loading bulk food machines.

Satisfactory Compliance-This item shall be deemed to have been satisfied when the following requirements are met.

- a. Each vending machine shall be located in a room, area, or space which can be maintained in a clean condition and which is protected from overhead leakage or condensation from water, waste or sewer piping. The immediate area in which the machine is located shall be well lighted. Each vending machine shall be so located that the space around and under the machine can be easily cleaned and maintained, and so that insect and rodent harborage is not created.
 - b. The floor area where vending machines are located shall be reasonably smooth, of cleanable construction, and be capable of withstanding repeated washing and scrubbing. This space and the immediate surroundings of each vending machine shall be maintained in a clean condition.
 - c. Adequate handwashing facilities, including hot and cold or tempered running water, soap and individual towels, shall be convenient to the machine location and shall be available for use by employees servicing or loading bulk food machines.
3. EXTERIOR CONSTRUCTION AND MAINTENANCE. The exterior construction of the vending machine shall be such as to facilitate cleaning and to minimize the entrance of insects and rodents, and the exterior of the machine shall be kept clean. Service connections to machines vending potentially hazardous food or food in bulk shall be such as to protect against unintentional or accidental interruption of service to the machine.

Satisfactory Compliance-This item shall be deemed to have been satisfied when the following requirements are met.

- a. The vending machine shall be of sturdy construction and the exterior shall be so designed, fabricated, finished, and maintained so as to facilitate its being kept clean, and to minimize the entrance of insects and rodents. The exterior of the machine shall be kept clean.
- b. Door and panel access openings to the food and container storage spaces of the machine shall be tight fitting, and if necessary, gasketed, so as to prevent the entrance of dust, moisture, insects and rodents.
- c. All ventilation louvers or openings into vending machines shall be effectively screened. Screening material for openings into food and container storage spaces of the machine shall be not less than 16 mesh to the inch or equivalent. Screening material for openings into condenser units that are separated from food and container storage spaces shall be not less than 8 mesh to the inch or equivalent.
- d. In all vending machines in which the condenser unit is an integral part of the machine, such unit when located below the food and container storage space shall be separated from such space by a dust proof barrier, and when located above, shall be sealed from such space.
- e. Unless the vending machine is sealed to the floor or counter so as to prevent seepage underneath, or can be manually moved with ease, one or more of the following provisions shall be utilized to facilitate cleaning operation: (1) The machine shall be mounted on legs 6 or more inches in height; provided, that counter type machines may use 4-inch legs; or (2) the machine shall be mounted on casters or rollers; or (3) the machine shall be mounted on gliders which permit it to be easily moved.
- f. All service connections through an exterior wall of the machine, including water, gas, electrical and refrigeration connections, shall be grommeted or closed to prevent the

entrance of insects and rodents. All service connections to machines vending potentially hazardous food or food in bulk shall be such as to discourage their unauthorized or unintentional disconnection.

4. INTERIOR CONSTRUCTION AND MAINTENANCE. All surfaces and component parts of the vending machine shall be so designed and constructed as to permit easy cleaning, and shall be kept clean. All food contact surfaces of the machine shall be of smooth, nontoxic, corrosion-resistant, and relatively nonabsorbent material, and shall be capable of withstanding repeated cleaning and sanitizing by normal procedures. Such surfaces shall be protected against contamination.

Satisfactory Compliance-This item shall be deemed to have been satisfied when the following requirements are met:

- a. The non-food contact surfaces of the interior vending machines shall be so designed and constructed as to permit easy cleaning, and to facilitate maintenance operation. Inaccessible surfaces or areas shall be minimized.
- b. All food contact surfaces of vending machines shall be smooth, in good repair and free of breaks, corrosion, open seams, cracks, and chipped places. The design of such surfaces shall be such as to preclude routine contact between food and V-type threaded surfaces. All joints and welds in food-contact surfaces shall be smooth; and all internal angles and corners of such surfaces shall be rounded to facilitate cleaning.
- c. All food contact surfaces of vending machines, including containers, pipes, valves, and fittings, shall be constructed of nontoxic, corrosion resistant, and relatively nonabsorbent materials, and shall be kept clean. In all vending machines in which carbon dioxide is used to propel water, food, or other ingredients, all food-contact surfaces in the system shall be of such material as to preclude the production of toxic substances which might result from interaction between the carbon dioxide and food-contact surfaces. All food contact surfaces, unless designed for in-place cleaning, shall be accessible for manual cleaning and inspection; (1) without being disassembled; (2) by disassembly without the use of tools; or (3) by easy disassembly with the use of only simple tools such as a screwdriver or an open-end wrench. In machines of such design that food contact surfaces are not readily removable, in-place cleaning of such surfaces may be permitted: provided, that (1) they are so arranged that cleaning and sanitizing solutions can be circulated throughout the fixed system; (2) such solutions will contact all food contact surfaces; (3) the system is self-draining or otherwise completely evacuated; and (4) the procedures utilized result in thorough cleaning of the equipment.
- d. The openings into all non-pressurized containers used for the storage of vendible food, including water, shall be provided with covers that prevent contamination from reaching the interior of the containers. Such covers shall be designed to provide a flange that overlaps the opening, and shall be sloped to provide drainage from the cover wherever the collection of condensation, moisture, or splash is possible. Concave covers or cover areas are prohibited. Any port opening through the cover shall be flanged upward at least three-sixteenths inch, and shall be provided with an overlapping cover that flanged downward. Condensation, drip, or dust deflecting aprons shall be provided on all piping, thermometers, equipment, rotary shafts, and other functional parts extending into the food container, unless a water-tight joint is provided. Such aprons shall be considered as satisfactory covers for those openings that are in continuous use. Gaskets, if used, shall be of a material that is non-toxic, relatively stable, and relatively non-absorbent, and shall have a smooth surface. All gasket-retaining grooves shall be easily cleanable.
- e. The delivery tube or chute and orifice of all bulk food and bulk beverage vending machines shall be protected from normal manual contact, dust, insects, rodents and other contamination. The design shall be such as to divert condensation or other moisture from the normal filling position of the container receiving the food or beverage. The vending stage of such machines shall be provided with a tight-fitting, self-closing door or cover that is kept shut, except when food is being removed.
- f. The food storage compartment within vending machines dispensing packaged liquid food shall be so constructed as to be self-draining, or shall be provided with a drain outlet that permits complete draining of the compartment. All such drains shall be easily cleanable.

- g. Opening devices that come into contact with food or the food-contact surface of the containers shall be constructed of smooth, non-toxic, corrosion resistant, and relatively nonabsorbent materials. Unless the opening device is of a single-service type, it shall be readily removable for cleaning, and shall be kept clean. Parts of multi-use opening devices that come into contact with the food or food contact surface of containers shall be reasonably protected from manual contact, dust, insects, rodents and other contamination; such parts shall be readily removable for cleaning.
5. WATER SUPPLY. Water used in vending machines shall be from an approved source, and shall be of a safe and sanitary quality; Vending machines shall be so installed and operated as to prevent the production of toxic substances in the water.

Satisfactory Compliance-This item shall be deemed to have been satisfied when the following requirements are met:

- a. All water used in vending machines shall be of a safe and sanitary quality and from an approved source. Water used as a food ingredient shall be piped to the vending machine under pressure or brought to the vending machine in portable containers or urns that have been filled in a sanitary manner directly from an approved water supply outlet at the commissary or other approved location. Containers for the storage of ingredient water or ice, which are not a part of this closed water system, shall be designed and maintained as food contact surfaces. Water containers or urns shall be cleaned and sanitized at the commissary or other approved facility after each use. Such portable containers shall be continuously protected against contamination from the time of sanitizing until placed in the vending machine. Protection shall be effected which will prevent unauthorized persons from tampering with or refilling the water container. All plumbing connections and fittings shall be installed in accordance with State and local plumbing regulations.
 - b. If used, water filters or other water conditioning devices shall be of a type that may be disassembled for periodic cleaning or replacement of the active element. Replacement elements shall be handled in a sanitary manner.
 - c. All vending machines that dispense carbonated beverages, and that are connected to a water supply system, shall be equipped with two (or a double) check valves; or an air gap; or a device to vent carbon dioxide to the atmosphere; or other approved device, which will provide positive protection against the entrance of carbon dioxide or carbonated water into the water supply system.
 - d. Where check valves are used for the protection of the water supply system, a screen of not less than 100 mesh to the inch shall be installed in the water line immediately upstream from the check valves
 - e. In all vending machines that dispense carbonated beverages and that are connected to a water supply system, the ingredient water-contact surfaces from the check valves or other protective device downstream, including the device itself, shall be of such material as to preclude the production of toxic substances that might result from interaction with carbon dioxide or carbonated water.
6. WASTE DISPOSAL. All wastes shall be properly disposed of, and pending disposition, shall be kept in suitable containers so as to prevent creating a nuisance.

Satisfactory Compliance-This item shall be deemed to have been satisfied when the following requirements are met:

- a. All trash and other waste material shall be removed from the machine location as frequently as may be necessary to prevent nuisance and unsightliness, and shall be disposed of in an approve manner.
- b. Self-closing, leak-proof, easily cleanable, plainly labeled and designated waste container or containers shall be provided in the vicinity of each machine or machines to receive used cups, cartons, wrappers, straws, closures and other single-service items. After being emptied, each waste container shall be thoroughly cleaned. Such waste containers shall not be located within the vending machine: Provided, that an exception may be made for those machines dispensing only packaged food with crown closures,

in which case, the closure receptacle may be located within the machine. Suitable racks or cases shall be provided for multi-use containers or bottles.

- c. Containers shall be provided within all machines dispensing liquid food in bulk for the collection of drip, spillage, overflow, or other internal wastes. An automatic shutoff device shall be provided that will place the vending machine out of operation before such container overflows. Containers or surfaces on which such wastes may accumulate shall be readily removable for cleaning, shall be easily cleanable, and shall be corrosion-resistant. If liquid wastes from drip, spillage or overflow, which originate within the machine are discharged into a sewerage system, the connection to the sewer shall be through an air gap.

7. DELIVERY OF FOOD, EQUIPMENT, AND SUPPLIES TO MACHINE LOCATION. Food, food-contact surfaces of containers, equipment and supplies, shall be protected from contamination while in transit to machine location. Potentially hazardous food, while in transit and in storage on location, shall be maintained at safe temperatures.

Satisfactory Compliance-This item shall be deemed to have been satisfied when the following requirements are met:

- a. Food, while in transit to vending machine locations, shall be protected from the elements, dirt, dust, insects, rodents and other contamination. Similar protection shall be provided for single-service containers, and from the food contact surfaces of equipment, containers, and devices in transit to machine locations.
 - b. Potentially hazardous food, prior to being loaded in the delivery vehicle, shall be maintained at a temperature of 45° F. or below, or 140° F. or above, whichever is applicable. Such food shall also comply with the applicable temperature requirements while in transit to machine locations.
 - c. If potentially hazardous food is stored at machine locations, the applicable safe temperature shall be maintained during storage.
8. PERSONNEL-CLEANLINESS. Employees shall maintain a high degree of personal cleanliness and shall conform to hygienic practices while engaged in handling food, or food contact surfaces of utensils or equipment.

Satisfactory Compliance-This item shall be deemed to have been satisfied when the following requirements are met:

Employees shall wash their hands immediately prior to engaging in any vending machine servicing operation which may bring them into contact with food, or with food contact surfaces of utensils, containers, or equipment. While engaged in such servicing operations, employees shall wear clean outer garments, shall conform to hygienic practices, and shall not use tobacco in any form.

SECTION F. DISEASE CONTROL. No person while affected with any disease in a communicable form, or while a carrier of such disease, or while afflicted with boils, infected wounds, sores or an acute respiratory infection, shall work in any area of a commissary or vending operation in any capacity in which there is a likelihood of such person contaminating food or food contact surfaces with pathogenic organisms, or transmitting disease to other individuals; and no person known or suspected of being affected with any such disease or condition shall be employed in such an area or capacity. If the manager or person in charge of the establishment has reason to suspect that any employee has contracted any disease in a communicable form or has become a carrier of such disease, he/she shall notify the health authority immediately.

SECTION G. PROCEDURE WHEN INFECTION IS SUSPECTED. When the health authority has reasonable cause to suspect the possibility of disease transmission from any employee, the health authority shall secure a morbidity history of the suspected employee or make such other investigation as may be indicated, and take appropriate action. The health authority may require any or all of the following:

1. The immediate exclusion of the employee from all commissaries and vending machine operations.
2. The immediate closure of the commissaries and operations concerned until, in the opinion of the health authority, no further danger of disease outbreak exists.

3. Restriction of the employee's services to some area of work where there would be no danger of transmitting disease.
4. Adequate medical examination of the employee and of his/her associates, with such laboratory examinations as may be indicated.

SECTION H. COMMISSARIES OUTSIDE JURISDICTION OF THE HEALTH AUTHORITY.

Food from commissaries outside the jurisdiction of the health authority of the County of Onondaga may be sold within the County of Onondaga if such commissaries conform to the provisions of the food-service establishment sanitation regulations of the County of Onondaga, or to substantially equivalent provisions. To determine the extent of compliance with such provisions, the health authority may accept reports from the responsible authorities in the jurisdiction where the commissary or commissaries are located.

ARTICLE III FLUORIDATION

SECTION A. DEFINITIONS.

1. The term, "public water supply," as used in this article shall mean any drinking water supply system including the source, treatment works, transmission mains, distribution system and storage facilities serving the public. This term shall include a drinking water supply for a group of five or more dwelling units, a temporary residence, school, institution, factory, industrial plant or place frequented by the public, other than a household.
2. The term, "drinking water supply," shall mean water available for human consumption, food preparation or culinary purposes.

SECTION B. AUTHORITY OF COMMISSIONER. The commissioner shall have the authority to require and order that Fluorine Compounds be added to any or all the public water supply serving the County of Onondaga without cost to the County of Onondaga in compliance with Part 5, Section 5.4 of the New York State Sanitary Code, and Appendix 72-C of Title 10 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

SECTION C. APPROVAL OF FLUORIDATION OF DRINKING WATER SUPPLIES. The commissioner shall not add any Fluorine Compounds to any public water supply until a written application has been submitted to and written approval is granted by the State Commissioner of Health.

ARTICLE IV WATER SUPPLY

SECTION A. WATER SUPPLY; DEFINITIONS.

1. "Person" means any individual, firm, corporation, association, partnership, institution, public body, including but not limited to municipality, town, village, or school, district, joint stock association or any other group of individuals, and includes the plural as well as the singular.
2. "Potable water" means water available for drinking, human consumption, food preparation or culinary purposes, and means water which complies with Part 72, Administrative Rules and Regulations, Title 10, Department of Health, Official Compilation of Codes, Rules and Regulations of the State of New York.
3. "Public water supply" means any potable water system, including the source, treatment works, transmission mains, distribution system and storage facilities servicing the public. This term shall include potable water supply for a group of five (5) or more dwelling units, a temporary residence,

school, institution, factory, industrial plant or place frequented by the public, other than a household.

4. "Private water supply" means any supply of potable water other than that secured from a public water supply system.
5. "Department" means the Onondaga County Health Department.
6. "Commissioner" means the Onondaga County Commissioner of Health.

SECTION B. WATER SUPPLY; GENERAL PROVISIONS.

1. No person shall provide or make available or accessible a supply of water for human consumption or other domestic use unless such water is potable water and the source and distribution facilities for same are so protected from actual or potential source of pollution and maintained as to deliver at all times potable water as hereinabove defined.
2. Whenever a public water supply is available and accessible no water from any other private water supply shall be furnished for human consumption or other domestic use unless, the use of such other private water supply is approved by the department.
3. No person shall construct or maintain a potable water supply system other than in accordance with the provisions of the New York State Sanitary Code and this Article.
4. Any person who shall provide or maintain a non-potable water supply in any building, or structure shall cause such supply to be distributed through an independent piping system having no connection with the potable water supply system. Any faucet or other outlet furnishing non-potable water shall be marked conspicuously to that effect.
5. Whenever, in the opinion of the commissioner, a water supply is non-potable he/she may order the treatment, disinfection, abandonment, sealing or posting of such water supply or any portion of the water supply system as is required in his/her opinion to produce potable water or protect the health of persons supplied by such system.
6. No potable water supply or any portion of the potable water supply system shall be placed in use after it has been constructed, cleaned or repaired until disinfected in a manner approved by the commissioner.
7. The commissioner may require that periodic reports be submitted to the department by the person who owns or operates a potable water supply system to ensure that such system is being properly operated.
8. No person who shall have contracted or undertaken or who is bound by the terms of a lease or custom to supply potable water for use in any habitable dwelling while so obligated shall shut off or cause to be discontinued such water supply, other than in case of necessity arising from serious leaks or failure of water facilities, so as to result in an unsanitary condition due to the continued use of such building without water supply, and such water supply shall be maintained in an adequate and potable condition. In cases of necessity arising from serious leaks or failure of water facilities the water supply may be shut off or discontinued temporarily to permit necessary repairs which shall be made promptly so that service therefrom can and will be resumed at the earliest practicable time. Water service may be discontinued in the case of non-compliance with the rules and regulations of the water authority and/or agency having jurisdiction.

SECTION C. WATER SUPPLY; CONSTRUCTION.

1. No person shall construct or undertake to construct or to provide a potable water supply system for any new or existing building or structure without first having applied to and obtained approval from the department and /or New York State Health Department for the construction and operation thereof. This requirement shall not apply to a private water system serving a single detached one family dwelling occupied by the owner or a tenant of the owner, and shall not apply to water service connections to public water mains made by water authorities and/or agencies having jurisdiction.
2. The commissioner may specify a time period of not less than one year for which such approval will be valid. If construction of the water supply system is not completed within the time period specified a new application for such system shall be submitted to the department prior to

completing and operating same for approval subject to compliance with the standards and requirements of the department in effect at the time of the new submittal.

3. An application for approval to construct a potable water supply system shall be accompanied by such plans and information as the commissioner requires or directs in accordance with a format prescribed by the department.
4. Construction of the potable water supply system shall be in accordance with the standards and requirements of the department and the New York State Department of health and shall be in conformity with the terms of approval.
5. The commissioner may require that the potable water supply system shall be constructed under the supervision of a professional engineer, licensed and registered, pursuant to the Education Law of the State of New York, and that he /she shall be furnished with a certified copy of the engineer's certificate of inspection. Such certificate shall be in a form prescribed by the department.

SECTION D. WATER SUPPLY; BOTTLED WATER. No person shall sell, offer for sale or deliver any bottled drinking water unless such water is obtained from a potable water supply and is manufactured, prepared, bottled and delivered under conditions satisfactory to the department.

SECTION E. WATER SUPPLY; ICE.

1. No person shall offer for sale, sell or deliver any artificial ice unless such ice is made from a potable water supply and manufactured, prepared and treated under conditions satisfactory to the department.
2. The sale, offering for sale or delivery of natural ice is prohibited except with special permission of the commissioner.

ARTICLE V SEWAGE DISPOSAL

SECTION A. DEFINITIONS.

1. "Person" means any individual, firm, corporation, association, partnership, institution, public body, including but not limited to municipality, town, village or school district, joint stock association or any other group of individuals and includes the plural as well as the singular.
2. "Sewage" means the human excreta or the water-carried discharge of the human body and/or the liquid wastes from household, business, recreational, industrial or trade establishments or other places together with such ground water infiltration and surface water as may be present.
3. "Private sewage disposal system" means a water flushed facility for the disposition of sewage that does not connect with a public sewerage system.
4. "Public sewage disposal system" means a series of sanitary intercepting sewers, or intercepting collecting sewers, sewage treatment plants or control facilities, drains, or other facilities, connections and equipment for the conveyance, treatment and disposal of sewage owned by a municipal corporation or private corporation.
5. "Privy" means a facility or structure for urinating or defecating which is not water-flushed and includes a chemical toilet.
6. "Department" means the Onondaga County Health Department.
7. "Commissioner" means the Onondaga County Commissioner of Health.
8. "Holding tanks" means a facility or structure having no discharge which receives sewage.

SECTION B. GENERAL PROVISIONS.

1. Sewage from any building, or premises shall be discharged directly into a public sewage disposal system. If available and accessible.
2. If there is no public sewage disposal system available and accessible, a private sewage disposal system approved by the department may be used.
3. In the event a public sewage disposal system becomes available and accessible, any building, or premises shall be connected to such system and immediately thereafter the use of any other sewage disposal system or facility shall be discontinued and shall be filled with a suitable material unless otherwise permitted by the department.
4. No privy and /or holding tank shall be constructed or continued in use unless approval shall have been obtained from the department.
5. No person shall construct or maintain any pipe or drain or sewage disposal system or privy so as to expose or discharge sewage contents therefrom to the atmosphere or onto the surface of the ground or into any storm sewer or drain or roadside ditch, nor so as to endanger any source or supply of drinking water, nor so as to cause a public health hazard, nor so as to discharge into any watercourse or body of water contained within, upon or touching any part of the land within the County of Onondaga, unless approval for such exposure and discharge shall have been issued therefore in accordance with the provisions of the New York State Public Health Law and this Article.

SECTION C. APPROVAL OF PLANS.

1. No person shall undertake to construct any new building or structure, or mobile home requiring a sewage disposal system, or to construct such system to serve any existing building or structure or mobile home until a plan of the sewage disposal system shall be filed with and approved by the Department and/or the New York State Department of Health.
2. The commissioner at his/her discretion may specify a time period of not less than one year for which such approval will be valid. If construction of the sewage disposal system is not completed within the time period specified, a new plan of such system shall be submitted to the department prior to completing and operating same for approval subject to compliance with the standards and requirements of the department in effect at the time of the new submittal.
3. No sewage disposal system for the subsurface disposal of sewage will be approved on any building site not having, in the opinion of the commissioner, available usable area and suitable soil and ground water conditions for the proper construction of such system and available area to permit adequate separation of such system from water supplies on the same site and adjoining properties.

SECTION D. SUBMISSION OF PLANS.

1. All plans shall be in accordance with the standards and requirements of the department and New York State Department of Health.
2. Plans presented for approval shall be accompanied by such maps, plans, details, reports, specifications and data as the commissioner may require or direct.
3. The department shall prescribe the number of copies and the format in which the plans and information required by this article shall be submitted.
4. The department may require that authorized representatives of the department witness the performance of tests designed to determine the suitability of the site proposed for the installation of the sewage disposal system.
5. Plans shall contain the signature, seal and address of a professional engineer or an architect licensed and registered pursuant to the Education Law of the State of New York, provided, however, that the department may waive such requirement in the case of plans submitted for and in connection with the construction of a subsurface sewage disposal system to serve a single detached one family residence.

SECTION E. CONSTRUCTION.

1. The construction of the sewage disposal system shall be in accordance with the plans or any revision thereafter approved by the department, and/or New York State Department of Health. As a condition of approval the commissioner may require the construction within a specified period, the whole or any part of the sewage disposal system.
2. The commissioner shall be notified that the system is ready for inspection. A system may not be operated until inspected and approved in accordance with the approved plans.
3. The commissioner may require that the sewage disposal system shall be constructed under the supervision of a professional engineer licensed and registered pursuant to the Education Law of the State of New York and that he/she shall be furnished with a certified copy of the engineer's certificate of inspection. Such certificate shall be in a form prescribed by the department.
4. Construction of a sewage disposal system meeting with the approval of the department should not be construed as a guarantee by the department that the system will function satisfactorily nor shall it in any way restrict the action of the department in the enforcement of any law or regulation.

SECTION F. TEMPORARY TOILET FACILITIES. Where temporary toilet facilities are required on the job, as in the case of, but not limited to construction projects, such facilities shall not be constructed unless approval shall have been obtained by the department. The person who provides or causes to be provided temporary toilet facilities shall maintain such facilities in a sanitary and unoffensive condition at all times. The contents of such facilities shall be treated and disposed of in a manner acceptable to the department.

SECTION G, ONONDAGA COUNTY DEPARTMENT OF WATER ENVIRONMENT PROTECTION. The discharge of sewage and/or industrial wastes into a public sewage disposal system owned and/or operated by the County of Onondaga, or into a facility connecting with such system shall conform in all respects to rules and regulations promulgated by the Onondaga County Commissioner of Water Environment Protection in accordance with the provisions of Article 11A of the Onondaga County Administrative Code.

ARTICLE VI REALTY SUBDIVISIONS

SECTION A. DEFINITIONS.

1. "Person" means any individual, firm, corporation, association, partnership, institution, public body, including but not limited to municipality, town, village or school district, joint stock association or any other group of individuals and includes the plural as well as the singular.
2. "Realty subdivision" shall mean any tract of land which is hereafter divided into five (5) or more parcels along an existing or proposed street, highway, easement or right of way, for sale or for rent as residential lots or residential building plots, regardless of whether the lots or plots to be sold or 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.
3. "Developer" means a person, partnership, corporation or other legal entity undertaking or participating in the establishment of a subdivision.
4. "Individual water supply system" means a single system of piping, tanks or other facilities together with a source of water intended to supply only a single lot.
5. "Individual sewerage system" means a single system of piping, tanks or other facilities serving only a single lot and disposing of sewage or other liquid wastes into the soil of the lot.
6. "Community water system" means a source of water and necessary appurtenances together with a distribution system serving more than one lot, whether owned by a municipal corporation or private utility.

7. "Community sewerage system" means a system utilized for the collection and disposal of sewage, or other wastes of liquid nature, including the various devices for the treatment of such wastes, serving more than one lot, whether owned by a municipal corporation or private utility.
8. "Comprehensive study" shall have the meaning ascribed to it in sections 1263a and 1361 of the Public Health Law, for public sewerage and refuse respectively, or in section 442 of the Conservation Law, for public water, as applicable.
9. "Department" means the Onondaga County Health Department.
10. "Commissioner" means the Onondaga County Commissioner of Health.
11. "Dry Sewer" means a pipe intended to carry domestic waste at such future time as sewerage and treatment facilities are constructed.

SECTION B. APPROVAL OF PLANS.

1. No subdivision or portion thereof shall be sold, offered for sale, leased or rented by any corporation, company or person, and no permanent building shall be erected thereon, until a plan or map of such subdivision shall be filed with and approved by the department and such plan or map thereafter, filed in the Office of the Clerk of Onondaga County.
2. Such plan or map shall show methods acceptable to the department for obtaining and furnishing adequate and satisfactory water supply and sewerage facilities to said subdivision.
3. The commissioner at his/her discretion may specify a time period, not less than one year, for which approval of the realty subdivision plan or map will be valid. If the installation of the water supply and sewerage facilities is not completed within the time period specified a new plan or map shall be submitted to the department prior to completing and operating same for approval subject to compliance with the standards and requirements of the department in effect at the time of the new submittal.

SECTION C. DUTY OF COUNTY CLERK OR REGISTER IN RESPECT TO FILING OF PLANS AND MAP. The County Clerk or Register shall not file nor record nor accept for filing or recording any map or plat showing a subdivision of land in any city, town or village unless there is endorsed thereon or annexed thereto a certificate of the department approving the water supply and sewerage systems proposed or installed for such subdivision and consenting to the filing thereof.

SECTION D. SUBMISSION OF PLANS.

1. All plans shall be in conformance with the standards and requirements of the department and New York State Department of Health.
2. The developer shall submit with all plans presented for approval such maps, plans, details, reports specifications and data as the commissioner may require or direct.
3. The department shall prescribe the number of copies and the format in which the plans and information required by this article shall be submitted.
4. The proposals for realty subdivision development shall conform with all applicable comprehensive studies, including air, water, sewerage and solid wastes.

SECTION E. COMMUNITY SEWERAGE FACILITIES.

1. A community sewerage system is required when:
 - a. A subdivision is located in an existing sewer district or service area;
 - b. A subdivision is reasonably accessible to an existing sewer district or service area. This requirement shall apply in the absence of proof satisfactory to the department that the developer cannot effect arrangements for the installation and/or connection of the sewerage system to the existing sewer district or service area facilities;
 - c. In the opinion of the commissioner the subdivision will consist of a number of lots sufficient to require a community sewerage system;

- d. In the opinion of the commissioner soil and site conditions are not suitable for subsurface sewage disposal.
2. When community sewerage system is required and where the soil is suitable, interim individual sewerage systems may be permitted by the commissioner provided that:
 - a. Dry sewers are designed and installed consistent with the community sewerage plan;
 - b. Plumbing is installed from the house to the dry sewer to facilitate individual connection to the community system.

SECTION F. COMMUNITY WATER FACILITIES.

1. A community water system is required when:
 - a. The subdivision is located in an existing water district or service area;
 - b. The subdivision is reasonably accessible to an existing water district or service area. This requirement shall apply in the absence of proof satisfactory to the department that the developer cannot effect arrangements for the installation and/or connection of the water system to the existing water district or service area facilities;
 - c. In the opinion of the commissioner the subdivision will consist of a number of lots sufficient to require a community water supply system;
 - d. Ground waters are non-potable.

SECTION G. INDIVIDUAL WATER SUPPLY AND SEWERAGE FACILITIES.

1. Plans other than those for community water and sewerage systems shall not propose to furnish water to more than one lot and/or to dispose of sewage from more than one lot.
2. Where individual sewerage and water supply systems are to be installed on a single lot, the lot area shall not be less than 40,000 square feet.
3. Where individual sewerage systems are to be installed on a single lot served by a community water system, the lot area shall not be less than 20,000 square feet except in the case where dry sewers are provided for. In the case of dry sewer installation the lot must be of sufficient size to permit construction of the individual sewerage system with room for 50% future expansion of such system.

SECTION H. OTHER ENVIRONMENTAL FACTORS. Upon request the developer shall provide the Commissioner or his/her authorized representative with a report and such plans as may be needed, covering the following environmental factors:

1. The method of solid waste collection and disposal.
2. The extent to which proposed land uses and structures may cause air pollution.
3. The methods for grading to prevent changes in soil percolation capacity and to provide for adequate collection and disposal of surface and ground water.
4. The methods to prevent contravention of surface and ground water quality standards.
5. The effect on the subdivision of environmental pollutants or hazards either on the property or from surrounding areas.
6. The potential effect of the subdivision on environmental factors in surrounding areas.

SECTION I. CONSTRUCTION OF FACILITIES.

1. The construction of water supply and sewerage facilities shall be in accordance with the plans or any revisions thereafter approved by the department. As a condition of approval the commissioner may require the construction within a specified period, the whole or any part of the water supply and sewerage facilities.
2. The commissioner shall be notified that the system is ready for inspection. The system may not be operated until inspected and approved in accordance with approved plans. Whenever considered necessary by the department, any covered work shall be uncovered at the expense of the developer to permit proper inspection.

3. The commissioner may require that the water supply and sewerage facilities shall be constructed under the supervision of a professional engineer licensed and registered pursuant to the Education Law of the State of New York, and that he/she shall be furnished with a certified copy of the engineer's certificate of inspection. Such certificate shall be in a form prescribed by the department.
4. Public water supply and sewerage facilities shall be constructed under the supervision of a professional engineer licensed and registered pursuant to the Education Law of the State of New York. The commissioner shall be furnished with a certified copy of the engineer's certificate of inspection. Such certificate shall be in a form prescribed by the department.

SECTION J. SALE WITHOUT FACILITIES PROVIDED. Whenever a lot in a subdivision is sold or offered for sale without the actual installation of water supply or sewerage, the seller shall furnish to each purchaser at the time of sale a legible reproduction of the realty subdivision plan approved by the department bearing the approval of the commissioner.

SECTION K. FILING FEES TO ACCOMPANY PLANS.

1. At the time of submitting a plan for approval as required by this article, a filing fee computed at the Department's current fee schedule rate shall be paid to the department.
2. The department shall not review or approve any such subdivision map submitted for approval until such fee, as herein provided, has been received by it.
3. If any plan submitted to the department cannot be approved, such plan and the filing fee shall be returned to the person who submitted the plan with a summary of the reasons for disapproval.

ARTICLE VII
NUISANCES AND SANITATION

SECTION A, NUISANCES; INSPECTIONS AND INVESTIGATIONS.

1. The commissioner or his/her duly authorized representatives shall investigate all complaints of any nuisance which may affect health, or that may be a cause of danger or injury to life and health in the district.
2. The commissioner or his/her duly authorized representatives may enter upon or within any place or premises where a nuisance or condition dangerous to life and health exists, or where a place or premises is maintained or operated in a manner as to constitute a nuisance.
3. The commissioner or his/her duly authorized representatives may enter upon or within any place or premises which may be the cause of the existence of a nuisance or condition dangerous to life or health elsewhere.
4. The owners, agents and occupants of any premises shall permit examinations, inspections and investigations to be made pursuant to the provisions of the Public Health Law, the State Sanitary Code and this code.

SECTION B. NUISANCES; NOTICE TO OWNERS AND OTHERS.

1. The commissioner or his/her duly authorized representatives shall furnish the owners, agents and occupants of a place or premises upon which a nuisance or condition dangerous to life or health elsewhere, with a written statement of the nature of the nuisance or condition.
2. The commissioner or his/her duly authorized representatives shall initiate such procedures as in his/her opinion shall result in the immediate voluntary abatement of any nuisance or condition dangerous to life or health found to exist upon or within any place or premises, which is the cause of the existence of a nuisance or condition dangerous to life or health elsewhere.

SECTION C. NUISANCES; HEARINGS AND ORDERS.

1. Upon the filing in the department of a report of the examination and inspection of any place or premises showing (a) that a nuisance or condition dangerous to life or health exists or is maintained at such place or premises, or (b) that such place or premises contains a condition which causes a nuisance or condition dangerous to life or health to exist elsewhere, the commissioner may cause to be served upon the owner, agent or occupant of such place or premises a notice to appear at a stated time and place, to show cause why such condition should not be declared a nuisance, or a condition dangerous to life or health, and why an order for its abatement be issued and a penalty be assessed.
2. If after such hearing the commissioner shall determine that the condition or conditions found to exist constitute a nuisance or condition dangerous to life or health, a copy of the findings, determination and order shall be served on the owner, agents or occupants, and posted conspicuously on the premises.

SECTION D. NUISANCES; ABATEMENT BY COMMISSIONER.

1. The commissioner shall order the abatement, suppression or removal of all nuisances and conditions detrimental to life or health, or which may affect health within the district.
2. Failure by the owner, agents or occupants of any premises whereon any nuisance or condition deemed to be detrimental to the public health exists, or deemed to be the cause of the existence of such nuisance or condition elsewhere, to comply with any order or regulation for the abatement, suppression or removal of such nuisance or condition, may be reason for the commissioner or his/her duly authorized representative to enter upon the premises to which such order or regulation relates, and to abate, suppress or remove such nuisance or condition.

SECTION E. NUISANCES; ABATEMENT EXPENSES, LIEN ON PREMISES.

1. The expense of suppression or removal of a nuisance or conditions detrimental to life or health shall be paid by the owner or occupant of the premises, or by the person who caused or maintained such nuisance or condition.
2. As provided by the public health law, the department or county may maintain an action to recover the expense of such abatement.
3. As provided by the public health law, a judgment obtained for expense of suppression or removal of a nuisance shall be a first lien upon such premises, having preference over all other liens and encumbrances whatever.
4. As provided by the public health law, such premises may be sold for a term of time for the payment and satisfaction of such lien and the expenses of the sale.

SECTION F. NUISANCES; NOXIOUS WEEDS AND GROWTHS.

1. It shall be unlawful for any person who owns, maintains, occupies or is in charge or in control of any lot or premises to permit, cause, suffer or allow any poisonous or allergenic weed to grow on such lot or premises.
2. The provisions of this code applicable to abatement and enforcement of nuisances and other violations generally shall be applicable to any condition or situation coming within the purview of this section.

SECTION G. SANITATION; OFFENSIVE MATERIAL.

1. The term "offensive material" as used in this section shall mean any sewage, fecal matter, urine, garbage, waste or any putrescible organic matter, the contents of private or individual sewage disposal systems, either liquid or solid, or any other substance or liquid which may adversely affect health.
2. No person shall permit, deposit, store, or hold any offensive material on any place or premises unless such material is so treated, screened, covered, placed or located so as not to create a nuisance or condition which may be dangerous to life or health.
3. All containers for storage of offensive material shall, (a) completely confine such offensive material; (b) be rodent and insect proof; and (c) shall be kept in an inoffensive and sanitary condition at all times.

SECTION H. SANITATION; OFFENSIVE MATERIAL; DISCHARGE INTO THE WATERS. No person shall discharge or place any offensive material into any of the waters contained, within, upon, or touching any part of the land within the County of Onondaga, without written permission from the department or unless a permit has first been issued for such discharge in accordance with the provisions of the Public Health Law.

SECTION I. SANITATION; OFFENSIVE MATERIAL; REMOVAL; TRANSPORTATION.

1. No person shall remove or transport, or permit the removal or transportation of any offensive material except in such manner as will prevent the creation of a nuisance, or the loss or discharge of material in any place.
2. All offensive material shall be so handled, covered, or treated that it cannot escape or be accessible to rodents, flies or other insects, or otherwise create a nuisance.
3. All vehicles and implements used in connection with the removal and transportation of offensive material shall be kept in a sanitary condition.
4. No person, other than a municipality, shall engage in the business of removing, collection, transporting or disposing of offensive material within the county without first having obtained a permit therefor from the department.

SECTION J. SANITATION; PUBLIC PLACES; SPITTING (REPEALED).

SECTION K. SANITATION; PUBLIC PLACES; DRINKING AND EATING UTENSILS (REPEALED).

SECTION L. SANITATION; PUBLIC PLACES, COMMON TOWELS.

1. No person in charge or in control of any lavatory, washroom or similar facility in any public place or accommodation or place of public assemblage, or common carrier, hotel, motor lodge, lodging house, restaurant, factory, school, store, office building or commercial building, shall provide in or about such lavatory, washroom or similar facility, any towel for common use.
2. The term "common use" as herein used shall mean for use by more than one person without adequate cleansing.

SECTION M. SANITATION; PUBLIC PLACES; TOILETS.

1. Every person who shall provide, or be in charge of or in control of a toilet for the use of employees, patrons or members or which shall be otherwise available to the general public, whether owned, operated or maintained by a private organization or government agency, shall maintain such toilet in a clean, well lighted, ventilated and sanitary condition at all times.
2. The floor of any such toilet shall be impervious to moisture and shall have proper drainage facilities.
3. An adequate supply of soap and sanitary individual towels or their equivalent shall be provided in such toilet and there shall be running water available at all times.
4. In a building or dwelling wherein two or more tenants have common use of toilet, the owner, agent and person in charge of said building or dwelling shall be responsible for the maintenance of such toilet so that it is kept in repair and in clean and sanitary condition at all times.

SECTION N. SANITATION; PUBLIC PLACES; SWIMMING POOLS AND BEACHES (REPEALED; SEE NEW YORK STATE LAW).

ARTICLE VIII
PEST CONTROL

SECTION A. PEST CONTROL; LICENSE REQUIRED (REPEALED; SEE NEW YORK STATE LAW).

SECTION B. PEST CONTROL; DEFINITIONS (REPEALED; SEE NEW YORK STATE LAW).

SECTION C. PEST CONTROL; LABELING OF POISONOUS INSECTICIDES AND RODENTICIDES (REPEALED; SEE NEW YORK STATE LAW).

SECTION D. PEST CONTROL; COLORING OF POWDERED INSECTICIDES (REPEALED; SEE NEW YORK STATE LAW).

SECTION E. PEST CONTROL; USE AND MANUFACTURE OF LIVING CULTURES AS RODENTICIDES PROHIBITED (REPEALED; SEE NEW YORK STATE LAW).

SECTION F. PEST CONTROL; LICENSE AND APPLICATIONS (REPEALED; SEE NEW YORK STATE LAW).

SECTION G. PEST CONTROL; QUALIFICATIONS FOR EXTERMINATOR LICENSE (REPEALED; SEE NEW YORK STATE LAW).

SECTION H. PEST CONTROL; QUALIFICATIONS FOR FUMIGATOR (REPEALED; SEE NEW YORK STATE LAW).

SECTION I. PEST CONTROL; LICENSES (REPEALED; SEE NEW YORK STATE LAW).

SECTION J. PEST CONTROL; NOTICE OF FUMIGATION (REPEALED; SEE NEW YORK STATE LAW).

SECTION K. PEST CONTROL; OCCUPANCY DURING FUMIGATION (REPEALED; SEE NEW YORK STATE LAW).

SECTION L. PEST CONTROL; CONTROL OF FUMIGANT DURING FUMIGATION (REPEALED; SEE NEW YORK STATE LAW).

SECTION M. PEST CONTROL; PRECAUTIONS DURING FUMIGATION (REPEALED; SEE NEW YORK STATE LAW).

SECTION N. PEST CONTROL; WARNING SIGNS (REPEALED; SEE NEW YORK STATE LAW).

SECTION O. PEST CONTROL; DUTY TO REMAIN ON PREMISES AFTER FUMIGATION (REPEALED; SEE NEW YORK STATE LAW).

SECTION P. PEST CONTROL; VIOLATIONS OF PENAL LAW (REPEALED; SEE NEW YORK STATE LAW).

SECTION Q. PEST CONTROL; REGULATIONS CONCERNING USE OF CERTAIN RODENTICIDES (REPEALED; SEE NEW YORK STATE LAW).

SECTION R. PEST CONTROL; EXCEPTIONS (REPEALED; SEE NEW YORK STATE LAW).

SECTION S. PEST CONTROL; DEFINITIONS

1. The term “business buildings” shall mean any structure, whether public or private, that is adapted for occupancy, for transaction of business, for rendering of professional services, for amusement, for display, sale or storage of goods, wares or merchandise, or for the performance of work or labor, including hotels, apartments, tenement houses, rooming houses, office buildings, public buildings, stores, theatres, markets, restaurants, grain elevators, abattoirs, warehouses, workshops, factories, stables, and all outhouses, sheds, barns, and other structures on premises used for business purposes.
2. The term “rodent proofing” as used herein applies to form of construction to prevent the ingress of rodents into business buildings from the exterior or from one business building or establishment to another. It consists essentially of treatment with material impervious to rodent gnawing of all actual or potential openings in exterior walls, ground on first floors, basements, roofs, and foundations that may be reached by rodents from the ground by climbing or by burrowing.
3. The term “harborage” shall mean any condition which provides shelter or protection for rodents and/or vermin, and which favors their multiplication and continued existence, in, under, or outside of any structure.
4. The term “eradication” means the elimination or extermination of rodents and/or vermin within buildings by any or all of the accepted measures, such as poisoning, fumigation, trapping, etc.
5. The term “Health Commissioner” as used herein means the Commissioner of Health of the County of Onondaga, New York, or any duly authorized representative.
6. The term “owner” shall mean the actual owner, agent or custodian of the business building, whether individual, partnership or corporation. A lessee shall be construed as the “owner” or tenant. In case of vacant buildings or vacant portions thereof, the owner, agent or custodian shall have the responsibility as occupant.
7. The term “occupant” as used herein shall mean the individual, partnership or corporation that uses or occupies any business building or part or fraction thereof, whether the actual owner or tenant. In case of vacant buildings or vacant portions thereof, the owner, agent or custodian shall have the responsibility as occupant.

SECTION T. PEST CONTROL; DUTY TO EXTERMINATE RODENTS AND/OR VERMIN. The Commissioner of Health may, require the owner or agent of any business building in the County of Onondaga to render such building or buildings rodent proof, to rid them of rodents and vermin and to maintain it or them in a rodent proof and rodent and vermin free condition. Where an infestation is discovered in only one unit of a multi-purpose building, the tenant shall be held solely responsible. Where infestation is discovered in more than one unit, the owner shall be held responsible. In all cases, the application of any type of pesticide or rodenticide in or around a business building must be performed by a certified pesticide applicator that is licensed through the New York State Department of Environmental Conservation

SECTION U. PEST CONTROL; DUTY TO RODENT PROOF ON NOTICE. Upon receipt of a written notice from the Health Commissioner, the owner of any building specified therein shall take immediate measure for rodent proofing the building, and unless said work shall have been completed by the owner in the time specified in the written notice, in no event to be less than fifteen (15) days, or within the time to which a written extension may have been granted by the Health Commissioner, the owner shall be deemed guilty of an offense under the provisions of this code.

SECTION V. PEST CONTROL; DUTY TO ERADICATE ON NOTICE. Whenever the Health Commissioner notifies in writing the owner of a business building that there is evidence of rodent and/or vermin infestation of the building, said owner shall immediately institute rodent and/or vermin eradication measures and shall continuously maintain such measures in a satisfactory manner until the premises are declared by the Health commissioner to be free of such infestation. Unless such measures are undertaken within five days after receipt of such notice, it shall be a violation of the

provisions of this code and the owner shall be held responsible therefor pursuant to the provisions of this code.

SECTION W. PEST CONTROL; INSPECTION. The Health Commissioner is empowered to make inspections of the interior and exterior of business buildings to ascertain full compliance with this code, and the Health Commissioner may make periodic inspections of all rodent proofed buildings to determine evidence of rodent infestation and the existence of new breaks or leaks in their rodent proofing. When any evidence is found indicating the presence of rodents, or openings through which rodents may again enter business buildings, the Health Commissioner shall serve the owners with notices and/or order to abate the conditions found.

SECTION X. PEST CONTROL; DUTY TO RESTORE PREMISES. It shall be unlawful under the provisions of this code for the occupant, owner, contractor, public utility company, plumber, or any other person to remove and fail to restore in like condition the rodent proofing from any business building for any purpose, and it shall be unlawful for any person or agent to make any new openings that are not immediately closed or sealed against the entrance of rodents.

SECTION Y. PEST CONTROL; ELIMINATION OF PESTS BEFORE DEMOLITION. It shall be unlawful for any person, firm or corporation to demolish or cause to be demolished any building, dwelling, stable, market, or any other structure whatsoever, or any part thereof, for which a permit is required from the Superintendent of Buildings or other legal authority where evidence of pest infestation exists, until eradication measures have eliminated the infestation, and representatives of the person, firm or corporation who are to demolish the building have assured the Commissioner of Health that adjacent structures will not be infested by pests from the structure to be demolished. No demolition work shall be started until an inspection has been made by authorized employees of the Department of Health and the structure is free of infestation.

SECTION Z. PEST CONTROL; CONTROL OF GARBAGE OR REFUSE. Within the corporate limits of the County of Onondaga all garbage or refuse consisting of waste, animal, or vegetable matter upon which rats may feed, and all small dead animals shall be placed and stored, until collected, in tightly covered rodent and water proof galvanized steel or other non-rusting container of a type prescribed by the Health Commissioner. It shall be unlawful for any person, firm or corporation to dump or place on any premises, land or waterway, any dead animals, or any waste, vegetable or animal matter of any kind.

SECTION AA. PEST CONTROL; ACCUMULATION OR REFUSE. It shall be unlawful for any person to place, leave, dump or permit to accumulate any garbage, rubbish, or trash in any buildings or on any premises, improved or vacant, or on any open lot or alley in the County of Onondaga in a manner that shall or may afford harborage for rodents and vermin.

ARTICLE X
PART 21
HOUSING
GENERAL PROVISIONS

SECTION 21.1 INTRODUCTION. There exist and may in the future exist, within the County of Onondaga premises, dwellings, dwelling units, rooming units, or parts thereof, which by reason of their structure, equipment, sanitation, maintenance, use, or occupancy affect or are likely to affect adversely the public health (including the physical, mental and social well-being of persons and families), safety and general welfare. To correct and prevent the existence of such adverse conditions, and to achieve and maintain such levels of residential environmental quality as will protect and promote public health, safety, and general welfare, the establishment and enforcement of minimum housing standards are required.

21.2 PURPOSES. It is hereby declared that the purpose of this Part is to protect, preserve, and promote the physical and mental health and social well-being of the people, to minimize the incidence of communicable diseases, to regulate privately and publicly owned dwellings for the purpose of maintaining adequate sanitation and public health, and to protect the safety of the people and to promote the general welfare by regulations which shall be applicable to all dwellings now in existence or hereafter constructed. It is hereby further declared that the purpose of this Part is to insure that the quality of housing is adequate for protection of public health, safety and general welfare. The achievement of this purpose includes the establishment of minimum standards for basic equipment and facilities for healthful living, such as, adequate water, waste disposal, bathroom facilities, light, ventilation, heating and cooling, for safety from fire and accidents, for the use and location and amount of space for human occupancy, and for an adequate level of maintenance; setting forth the responsibilities of owners, operators and occupants of dwellings; and establishing the necessary provisions for administration and enforcement.

21.3 TITLE. This Part shall be known and may be cited as the Onondaga County Housing Code.

21.4 APPLICATION AND SCOPE.

(a) APPLICATION. The requirements of this Part shall:

- (1) When adopted by the appropriate local authority, apply within a county health district.
- (2) Apply to all dwellings, dwelling units, habitable rooms and rooming houses within the jurisdiction of such district, or such city, except those regulated under Parts 7 and 15 of the State Sanitary Code.
- (3) Include all amendments thereto unless the local authority duly excludes an amendment from application to its jurisdiction within 6 months after inclusion of such amendment in the Official Compilation of the Codes, Rules and Regulations of the State of New York.

(b) ONONDAGA COUNTY COMMISSIONER OF HEALTH MAY DIRECT ENFORCEMENT. Notwithstanding the limits of application and administration set forth in the preceding subdivision, the Onondaga County Commissioner of Health may enforce the requirements of this Part in any area where a danger or hazard to the public health exists because of housing conditions.

(c) CONSTRUCTION. It is intended that the application of the provisions of this Part be consistent with the provisions of applicable State and local laws, codes, rules and regulations; provided however, that where the provisions of this Part are more restrictive, they shall govern, and where the provisions of such applicable State or local laws, codes, rules, and regulations are more restrictive, they shall govern.

(d) VARIANCE. The Onondaga County Commissioner of Health may, on written application and after hearing, grant a variance from a specific provision of this Part in a specific case subject to appropriate conditions where such variance is in harmony

with the general purpose and intent of this Part, and where there are practical difficulties or unnecessary hardship in carrying out the strict letter of the provisions.

- (e) SEPARABILITY. If any provisions of this Part are held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provisions.

21.5 DWELLING UNFIT FOR HUMAN HABITATION. Whenever the Onondaga County Commissioner of Health finds that any dwelling constitutes a serious hazard to the health or safety of the occupant or to the public because it is dilapidated, unsanitary, vermin-infested or lacking in the facilities required by this Part, he/she shall designate such dwelling unfit for human habitation, order the dwelling vacated, and shall cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "Use of this building for human habitation is prohibited and unlawful." If the owner fails to comply with an order issued by the Onondaga County Commissioner of Health to bring the dwelling into compliance with the requirements of this Part within a reasonable time, the Onondaga County Commissioner of Health may order such dwelling to be removed or demolished as provided for by applicable State law and laws and regulations of the town, village, city or county having jurisdiction.

21.6 INSPECTION AND ENFORCEMENT.

(a) INSPECTION.

- (1) The Onondaga County Commissioner of Health and any person authorized by him/her to do so, may without fee or hindrance, make inspections to determine the condition of dwellings, dwelling units, rooming houses, rooming units and the premises on which they are located, in order to fulfill the purposes of this Part.
- (2) For the purpose of making such inspections, the inspector is hereby authorized to enter, examine and survey all dwellings, dwelling units, rooming houses and rooming units, and the premises on which they are located. Except for emergencies, or where authorized by other law, or for the convenience of the occupant or owner, such inspections shall be made between the hours of 8:00 a.m. and 5:00 p.m.
- (3) The owner, the operator and the occupant shall give the inspector free access to the dwelling, dwelling unit, rooming house or rooming unit, and the premises on which they are located, for the purpose of such an inspection.
- (4) Evidence of a violation of this Part discovered during such inspection shall not be used against the violator in either a criminal or civil proceeding except under the following conditions:
 - (i) written notice of said violation shall be left with or mailed to the person responsible for correction of such violation or in the alternative such notice shall be posted in a conspicuous place upon the dwelling, dwelling unit, rooming house or rooming unit or the premises where the violation is discovered;
 - (ii) said written notice states a specific and reasonable time within which such violation shall be eliminated; and
 - (iii) at the end of such time the violation has not been eliminated

(b) CRIMINAL PENALTIES. Criminal penalties for violation of this Part shall be those provided for in section 229 of the Public Health Law.

(c) CIVIL PENALTIES. Civil penalties for violations of this Part shall be those provided for in sections 12 and 309 of the Public Health Law. Determinations with respect to violations and/or assessing of penalties shall be subject to review as provided in Article 78 of the Civil Practice Law and Rules.

21.7 DEFINITIONS

- (a) "Accessory structure" shall mean a detached structure located on or partially on any premises, which is not used or not intended to be used for living or sleeping by human occupants.
- (b) "Approved" shall mean approved by the Onondaga County Commissioner of Health.
- (c) "Central heating system" shall mean a single system supplying heat to one or more dwelling unit(s) or more than one rooming unit(s)

- (d) “Condition Conducive to Lead Poisoning” shall exist when at least one of the following conditions exists:
1. Most dwellings in a designated area were constructed before 1978.
 2. More than 20 percent of the dwellings in a designated area are dilapidated or deteriorating.
 3. Lead hazards or children with elevated blood lead levels have been previously identified in the same building or area
 4. Paint or other similar surface-coating material containing lead in a condition accessible for ingestion or inhalation or where peeling or chipping of the paint or other similar surface-coating material occurs or is likely to occur;
 5. Other environmental conditions which may result in significant lead exposure.
- (e) “Dwelling” shall mean any building or structure which is wholly or partly used or intended to be used for living or sleeping by human occupants
- (f) “Dwelling unit” shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.
- (g) “Extermination” shall mean the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the local or State authority having such administrative authority.
- (h) “Family” shall mean one adult person plus one or more persons who are legally related to said person and residing in the same dwelling unit with said person.
- (i) “Full-time health officer” shall mean the health commissioner or health officer of a city of 50,000 population or over, or of a county or part-county health district, or the State district health officer in those areas of the State not located within a county, part-county or city health district.
- (j) “Garbage” shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, serving and non-consumption of food.
- (k) “guest” shall mean any person who shares a dwelling unit in a non-permanent status for not more than 30 days.
- (l) “Habitable room” shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, furnace rooms, pantries, kitchenettes and utility rooms of less than 50 square feet, foyers or communicating corridors, stairways, closets and storage spaces; workshops, hobby and recreation areas in unsealed or uninsulated parts of structure below ground level or in attics.
- (m) “Heated water” shall mean water heated to a temperature of not less than 120 degrees Fahrenheit.
- (n) “Household” shall mean a family and/or one or more unrelated persons, who share the same dwelling and use some or all of its cooking and eating facilities. It shall include servants and not more than two boarders.
- (o) “Infestation” shall mean the presence within or around a dwelling of any insects, rodents or other pests.
- (p) “Kitchen” shall mean any room used primarily for cooking or preparation of food and containing any or all of the following equipment; sink and/or other device for dishwashing, stove or other device for cooking, refrigerator or other device for cool storage of food. Where a room is used for cooking and preparation of food, but not primarily so used, kitchen shall mean that portion of such room which contains the above equipment and an area within three feet of such equipment.
- (q) “Lead Safe Work Practices” shall mean the method by which all lead hazard control activities are performed. This includes, but is not limited to, implementing those dust control and clean-up methods discussed in the EPA Renovation, Repair and Painting Rule. These methods include, but are not limited to:
1. Removing or covering all objects in the work area.

2. Closing and covering all forced air HVAC ducts in the work area.
 3. Closing all windows in the work area.
 4. Closing and sealing all doors in the work area. Doors within the work area that must be used while the job is being performed must be covered with plastic sheeting or other impermeable material in a manner that allows workers to pass through, while confining dust and debris to the work area.
 5. Covering the floor surface, including installed carpet, with taped-down plastic sheeting in the work area.
 6. All personnel, tools, and other items, including the exterior of containers of waste, must be free of dust and debris when leaving the work area.
- (r) Meaning of certain words. Whenever the words “dwelling,” “dwelling unit,” “rooming house,” “rooming unit,” “premises,” “structure,” are used in this Part, they shall be construed as though they were followed by the words “or any part thereof.” Words used in the singular include the plural, and the plural the singular, the masculine gender includes the feminine and the feminine the masculine.
- (s) “multiple dwelling” shall mean any dwelling containing more than two dwelling units.
- (t) “Occupant” shall mean any person over one year of age, living , sleeping, cooking, or eating in, or actually having possession of, a dwelling unit or a rooming unit, except that in dwelling units, a guest will not be considered an occupant.
- (u) “Operator” shall mean any person who has charge, care or control of a building, or part thereof, in which there are dwelling units or rooming units.
- (v) “Ordinary winter conditions” shall be based on calendar and temperature, from September 15th through May 31st whenever outdoor temperatures fall below 55 F.
- (w) “Owner” shall mean any person who, alone or jointly or severally with others;
- (1) shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof, or
 - (2) shall have charge, care, or control of any dwelling or dwelling unit, as owner, lessee, mortgagee, or vendee in possession, assignee of rents, or as a receiver; or an executor, administrator, trustee, or guardian of the estate of the owner. Any agent for any of the above shall be bound to comply with the provisions of this Part to the same extent as if he/she were the owner.
- (x) “Permissible occupancy” shall mean the maximum number of persons permitted as family or household to reside in a dwelling unit or rooming unit based on the square feet per person in habitable rooms.
- (y) “Person” shall mean and include any individual, firm, public or private corporation, municipality, political subdivision, association, trust, estate, agency board, department or bureau of a municipality, partnership, or any legal entity whatsoever which is recognized by law as the subject of rights and duties.
- (z) “Plumbing” shall mean and include all of the following supplied facilities and equipment; gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines.
- (aa) “Privacy” shall mean the ability of a person or persons to carry out an activity without interruption or interference, either by sight or sound, by persons outside of the household.
- (bb) “Premises” shall mean a platted lot or part thereof or unplatted lot or parcel or land or plot of land, whether or not it has erected thereon a dwelling or non-dwelling structure and it includes any building, accessory structure or other structure thereon.
- (cc) “Refuse” shall mean all putrescible and nonputrescible solids (except body wastes) including garbage, rubbish, ashes and dead animals.
- (dd) “Rooming unit” shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

- (ee) "Rooming house" shall mean any dwelling or that part of any dwelling containing one or more rooming units, in which space is occupied by three or more roomers who are not members of a single family.
- (ff) "Rubbish" shall mean nonputrescible solid wastes (excluding ashes) consisting of either or both:
 - (1) combustible wastes such as paper, cardboard, rags, furniture, plastic containers, yard clippings, tree branches, leaves and wood, and
 - (2) noncombustible wastes such as tin cans, glass and crockery.
- (gg) "Safety" shall mean the condition of being reasonably free from danger and hazards which may cause accidents or disease.
- (hh) "Supplied" shall mean paid for, furnished, provided by, or under the control of the owner or operator.

RESPONSIBILITIES OF OWNERS AND OCCUPANTS

- 21.8 OCCUPANCY AND LETTING. No owner or other person shall occupy or let to another person any vacant dwelling or dwelling unit unless it and the premises are clean, sanitary, fit for human occupancy, and comply with the requirements of this Part and all applicable laws.
- 21.9 OWNER TO MAINTAIN IN A CLEAN AND SANITARY CONDITION. Every owner of a dwelling containing two or more dwelling units shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.
- 21.10 OCCUPANT TO MAINTAIN IN A CLEAN AND SANITARY CONDITION. Every occupant of a dwelling or dwelling unit shall maintain in a clean and sanitary condition that part or those parts of the dwelling, dwelling unit and premises thereof that he/she occupies and controls.
- 21.11 OCCUPANT TO DISPOSE OF RUBBISH. Every occupant of a dwelling or dwelling unit shall dispose of all his/her rubbish in a clean, sanitary and safe manner.
- 21.12 OCCUPANT TO DISPOSE OF GARBAGE. Every occupant of a dwelling or dwelling unit shall dispose of all his/her garbage or any other organic waste which might provide food for insects or rodents, in a clean, sanitary and safe manner; and if a container is used for storage pending collection, it shall be rodent-proof, insect-proof, and watertight.
- 21.13 CONTAINERS TO BE PROVIDED FOR RUBBISH AND GARBAGE. Every owner of a dwelling containing three or more dwelling units shall supply facilities or containers for the sanitary and safe storage and/or disposal of rubbish and garbage. In single or two family dwellings, it shall be the responsibility of the occupant to furnish such facilities or containers.
- 21.14 SCREENS, DOUBLE DOORS, STORM DOORS AND WINDOWS. The owner of a dwelling unit shall be responsible for providing and hanging all screens and double or storm doors and windows whenever the same are required under the provisions of this Part, except where a written agreement between the owner and occupant provides otherwise. In the absence of a written agreement between the owner and occupant providing otherwise, maintenance or replacement of screens, storm doors and windows, once installed become the responsibility of the occupant.
- 21.15 RESPONSIBILITY FOR EXTERMINATION. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pest 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/her dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this section, whenever infestation is caused by failure of the owner to maintain a dwelling in a rat-proof or reasonable insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any

dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner. The owner must use a certified pesticide applicator that is licensed through the New York State Department of Environmental Conservation. The business portions of mixed use buildings are covered under Article VIII.

- 21.16 OCCUPANT'S RESPONSIBILITY AS TO PLUMBING FIXTURES. Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES

- 21.17 BASIC EQUIPMENT AND FACILITIES REQUIRED FOR DWELLING OR DWELLING UNIT OCCUPIED OR LET FOR LIVING, SLEEPING, COOKING OR EATING. No person shall occupy as owner, occupant or let to another for occupancy any dwelling or dwelling unit, for the purposes of living, sleeping, cooking, or eating therein, which does not comply with the following requirements:

- (a) KITCHEN REQUIREMENTS. Every dwelling unit shall have a room or portion of a room in which food may be prepared and/or cooked and which shall be equipped with the following:
- (1) A kitchen sink in good working condition and properly connected to a water supply system which is approved by the Onondaga County Commissioner of Health and which provides at all times an adequate amount of heated and unheated running water under pressure, and which is connected to a sewer system approved by the Onondaga County Commissioner of Health.
 - (2) Cabinets and/or shelves for the storage of eating, and drinking, and cooking equipment and utensils and of food that does not under ordinary maximum summer conditions require refrigeration for safe keeping; said cabinets and/or shelves shall be sufficient for the permissible occupancy of the dwelling unit and shall be of sound construction furnished with surfaces that are easily cleanable and that will not impart any toxic or deleterious effect to food.
 - (3) A stove, or similar device, for cooking food and a refrigerator, or similar device for the safe storage of food at temperatures less than 50 degrees Fahrenheit, but more than 32 degrees Fahrenheit, under ordinary maximum summer conditions, which are properly installed with all necessary connections for safe, sanitary and efficient operation; provided that such stove, refrigerator and/or similar devices need not be installed when a dwelling unit is not occupied, when the occupant is expected to provide same on occupancy, and sufficient space for the safe and efficient installation and operation of said stove, refrigerator and/or similar devices is provided.
- (b) WATER CLOSET REQUIREMENTS. Within every dwelling unit there shall be a non-habitable room which affords privacy to a person within said room and which is equipped with a flush water closet in good working condition. Said flush water closet shall be connected to a water system that at all times provides an adequate amount of running water under pressure to cause the water closet to be operated properly and shall be connected to a sewer system which is approved by the Onondaga County Commissioner of Health.
- (c) LAVATORY SINK REQUIREMENTS. Within every dwelling unit there shall be a room which affords privacy to a person within said room which is equipped with a lavatory sink. Said lavatory sink may be in the same room as the flush water closet or in another room; provided that, if located in a room other than the one containing the flush water closet, the water closet shall be located in close proximity to the door leading directly into the room in which said lavatory sink is located. The lavatory sink shall be in good working condition and properly connected to a water supply system that is approved by the Onondaga County Commissioner of Health and which

provides at all times an adequate amount of heated and unheated running water under pressure, and which is connected to a sewer system approved by the Onondaga County Commissioner of Health.

- (d) **BATHTUB OR SHOWER REQUIREMENTS.** Within every dwelling unit there shall be a room which affords privacy to a person within said room and which is equipped with a bathtub or shower in good working condition. Said bathtub or shower may be in the same room as the flush water closet or in another room and shall be properly connected to a water supply system that is approved by the Onondaga County Commissioner of Health and which provides at all times an adequate amount of heated and unheated running water under pressure, and which is connected to a sewer system approved by the Onondaga County Commissioner of Health.
- (e) **MEANS OF EGRESS.** Every dwelling unit in a one or two-family dwelling shall have at least one approved means of egress and a second approved means of egress for each floor above the second where there is living above the second floor, and every multiple dwelling shall have two or more approved means of egress from each floor leading to safe and open space at ground level, as required by law.

MINIMUM STANDARDS FOR LIGHT AND VENTILATION

21.18 **LIGHT AND VENTILATION REQUIRED FOR DWELLING OR DWELLING UNIT OCCUPIED OR LET FOR LIVING PURPOSES.** No person shall occupy as owner, occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

- (a) **WINDOWS OR SKYLIGHTS.** Every habitable room shall have at least one window or skylight facing directly outdoors. The minimum total window or skylight area, measured between stops, for every habitable room shall be at least 10 per cent of the floor area of such room. Whenever outside walls or other portions of structures face a window of any such room and such light-obstruction structures are located less than three feet from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area.
- (b) **VENTILATION.** Every habitable room shall have at least one window or skylight which can easily be opened, or such other device as will adequately ventilate the room. The total of openable window area in every habitable room shall be equal to at least 45 percent of the minimum window area size or minimum skylight type window size, as required in subdivision (a) above, except where there is supplied some other device affording adequate ventilation and approved by the Onondaga County Commissioner of Health.
- (c) **BATHROOM AND WATER CLOSET.** Every bathroom and water closet compartment shall comply with the light and ventilation requirement for habitable rooms contained in subdivisions (a) and (b) above, except that no window or skylight shall be required in adequately ventilated bathrooms and water closet compartment equipped with a ventilation system which is approved by the Onondaga County Commissioner of Health.
- (d) **ELECTRIC SERVICE.** Where there is electric service available from power lines which are not more than 300 feet away from a dwelling, every dwelling unit and all public and common areas shall be supplied with electric service, outlets and fixtures. Such outlets and fixtures shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to the source of electric power in a manner prescribed by law. The capacity of such service and the number of outlets and fixtures shall be as follows:
 - (1) Every habitable room shall have an electric service and outlets and/or fixtures capable of providing at least three watts per square foot of floor area.
 - (2) Every habitable room shall have at least one floor or wall type electric convenience outlet of 60 square feet or fraction thereof of floor area, and in no case less than two such outlets.

- (3) Every water closet compartment, bathroom, laundry room, furnace room and public hall shall contain at least one supplied ceiling or wall type electric light fixture.
- (4) Convenient switches for turning on one light in each room or passageway shall be located so as to permit the area ahead to be lighted.
- (e) LIGHTING FOR PUBLIC HALLS AND STAIRWAYS. Every public hall and stairway in every multiple dwelling shall be adequately lighted at all times so as to provide at least four foot candles of light at the tread or floor level. Every public hall and stairway in structures containing not more than two dwelling units shall be supplied with conveniently located light switches controlling an adequate lighting system.

MINIMUM THERMAL STANDARDS (HEATING AND COOLING)

21.19 THERMAL REQUIREMENTS FOR OCCUPYING OR LETTING, FOR LIVING PURPOSES. No person shall occupy as owner, occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

- (a) HEATING FACILITIES. Every dwelling shall have heating facilities which are properly installed, and are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments in every dwelling unit located therein to a temperature of at least 68 degrees Fahrenheit at a distance of 18 inches above floor level from September 15th through May 31st whenever outdoor air temperature falls below 55 °F. The owner is responsible for furnishing the heat unless the rental agreement provides otherwise. Where the owner furnishes the heat, the temperature shall be maintained at not less than 68 degrees Fahrenheit at a distance of 18 inches above floor level.
- (b) SPACE AND WATER HEATERS. Unvented flame space heaters and space heaters without back-draft diverter and automatic controls are prohibited; portable electric heaters, approved under the appropriate local or State electrical and/or fire prevention code are acceptable (where they meet the provisions of subdivision (a) of this section). Where there is no such local or State Code, portable electric heaters meeting the standards of the National Electrical Code, as approved by the Underwriter Laboratories, Inc., are acceptable. Gas-fueled space or water heaters and accessories or controls shall be properly installed and be of a type approved by the NYS Fire Prevention & Building Code and the International Plumbing Code.

GENERAL REQUIREMENTS RELATING TO THE SAFE AND SANITARY MAINTENANCE OF PARTS OF DWELLINGS AND DWELLING UNITS

21.20 MAINTENANCE AND INSTALLATION REQUIREMENTS FOR DWELLING OR DWELLING UNIT OCCUPIED OR LET FOR LIVING PURPOSES. No person shall occupy as owner, occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

- (a) GENERAL. Every foundation, roof and exterior wall, door, skylight and window shall be reasonably weather-tight, watertight, and damp-free and shall be kept in sound condition and good repair. Floors, interior walls, doors and ceilings shall be sound and in good repair. Walls shall be capable of affording privacy for the occupants. Every premise shall be well-graded, drained and maintained in a clean, sanitary and safe condition.
- (b) WINDOWS, DOORS AND HATCHWAYS. Every window, exterior door and basement hatchway or similar devices, shall be kept rodent-proof and reasonably watertight and weather-tight, and shall be kept in sound working condition and good repair.
- (c) SCREENING. During the portion of the year when there is a need for protection against mosquitoes, flies, and other flying insects, every door opening directly from a dwelling unit to outside space shall have supplied properly fitting screens having at least 16 mesh and self-closing device; and every window or other device with openings to outdoor space, used

or intended to be used for ventilation, shall likewise be supplied with screens; provided that such screens shall not be required during such period in rooms deemed by the Onondaga County Commissioner of Health to be located high enough in the upper stories of buildings as to be free from such insects, and in rooms located in areas which are deemed by the Onondaga County Commissioner of Health to have so few insects as to render screens unnecessary.

- (d) PREVENT ENTRANCE OF RODENTS. Every window located at or near ground level used or intended to be used for ventilation, and every other opening located at or near ground level which might provide an entry for rodents, shall be supplied with adequate gauge screen or such other devices as will effectively prevent their entrance.
- (e) PREVENT AND ELIMINATE RODENT HARBORAGE. Every dwelling, multiple dwelling, rooming house, other building or accessory structure and the premises on which they are located shall be maintained so as to prevent and eliminate rodent harborage.
- (f) SAFETY. Every foundation, roof, floor, exterior and interior wall, ceiling, inside and outside stair, porch and every appurtenance to any of these shall be safe to use and capable of supporting the loads that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair. Every inside and outside stair or step shall have uniform risers and treads, and stairways shall have handrails structurally sound, of reasonable height, and where needed, balusters adequately spaced.
- (g) PLUMBING FIXTURES AND WATER AND WASTE PIPES. Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition.
- (h) FLOORS FOR WATER CLOSET COMPARTMENT, BATHROOMS AND KITCHENS. Every water closet compartment, bathroom and kitchen floor surface and baseboard shall be constructed and maintained so as to be reasonably impervious to water so as to permit such floor to be easily kept in a clean and sanitary condition.
- (i) CONSTRUCTION, INSTALLATION AND MAINTENANCE. Every plumbing fixture, pipe, chimney, flue and smoke pipe, and every other facility, piece of equipment, or utility which is present in a dwelling or dwelling unit, or which is required under this Part, shall be constructed and installed in conformance with the applicable local, State or national codes and shall be maintained in satisfactory working condition.
- (j) FIRE PROTECTION. All construction and materials and ways and means of egress, and installation and use of equipment shall conform to applicable laws dealing with fire protection.
- (k) LEAD IN HOUSING.
 - (1) Presumption
For all dwelling units constructed prior to 1978, it is presumed that the paint on any structures, equipment, exterior property, premises, dwellings, dwelling units, or parts thereof is lead based paint.
 - (2) Owner's Opportunity to Rebut Presumption
The owner of any structures, equipment, exterior property, premises, dwellings, dwelling units, or parts thereof constructed prior to 1978, may apply to the department to have such structures, equipment, exterior property, premises, dwellings, dwelling units, or parts thereof exempted from the presumption contained in section 21.20 (k) when lead based paint testing results demonstrate that no lead paint is present on any structures, equipment, exterior property, premises, dwellings, dwelling units, or parts thereof.
 - (3) Owner's Duty to Correct
 - a. The existence of conditions conducive to lead poisoning on any structures, equipment, exterior property, premises, dwellings, dwelling units, or parts thereof is hereby declared to constitute a Nuisance.
 - b. The owner of any structures, equipment, exterior property, premises, dwellings, dwelling units, or parts thereof shall take action to prevent the occurrence of conditions conducive to lead poisoning and shall expeditiously correct an

- identified or presumed lead hazard using Lead Safe Work Practices.
- i. The owner must attend a field conference to review the identified lead hazards and to discuss the appropriate lead hazard control methods.
 - ii. The lead hazard control activities must be performed by an EPA recognized certified firm or individual. Proof of this certification must be provided to the Commissioner or his/her designee prior to the commencement of any work and as part of the lead hazard remediation plan.
 - iii. All identified or presumed lead hazards shall be corrected within 30 days of receiving the notice or as agreed upon with the Commissioner or his/her designee.
 - iv. A clearance inspection with sampling shall be performed. The clearance report shall be submitted to the Onondaga County Department of Health within five business days of its completion.
- c. If the lead hazard is caused in whole or in part by an underlying defect, the owner of the dwelling unit shall correct the underlying defect to prevent a further lead hazard.
- d. The following is a list of prohibited paint removal methods:
1. Open flame burning or torching.
 2. Machine sanding or grinding without a high-efficiency particulate air (HEPA) local exhaust control.
 3. Abrasive blasting or sandblasting without HEPA local exhaust control.
 4. Heat guns operating above 1,100 degrees Fahrenheit, or those that operate high enough to char the paint.
 5. Dry sanding or dry scraping.

Note: Four exceptions to this prohibition are:

- (c) dry scraping in conjunction with acceptable heat guns;
 - (d) dry scraping within 1.0 ft (0.20 m) of electrical outlets;
 - (e) treating deteriorated paint spots that total no more than 2 ft² (0.2m²) in any one interior room or space; or
 - (f) treating deteriorated paint spots that total no more than 20 ft² (2.0 m²) on exterior surfaces.
6. Paint stripping in a poorly ventilated space using a volatile stripper that is a hazardous substance in accordance with the regulations of the Consumer Product Safety Commission at 16 CFR 1500.3, and/or a hazardous chemical in accordance with the Occupational Safety and Health Administration at 29 CFR 1010.1200 or 1926.59, as Applicable to the work.
 7. Powerwashing.

21.21 DISCONTINUANCE OF SERVICES, FACILITIES, EQUIPMENT OR UTILITIES. No owner, operator, or occupant shall cause any service, facility, equipment or utility that is required under this Part to be removed from or shut off from or discontinued for any occupied dwelling or dwelling unit let or occupied by him/her; except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the Onondaga County Commissioner of Health.

MAXIMUM DENSITY, MINIMUM SPACE, USE AND LOCATION REQUIREMENTS

- 21.22 SPECIFICATION OF REQUIREMENTS. No person shall occupy or let to be occupied any dwelling or dwelling unit, for the purpose of living therein, unless there is compliance with the following requirements:
- (a) MAXIMUM DENSITY. Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof and at least 100 additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.
 - (b) OCCUPANCY LIMITED TO ONE FAMILY PLUS TWO OCCUPANTS. A dwelling unit shall not be occupied by more than one family, plus two occupants unrelated to the family, except for guests or domestic employees, unless a permit for a rooming house has been granted by the Onondaga County Commissioner of Health.
 - (c) CEILING HEIGHT. The ceiling height of any habitable room shall be at least 7 ½ feet; except that any habitable room under a sloping ceiling at least one half of the floor area shall have a ceiling height of at least 7 ½ feet, and the floor area of that part of such a room where the ceiling height is less than five feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy.
 - (d) HABITABLE ROOM BELOW GRADE. No space located partially or totally below grade shall be used as a habitable room or dwelling unit unless:
 - (1) The floor and those portions of the walls below grade are of water-proof and damp-proof construction.
 - (2) The minimum window area is equal to at least that required in section 21.18 (a) and is located entirely above the grade of the ground adjoining such window area, or if windows are located wholly or partly below grade, there be constructed a properly drained window well the ground area of which is equal to or greater than the area of the masonry opening for the window, the bottom of which is below the top of the impervious masonry construction under this window, with the minimum horizontal distance at a right angle from any point of the window wall being equal to or greater than the vertical depth of the window well, as measured from the bottom of the masonry opening for the window.
 - (3) The total openable window area in each room is equal to at least the minimum as required under section 21.18(b) of this Part, except where there are supplied some other devices affording adequate ventilation and humidity control which are approved by the Onondaga County Commissioner of Health.
 - (4) There are no pipes, ducts, or other obstructions less than 6 feet, 8 inches from the floor level which interfere with normal use of the room or area.
 - (e) FLOOR SPACE FOR SLEEPING ROOMS. In every dwelling unit of two or more rooms, every room occupied for sleeping purposes shall contain at least 70 square feet of floor space for the first occupant, and at least 50 square feet of floor space for each additional occupant thereof.
 - (f) ACCESS TO BATHROOMS, WATER CLOSET COMPARTMENTS AND SLEEPING ROOMS. No dwelling or dwelling unit containing two or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment.
 - (g) CLOSET SPACE. Every dwelling unit shall have at least four square feet of closet space for the personal effects of each permissible occupant; if it is lacking, in whole or in part, an amount of space equal in square footage to the deficiency shall be subtracted from the area of habitable room space used in determining permissible occupancy.
 - (h) STORAGE OF DRUGS AND CHEMICALS. Each dwelling shall have a suitable facility for the safe storage of drugs and household chemicals.

ROOMING HOUSE

21.23 GENERAL. No person shall operate a rooming house, or shall occupy or let to another for occupancy any rooming unit in any rooming house, except in compliance with the provisions of this Part. No owner or other person shall occupy or let to another person any vacant rooming unit unless it is clean, sanitary, and fit for human occupancy, and complies with all applicable legal requirements.

21.24 PERMIT.

(a) PERMIT REQUIRED. No person shall operate a rooming house unless he/she holds a valid rooming house permit issued by the Onondaga County Commissioner of Health in the name of the operator and for the specific dwelling or dwelling unit. The applicant must be a fit and proper person to operate a rooming house and the rooming house which he/she intends to operate must be in compliance with the provisions of this Part. This permit shall be displayed in a conspicuous place within the rooming house at all times. No such permit shall be transferable. Every person holding such a permit shall give notice in writing to the Onondaga County Commissioner of Health within 24 hours after having sold, transferred, given away, or otherwise disposed of ownership of, interest in, or control of any rooming house. Such notice shall include the name and address of the person succeeding to the ownership or control of such rooming house. Every rooming house permit shall expire at the end of one year following its date of issuance, unless sooner suspended or revoked as hereinafter provided.

(b) MODIFICATION, SUSPENSION OR REVOCATION OF A PERMIT. A permit to operate a rooming house may be modified, suspended or revoked by the Onondaga County Commissioner of Health or his/her designee. Such action may be taken because of:

- (1) failure to comply with one or more of the provisions of this Part;
- (2) refusal to permit inspection;
- (3) mistake in issuance of the permit;
- (4) false statements on the application for the permit;
- (5) the permittee's conviction of a crime;
- (6) any act or conduct of the permittee which indicates his/her unfitness to operate a rooming house; or
- (7) for other good reason

(c) HEARING. Before a permit may be modified, suspended or revoked, the permittee shall have the opportunity to be heard, except that a permit may be temporarily suspended pending a hearing.

21.25 REQUIREMENTS FOR WATER CLOSET, LAVATORY AND BATHTUB OR SHOWER.

At least one flush water closet, lavatory basin and bathtub or shower, properly connected to a water and sewer system approved by the Onondaga County Commissioner of Health and in good working condition, shall be supplied for each six persons or fraction thereof residing within a rooming house, including members of the operator's family wherever they share the use of the said facilities, except that in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one half the required number of water closets greater than one.

(a) ACCESSIBILITY. All such facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all people sharing such facilities.

(b) HOT AND COLD WATER. Every lavatory basin and bathtub or shower shall be supplied with heated and unheated water at all times.

(c) FACILITIES IN BASEMENTS. No such facilities shall be located in a basement, except by written approval of the Onondaga County Commissioner of Health.

21.26 COOKING AND DINING.

(a) NO COOKING. Cooking in a rooming unit shall be prohibited.

(b) NO COMMUNAL COOKING AND DINING. Communal cooking and dining facilities in a rooming house shall be prohibited, except as approved by the Onondaga County Commissioner of Health in writing.

21.27 LOCKS FOR DOORS. Rooming unit doors shall have operating locks to insure privacy.

21.28 BED LINEN AND TOWELS. The operator of every rooming house shall change supplied bed linen and towels therein at least once each week, and prior to the letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.

21.29 FLOOR SPACE FOR SLEEPING ROOMS. Every room occupied for sleeping purposes by one person shall contain at least 80 square feet of floor space, and every room occupied for sleeping purposes by more than one person shall contain at least 60 square feet of floor space for each occupant thereof.

21.30 EGRESS. Every rooming unit shall have two or more safe, unobstructed means of egress leading to safe and open space at ground level, as required by law.

ARTICLE XI MOSQUITO CONTROL

SECTION A. DEFINITIONS

1. AIRCRAFT. The term "aircraft" shall mean any contrivance now known, or hereafter invented, used or designated for navigation of, or flight in, the air.
2. BREEDING SITE. Term "breeding site" means any stream, ditch, drainage system, depression, pool, artificial container, or any physical arrangement of earth debris, and land, if drainage is interfered with or prevented creates an environmental favorable to the breeding of mosquitoes.
3. CATCH BASIN. The term "catch basin" means an inlet to a storm drain system that typically includes a grate or curb inlet that permits storm water to enter. It may also be known as a Storm Drain or Curb Inlet.
4. DETENTION BASIN. The term "detention basin" means a structure that temporarily stores storm runoff so a controlled outflow can empty the area.
5. DRY WELL. The term "dry well" means an underground structure that receives storm water runoff and dissipates water into the ground.
6. ESSENTIAL WATER. The term "essential water" means any water that serves an intended purpose and may breed mosquitoes. Examples may include but are not limited to birdbaths, swimming pools, and horse watering troughs.
7. FIELD CHANGE. The term "field change" means any change made during construction at variance to the approved plan. Elimination of structures such as liners, piping outlet structures or changes in elevation that are not field changes.
8. GROUND EQUIPMENT. The term "ground equipment" means any machine or device, other than aircraft, for use in land or water, designed for , or adaptable to use in applying pesticide as spray, dust, aerosol, fog, or in any other form.
9. LEVEL SPREADER. The term "level spreader" means a structure designed to uniformly distribute concentrated flow of storm water over a large area.

10. NON-ESSENTIAL WATER. The term “non-essential water” means any water that serves no intended purpose and may breed mosquitoes. Examples may include but not limited to water found in or on tires, wheelbarrows, buckets, swimming pool covers, poorly graded properties or ill maintained rain gutters.
11. RECEPTACLE. The term “receptacle” means any object capable of accumulating water in which mosquitoes may breed. Examples include but are not limited to wheelbarrows, buckets, and plastic containers.
12. RECHARGE BASIN. The term “recharge basin” means a basin or pit excavated to provide a means of allowing water to soak into the ground at rates exceeding those that would occur naturally.
13. RETENTION BASIN. The term “retention basin” means a structure that receives storm water runoff and does not discharge directly to a surface water body.
14. SUPPRESS .The term “suppress” is the act of reducing mosquito-breeding potential by mechanical, biological or chemical means.
15. STORM WATER FACILITY. The term “storm water facility” means any structure that is intended to receive storm water runoff. This may include but is not limited to Detention Basins, Retention Basins, Recharge Basins, Catch Basins, Dry Wells, Level Spreaders and Underground Chambers.
16. UNDERGROUND CHAMBER. The term “underground chamber” means a structure located below grade that receives storm water runoff and either discharges that water or permits water to infiltrate into surrounding soils.

SECTION B. PURPOSE

The purpose of this Article is to protect the health of the population of Onondaga County by reducing, eliminating, or controlling mosquitoes known to be vectors, or suspected of being vectors, of disease, by enforcing the suppression and abatement of all non-essential water sources in which mosquitoes may breed, reducing the mosquito-breeding potential of essential water sources, or conducting pesticide applications either by aircraft or ground equipment.

SECTION C. EXEMPTION (REPEALED)

SECTION D. GENERAL PROVISIONS (REPEALED)

SECTION E. SPECIFIC (REPEALED)

SECTION F. BREEDING SITE PREVENTION (REPEALED)

SECTION G. AUTHORITY OF THE COMMISSIONER

1. Mosquito Control for the protection of Onondaga County Residents against mosquito-borne virus has been set forth by act of the Onondaga County Legislature; and authority to plan, develop, and implement a mosquito control program for this Health District is assigned to the Commissioner. Mosquito control, which has as its sole objective resident comfort, is not considered by the Department to be part of its overall mosquito control program.
2. The Commissioner may make, or cause to be made, any investigation or study which, in his/her opinion, is necessary for enforcing this Article or controlling or reducing mosquito breeding potential within the Health District.

3. The Commissioner may order the owner, agent or occupant, or any person in possession of any land, structure, or equipment to take whatever action is necessary in the opinion of the Commissioner to bring the land, structure, or equipment into compliance with the provisions of this code.
4. The Commissioner may set additional standards for the suppression of mosquito breeding which are necessary to carry out the purpose of this Article.
5. The Commissioner or his/her designee may enter upon any premises to remove or suppress any non-essential water sources if the owner, agent or occupant fails to comply with any section of this Article.
6. The Commissioner or his/her designee may take actions to suppress mosquito breeding, if the owner, agent or occupant fails to comply with any section of this Article.
7. The owner, agent or occupant, in the manner prescribed in Public Health Law Sections 1306 and 1307, shall pay any expense associated with Section C of this Article.

SECTION H. COMMISSIONER DUTY TO INVESTIGATE

The Commissioner or his/her designee shall receive and explore all complaints made by any inhabitant of the Health District concerning mosquito nuisances and may request such complaints to be made in writing.

1. The Commissioner or his/her duly authorized representative may enter upon or within any place or premises, where Essential or Non-Essential Water sources exist or are believed to exist and in which mosquitoes may breed, to inspect or examine same.
2. The owner, agent, or occupant of any premises shall permit sanitary examinations and inspections to be made pursuant to the provisions of this Article, Article I of the Sanitary Code and Title 1 of Article XIII of the Public Health Law. Failure to permit sanitary inspections is a violation of this Article. The Commissioner/Director shall furnish the owner, agent or occupant of the premises with a written statement of the results and conclusions of an examination or inspection conducted pursuant to this Article, upon request.
3. The Commissioner or his /her duly authorized representative in order to abate a natural or artificially induced mosquito breeding site, is authorized to apply pesticides in accordance to all NYS Department of Environmental Conservation(DEC) laws and regulations and product label directions, on any lot, tract, or parcel of land, improved or unimproved.
4. The Commissioner or his/her duly authorized representative may order adult mosquito suppression through the application of pesticides either by aircraft or ground equipment in accordance with all NYS Department of Environmental Conservation laws and regulations and product label directions, on any lot, tract, or parcel of land, improved or unimproved.

SECTION I. PROHIBITIONS

It shall be unlawful and a violation of this Article for the owner, agent or occupant of any premises, within the Health District, to permit or allow the breeding of mosquitoes to exist in any Essential and Non-Essential Water sources on any place or premises.

SECTION J. ENFORCEMENT

Any person who violates any of the provisions of this Article, or any order issued by the Commissioner shall be liable for the civil, administrative and criminal penalties as set forth in Article I-B of the Onondaga County Sanitary Code and Section 309 and 348 of the Public Health Law.

SECTION K. PREVENTION AND CONTROL

The Commissioner or his/her designee shall have the option to specifically enforce the following prevention and control items:

1. The owner, agent or occupant of a premise shall store receptacles capable of collecting non-essential water in an enclosed weather tight structure, or in a manner acceptable to this Department. Such receptacle shall be emptied of water prior to storage.
2. The owner, agent or occupant of a premise shall store tires capable of collecting nonessential water in an enclosed weather tight structure, or in a manner acceptable to this Department. Tires shall be emptied of water prior to storage.
3. The owner, agent or occupant of a premise shall maintain rain gutters or other water conveying devices in a manner that prevents standing water, which may provide mosquito-breeding habitat.
4. The owner, agent or occupant of a premise shall maintain all existing water drainage pipes, swales or devices clear of debris to facilitate water runoff, and to prevent standing water which may provide mosquito-breeding habitat.
5. The owner, agent or occupant of a premise shall grade the landscape of the premises in a manner that prevents Non-Essential Water from collecting on the ground surface. Depression, tire ruts, holes, or other areas that accumulate Non-Essential Water shall be filled or graded in a manner to eliminate standing water, which may provide mosquito breeding habitat.
6. Between April 1 and October 31, the owner, agent or occupant of a premise shall maintain swimming and wading pools and any other objects with similar intent, and associated covering devices in a manner that prevents mosquito breeding. Acceptable methods may include but are not limited to, keeping free of accumulated water, active circulation and disinfection system, effectively treated with chemical or biological control agent(s) in accordance with DEC, and/or exclusion of adult mosquitoes.
7. All chemical or biological treatments performed to gain compliance with any section of this Article must include posting in a conspicuous location adjacent to the treatment area or in a Department approved location. Posting must include the following information: Date of application, applicator's name, telephone number, Material used, amount used and a copy of the label, if applicable.
8. The owner, agent or occupant shall take all necessary actions to prohibit mosquitoes from breeding in receptacles, whether containing Essential or Non-Essential Water, located on the premises. Actions include, but are not limited to daily removal or changing of water, chemical or biological larvicide, or other necessary actions.

ARTICLE XII. AMBULANCE CODE (**ADDED IN 1975**) (**REPEALED**)

ARTICLE XIII
FEES
THIS SECTION NOT INCLUDED HERE
(A CURRENT FEE SCHEDULE IS AVAILABLE SEPARATELY)

ARTICLE XIV

**ANIMAL DISEASE CONTROL (ADDED IN 1990) (REPEALED;
SEE NEW YORK STATE LAW)**

APPENDIX A LEGAL REFERENCES

New York State Sanitary Code (NYCRR, Title 10), Public Health Law (NYSPHL), and other New York State laws relating to matters covered in this Code.

Food Service Control

NYCRR, Title 10, Part 14

<https://regs.health.ny.gov/volume-title-10/967401200/part-14-food-service-establishments>

Food Vending Control

NYCRR, Title 10, Part 14-5

<https://regs.health.ny.gov/volume-title-10/1480405716/subpart-14-5-vending-food-and-beverages>

Fluoridation

NYSPHL, Article 11, Section 1100-A

<https://www.nysenate.gov/legislation/laws/PBH/1100-A>

Drinking Water

NYCRR, Title 10, Part 5

<https://www.health.ny.gov/environmental/water/drinking/regulations/>

Standards for Individual Onsite Water Supply and Individual Onsite Wastewater

NYCRR, Title 10, Part 75

<https://regs.health.ny.gov/content/part-75-standards-individual-onsite-water-supply-and-individual-onsite-wastewater-treatment>

Approval of Realty Subdivisions

NYCRR, Title 10, Part 74

<https://regs.health.ny.gov/content/part-74-approval-realty-subdivisions>

Nuisances and Sanitation

NYSPHL, Article 13

<https://www.nysenate.gov/legislation/laws/PBH/A13>

NYSDEC regulations regarding certification of pesticide applicators and application rules

<https://www.dec.ny.gov/regulations/8876.html>

Lead Poisoning Prevention and Control- NYS Sanitary Code

NYCRR, Title 10, Part 67

https://www.health.ny.gov/regulations/nycrr/title_10/part_67/

Control of Lead Poisoning – NYS Public Health Law

NYSPHL, Article 13, Title 10

https://www.health.ny.gov/regulations/public_health_law/article_13/title_10/

New York State Sanitary Code (NYCRR, Title 10), Public Health Law (NYSPHL), and other New York State laws relating to public health matters not covered in this Code.

Bathing Beaches

NYCRR, Title 10, Part 6

<https://regs.health.ny.gov/content/subpart-6-2-bathing-beaches>

Campgrounds

NYCRR, Title 10, Part 7-3

https://www.health.ny.gov/regulations/nycrr/title_10/part_7/subpart_7-3.htm

Children's Camps

NYCRR, Title 10, Part 7-2

https://www.health.ny.gov/regulations/nycrr/title_10/part_7/subpart_7-2.htm

Clean Indoor Air Act

NYSPHL, Article 13-E

<https://www.nysenate.gov/legislation/laws/PBH/A13-E>

Cooling Towers (Legionella)

NYCRR, Title 10, Part 4

<https://regs.health.ny.gov/content/subpart-4-1-cooling-towers>

Lead Testing in School Drinking Water

NYCRR, Title 10, Part 67-4

<https://regs.health.ny.gov/volume-1a-title-10/1942050456/subpart-67-4-lead-testing-school-drinking-water>

Mass Gatherings

NYCRR, Title 10, Part 7-4

https://www.health.ny.gov/regulations/nycrr/title_10/part_7/subpart_7-4.htm

Migrant Farmworker Housing

NYCRR, Title 10, Part 15

https://www.health.ny.gov/regulations/nycrr/title_10/part_15/

Mobile Home Parks

NYCRR, Title 10, Part 17

https://www.health.ny.gov/regulations/nycrr/title_10/part_17/

Rabies

NYCRR, Title 10 Part 57 and NYSPHL, Article 21, Title 4

https://www.health.ny.gov/diseases/communicable/zoonoses/rabies/title_4.htm

<https://www.health.ny.gov/diseases/communicable/zoonoses/rabies/sancode.htm>

<https://www.health.ny.gov/diseases/communicable/zoonoses/rabies/part57.htm>

**Regulation of Tobacco production, Herbal Cigarettes and Smoking Paraphernalia;
Distribution to Minors**

NYSPHL, Article 13-F

<https://www.nysenate.gov/legislation/laws/PBH/A13-F>

Swimming Pools

NYCRR, Title 10, Part 6

<https://regs.health.ny.gov/content/subpart-6-1-swimming-pools>

Tanning

NYCRR, Title 10, Part 72

https://www.health.ny.gov/regulations/nycrr/title_10/part_72/subpart_72-1.htm

Temporary Residences (Hotels, Motels, Cabin colonies)

NYCRR, Title 10, Part 7-1

https://www.health.ny.gov/regulations/nycrr/title_10/part_7/subpart_7-1.htm