

SANITARY CODE

of the

CHAUTAUQUA COUNTY

HEALTH DISTRICT



Chautauqua County Department of Health and Human Services
Public Health Division aka Department of Health
Hall R. Clothier Building
Mayville, New York

Chautauqua County Board of Health Members



Thomas Erlandson, President

Roland Hewes

Dr. Tariq Khan

Dr. Elizabeth Kidder

Dr. Lillian Vitanza Ney

Andrew O'Brien

Elisabeth Rankin

Natasha Souter

Dr, John Tallett

Mark Tarbrake



Preface

New York State Public Health Law §347 authorizes a board of health for a county health district to formulate, promulgate, adopt and publish rules, regulations, orders and directions for the security of life and health. Such rules, regulations, orders and directions shall be known as the sanitary code of such district. This document is Chautauqua County's Sanitary Code. Pursuant to New York State Public Health Law §348, the provisions of this Sanitary Code have the force and effect of law. Certified copies of the sanitary code shall be received in evidence in all courts and proceedings of the state.

The authority of the Chautauqua County Health District to impose penalties comes from several sources. Criminal sanctions may be imposed pursuant to Public Health Law §348(2), which read as follows:

[a]ny non-compliance or non-conformance with any provision of such sanitary code or of a rule or regulation, duly made thereunder shall constitute a violation punishable on conviction for a first offense by a fine of not more than two hundred fifty dollars or by imprisonment for not more than fifteen days or by both such fine and imprisonment; 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.

New York State Public Health Law §12 states:

(a) [E]xcept as provided in paragraphs (b) and (c) of this subdivision, any person who violates, disobeys or disregards any term or provision of this chapter or of any lawful notice, order or regulation pursuant thereto for which a civil penalty is not otherwise expressly 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.

The willful violation of or the failure or omission to comply with any lawful order or regulation prescribed by any local board of health or local health officer generally constitutes a misdemeanor, punishable by imprisonment not exceeding one year, or by a fine not exceeding two thousand dollars, or by both (§12-b).

Subdivision (b) provides for a maximum penalty of up to five thousand dollars, and subdivision (c) provides a maximum penalty of up to ten thousand dollars, under specified circumstances.

With respect to hearings held on alleged violations, New York State Public Health Law §12-a sets the standard of proof as "sufficient legal evidence," which standard applies to "all hearings held pursuant to this chapter" (§12-a(9)). §10 provides that the written reports of local health officers and their representatives on questions of fact shall be *presumptive evidence* of the facts so stated, and shall be received as such in all courts and places.



TABLE OF CONTENTS

Section	ARTICLE I - Definitions & General Provisions	Page No.
1	Title	1
2	Definitions	1-3
3	Sanitary Code Where in Force	3
4	Enforcement by Local Health Officers	3
5	Enforcement & Penalties	4-5
6	Interference with Notices	6
7	Special Provisions	6
8	Inspection Generally	6
9	Permits Generally	6
10	Issuance of Licenses	7
11	Revocation of Permits, Licenses, Certifications	7
11A	Authorizations and Placarding	7-9
12	Fees	9
13	Effective Date	9
14	Separability Clause	9
ARTICLE II – Communicable Diseases		
1	General	10
2	Tuberculosis	10
3	Sexually Transmitted Diseases	10
4	Rabies	11
ARTICLE III – Real Property Transfers		
1	General Provisions	12
2	Availability of Public Water	12
3	Water Certification	12
4	Sewer Certification	13
5	Property Transferred Under Land Contract	13
6	Conditional Certification	13



TABLE OF CONTENTS cont'd

Section	ARTICLE IV – Private Sewage	Page No.
1	Definitions	14
2	Applicability	14
3	Disposal Requirements	15
4	Installation Permit	16
5	Installation Requirements	17
6	Abandoned Sewage Disposal or Treatment Equipment	17
7	Lot Dimensions & Area	17
8	Individual Lots in an Approved Subdivision	17
9	Design, Construction, Installation, Maintenance and Operation	18
10	Inspections	18
11	Waivers	18
12	Mandatory Inspection of sewage disposal systems within 250 feet of lakeshores of Bear, Cassadaga, Chautauqua, Erie and Findley Lakes	18
13	Holding Tank Approval and Permitting	19
ARTICLE V - Drinking Water Supplies		
1	General	19
2	Availability of Public Water	19
ARTICLE VI - Swimming Pools & Bathing Beaches		20
ARTICLE VII - Temporary Residences: Mass Gatherings & Children's Camps		20
ARTICLE VIII - General Sanitation		
1	Nuisances; Method of Submitting Nuisance Complaints	21
2	Nuisances; Investigation	21
3	Nuisances; Public Health Director's Recommendations	21
4	Nuisance; Posting	21
5	Noxious Weeds & Growths; Declaration of Nuisance	21
6	Noxious Weeds & Growths; Notice To Abate; Enforcement	22
7	Public Toilets	22
8	Temporary Toilet Facilities on Construction	23
9	Exposure of Sewage	23
10	Housing Hygiene & Occupancy	23-28
11	Nuisance Abatement or Removal	28



TABLE OF CONTENTS cont'd

Section	ARTICLE IX - Offensive Material	Page No.
1	Definitions	29
2	Handling	29
3	Disposal	29
4	Removal & Transportation	29
5	Notification	29
6	Waste Tires	30
7	Liability	30
ARTICLE X - Public Sewage		
1	Definitions	31
2	Applicability	31
3	Prohibitions	32
4	Preparation, Submission & Approval of Plans	32
5	Approval of Completed Works	32
ARTICLE XI Reserved		
ARTICLE XII Reserved		
ARTICLE XIII Tattoo and Body Piercing		
1	Intent and Purpose	33
2	Definitions	33-35
3	Prohibition	36
4	Tattoo/Body Piercing Artist Certification	37
5	Shop Certificate of Sanitation	38
6	Plan Review Construction or Pre-operational Inspection	39
7	General Physical Environment	39
8	Workroom	40
9	Operational Standards – Client Records	41
10	Tattoo and Body Piercing Procedures	42-43
11	Dyes and Pigments	43
12	Sanitation and Sterilization Procedures	44-45
13	Requirements for Single-Use Items	45
14	Aftercare of Tattoo and Body Piercing	45
15	Report of Infection or Allergic Reaction	46



TABLE OF CONTENTS cont'd

Section	ARTICLE XIV - Food Service Establishments	Page No.
1	General	47
2	Food Handler Training	47
	ARTICLE XV - Migrant Labor Camps	47
	ARTICLE XVI – Reserved	
	ARTICLE XVII - Open Fires	
1	Definitions	48
2	Prohibitions	48
	ARTICLE XVIII - Reserved	
	ARTICLE XIX - Refuse Disposal	
1	Definitions	49
2	Permits	49
3	New Sites	49
4	Transportation of Refuse	49
5	Posting of Signs	49
	ARTICLE XX – Reserved	
	ARTICLE XXI – Reserved	
	ARTICLE XXII – Reserved	
	ARTICLE XXIII – Fees	
1	Collection	50
2	Property Transfers	50
3	Environmental Health Fee Schedule	50-51
	ARTICLE XXIV – Smoking/Tobacco Products	
1	County Vehicles & Buildings	52
	CERTIFICATION OF SANITARY CODE	53

ARTICLE I: DEFINITIONS AND GENERAL PROVISIONS



Section 1. Title

The rules and regulations herein contained shall be known as the Sanitary Code of the Chautauqua County Health District.

Section 2. Definitions

When used herein, unless otherwise expressly stated;

- **Adequate Water Pressure** shall mean twenty (20) pounds per square inch (PSI) at any potable water tap.
- **Board of Health** shall mean the Board of Health of the Chautauqua County Health district.
- **Department of Health** shall mean the Department of Health of the Chautauqua County Health District.
- **Drinking Water** shall mean water provided or used for human consumption, lavatory, food preparation or culinary purposes.
- **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.
- **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.
- **Egress** shall mean a continuous and unobstructed way of going safely from the inside to the outside of a dwelling or dwelling unit.
- **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.
- **Garbage** shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, serving and non-consumption of food.
- **Health District** shall mean the Chautauqua County Health District established pursuant to the provisions of Section 340 of the New York State Public Health Law.
- **Heated Water** shall mean water heated to a temperature of not less than one hundred twenty (120) degrees Fahrenheit.
- **Infestation** shall mean the presence within or around a dwelling of any insects, rodents or other pests.
- **Occupant** shall mean any person, living, sleeping, cooking, 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.
- **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.

ARTICLE I: DEFINITIONS AND GENERAL PROVISIONS cont'd



Section 2. Definitions (cont'd)

- **Owner** shall mean any person who, alone or jointly or severally with others;
 - shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof or,
 - 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 section to the same extent as if he were the owner.
- **Person** shall mean any individual, public or private corporation, political subdivision, government agency, municipality, industry, co-partnership, association, organization, firm, trust, estate, utility district, improvement district, or any legal entity whatsoever.
- **Plumbing** shall mean and include all of 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.
- **Premises** shall mean a platted lot or part thereof or unplatted lot or parcel of land or plot of land, whether or not it has erected thereon a dwelling or nondwelling structure and it includes any building, accessory structure or other structure thereon.
- **Rat harborage** shall mean any place where rats can live, nest or seek shelter.
- **Rat proofing** shall mean a form of construction which will prevent the ingress or egress of rats to or from a given space or building, or gaining access to food, water, or harborage. It consists of the closing and keeping closed of every opening in foundations, basements, cellars, exterior and interior walls, ground or first floors, roofs, sidewalk gratings, sidewalk openings and other places that may be reached and entered by rat climbing, burrowing or other methods, by the use of materials impervious to rat gnawing or by other methods approved by the Public Health Director.
- **Refuse** shall mean all putrescible and non-putrescible solids (except body wastes) including but not limited to garbage, rubbish, ashes and dead animals.
- **Refuse container** shall mean a watertight container that is constructed of metal, or other durable material impervious to rodents, that is capable of being serviced without creating unsanitary conditions, or such other containers approved by the Public Health Director. Openings into the container such as covers and doors shall be tight fitting.
- **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.
- **Rubbish** shall mean shall mean non-putrescible solid wastes (excluding ashes) consisting of either or both:
 - combustible wastes such as paper, cardboard, rags, furniture, plastic containers, yard clippings, tree branches, leaves and wood, and
 - noncombustible wastes such as tin cans, glass, crockery and discarded appliances.

ARTICLE I: DEFINITIONS AND GENERAL PROVISIONS cont'd



Section 2. Definitions (cont'd)

- **Safety** shall mean the condition of being reasonably free from danger and hazards which may cause accidents or disease.
- **Sanitary Code** shall mean and comprise the rules, regulations, orders and directions now or hereafter formulated, promulgated, and adopted by the Board of Health of the Chautauqua County Health District pursuant to Section 347 of the New York State Public Health Law.
- **Sewage** shall mean the water-carried human or animal wastes from residences, buildings, industrial establishments or other places, together with such groundwater infiltration and surface water as may be present.
 - The admixture with sewage as above defined of industrial wastes or other wastes, shall also be considered **sewage**.
 - The term **sewage** shall also mean excreta and the waste from a water closet, bath, sink, lavatory, dishwashing or laundry machine, or the water-carried waste from any other fixture or equipment or machine.
- **State Sanitary Code** shall mean the sanitary code established by the State of New York.
- **Supplied** shall mean paid for, furnished, provided by, or under the control of the owner or operator.
- **Uniform Code** shall mean the New York State Uniform Fire Prevention and Building Code.

Section 3. Sanitary Code - Where in Force

The provisions of this Sanitary Code shall be in force throughout the Chautauqua County Health District.

Section 4. Enforcement by Local Health Officers

It shall be the duty of the Public Health Director and of each local Health Officer in the Chautauqua County Health District, existing pursuant to law, to enforce any and every provision of this Sanitary Code.

Pending determination by the County Board of Health of one or more alleged violations of the State or County Sanitary Code, the County Public Health Director may suspend, revoke or nullify any certification, permit, license or other privilege granted pursuant to this Sanitary Code or the Sanitary Code of the State of New York.

The Chautauqua County Public Health Director and local health officers are hereby authorized and empowered to enforce New York State Department of Health Orders, with prior notice to Chautauqua County Board of Health members, in circumstances in which it is detrimental to the best interests of the public to delay enforcement until such time a sufficient number of County Board of Health Members can be convened. The imposition of penalties for State Health Orders shall remain with the County Board of Health.

ARTICLE I: DEFINITIONS AND GENERAL PROVISIONS cont'd



Section 5. Enforcement and Penalties

- a. Pursuant to the provisions of the New York State Public Health Law, the County Board of Health may:
 - i. issue subpoenas which shall be regulated by the Civil Practice Law and Rules of the State of New York;
 - ii. compel the attendance of witnesses;
 - iii. administer oaths to witnesses and compel them to testify;
 - iv. by resolution, designate one of its members to sign and issue such subpoenas;
 - v. issue warrants to any peace officer, acting pursuant to his special duties, or police officer of the municipality to apprehend and remove such person or persons as cannot otherwise be subjected to its orders, regulations, and to the Sheriff of Chautauqua County to bring to its aid the power of the County whenever it shall be necessary to do so;
 - vi. 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 after holding a hearing thereon. Monetary penalties shall not exceed one thousand dollars (\$2,000) for a single violation or failure, to be sued for and recovered by it in any court of competent jurisdiction. Nothing herein contained shall be construed to exempt an offender from any other prosecution or penalty provided by law; and
 - vii. appoint one or more hearing officers as shall be necessary to carry out its functions and duties. The hearing officer shall have the same powers possessed by the board to hold and conduct hearings. The hearing officer shall function under the supervision of the local board and shall make findings of fact and recommendations to the board.
 - viii. Apart from the civil penalties outlined above, any violation of or failure to comply with the County Sanitary Code shall constitute a violation punishable on conviction for a first offense 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; 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.
 - ix. The willful violation of or the failure or omission to comply with any lawful order or regulation prescribed by the local board of health or local health officer constitutes a misdemeanor, punishable by imprisonment not exceeding one year, or by a fine not exceeding two thousand dollars, or by both, except as otherwise provided in New York State Public Health Law §12-b.
 - x. In addition to the other penalties available herein, the County Board of Health may suspend, revoke or nullify any certification, permit, license or other privilege granted pursuant to this Sanitary Code or the Sanitary Code of the State of New York.
- b. No subpoena shall be served outside the jurisdiction of the Chautauqua County Health District, and no witness shall be interrogated or compelled to testify upon matters not related to the public health.
- c. Every warrant issued by the Board of Health shall be forthwith executed by the officer to whom directed, who shall have the same powers and be subject to the same duties in the execution thereof, as if it had been duly issued out of a court of record of New York State.

ARTICLE I: DEFINITIONS AND GENERAL PROVISIONS cont'd



Section 5. Enforcement and Penalties (cont'd)

- d. Nothing contained in this Section shall be construed to alter or repeal any existing provision of law declaring such violations or any of them misdemeanors or felonies or prescribing a penalty therefor.
- e. Pursuant to the provisions of the New York State Public Health Law:
 - i. provisions of the Sanitary Code of the Chautauqua County Health District shall have the force and effect of law;
 - ii. any non-compliance or non-conformance with any provision of such sanitary code or of any rule or regulation, duly made thereunder shall be punishable by a civil fine not to exceed one thousand hundred dollars (\$1,000.00) for each offense. In addition, any such non-compliance or non-conformance shall constitute a violation punishable on conviction for a first offense by a fine of not more than two hundred fifty dollars (\$250.00) or by imprisonment for not more than fifteen (15) days or both such fine and imprisonment; and for a second or subsequent offense by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment not exceeding fifteen (15) days or both; and
 - iii. certified copies of the Sanitary Code of the Chautauqua County Health district shall be received in evidence in all courts and proceedings in New York State.
- f. Service of a Notice of Hearing, and all other notices to be served pursuant to this Sanitary Code may, unless otherwise specified, be accomplished in any of the following manners:
 - i. by personal delivery upon an individual Respondent or in the case of a business upon an owner, manager, officer, director or operator of the business to be served;
 - ii. by standard mail to the last known address of the individual or business to be served. For the purposes of this Section of the Sanitary Code, service by mail shall be deemed completed as of the date of mailing. An Affidavit of service shall be completed if service is effected in accordance with this subdivision;
 - iii. by posting a notice on the door of the residence of the individual to be served or on the door of the business to be served, followed by a mailing to that address;
 - iv. by e-mail, provided that if the County does not receive confirmation of receipt by the respondent the County shall mail notice of the hearing to the last known address, or effect personal service, at least fifteen (15) days prior to the date of the hearing;
 - v. by facsimile, provided that if the County does not receive confirmation of receipt by the respondent the County shall mail notice of the hearing to the last known address, or effect personal service, at least fifteen (15) days prior to the date of the hearing.
- g. After due consideration of the written and oral statements, the testimony and arguments that shall be submitted under the provisions of subsection (f) above, or default in appearance of the respondent on the return day which shall be specified on the notice given pursuant to subsection (f) above, the Board of Health may issue and enter such final order, or make such final determination as it shall deem appropriate under the circumstances, and it shall notify the respondent thereof in writing by certified mail or by personal service.
 - i. Any final order or determination or other final action by the Board of Health and the validity or reasonableness of any code, rule or regulation of the Board of Health shall be subject to review as provided in Article 78 of the Civil Practice.

ARTICLE I: DEFINITIONS AND GENERAL PROVISIONS cont'd



Section 6. Interference with Notices

No person shall remove, mutilate, or conceal any notice or placard of the Chautauqua County Department of Health posted in or on any premises or public place except by permission of the Public Health Director.

Section 7. Special Provisions

The regulations of this Sanitary code shall be supplemental to the regulations, rules and orders of the State Sanitary Code, New York State Public Health Law and Penal Law, and other New York State laws relating to public health.

Section 8. Inspection Generally.

- a. All premises covered by the regulations of this Sanitary Code located in the Chautauqua County Health District shall be subject to inspection by the Public Health Director and if any violation of the Sanitary code exists on the premises, any permit granted by the Public Health Director may be immediately suspended.
- b. No person shall refuse to allow the Public Health Director and/or his/her designee to inspect fully any and all premises within its jurisdiction and no person shall molest or resist the Public Health Director and/or his/her designee in the discharge of his/her duties.

Section 9. Permits Generally

- a. **Applications** - All applications for permits or written approval herein required shall be made upon forms prescribed and furnished by the Department of Health or the Public Health Director, and shall be signed by the applicant who shall be the person, or authorized agent thereof, responsible for compliance with the conditions of the permit or approval applied for. Such application shall contain such data and information and be accompanied by such plans as may be required.
- b. **Permits; Nontransferable** - A permit issued to a particular person or for a designated place, purpose, or vehicle shall not be valid for use by any other person or for any other purpose or vehicle.
- c. **Permits; Conditions** - Such permits or written approvals may contain general or specific conditions and every person who shall have obtained a permit or written approval as herein required, shall conform to the conditions prescribed in said permit or written approval and the provisions of the Sanitary Code. Each such permit shall expire on the date stated in the permit or until revoked, and may be renewed or extended by the Public Health Director or may be suspended or revoked for cause by the Public Health Director after due notice and a hearing, or temporarily suspended pending a hearing.
- d. **Permit; Property of Department of Health** - All permits issued hereunder shall remain the property of the Department of Health and shall, on demand, be surrendered to an authorized representative of the Department of Health, whenever any such permit expires, is suspended, or is revoked. Permits shall be made available upon request by the Public Health Director.

ARTICLE I: DEFINITIONS AND GENERAL PROVISIONS cont'd



Section 10. Issuance of Licenses

Nothing herein contained shall be construed to restrict or abrogate the authority of any city, town or village in the Health District to adopt and enforce additional ordinances or to enforce existing ordinances relating to the regulation, control, and/or issuance of any license and/or renewal and/or revocation thereof, and to charge and collect a fee therefor provided. Prior to issuing or renewing a license or permit, a city, town or village should verify with the Public Health Director that the applicant is in compliance with the rules and regulations now or hereafter formulated, promulgated, and adopted by the Board of Health pursuant to the provision of Section 347 of the Public Health Law.

Section 11. Revocation of Permits, Licenses, Certifications

The Board of Health or the Public Health Director may refuse to issue or renew a permit, license or certification, if a Board of Health penalty issued after a hearing or a penalty imposed arising from a court violation remains outstanding.

Section 11A. Authorizations and Placarding

- a. **Definitions.** For purposes of this Section, the following definitions apply:
- i. Applicant means the person and/or entity applying for Authorization. References herein to Applicant include *all* names and entities under which the Applicant currently conducts, previously conducted, or proposes to conduct, business.
 - ii. Authorization means a permit, license, certificate, certification, or similar permission issued by Chautauqua County pursuant to a Public Health Provision.
 - iii. Establishment means the business location of the Applicant, and may include either the location for which Authorization is granted or the office out of which Applicant operates.
 - iv. Public Health Provision means the New York State Public Health Law, the New York State Sanitary Code, and Chautauqua County's Sanitary Code, as the same may be amended from time to time.

ARTICLE I: DEFINITIONS AND GENERAL PROVISIONS cont'd



Section 11A. Authorizations and Placarding (Cont'd)

- b. Application for Authorization. With respect to Authorizations issued pursuant to this Sanitary Code, and when permitted or required by the State for Authorizations issued pursuant to State law or regulation, an Applicant for Authorization or for renewal of Authorization:
- i. who is, at the time of application, in violation of a Chautauqua County Board of Health Order, shall not be granted such Authorization until such time as the Applicant has come into compliance. In the event the violation of the Order includes non-payment of a fine or penalty, such fine or penalty must be paid in full, or paid to the extent required by the Board's Order, before Authorization is granted; or
 - ii. who has, in the six months preceding the date of the application, admitted to, or been found by the Board of Health after a hearing to have committed, any of the violations specified in paragraphs (a) through (e) below, may be denied Authorization, or in the alternative may be granted Authorization which contains language for automatic suspension or revocation upon a single future violation by Applicant of any of the referenced Public Health Provisions (e.g. a single restaurant inspection revealing an "imminent health hazard"), as determined by admission, or by the Board of Health after a hearing:
 - a. two or more inspections revealing an "imminent health hazard," a "public health hazard," or improper preparation or serving of "potentially hazardous food," as specified in 10 NYCRR §§14-1.10, 14-2.3, 14-4.20 and 14-5.10;
 - b. failure to Comply with a Notice and Demand issued pursuant to New York State Public Health Law §1373;
 - c. three or more instances of failure to comply with State Sanitary Code requirements for Drinking Water Supplies found in 10 NYCRR §5-1.5 – 5.1.52;
 - d. two or more instances of discharge of sewage in violation of Article IV Section 3, Article VIII Section 9, and/or Article X Section 3, of Chautauqua County's Sanitary Code; or
 - e. four or more violations of Article XIII Sections 3, 10, 12, 13, 14 and/or 15 of Chautauqua County's Sanitary Code; or
 - iii. who has, in the six months preceding the date of the application, admitted to, or been found by the Board of Health after a hearing to have committed, ten or more of violations of *any* combination of Public Health Provisions, shall receive Authorization which shall be automatically suspended or revoked upon the next violation of any Public Health Provision, as determined by admission, or by the Board of Health after a hearing.
- c. Existing Authorization. Notwithstanding any other provision of this Sanitary Code, any existing Authorization may be revoked or suspended in the event the holder of the Authorization would not at the time of revocation or suspension qualify for receipt of or renewal of such Authorization, based on the above provisions or any Public Health Provision.



Section 11A. Authorizations and Placarding (Cont'd)

- d. **Closing and Placarding.** The Chautauqua County Public Health Director may order the closing and/or placarding of any Establishment operating without a required, current, valid Authorization. Such placard and closure order shall remain in effect until the sooner of the issuance or restoration of a current, valid Authorization, or final closure by Applicant of its business operations.
- Placarding shall consist of conspicuously posting a placard at each entrance of the Establishment stating the reason for the placarding and the authority pursuant to which the placard is issued. The placard shall state that it is not to be concealed, mutilated, or altered by any person, or removed without permission of the County Public Health Director.
- e. **Appeals.** Appeals of the denial, suspension or revocation of an Authorization, or of closing or placarding, may be made to the Chautauqua County Public Health Director. Appeals shall be submitted in writing, and a hearing on such appeal, if not sooner resolved, shall be held no later than fifteen (15) days of the date of receipt of the appeal. The Public Health Director shall resolve appeals in a manner which is consistent with the public health.

Section 12. Fees

All fees required by the Department of Health for permits, licenses, or filing shall be made payable to the Chautauqua County Director of Finance.

- a. Unless otherwise required by State law, rules or regulations any fee required under this section will be waived for non-profit corporations and municipally operated facilities.

Section 13. Effective Date

Except as may otherwise be specified herein every rule, regulation and provision of this Sanitary Code shall take effect on the 18th day of June, 1972 and/or as specified in subsequent amendments.

Section 14. Separability Clause.

In the event that any provision of this Sanitary Code, or its application to any person or circumstance, is held invalid or unenforceable for any reason, the remainder of said provision and of said Sanitary Code, or its application to other persons or circumstances, shall not be affected thereby and shall remain in full force and effect.

ARTICLE II: COMMUNICABLE DISEASES



Section 1. General

Article II, Section 1. shall be revised to read, "All definitions and regulations concerning communicable diseases and their designation, reporting and control shall be those found in Title 10, Chapter I, Part 2 of the New York State Codes, Rules and Regulations." (The list contained in Subsection 1.a) shall be deleted.

Section 2. Tuberculosis

The control of tuberculosis in Chautauqua County shall be in accord with the definitions and regulations found in the Title 10, Chapter I, Part 2 of the State of New York Codes Rules and Regulations and Article 22, Titles I, II and III of the State of New York Public Health Law.

The Public Health Director may cause such medical examination as is consistent and in accord with current medical practices to be made of a person with a suspected diagnosis of tuberculosis.

Section 3. Sexually Transmitted Diseases

The control of sexually transmitted diseases shall be in accordance with Title 10, Chapter I, Parts 2 and 23 of the State of New York Code Rules and Regulations, Article 23. Titles I, II and III and Article 27-F of the State of New York Public Health Law.

- a. Any person required by the Public Health Director under Article 23 or 27-F of the State of New York Public Health Law to submit to examination or treatment may be required to deport himself or herself in such a manner that no other persons can be exposed to his or her known or suspected infection with a sexually transmitted disease.
 - i. An order issued under subsection a) of this article may specify that the infected person or person suspected of being infected shall remain at his or her home or living quarters, or it may direct him or her to proceed or remain in a hospital or physician's office.
 - ii. The Public Health Director may order said person to submit to such examination and/or treatment as may be necessary at said hospital or physician's office.
- b. Any person having a sexually transmitted disease must submit to treatment by a licensed health care practitioner of his choice and must continue in treatment until released from treatment by the physician.

ARTICLE II: COMMUNICABLE DISEASES cont'd



Section 4. Rabies

The control of rabies in Chautauqua County shall be in accordance with Article 21, Title IV, Sections 2140 to 2145 inclusive, of the State of New York Public Health Law; Title 10, Chapter 1, Part 2 of the New York State Code Rules and Regulations; and the State of New York Agriculture and Markets Law Article 7.

- a. It shall be the duty of every health care provider to report immediately to the Public Health Director the full name, age, telephone number and address of any person under his care or observation who has been exposed to any animal having rabies or suspected by the health care provider of having rabies.
- b. It shall be the duty of the Public Health Director to cause any animal of a species subject to rabies that a person has been exposed to be confined as required by Section 2140 of Title IV of the state public health law or to be destroyed immediately.
 - i. Should such animal develop active signs of rabies within the ten (10) day period, it may be destroyed under the direction of the Public Health Director.
- c. The Public Health Director may cause to be secured and confined under observation in a veterinary establishment or animal holding facility or upon the premises of the owner of any animal within the County of Chautauqua suspected of having rabies for such time as may be necessary to determine the diagnosis.
- d. All dogs, four (4) months of age or older, licensed in the County of Chautauqua in accordance with New York State Agriculture and Markets Law and all cats four (4) months of age or older shall be vaccinated for the prevention of rabies. Such vaccination shall be made by a method approved by the Public Health Director.
 - i. A valid certificate of vaccination signed and dated by a licensed veterinarian shall be presented upon application for a dog license.
 - ii. The certificate of vaccination shall remain in the possession of the animal owner and shall be presented each time a dog is licensed or upon the request of the Public Health Director or his/her duly authorized subordinate.
- e. No certificate of vaccination shall be valid for more than three (3) years.

ARTICLE III: REAL PROPERTY TRANSFERS



Section 1. General Provisions

No person shall transfer to any other person, nor accept from any other person, the transfer of the title to any property, unless and until the Public Health Director shall have examined and issued certification for any individual water supply and individual sewage disposal or wastewater treatment system serving such property. The operation of this section shall not be applicable to the following:

- a. Transfers in a tax foreclosure action, and transfers to a bank in connection with a bank foreclosure;
- b. Transfers in connection with a partition action under Article 9 of the Real Property Actions and Proceedings Law;
- c. Transfers by operation of law, such as intestate or testamentary succession;
- d. Transfer of owner-occupied single family residences between members of an immediate family. Immediate family members include spouses, and also include children, parents, siblings, and their spouses. This exemption does not apply in cases where a real property transfer inspection is requested by a lending agency;
- e. Transfers made to a former spouse as part of a divorce proceeding; and
- f. Transfers of undeveloped properties with no facilities for water service, sewage disposal or wastewater disposal.

Section 2. Availability of Public Water

- a. Where a municipal public water system is available and accessible, the dwelling or structure being transferred shall be connected to the municipal public water system if the water supply serving such dwelling cannot be certified by the Public Health Director. The operation of this section shall not be applicable to those exemptions cited in Article III, Section 1, items a through f.
- b. In areas where public water service is not available, the person offering any owner-occupied single family property for sale or transfer should provide a water supply which conforms to microbiological standards for potable water and should implement any recommendations prescribed by the Public Health Director to bring the water system into compliance with the standards contained in Part 5 of the New York State Sanitary Code or 10 NYCRR Part 75.

Section 3. Water Certification

No certification of the water supply need be applied for, or made, if:

- a. the water supply serving the properties is an approved public water supply; or
- b. both buyer and seller execute a written waiver of inspection for a water supply which was certified by the County within the prior six months and which has not exhibited any evidence of contamination since the date of such certification.

ARTICLE III: REAL PROPERTY TRANSFERS cont'd



Section 4. Sewer Certification

No certification of the sewage disposal or wastewater treatment system need be applied for, or made, if:

- a. the sewage or wastewater originating from the property discharges to a public sewer owned and operated by a municipal or other special public sewer service district; or
- b. the septic system has been certified within the six months preceding the property transfer and the buyer has executed a written waiver of the certification requirement; or
- c. both parties agree that the septic system is deficient, a permit for system repair or replacement has been granted by the County, and the parties to the transfer have escrowed sufficient funds to pay for the system replacement or system repair.

Section 5. Property Transferred Under Land Contract

Certification of the Public Health Director is required for property transferred under land contract. The owner of record is the responsible party for any deficiencies of the water supply system sewage disposal or the wastewater treatment system.

Notwithstanding the above, no such certification of the on-site sewage disposal system or wastewater and/or water supply is required if there is a record of them being inspected and approved as part of the transfer of the property when the land contract is initiated.

Section 6. Conditional Certification

The Public Health Director may issue a conditional certification based on information available at the time of the health inspection. Certain conditions, such as building vacancy, deep snow, or tall grass, may necessitate a provisional inspection. A complete inspection shall be made when conditions allow or when the system has been in use for a specified period of time. If the wastewater treatment system or water system is found to be in violation, then the owner of record shall be responsible for correction of the violation as specified by the Public Health Director and/or by the Board of Health.

ARTICLE IV: PRIVATE SEWAGE



Section 1. Definitions

- **Premises** shall mean any building or structure which is wholly or partly used or intended to be used for living or sleeping by human occupants.
- **Household Sewage Treatment System** shall mean a sewage disposal or treatment system for a mobile home or one or two family dwellings.
- **Sewage Tank** shall mean a water-tight tank designed to contain sewage solids long enough for satisfactory bacterial decomposition of the solids to take place and includes septic tanks and aeration type treatment tanks.
- **House Sewer** shall mean the sewer from the house to the sewage tank.
- **Septic Tank** shall mean a covered water-tight tank designed to retain settled sewage solids.
- **Aeration Type Household Sewage Disposal Treatment System** shall mean a system which utilizes the principal of aerobic bacterial oxidation in the decomposition of sewage.
- **Privy** shall mean any facility or structure provided for the storage or deposit of human excreta without water carriage.
- **Watertight Vault Privy** shall mean a watertight receptacle of no fewer than 1000 gallons, meeting the construction standards for a septic tank, for the storage or deposit of human excreta without water carriage.
- **Enhanced Treatment Unit (ETU)** shall mean pre-manufactured structures that provide enhanced treatment of wastewater prior to discharge to a subsurface soil absorption area.

All other terms not defined herein but defined in New York State Environmental Conservation Law or Title 10 of New York State Codes, Rules and Regulations (NYCRR) shall have the meaning prescribed to them by the Environmental Conservation Law and NYCRR.

Section 2. Applicability

This article shall apply to the construction and use of a new or modified treatment system, point source or outlet when such disposal, point source system or outlet is designed to discharge and discharges sewage effluent without the admixture of industrial wastes or other wastes from a premises designed to house fewer than three families or ten or fewer people computed on the basis of twenty-four hour occupancy and when the discharge from such a disposal system consists of a flow of less than one thousand gallons per day.



Section 3. Disposal Requirements

- a. No person shall discharge, or allow or cause to be discharged untreated sewage, the overflow drainage or contents of a sewage tank, or other putrescible, impure or offensive wastes onto the surface of the ground or into any street, road, alley, open excavation, stormwater sewer, land drain ditch, adjoining property, water course, or body of water or ground water, except under such circumstances as prescribed by and with the written approval of the Public Health Director.
- b. No person shall discharge, or allow to be discharged, treated or untreated sewage, the overflow drainage or contents of a sewage tank, or other putrescible, impure, or offensive wastes into an abandoned water supply well, spring, or cistern or into a natural or artificial well, sink hole, crevice or opening extending into limestone, sandstone, or other rock or shale formation.
- c. Each premises provided with plumbing fixtures or provided with a receptacle to create a sanitary flow, where no approved public sanitary sewerage system is available, shall have a household sewage disposal system of approved type and design as specified in Chapter II of Title 10 of New York Code Rules and Regulations Part 75 and Appendix 75-A.
- d. Each household sewage treatment system shall serve a single dwelling on an individual lot and shall be properly maintained by the owner as specified in Chapter II of Title 10 of New York Code Rules and Regulations Part 75. Any failure to provide a properly maintained system may be declared a public health nuisance by the Public Health Director.
- e. Roof water, foundation drain, cistern overflow, or surface or subsoil drainage shall not be discharged into a sanitary sewer or into a sewage treatment system.
- f. No household sewage treatment system shall be installed, maintained, or operated on property accessible to a public sewerage system.
- g. Whenever an approved public sewerage system is accessible to the property, any household sewage treatment system shall be abandoned and the house sewer directly connected to the public sewers.
- h. Where a public sanitary sewer is available and accessible, the Public Health Director may issue an order upon the owner of any property whereon any other method of sewage treatment was located requiring said owner to abandon the use of such other method of sewage treatment within a period of not more than ninety (90) days, and to connect with such public sewer system.

ARTICLE IV: PRIVATE SEWAGE cont'd



Section 4. Installation Permit

- a. The property owner or designated agent shall apply for a permit from the Public Health Director for construction, installation, alteration, or extension of a household sewage treatment system prior to start of work.
- b. Permit applications shall be made in writing on a form prescribed by the Public Health Director and shall contain all pertinent information relative to the location, construction, installation, alteration, or extension of a household sewage treatment system and any other information required by the Public Health Director.
- c. Each permit application to the Public Health Director shall be accompanied by a fee as set forth in Article XXIII of this code. Such fees are nonrefundable regardless of the disposition of the application.
- d. No person shall construct, install, connect, alter or extend a household sewage treatment system within the Chautauqua County Health District without having first applied for and received a written permit from the Public Health Director. No permit is required for minor repairs.
- e. A separate permit shall be obtained for each premises on which sewage treatment work is to be performed.
- f. If a home addition is planned which increases the number of bedrooms (or rooms that could be converted to bedrooms in the future) the septic system must be evaluated to determine if it is sized to meet future increases in wastewater flow. If not, it must be upgraded.
- g. Permits for the construction, installation or alteration of a sewage treatment system shall expire one year after the date of issuance unless an extension has been granted in writing.
- h. The Public Health Director shall deny or revoke a permit if the information on the application is incomplete, inaccurate, false, misleading or indicates that the provisions of this article cannot be met.
- i. A person who constructs or provides, or undertakes to construct or provide a household sewage treatment system without first obtaining a permit to construct such system as required, or does not construct and install or maintain and operate such system or facility according to the terms or conditions of the permit or approved amendments thereto, is in violation of the Sanitary Code. A person who constructs or provides or undertakes to construct or provide a household sewage treatment system after being denied a permit is in violation of the Sanitary Code.
- j. "Specific Waiver" shall mean a waiver granted in an individual situation because of a hardship or other circumstance that makes it impractical to comply with a standard for individual sewage treatment systems.

ARTICLE IV: PRIVATE SEWAGE cont'd



Section 5. Installation Requirements

Installation requirements for individual sewer systems must satisfy Chapter II of Title 10 of New York Code Rules and Regulations, Part 75 and Appendix 75-A.

- a. A septic tank-leaching system shall not be installed in an area where the texture, structure, and porosity of the soil are not suitable. Percolation tests shall be performed by persons whose qualifications shall be acceptable to the Public Health Director. The Public Health Director may require as many percolation tests as may be necessary to determine acceptability of this site. No septic tank-leaching tile field or bed shall be installed with a percolation rate less than one (1) inch fall in water level in the test hole in sixty (60) minutes. No septic tank-seepage pit shall be installed where the percolation rate is less than one (1) inch fall in water level in fifteen (15) minutes.
- b. No person shall install individual household sewage treatment systems in a new realty subdivision, unless it is considered to be impractical and inadvisable by the Public Health Director to install a community sewerage system with required treatment.
- c. If it has been determined by the Public Health Director that on lot leaching is impracticable the effluent from subsurface sand filters, household aeration or other approved type sewage treatment system may be permitted to discharge off the lot only if the outlet is satisfactory to the Public Health Director.
- d. Where the point of discharge or discharge area is into a road or highway right-of-way, permission must be obtained from the highway superintendent or other similar officer having jurisdiction.

Section 6. Abandoned Sewage Disposal or Treatment Equipment

- a. The owner of abandoned septic tank or other device or equipment for treatment or disposal of sewage shall clean the tank and fill to the ground surface in a manner acceptable to the Public Health Director.

Section 7. Lot Dimensions and Area

- a. Lots on which household sewage treatment systems are to be installed shall be of sufficient area and suitable topography to permit compliance with this article. Where public water is available and a public sewer is not available the minimum lot size shall be 15,000 square feet. Where neither public water nor public sewer is available the minimum lot size shall be 40,000 square feet.
- b. There shall be available sufficient area to provide for the complete replacement of the leaching system or subsurface sand filter.

Section 8. Individual Lots in an Approved Subdivision

Individual household sewage treatment systems in approved subdivisions shall follow the provisions of this Article and the approved requirements contained on the plans filed in the office of the Chautauque County Clerk.

ARTICLE IV: PRIVATE SEWAGE cont'd



Section 9. Design, Construction, Installation, Maintenance and Operation

- a. The design, construction, installation, location, maintenance and operation of household sewage treatment systems including: septic tanks; aeration type treatment systems; enhanced treatment units; leaching tile fields; leaching beds; seepage pits; subsurface sand filters; house sewers; privies; and any other treatment system of part thereof, shall conform to Chapter II of Title 10 of New York Code Rules and Regulations, Part 75 and Appendix 75-A. Pit privies are not to be utilized, and privies are to be Watertight Vault Privies. All enhanced treatment systems utilizing an aeration type treatment system shall be continuously maintained by a trained operator, in accordance with manufacturer's recommendations and as needed for proper functioning of the system.
- b. Approval of a sewage treatment system pursuant to the provisions of this Article shall not be construed as a guarantee by the Public Health Director or by his/her agents that the system will function satisfactorily, nor shall it in any way restrict the ability of the Public Health Director, or his/her duly authorized subordinate to enforce this code or any other law, rule, or regulation.

Section 10. Inspections

- a. A property owner shall request an inspection of his or her household sewage treatment system at least 48 hours in advance of expected time of completion.
- b. The household sewage treatment system shall not be covered or placed into operation until the system has been inspected and approved by the Public Health Director.
- c. The Public Health Director may make inspections at any time during the course of construction of the household sewage treatment system to ensure compliance with this Article.

Section 11. Waivers

The Chautauqua County Board of Health may on written application grant a specific waiver from a provision of this Article, where such waiver is consistent with the general purpose and intent of this Article. The applicant receiving such waiver must be advised in writing if the design or conditions approved do not meet State or County standards and the potential consequences of such deviations. Systems with a surface discharge are prohibited for new construction and are not eligible for a waiver.

Section 12. Mandatory Inspection of sewage disposal systems within 250 feet of lakeshores of Bear, Cassadaga, Chautauqua, Erie and Findley Lakes.

The Public Health Director shall develop policy and procedures consistent with New York State On-Site Training Network Standard inspection program to inspect all unpermitted private sewage disposal systems and permitted sewage disposal systems that are older than 30 years old within 250 feet of the lakeshores of Bear, Cassadaga, Chautauqua, Erie and Findley Lakes. First priority will be unpermitted sewage disposal systems with second priority given to permitted private sewage disposal systems greater than 30 years old.

ARTICLE IV: PRIVATE SEWAGE cont'd



Section 13. Holding Tank Approval and Permitting

- a. The Public Health Director may in her/his discretion issue permits for temporary or long-term holding tanks as a means of addressing private sewage, such permits to be issued in accordance with Departmental policies and procedures and consistent with Chapter II of Title 10 of New York State Code Rules and Regulations (Part 75 and Appendix 75-A) and with New York State On-Site Training Network Standards on Holding Tank approval and permitting.
- b. Permitting and inspection of holding tanks will be in accordance with Public Health Director Policies and Procedures.

ARTICLE V: DRINKING WATER SUPPLIES



Section 1. General

The Chautauqua County Board of Health officially adopts Part 5 Subparts 5-1, 5-4 and 5-6, Chapter 1 of the New York State Sanitary Code, as may be amended from time-to-time, as applying within the Chautauqua County Health District.

Section 2. Availability of Public Water

- a. Where a municipal public water system is available and accessible, the Public Health Director may issue an order upon the owner of any property whereon any other method of water supply was located that does not meet microbiological standards for potable water or is not in compliance with Part 5 of the New York State Sanitary Code or 10 NYCRR Part 75 to abandon the use of such other method of water supply within a period of not more than ninety (90) days, and to connect with such municipal public water system.
- b. For all new construction of dwellings or other structures requiring potable water where a municipal public water system is available and accessible, the source of potable water serving said dwelling or structure shall be from the municipal public water system.

ARTICLE VI: SWIMMING POOLS AND BATHING BEACHES



Section 1. General

The Chautauque County Board of Health officially adopts Part 6, Subparts 6-1 and 6-2 of Chapter 1 of the New York State Sanitary Code, as may be amended from time-to-time, as applying within the Chautauque County Health District.

ARTICLE VII: TEMPORARY RESIDENCES, MASS GATHERINGS AND CHILDREN'S CAMPS

Section 1. General

The Chautauque County Board of Health officially adopts Part 7, Subparts 7-1, 7-2, 7-3 and Part 17 of Chapter 1 of the New York State Sanitary Code, as may be amended from time-to-time, as applying within the Chautauque County Health District.

ARTICLE VIII: GENERAL SANITATION



Section 1. Nuisances; Methods of Submitting Nuisance Complaints

A person complaining to the Board of Health of an alleged nuisance may, in the discretion of the Public Health Director, be required to submit such complaint in writing.

Section 2. Nuisance; Investigation

Whenever it is alleged that an establishment, building, property, premises, or place is maintained in whole or in part, in such manner as to constitute a nuisance endangering the public health, or a condition exists thereon or therein which may be dangerous to life or health or is the cause of a public health nuisance existing elsewhere, the Public Health Director shall cause an investigation to be made.

Section 3. Nuisances; Public Health Director's Recommendations

If in the opinion of the Public Health Director a nuisance or condition requires abatement, he shall recommend that the Board of Health of the Chautauqua County Health District order the owner or agent thereof or occupant to remove or suppress such nuisance or condition unless voluntary correction is made within a time period specified by the Public Health Director or his/her official representative.

Section 4. Nuisance; Posting

Unless voluntarily abated within the specified time, the Public Health Director is empowered to post said premises or property as "unfit for human occupancy or use" upon a form approved by the Board of Health and to advise the owner or occupants or users thereof of this action and the reasons therefore by certified mail. Unauthorized removal of this sign may be prosecuted under Section 348, paragraph 2 of the New York State Public Health Law.

Section 5. Noxious Weeds & Growths; Declaration of Nuisance

Whenever in the Chautauqua County Health District there shall be growing on any property therein any ragweed or other species of weed, plant or growth which is noxious or detrimental to the public health, or the seed, pollen or other emanation therefrom, when carried through the air or otherwise dispersed, is noxious or detrimental to the public health, the Board of Health may take and file on its records what it shall regard as sufficient proof to authorize a declaration that the existence of any such growth is a nuisance or danger to the public health, and thereupon enter the same upon its records as a nuisance and order the same to be removed, destroyed or otherwise abated on any property wherever found.

The Board of Health may also take and file among its records what it shall regard as sufficient proof to authorize a declaration that at any season or period of the year there exists a particular and imminent danger to the public health by reason of the approaching period of pollination of any such growth and may enter such determination upon this record.



Section 6. Noxious Weeds & Growths; Notice to Abate; Enforcement

In addition to the mode of service of any notice or order of the Board of Health authorized by the New York State Public Health Law, and during the period or season when a particular and imminent danger to public health arising out of the pollination of weeds, plants or growths is determined to exist, the Board of Health may order the destruction of such weeds, plants or growths and the disposition thereof by posting a copy of such order conspicuously on the property where such noxious weeds, plants, or growths are found, requiring the destruction or other disposition thereof as shall be directed by such order. The posting of such order shall be sufficient notice of such order to the owner, lessee, occupant of or principal person or persons interested in such property, of the nuisance created by such weeds, plants or growths.

If any such order is not complied with, or so far complied with as the Board of Health shall regard as reasonable, within five (5) days after service, or within a shorter time, when, in case of particular and imminent danger to the public health the Board of Health may designate, the Board of Health or other agency of the municipality or County may enter upon any such property and execute the order to remove and destroy the weeds, plants and growths noxious or detrimental to the public health.

The provisions of this section shall not operate to deprive the local legislative body of any municipality within the Chautauque County Health District of the power to enact local laws in relation to any matter in respect to which such power would otherwise exist, nor shall it limit such power. If this power otherwise exists, any provision of this section may be superseded, supplemented or amended by local law in the same manner and to the same extent as such provisions could be superseded, supplemented or amended had this section not been enacted.

Section 7. Public Toilets

Every person who shall provide a toilet for the use of employees, patrons or members or available to the public, shall maintain such toilets at all times in a clean, well-lighted, ventilated and sanitary condition. The floor of any such toilet, under and adjacent to a urinal fixture, shall be impervious to moisture, and shall be kept clean and dry and in good repair. No towel, hair brush, or comb shall be provided for common use in any such toilet or in a washroom, restroom, or locker room adjacent thereto. The term "common use" shall mean use by more than one person without effective disinfection. The owner of a building or dwelling, or his agent in charge thereof, wherein two or more tenants shall have common use of a toilet, shall be responsible for the satisfactory sanitary maintenance of such toilet.



Section 8. Temporary Toilet Facilities on Construction

Any builder, contractor, or other person employing workers on the construction or repair of any highway, building or structure, shall provide or cause to be provided a temporary privy or privies or other satisfactory toilet facilities at a convenient place upon the premises, or readily accessible thereto and the same shall be properly enclosed and the contents thereof shall be completely covered with clean inert material or otherwise effectively treated or removed immediately at the end of each shift or working day maintained in a sanitary condition.

Section 9. Exposure of Sewage

No person either as owner, lessee, or tenant or any property, dwelling, building or place, shall construct or maintain and/or operate any privy, cesspool, sewage disposal system, pipe or drain so as to expose or discharge the sewage contents or other offensive material or matter therefrom to the atmosphere, or on the surface of the ground, no so as to endanger any source of supply or drinking water, nor as to discharge into a water course or body of water unless a permit for such discharge shall have been issued therefor by the State Commissioner of Health, the State Commissioner of Environmental Conservation or the County Public Health Director, and such discharge shall be made in accordance with the requirements thereof.

No facilities for the private disposal of sewage shall be constructed under or within any building or structure and no building or structure shall be erected on an area within which private sewage disposal facilities are in use unless special permission has been obtained therefor from the Public Health Director.

No person shall permit the disposal of any substance into any plumbing lines, sewer, privy or separate sewage disposal system other than that which said facility is designed or is intended to receive.

Section 10. Housing Hygiene & Occupancy

10.1 General Provisions

1. 1. Introduction. There exist and may in the future exist, within the County of Chautauque 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.

ARTICLE VIII: GENERAL SANITATION cont'd



Section 10. Housing Hygiene & Occupancy (cont'd)

2. Purposes. It is hereby declared that the purpose of this Section 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 section 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.
3. Application & Scope
 - a. Application. The requirements for this section shall:
 - i. Apply to all dwellings, dwelling units and habitable rooms within the jurisdiction of Chautauqua County, except those regulated under Parts 7 and 15 of the New York State Sanitary Code.
 - b. Construction. It is intended that the application of the provisions of this section be consistent with the provisions of applicable state and local codes, rules and regulations; provided, however, that where the provisions of this section 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.
 - c. Variance. The Public Health Director may, on written application and after review, grant a variance from a specific provision of this section in a specific case subject to appropriate conditions where such variance is in harmony with the general purpose and intent of this section and where there are practical difficulties or unnecessary hardship in carrying out the strict letter of its provision.
4. Dwelling Unfit for Human Habitation

Whenever the County Board of Health or Public Health Director 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 section, he 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 County Board of Health or Public Health Director to bring the dwelling into compliance with the requirements of this section within a reasonable time, the County Board of Health or Public Health Director 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 having jurisdiction. The provisions of this section are applicable also to unoccupied dwelling units and the owners thereof shall be chargeable with compliance.

ARTICLE VIII: GENERAL SANITATION cont'd



Section 10. Housing Hygiene & Occupancy (cont'd)

5. Inspection and Enforcement
 - a. Inspection
 - i. The Public Health Director and any person authorized by him/her to do so, may without fee or hindrance, make inspection to determine the condition of dwellings, dwelling units, rooming units and the premises on which they are located, in order to fulfill the purposes of this section.
 - ii. For the purpose of making such inspection, the inspector is hereby authorized to enter, examine and survey all dwellings, dwelling units, 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 a.m. and 5 p.m.
 - iii. The owner, the operator and the occupant shall give the inspector free access to the dwelling, dwelling unit, or rooming unit, and the premises on which they are located, for the purpose of such an inspection.
 - iv. Evidence of a violation of this section discovered during such inspection shall not be used against the violator in either a criminal or civil proceeding except under the following conditions:
 1. 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, or rooming unit or the premises where the violation is discovered;
 2. said written notice states a specific and reasonable time within which such violation shall be eliminated; and
 3. at the end of such time the violation has not been eliminated.
 - b. Criminal Penalties; Criminal penalties for violations of this section shall be those provided for in Article I, Section 5 (e) of the Chautauque County Health District Sanitary Code.
 - c. Civil Penalties. Civil Penalties for violations of this section shall be those provided for in Article I, Section 5 of the Chautauque County Health District Sanitary Code. 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 of New York State.



10.2 Responsibilities of Owners and Occupants

1. 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 section and all applicable laws.
2. 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.
3. 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.
4. Occupant to dispose of rubbish. Every occupant of a dwelling or dwelling unit shall store or dispose of all his/her rubbish in a clean, sanitary and safe manner.
5. Occupant to dispose of garbage. Every occupant of a dwelling or dwelling unit shall dispose of or store all his/her garbage or any other organic waste which might provide food for insects or rodents, in a clean, sanitary and safe manner. Rodent-proof, insect-proof, watertight refuse containers shall be used for storage pending collection.
6. Container to be provided for rubbish and garbage. Every owner of a dwelling containing three or more dwelling units shall supply facilities or refuse 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 refuse containers, unless otherwise agreed in writing between the owner and occupant.
7. 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 section, 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 in any one season become the responsibility of the occupant.
8. Responsibility for extermination. Every occupant of a dwelling containing a single dwelling unit shall be responsible for extermination of any insect, rodents or other pests therein or on the premises; and every occupant of a dwelling unit or 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 shared or public part of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

ARTICLE VIII: GENERAL SANITATION cont'd



Section 10. Housing Hygiene & Occupancy (cont'd)

9. Rodent control
 - a. Every occupant of a dwelling or dwelling unit shall store and dispose of accumulated rubbish, boxes, lumber, scrap metal, or any other materials in such a manner as to prevent rodent harborage in or about any dwelling or dwelling unit. Materials shall be stacked neatly in piles elevated at a level high enough to permit effective cleaning.
 - b. Every owner of a dwelling containing two or more dwelling units shall supply facilities or make provisions for the storage and disposal of accumulated rubbish, boxes, lumber, scrap metal or any other materials in such a manner as to prevent rodent harborage in or about the shared or public areas of a dwelling or its premises. Material shall be stacked neatly in piles elevated at a level high enough to permit effective cleaning.
 - c. Every owner or occupant of a dwelling or dwelling unit shall not store, place or allow to accumulate any materials that may serve as food or harborage for rodents in a site accessible to rodents.
 - d. No person shall feed in the open any domestic or wild fowl, birds or animals other than in a suitable container and in such a manner so as to prevent scattering of food upon the ground or ground level which can or will provide food for rodents, insects, vermin or other pests.
10. Occupants responsibility as to supplied fixtures and facilities.
 - a. Every occupant of a dwelling unit shall keep all supplied fixtures and facilities in a clean, sanitary and operable condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.
 - b. Occupant's responsibility as to domestic animals and pets. Every occupant shall keep his/her domestic animals and pets in a clean and sanitary manner and under control.

ARTICLE VIII: GENERAL SANITATION cont'd



Section 10. Housing Hygiene & Occupancy (cont'd)

11. Minimum Standards for Basic Equipment and Facilities

Every Dwelling or Dwelling unit shall be equipped with the following:

a. Kitchen Requirements

1. a kitchen sink in good working condition and properly connected to a potable water system which at all times provides adequate amount of heated and unheated running water under pressure, and which is connected to a public sewer system or household sewage treatment system approved by the Public Health Director; and
2. cabinets and/or shelves for storage of eating, drinking and cooking equipment and utensils, and of food that does not require refrigeration for safe keeping; and a
3. counter or table for food preparation; provided further that, the above mentioned shall be of sound construction furnished with surfaces that are easily cleanable and will not impart any toxic or deleterious effects on food; and
4. a stove, or similar device, for cooking food and a
5. refrigerator for the safe storage of food at a temperature of less than forty-five (45) degrees Fahrenheit, which is properly installed with all necessary connections for safe, sanitary and efficient operation; provided that such stove and refrigerator need not be installed when the occupant is expected to provide same on occupancy, and sufficient space for the safe and efficient installation and operation of said stove and refrigerator is provided.

b. Bathroom Requirements

Every dwelling unit shall have a non-habitable room which affords privacy to a person within said room which is equipped with the following all of which shall be in good working condition and properly connected to a potable water supply system and a public sewer or household sewage treatment system approved by the Public Health Director:

1. a flush water closet; and,
2. a lavatory sink provided at all times with adequate amounts of heated and unheated running water under pressure; and,
3. a bathtub or shower provided at all times with an adequate amount of heated and unheated running water under pressure.

c. Egress

Every dwelling or dwelling unit shall comply with a means of egress requirements of the uniform code.

Section 11. Nuisance Abatement or Removal

The provisions of Section 1306 and 1307 of New York State Public Health Law shall apply respecting the expense of removal, destruction or abatement of nuisance.

ARTICLE IX: OFFENSIVE MATERIAL



Section 1. Definitions

- **Offensive Material** shall mean any litter, garbage, refuse, rubbish, sewage, fecal matter, manure, offal, dead animals, meat wastes, blood, tankage, brine, urine, or any putrescible organic matter, or the contents of privies, cesspools, septic tanks or chemical toilets, either in liquid or solid state, or other solid or liquid material, whether waste material or not, hazardous or flammable wastes, petroleum products from bulk storage both above or below ground, or waste tires which are hereby deemed to be a nuisance or to be prejudicial to health by the Public Health Director.
- **Approved Disposal Area** shall mean a specific area, site, or location approved in writing by the Public Health Director or permitted by the New York State Department of Environmental Conservation, provided that disposal at said area is in accordance with any specifications, law, statute, rule or regulation, as to the manner of disposal.
- **Person** shall be defined as set forth in Article I, Section 2 of this Sanitary Code.

Section 2. Handling

No person or municipality shall permit, deposit, store or hold any offensive material on any premise or in any place or in any building or structure unless such material is so treated, screened, covered, handled or placed in such a manner that it does not create a nuisance and is not detrimental to health. All containers for storage of such material shall completely confine the material, shall be approved by the Health Department, and shall be kept in an inoffensive and sanitary condition at all times. Persons handling offensive material must abide by all local, county, state and federal (including OSHA) regulations.

Section 3. Disposal

Offensive material shall not be deposited, thrown, discharged, dumped or otherwise allowed to enter into streams, ponds or other bodies of water or onto the surface of the ground or into the ground or groundwaters without regard to fault, to the extent allowed by law.

Section 4. Removal and Transportation

No person or municipality shall remove or transport, or permit the removal or transportation of any offensive material without required permits except in such manner and in or by such conveyance as will prevent the creation of a nuisance detrimental to health or the loss or discharge of such material. All such material shall be handled, covered or treated so that it cannot escape; does not create a nuisance or detriment to health and is not accessible to rodents, flies, or other insects.

Section 5. Notification

Any person responsible for causing a discharge of offensive material shall notify the Chautauqua County Department of Health or the New York State Department of Environmental Conservation within two (2) hours after the discharge.



Section 6. Waste Tires

No person or municipality shall permit, deposit, store or hold more than ten (10) waste or used tires unless a legitimate use for the tires has been demonstrated to the satisfaction of the Health Department. This provision applies to all waste and used tires, including those from single families and businesses, except those facilities regulated by title 6 of the New York Code of Rules and Regulations, Part 360, Subpart 360-13.

It shall be the responsibility of both the owner of the property whereon tire disposal has taken place and the party disposing of the tires to satisfactorily remove and dispose of used tires. Satisfactory disposal shall include such methods as recycling, shredding or splitting, disposal at a permitted landfill or use as fuel at a permitted facility. It shall be the responsibility of the person or persons properly disposing of used tires to provide to the Health Department receipts verifying proper disposal.

Section 7. Liability.

- a. Any person or person discharging, dumping, spilling or disposing of offensive materials shall be strictly liable, without regard to fault to the extent allowed by law for all clean-up and removal costs, whether direct or indirect. Clean-up costs shall include replacement of any materials used by Chautauqua County or other governmental personnel in the course of responding to the incident. Violators may also be liable for civil or criminal penalties imposed pursuant to Article 1 of the Sanitary Code and pursuant to State Sanitary Code and State Law.
- b. If the person or persons responsible for the discharge, dumping, spilling or disposing of offensive materials shall not commence remediation within twenty-four (24) hours, or sooner as may be directed by the Public Health Director to protect the health and safety of the public, the Health Department may take whatever action is deemed appropriate to remediate the incident. All costs incurred by the County in the course of the remediation shall be the responsibility of the discharger and shall be in addition to any penalties levied by the Board of Health.

ARTICLE X: PUBLIC SEWAGE



Section 1. Definitions

- **Public** shall mean serving a dwelling designed to house three or more families or more than ten people or serving more than one dwelling or generating a wastewater flow of one thousand gallons per day or more, whether ownership shall be private, corporate, municipal or other.
- **Wastewater** shall mean the water-carried human or animal wastes from residences, buildings, industrial or commercial establishments or other places, together with such groundwater infiltration and surface water as may be present.
- **Sewage system** or **Sewerage system** shall mean any pipe lines or conduits, pumping stations and force mains, and all other construction, devices, and appliances appurtenant thereto, used for conducting wastewater, industrial waste or other wastes, except for municipal sewer house laterals, to a point of ultimate treatment or disposal and any treatment facility, septic tank, disposal field, lagoon, sand filter or other works installed for the purpose of treating or disposing of wastewater.
- **Person** shall mean any individual, public or private corporation, political subdivision, government agency, municipality, industry, co-partnership, association, organization, firm, trust, estate, utility district, improvement district or any other legal entity whatsoever.
- **Department** shall mean the Chautauqua County Department of Health.

Section 2. Applicability

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

ARTICLE X: PUBLIC SEWAGE cont'd



Section 3. Prohibitions

- a. No person shall discharge or allow or cause to be discharged untreated or inadequately treated wastewater or putrescible or offensive wastes, except under such circumstances as prescribed by and with the written approval of the Department or the New York State Department of Environmental Conservation (NYSDEC), onto the surface of the ground or into any street, road, alley, open excavation, stormwater sewer, land drain ditch, adjoining property, water course, body of water or groundwater.
- b. No person shall make or use any outlet or point source of discharge into the waters of the state as defined by Article 17 of the New York State Environmental Conservation Law (ECL), or operate or construct a sewage system, without a valid State Pollutant Discharge Elimination System (SPDES) Permit, where required.
- c. No person shall construct, make, install or allow to be constructed, made or installed, a sewage system as defined in this Article without the written approval of the Department or the NYSDEC pursuant to Section 4 of this Article.
- d. No person shall operate a sewage system for which a SPDES Permit has been issued or discharge wastewater from such a system without complying with the effluent limitations and monitoring requirements set forth in that SPDES Permit.
- e. No person shall install, maintain or operate a public sewage system utilizing on-site wastewater treatment or disposal on property accessible to a municipal sanitary sewerage collection system. Whenever a municipal sanitary sewerage system is accessible to a property, any on-site wastewater treatment or disposal system shall be abandoned and connection made to the municipal sewer.

Section 4. Preparation, Submission and Approval of Plans

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

Section 5. Approval of Completed Works

No new or modified sewage system shall be placed into service or used until written construction certification has been provided to the Department or the NYSDEC by the licensed professional engineer supervising construction and a written Approval of Completed Works issued by the Department.

ARTICLE XIII: TATTOO AND BODY PIERCING



Section 1. Intent and purpose

The intent and purpose of this Article is to regulate the practices of tattooing and body piercing in Chautauqua County. Nothing herein contained shall be construed to authorize or permit body modification, the implantation of jewelry under the skin, branding, or other non-tattooing, non-piercing or medical procedure.

Section 2. Definitions

The following words and phrases, as used in this local law, shall have the indicated meaning:

- **Adequate light** shall mean that the tattoo/body piercing shop be so illuminated as to permit all tattooing/body piercing to be clearly visible without obstruction by shadow or darkness.
- **Adequate ventilation** shall mean a free and unrestricted circulation of fresh air throughout the tattoo/body piercing shop, and the expulsion of foul or stagnant air.
- **Aftercare** means written instructions given to the client, specific to the body art procedure(s) rendered, on caring for the body art and surrounding area. These instructions will include information on when to seek medical treatment, if necessary.
- **Antiseptic** means an agent that destroys disease carrying microorganisms on human skin or mucosa.
- **Body piercing** shall mean the piercing of any part of the body, except the ear. Such term shall not include tongue splitting, as defined in section four hundred seventy of New York State Public Health Law.
- **Contaminated waste** means any liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid, or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; and sharps and any wastes containing blood and other potentially infectious materials, as defined, in 29 Code of Federal Regulations Part 1910.1030 (latest edition), known as "Occupational Exposure to Bloodborne Pathogens."
- **Department** shall mean the Chautauqua County Department of Health.
- **Disinfection** is the process of destroying most disease-carrying microorganisms.
- **Ear piercing** means the puncturing of the outer perimeter or lobe of the ear using a pre-sterilized single-use stud and clasp ear piercing system following the manufacturer's instructions.
- **Equipment** means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks and all other apparatus and appurtenances used in connection with the operation of a tattoo/body piercing shop.
- **Handsink** means a sink equipped with hot and cold running water under pressure, used solely for washing hands, arms or other portions of the body.

ARTICLE XIII: TATTOO AND BODY PIERCING cont'd



Section 2. Definitions (cont'd)

- **Health officer** shall mean the Chautauque County Public Health Director or his/her designee.
- **Hot water** means water which attains and maintains a temperature of at least 100 degrees Fahrenheit.
- **Instruments used for tattooing and body piercing** means hand pieces, needles, needle bars and other instruments that may come in contact with a client's body or bodily fluids during art procedures.
- **Invasive** means entry into the body, whether by incision or insertion of an instrument into or through the skin or mucosa, or by any other means intended to puncture, break or compromise the skin or mucosa.
- **Jewelry** means any personal ornament inserted into a newly pierced area.
- **Liquid chemical germicide** means a disinfectant or sanitizer registered with the United States Environmental Protection Agency (EPA), or approved by the United States Food and Drug Administration (FDA), or an approximate 1:100 dilution of household chlorine bleach made fresh daily and dispensed from a spray bottle (500 ppm, 1/4 cup/gal, or 2 tablespoons/quart of tap water).
- **Minor** shall mean any person under the age of eighteen years.
- **Person** means an individual, any form of business or social organization, or any other non-governmental legal entity including, but not limited to, a corporation, partnership, limited liability company, association, trust or unincorporated organization.
- **Physician** shall mean a doctor of medicine or doctor of osteopathy equivalent licensed under the provision of the Education Law.
- **Piercing** shall mean any device used for the piercing of the skin for the purpose of applying jewelry or other objects to the body.
- **Procedure surface** means any surface of an inanimate object that contacts the client's unclothed body during a body art procedure, or during skin preparation of the area, or any associated work area which may require sanitizing.
- **Sanitize/sanitization** means a process of reducing the number of microorganisms on cleaned surfaces and equipment to a safe level, as judged by public health standards and which has been approved by the Department.
- **Sharps** means any object (sterile or contaminated) that may purposefully or accidentally cut or penetrate the skin or mucosa including, but not limited to, pre-sterilized single-use needles, scalpel blades and razor blades.
- **Sharps container** means a puncture-resistant leak-proof container that can be closed for handling, storage, transportation and disposal and is labeled with the international biohazard symbol.
- **Shop Certificate of Sanitation** is a document, issued by the Health Officer to a tattoo/body piercing shop, certifying that said shop, after inspection, was found to be in compliance with the applicable provisions of this local law.

ARTICLE XIII: TATTOO AND BODY PIERCING cont'd



Section 2. Definitions (cont'd)

- **Single use** means products or items that are intended for one-time, one-person use and are disposed of after use on each client including, but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, tattoo needles, tubes, scalpel blades, stencils, ink cups and protective gloves.
- **Sterilization** means a very powerful process resulting in the destruction of all forms of microbial life, including highly resistant bacterial spores.
- **Tattoo/body piercing artist** shall mean any person who actually performs the work of tattooing and/or body piercing.
- **Tattoo/Body Piercing Artist Certification** is a document, issued by the Health Officer to a tattoo/body piercing artist, authorizing the person named therein to engage in the practice of tattooing/body piercing in Chautauqua County Health Department approved shops.
- **Tattoo/body piercing operator** shall mean any person who controls, operates, conducts or manages any tattoo/body piercing shop, whether actually performing the work of tattooing or body piercing or not.
- **Tattoo/body piercing shop** shall mean any room or space where tattooing/body piercing is practiced or where the business of tattooing/body piercing is conducted or any part thereof.
- **Tattooing** means any method of placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa.
- **Universal precautions** means a set of guidelines and controls, published by the Centers for Disease Control and Prevention (CDC) as "guidelines for prevention of transmission of human immunodeficiency virus and hepatitis B virus to health-care and public-safety workers" in Morbidity and Mortality Weekly Report (MMWR), June 23, 1989, Vol. 38, No. S-6, and as "recommendations for preventing transmission of human immunodeficiency virus and hepatitis B virus to patients during exposure-prone invasive procedures," in MMWR, July 12, 1991, Vol. 40, No. RR-8. This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV, and other blood pathogens. Precautions include hand washing, the use of gloves, the use of personal protective equipment, injury prevention, and proper handling and disposal of needles, other sharp instruments, and items contaminated with blood and/or body fluids.

ARTICLE XIII: TATTOO AND BODY PIERCING cont'd



Section 3. Prohibitions

- a. No person except a duly licensed physician shall engage in the practice of tattooing or body piercing or act as a tattoo/body piercing artist unless such person has a Tattoo/Body Piercing Artist Certification issued by the Health Officer on a form prescribed by the Department. Approved artist(s) may only tattoo/ body pierce in a facility approved by the Health Officer. Facility approvals are valid for a one year time period unless sooner revoked, and facilities must be inspected by Chautauqua County Health Department on an annual basis. Individuals who pierce only the outer perimeter and lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system are exempt from the requirements of these regulations; they must conform to the manufacturer's directions on the use and applicable FDA requirements. The Department shall have the authority to investigate consumer complaints relating to alleged misuse or improper disinfection of ear piercing systems.
- b. No person shall body pierce, or offer to perform body piercing, on any part of the body of a minor without obtaining written consent from a parent or legal guardian (as set forth in Section 9. g of this Article) who must be present during the application of the piercing. In no event shall tattooing of a minor be allowed.
- c. A tattoo/body piercing artist shall not tattoo/body pierce any person who is under the apparent influence of drugs or alcohol. A tattoo/body piercing artist shall not tattoo/body pierce any person while under the influence of drugs or alcohol.
- d. The use of tobacco in any form while engaged in tattoo/body piercing procedures is prohibited.
- e. All body piercing and tattooing shall be performed in compliance with this provision and the State Sanitary Code, in accordance with the rules and regulations promulgated by the state commissioner, and in accordance with all other applicable laws, rules and regulations. Failure to comply with such provisions may result in suspension or revocation of an Artist Certification, Shop Certificate of Sanitation or site approval, and may be grounds for denial of a reinstatement or renewal of an Artist Certification, shop Certificate of Sanitation or site approval.



Section 4. Tattoo/Body Piercing Artist Certification

- a. Any person desiring to engage in tattooing/body piercing shall submit an application for a tattoo/body piercing artist certification to the Health Officer on a form prescribed by the Department, at least 30 days before the first day of operation.
- b. Each applicant shall be required to take and pass an examination prescribed by the Department before an initial tattoo/body piercing artist certification will be issued and once each two years, thereafter, when the artist's certification is renewed. At the time of examination the artist must have attained the age of majority and must provide valid documentation in the form of a copy of Shop Certificate of Sanitation that he/she will perform tattoo/body piercing in a currently approved Chautauqua County Health Department shop.
- c. No holder of any shop Certificate of Sanitation shall allow a tattoo/body piercing artist to perform in such tattoo/body piercing shop unless such tattoo/body piercing artist is a holder of a valid tattoo/body piercing artist certification.
- d. Artist's certification is to be prominently displayed to the public, at the artist's work station, in every facility where the artist practices. The artist certification shall not be assignable or transferable from one person to another.
- e. A tattoo/body piercing artist certification shall expire on December 31 of each year, renewable annually in December for the period commencing January 1. Application for renewal shall be made to the Health Officer at least 15 days before the expiration of the certification.
- f. Records of certifications of all artists employed at a tattoo/body piercing shop shall be kept on file by the holder of the shop Certificate of Sanitation.
- g. Prior to denial of an Artist Certification, the County Health Department shall notify the applicant in writing of the reason(s) for such proposed denial and shall afford the applicant an opportunity to be heard in person or by counsel prior to denial of the certification. If the applicant fails to respond to such notice within thirty days of the date of the notice, then the notification of denial shall become the final determination of the Health Department.



Section 5. Shop Certificate of Sanitation

- a. No person shall operate a tattoo/body piercing shop unless such person has (i) registered such shop with the Health Officer, on a form prescribed by the Department, at least 30 days before the planned first day of operation and (ii) received a shop Certificate of Sanitation. Shops in which piercing is limited to the outer perimeter and lobe of the ear only using a pre-sterilized single use stud earring are exempt from the requirement of these regulations.
- b. No shop Certificate of Sanitation shall be issued or renewed unless the shop has been inspected at least one time within the current calendar year and found to be in compliance with the applicable provisions of this local law.
- c. The shop Certificate of Sanitation shall not be issued or renewed until documentation of the shop sterilizer's ability to destroy spores (see Section 12 d) is received by the Department.
- d. The shop Certificate of Sanitation shall expire on December 31 of each year renewable annually in December for the period commencing January 1. Application for renewal shall be made to the Health Officer at least 15 days before the expiration of the certificate.
- e. The applicant shall pay a reasonable fee as set by the Department, for each shop Certificate of Sanitation.
- f. A shop Certificate of Sanitation shall not be assignable or transferable from one place or person to another.
- g. A current shop Certificate of Sanitation shall be posted in a prominent and conspicuous area where it may be readily observed by clients.
- h. Prior to denial of a Certificate of Sanitation, the County Health Department shall notify the applicant in writing of the reason(s) for such proposed denial and shall afford the applicant an opportunity to be heard in person or by counsel prior to denial of the certification. If the applicant fails to respond to such notice within thirty days of the date of the notice, then the notification of denial shall become the final determination of the Health Department.

ARTICLE XIII: TATTOO AND BODY PIERCING cont'd



Section 6. Plan Review Construction or Pre-operational Inspection

- a. Floor Plan
 - i. When a tattoo/body piercing shop is hereafter constructed or remodeled, or when an existing structure is converted for use as a tattoo shop, properly prepared plans and specifications for such construction, remodeling or alteration showing the layout, including work area, sinks, counters and storage areas, fixtures, toilet facilities and waiting area, drawn in 1/4 inch scale, shall be submitted to the Department for review and approval before construction is started.
 - ii. All construction, remodeling, and alterations shall be done in accordance with approved plans.
 - iii. Plans and specifications shall be accompanied by an application on a form provided by the Department along with the appropriate application fee.
- b. When a tattoo/body piercing shop is hereafter constructed or remodeled, or when an existing structure is converted for use as a tattoo/body piercing shop, a final construction or pre-operational inspection shall be requested by the owner or operator and conducted by the Department prior to the opening of the shop to determine compliance with previously approved plans and all applicable requirements of these regulations.

Section 7. General Physical Environment

- a. Tattoo and body piercing shops must have adequate light and ventilation and all walls and ceilings shall be smooth and easily cleaned. Walls and ceilings are to be painted a light color.
- b. The floor of the tattoo/body piercing shop shall be of impervious material. The floor shall be swept and wet-mopped daily. Floors, walls, and ceilings shall not be swept or cleaned while tattooing or body piercing is in operation.
- c. Convenient, clean and sanitary toilet and hand-washing facilities with hot and cold running water, and soap and single service towels or hand drying devices, shall be made accessible to customers.
- d. The tattoo/body piercing operator shall provide for the proper and safe disposal of all types of waste products.
- e. The building and equipment shall be maintained in a state of good repair at all times. The shop premises shall be kept clean, neat, and free of litter and rubbish.
- f. At least one covered waste receptacle shall be provided in each operator area and each toilet room. Receptacles in the operator area shall be emptied daily and solid waste shall be removed from the premises at least weekly. All refuse containers shall be lidded, cleanable and kept clean.
- g. All instruments and supplies shall be stored in clean, dry and covered containers.
- h. Reusable cloth items shall be mechanically washed with detergent and dried after each use. The cloth items shall be stored in a dry, clean environment until used.

ARTICLE XIII: TATTOO AND BODY PIERCING cont'd



Section 8. Workroom

- a. Each tattoo/body piercing shop shall have a workroom separate and apart from a waiting room or any room or rooms used as such. The workroom shall not be used as a corridor for access to other rooms. Patrons or customers shall be tattooed/body pierced only in said workroom.
- b. Work tables shall be provided for each tattoo/body piercing artist. The surface of all work tables shall be constructed of metal or other material which is smooth, light colored, nonabsorbent, corrosive-resistant, and easily sanitized.
- c. Sterilizers shall be located away from work stations or areas frequented by the public.
- d. Each tattoo/body piercing shop shall be equipped with hand-washing facilities for its personnel with unobstructed access to the tattoo/body piercing area such that artists can return to the tattoo/body piercing area without having to touch anything with their hands. There shall be hand sinks for the exclusive use of the tattoo/body piercing artist for washing hands and preparing customers for tattooing/body piercing. Hand-washing facilities shall be equipped with hot and cold or tempered running water, wrist- or foot-action or other approved controls, soap, an EPA- or FDA-approved or hospital grade germicidal solution, individual hand brushes and fingernail files, single-service towels or other approved hand-drying devices, and a refuse container. Such facilities shall be kept clean and in good repair.
- e. Smoking shall be prohibited in any establishment regulated by this Article in accordance with Article XXIV, Sections 2. and 3.
- f. The tattoo/body piercing shop shall be kept free of rodents and vermin and protected from infestation by insects.
- g. Cabinets for the storage of instruments, dyes, pigments, carbon and stencils shall be provided for each tattoo/body piercing artist, and shall be maintained in a sanitary manner.
- h. All sewage, including liquid wastes, shall be disposed of in a public sewer or, in the absence thereof, in a manner satisfactory to the Department.
- i. Only articles considered necessary to the routine operation and maintenance of the tattoo/body piercing work area shall be permitted in the facility.
- j. No live bird, turtle, snake, dog, cat or other animal shall be permitted in any area used for the conduct of tattoo/body piercing operations, or in the immediate open adjacent areas, including the main waiting area and the public access to the toilet room.
- k. The water supply shall be adequate, of a safe and sanitary quality, from an acceptable source, and shall meet the requirements of the New York State Sanitary Code (10 NYCRR Part 5) and the Administrative Rules and Regulations of the New York State Department of Health (10 NYCRR Part 72).



Section 9. Operational Standards – Client Records

- a. A record of each patron shall be prepared prior to any procedure being performed and shall include the patron's name, signature (or, if applicable, the signature of a parent or legal guardian), address, age, the date of tattoo/body piercing, the design of the tattoo, if applicable, the location of the tattoo/body piercing on the patron's body, and the name, location and valid certification number of the tattoo/body piercing artist who performed the work. The record shall be entered in ink in a bound book kept solely for this purpose. Entries in the bound book must be kept in chronological order with pages numbered sequentially. If an entry must be voided, a single line is to be drawn through it; pages must not be removed at any time.
- b. Before tattooing/body piercing, there shall be a discussion conducted with the patron on the health risks involved with the tattoo/body piercing requested. The patron shall then fill out and sign an information form which lists these risks. One signed copy of the form shall be retained at the tattoo/body piercing shop, and the other copy shall be given to the patron.
- c. The tattoo/body piercing artist must explain aftercare instructions. There shall also be printed instructions given to each tattoo/body piercing patron. Such printed instructions shall include: information for the patron on the care of the tattoo/body piercing; instructions for the patron to consult his or her physician immediately should an infection become evident, and procedures for notifying the Department of any complications. The instruction form must also include the name, address, and phone number of the establishment. Information should also be provided with reference to the security or snugness of certain jewelry to prevent accidental ingestion and/or lodging in body cavities.
- d. There shall be a consent form, in which the patron acknowledges having received the printed aftercare instructions (see "d" of this Section), and discussed same with the tattooing/body piercing artist. A signed copy of the consent form shall be retained at the tattoo/body piercing shop for at least three (3) years, and the other copy shall be given to the patron.
- e. Nothing in this Section shall be construed to require the operator to perform a tattoo/body piercing procedure upon a client.
- f. Proof of age shall be determined upon presentation of two forms of valid identification. Valid identification shall include: a picture driver's license, picture sheriff's identification, passport, picture school identification card, or birth certificate. A photocopy of the valid identifications must be kept with the release form. Written consent for body piercing of minors, when legally permissible and required (i.e., parental consent is not required for piercing the ear lobe using a pre-sterilized single-use stud and clasp ear piercing system), shall be obtained from at least one parent or legal guardian. The written permission shall be notarized and presented by the parent in person at the tattoo/body piercing shop. A signed copy of the notarized consent form shall be retained at the tattoo/body piercing shop for at least three (3) years.
- g. For each patron, proper records of tattoos/body piercing administered as described in sections here above shall be maintained by the holder of a Shop Certificate of Sanitation. These records must be stored/kept on premises (at the approved facility) at all times. Records must be retained for a minimum of 3 years and must be made available to the Health Officer upon request.

ARTICLE XIII: TATTOO AND BODY PIERCING cont'd



Section 10. Tattoo and Body Piercing Procedures

- a. Each tattoo/body piercing artist shall wear clean outer garments and footwear, maintain a high standard of personal cleanliness, and conform to hygiene practices while on duty.
- b. The tattoo/body piercing artist shall keep fingernails clean and neatly trimmed. The artist shall not wear excessive cosmetics or excessive jewelry, deemed by the Department to interfere with proper hand-washing techniques, while engaged in tattoo/body piercing procedures.
- c. Tattoo/body piercing artists who are experiencing symptoms such as diarrhea, vomiting, fever, rash, productive cough, jaundice, or draining (or open) skin infections, such as boils, impetigo or scabies, must refrain from tattooing or body piercing activities.
- d. Before granting permission to resume operations, the Health Officer may require from a tattoo/body piercing artist who is found to have a disease in communicable form, or suspected of having such a disease, a statement signed by a duly licensed physician stating that the person is free from communicable diseases.
- e. Any substance applied to the area to be tattooed or body pierced should be dispensed from a container in a sanitary manner that prevents contamination of the original container and its contents, preferably from single-use collapsible metal or plastic tubes. Jar-type containers are prohibited. The application may be spread by the use of gauze but not directly with fingers. The applicator shall be used only once and then discarded.
- f. Before working on each patron, the fingernails of the tattoo/body piercing artist shall be cleaned with a nail file. The artist shall clean his/her hands and exposed areas of the arms thoroughly by lathering and vigorously scrubbing for 20 seconds using soap. Hands shall be dried by disposable paper towels or other mechanical means.
- g. Before performing a tattoo/body piercing procedure, the immediate and surrounding area of the skin where the tattoo/body piercing procedure is to be placed shall be washed with soap and water or an approved surgical skin preparation, depending on the type of body art to be performed. If shaving is necessary, single-use disposable razors or safety razors with single-service blades shall be used and discarded after each use, and the reusable holder shall be heat sterilized (see 12 i). Following shaving, the skin and surrounding area will be washed with soap and water. The washing pad shall be discarded after a single use.
- h. Following the cleaning and shaving of the patron's skin, the hands of the tattoo/body piercing artist shall again be washed and scrubbed (as required by "i" of this Section). Disposable gloves shall then be worn by the tattoo/body piercing artist. These gloves must be changed if they touch any other person or non-clean surface during tattoo application or body piercing, or if gloves become pierced or torn and for each new customer.
- i. Before placing the design on the patron's skin or penetrating the patron's skin, the tattoo/body piercing artist shall treat the skin area with an EPA- or FDA-approved or hospital grade germicidal solution, which is intended for human skin and which shall be applied with cotton or gauze. The area being pierced must be free of sores and lesions.

ARTICLE XIII: TATTOO AND BODY PIERCING cont'd



Section 10. Tattoo and Body Piercing Procedures (cont'd)

- j. In the event of blood flow, all products used to check the flow of blood or to absorb blood shall be single-use and disposed of immediately after use in appropriate covered contaminated-waste containers.
- k. For all body piercing, a single-use, sterilized disposable surgical piercing needle of the same gauge as the jewelry is required. Ear piercing guns and ear piercing needles may be used for piercing the outer perimeter and lobe of the ear only.
- l. Only sterilized jewelry or ornaments in new or good condition, and made of acceptable materials, shall be used for piercing. Acceptable metals include implant grade stainless steel, solid 14k-24k white or yellow gold, niobium, titanium, platinum, and a dense low-porosity plastic. Jewelry must be free of nicks, scratches, and irregular surfaces. Jewelry must be sterilized in an autoclave or by another approved method (see 12 i) before use. Jewelry that cannot be heat-sterilized must be sterilized by soaking for ten hours in either a liquid sterilant containing at least 2% glutaraldehyde or another FDA-approved high-level disinfectant or sterilant.
- m. When applied, jewelry should be pushed through the skin following the needle, in the same direction as the piercing.
- n. The use of single-service tissue and hectographic stencils shall be required for applying a tattoo outline to the skin. If drawn free-hand, non-toxic markers or other devices as approved by the Department shall be used.

Section 11. Dyes and Pigments

- a. In preparing nontoxic dyes or pigments to be used by a tattoo artist, only nontoxic material shall be used. Single-service or individual portions of dyes or pigments in clean, sterilized individual containers or single-service containers must be used for each patron.
- b. After tattooing, the remaining unused dye or pigment in the single-service or individual containers must be properly discarded.
- c. Patrons shall be provided printed warning of the potential physical reactions from the use of certain dyes, in a form acceptable to the Department.
- d. All inks, dyes, pigments, needles and equipment shall be specifically manufactured for performing body art procedures and shall be used according to the manufacturer's instructions. Regular inventory of supplies and equipment is recommended. Expired items such as dye cannot be used and must be disposed of immediately. Approved inks, dyes or pigments may only be diluted with sterile water. Immediately before applying a tattoo, the quantity of the dye to be used shall be transferred from the dye bottle and placed into single-use paper or plastic cups or caps. Upon completion of the tattoo, these single cups or caps and their contents shall be discarded.



Section 12. Sanitation and Sterilization Procedures

- a. All multi-use, non-disposable instruments used for tattooing/body piercing shall be manually cleaned thoroughly by vigorous scrubbing with detergent or, preferably, enzymatic cleaner. After rinsing in water, the instruments shall be dried with a paper towel. Gloves must be worn during this cleaning. The use of an ultrasonic unit, according to the manufacturer's instructions, may be substituted for manual cleaning.
- b. After cleaning and drying, all non-disposable instruments used for tattoo/body piercing shall be packed in packages approved for the sterilization unit. Equipment shall be packed individually or as a set, provided such set is intended to be used for a single tattoo/body piercing procedure. Each package of equipment sterilized shall be monitored for sterilization and the date of sterilization shall be written on the package.
- c. All cleaned, non-disposable instruments, including needle tubes, used for tattoo/body piercing shall be sterilized (see "i" of this Section). The sterilizer shall be used, cleaned, and maintained (see "d" of this Section) according to manufacturer's instructions. A copy of the manufacturer's recommended procedures for the operation of its sterilization unit must be available for inspection by the Department. If the tattoo/body piercing establishment uses all single-use, disposable instruments and products, and utilizes sterile supplies, a heat sterilizer shall not be required.
- d. Each holder of a permit to operate a tattoo/body piercing establishment shall demonstrate that the sterilizer used is capable of attaining sterilization. Testing shall be performed in each calendar quarter during which the establishment operates, using a biological indicator, such as spore strips or spore suspensions, and verified through an independent laboratory. The testing laboratory's written guidelines for the proper handling and placement of the biological indicator shall be readily available. Testing with the biological indicator shall be performed with a typical sterilizer load and results of the testing shall be submitted to the Health Department within 30 days of the date of the test. The testing results must identify the equipment being tested by manufacturer and identification or serial number. Sterilizing equipment that fails testing shall be immediately taken out of service and the Department of Health shall be notified of the failure no later than the following business day. No equipment that has been processed through a sterilizer that fails testing can be used without being re-sterilized in an approved sterilizer.
- e. The Department of Health may perform sterilization (spore) testing on any equipment prior to its use in any shop and during any inspection. No sterilization equipment that fails a Health Department test shall be used in any shop until it passes a sterilization test and is approved by the Health Department.
- f. After sterilization, the instruments used for tattooing/body piercing shall be stored in a dry, clean cabinet or other tightly covered container reserved for the storage of such instruments.
- g. All instruments used for tattooing/body piercing shall remain stored in sterile packages until just prior to performing a body art procedure. Prior to assembling instruments for use in performing body art procedures, the operator shall wash his or her hands (as described in 10f) and then put on disposable gloves. The artist shall use techniques to ensure that the instruments are not contaminated.

ARTICLE XIII: TATTOO AND BODY PIERCING cont'd



Section 12. Sanitation and Sterilization Procedures (cont'd)

- h. Sterilized equipment stored in an approved manner shall be considered sterile as long as the integrity of the sterile package is intact.
- i. If pre-sterilized equipment is used, the tattooist/body piercer shall obtain documentation from the manufacturer that describes the method of sterilization utilized by the manufacturer and the manufacturer's recommendations for storage and maintenance of sterility. This documentation shall be available for inspection by the Health Officer. The tattooist/body piercer shall follow the manufacturer's instructions for storage and maintenance of sterility.
- j. Sterilization must be attained in an autoclave, operating at 121 degrees Celsius (250 degrees Fahrenheit) with a pressure of at least 15 pounds per square inch for not less than 30 minutes after the chamber of the autoclave has been evacuated of air and has reached the required temperature, or as specified in the manufacturer's operator's manual. Other method of sterilization may be used if prior approval of the Health Officer has been obtained.
- k. Each person responsible for the sterilization of equipment shall be able to demonstrate to the Health Officer the correct sterilization procedures.
- l. All work surfaces shall be end-sanitized with a liquid chemical germicide (see definition 17) between procedures and allowed to air-dry.

Section 13. Requirements for Single-use Items

- a. A set of individual, single-use sterile needles shall be used by a tattoo/body piercing artist for each new patron. After use, all single-use needles, razors and other sharps shall be immediately disposed of in approved sharps containers, and disposed of by an approved medical waste disposal company.

Section 14. Aftercare of Tattoo and Body Piercing

- a. The completed tattoo/body piercing shall be washed with a piece of sterile gauze or cotton saturated with an EPA or FDA approved or hospital grade germicidal solution. It shall be allowed to air dry.
- b. After drying, antibacterial ointment shall be applied to a tattoo from a collapsible metal or plastic tube and the entire area covered with a piece of tissue and fastened to the site with adhesive tape. Piercings shall be treated with an antiseptic liquid such as, but not limited to, isopropyl alcohol.
- c. Clients shall be provided with written aftercare instructions (see 9d).



Section 15. Report of Infection or Allergic Reaction

- a. The tattoo/body piercing shop shall provide a written report of any infection, allergic reaction, complications, and/or diseases resulting from the application of a tattoo/body piercing to the Department within five working days of its occurrence or knowledge thereof. The report shall include:
 - i. The name of the affected client;
 - ii. The name and location of the tattoo/body piercing shop;
 - iii. The name of the tattooist;
 - iv. The date of the tattoo/body piercing;
 - v. The specific color or colors of the tattoo and, when available, the manufacturer's catalogue or identification number of each color used;
 - vi. The location of the infection and the location on the body where the tattoo/body piercing was applied;
 - vii. The name and address of the health care provider, if any; and
 - viii. Any other information considered relevant to the situation.
- b. The Department shall utilize these reports in their efforts to identify the source of the adverse reaction(s) and to take action to prevent its recurrence.



ARTICLE XIV: FOOD SERVICE ESTABLISHMENTS

Section 1. General

The Chautauqua County Board of Health officially adopts Part 14, Subparts 14-1, 14-2, 14-3, 14-4 and 14-5 of Chapter 1 of the New York State Sanitary Code, as may be amended from time-to-time, as applying within the Chautauqua County Health District.

Section 2 Food Handler Training

All food service establishments permitted by the Public Health Director shall be required to have at least one individual in a position of management or control involved in the routine operation of the establishment complete a food handler training course approved by the Public Health Director.

ARTICLE XV: MIGRANT LABOR CAMPS

Section 1. General

The Chautauqua County Board of Health officially adopts Part 15 of Chapter 1 of the New York State Sanitary Code, as may be amended from time-to-time, as applying within the Chautauqua County Health District.

ARTICLE XVII: OPEN FIRES



Section 1. Definitions

- **Garbage** shall mean the animal and vegetable wastes resulting from the handling, preparation, cooking and serving of food.
- **Open fire** shall mean any outdoor fire or outdoor smoke producing process where the air contaminants are emitted directly into the outer air, except campfires burned for recreational purposes only.
- **Prohibited materials** shall mean solid or liquid waste material including but not limited to paper and paper products; rags; trees; or leaves; needles, and branches therefrom; vines, lawn and garden debris; furniture; cans; crockery; plastics; cartons; chemicals; paint; greases; sludges; oils and other petroleum products; wood; saw dust; construction/demolition materials; tires; and automobiles and other vehicles and parts, for junk, salvage, or disposal.
- **Refuse** shall mean all waste material, including but not limited to garbage, rubbish, incinerator residue, street sweepings dead animals and offal.
- **Refuse Disposal Area** shall mean land used for the depositing of refuse except that it shall not include the land used for the depositing of refuse from a single family, a member of which is the owner, occupant or lessee of said land, or any part of a farm on which only animal manure or vegetative waste resulting from the operation of such farm is deposited. This definition includes, but is not limited to, those areas commonly referred to as landfills and dumps.
- **Rubbish generated by residential activities** shall mean waste material from normal household activities such as paper, paper products, trees, leaves, tree needles, branches, vines, lawn and garden debris and wood.

Section 2. Prohibitions

2.1 Except as otherwise permitted by the New York State Department of Environmental Conservation, no person shall burn, allow or permit the burning in a open fire;

- a. of garbage, refuse or prohibited material whether at a refuse disposal area or otherwise, except as allowed in subsection c) of this section;
- b. for on-site disposal, of prohibited materials, as defined in Section 1 c), generated by industrial or commercial activities other than agricultural;
- c. for on-site disposal, of rubbish generated by residential activities in any city or incorporated village;
- d. of any material in such a way as to create a public health hazard or nuisance, whether such fire shall be recreational or not;
- e. for on-site disposal, of prohibited material generated by activities at a temporary residence;
- f. of prohibited material generated by land clearing or demolition, or the construction or modification of any highway, railroad, power or communication line, or pipelines; or for the development or modification of a recreational area or park;
- g. of prohibited material in an area during a period for which forecasts, alert 1, alert 2 or emergency stages of an air pollution episode have been announced.

2.2 Except as otherwise permitted by the New York State Department of Environmental Conservation, no person shall burn, allow or permit the burning of any prohibited material in any indoor heat producing equipment in such a way as to create a public health hazard or nuisance.

ARTICLE XIX: REFUSE DISPOSAL



Section 1. Definitions

- **Refuse** shall mean all putrescible and non-putrescible solid waste including garbage, rubbish, ashes, incinerator residue, street cleanings, dead animals, offal, construction and demolition debris, waste tires and solid commercial and industrial waste.
- **Refuse Disposal Area** shall mean land used for the depositing of refuse except that it shall not include the land used for the depositing of refuse from a single family, a member of which is the owner, occupant or lessee of said land, or any part of a farm on which only animal manure or vegetative waste resulting from the operation of such farm is deposited. This definition includes, but is not limited to, those areas commonly referred to as landfills and dumps.

Section 2. Permits

It shall be unlawful for any person who does not possess an unrevoked permit from the New York State Department of Environmental Conservation (NYSDEC) to operate a refuse disposal area in the Chautauqua County Health District.

Section 3. New Sites

A new refuse disposal area shall not be established until the site and method of proposed operation have been approved in writing by the NYSDEC.

Section 4. Transportation of Refuse

- a. Every vehicle being used for the transportation of refuse shall be equipped with a means of covering the refuse to be hauled and of keeping such refuse securely within the hauling body. All refuse must be covered and kept securely within the hauling body at all times during transportation.
- b. All joints in the hauling body of a vehicle used for the transportation of refuse shall be effectively closed and smooth so that no drippage or leakage or draining of water liquid or any debris can occur.
- c. Every vehicle used for the transportation of refuse shall be kept clean and in good repair.
- d. No person or municipality shall remove or transport or allow the removal or transportation of any offensive material without the appropriate permit, where required.

Section 5. Posting of Signs

the Public Health Director may post or the Board of Health may order the posting of "no dumping" signs where in his/her or its opinion such signs are needed. Failure to obey such signs posted by the Public Health Director or upon an order is a violation of the Chautauqua County Health District Sanitary Code.

ARTICLE XXIII: FEES



Section 1. Collection

The Department of Health shall charge and collect fees for services, inspection and activities as hereinafter enumerated.

Section 2. Property Transfers

The Department shall charge and cause to be collected a fee of two hundred sixty dollars (\$260.00) for the inspection for sewage and water systems as required for real property transfers.

Section 3. Environmental Health Fee Schedule

In addition to fees set by New York State Public Health Law the following fees may be charged:

Food Service Establishment	Catering	\$450.00	2 Year Permit
	High Risk	350.00	2 Year Permit
	Medium Risk	250.00	2 Year Permit
	Low Risk	150.00	2 Year Permit
Mobile Food Vendor	High Risk	150.00	1 Year Permit
	Medium Risk	120.00	1 Year Permit
	Low Risk	100.00	1 Year Permit
Food Handler Safety Training	For Profit	40.00	pp / \$30 add'l
	Not For Profit	25.00	pp / \$15 add'l
	Chronic 14-1 Violators Course	350.00	
	Food Service Establishment Re-Inspection	60.00	per occurrence
Clean Indoor Air Act Waivers		300.00	1 Year Waiver
Swimming Pools and Bathing Beaches		100.00	1 Year Permit
Spa		50.00	1 Year Permit
Mobile Home Parks		150.00	1 Year Permit
Temporary Residences		150.00	1 Year Permit
Campgrounds		150.00	1 Year Permit
Radon Tests		8.00	\$9 if mailed
Individual Water Test	Bacteria	20.00	
	with sample collection	40.00	
Vending Machines		30.00	per machine
Tanning Facilities		30.00	2 Year Permit
			plus \$50 for first bed and \$25 for each additional
	Multiple Operations Under Primary Permit	100.00	for each add'l operation
Migrant Labor Camps		50.00	

ARTICLE XXIII: FEES



Section 3. Environmental Health Fee Schedule (cont'd)

Temporary Food Service Establishment			
	Applications received > than 7 days prior to event	\$ 50.00	
	Applications received < than 7 days prior to event	100.00	
Septic Disposal System Permit (SDS)	New System	200.00	3 Year Permit
	Correction	200.00	
	Holding Tank Permit(may renew once)	300.00	
	Septic Tank Replacement	75.00	
	Distribution Box Replacement	75.00	
	Permit Extension	30.00	
Water Sewage Survey (WSS)	Both SDS and Water	300.00	
	SDS only	150.00	
	Water only	150.00	
	Express same day service add	100.00	
Tattoo/Body Piercing	Body Piercing Shop	150.00	1 Year Permit
	Artist Certification	100.00	1 Year Permit
Realty Subdivision		30.00	Per Lot
Printed Sanitary Code		1.00	
Engineering Plan Review Fees			
Public Water Supply:	Cost of Project: >\$100.00	250.00	
	\$10,000-\$100,000	150.00	
	>\$10,00	75.00	
Municipal/Commercial Sanitary Sewer Extension – Onsite Sewage Disposal:			
	Cost of Project: >\$100.00	250.00	
	\$10,000-\$100,000	150.00	
	>\$10,00	75.00	
Mobile Home Parks:	New Construction	250.00	
	Expansion	150.00	
Campgrounds:	New Construction	250.00	
	Expansion > 25 sites	200.00	
	Expansion < 25 sites	150.00	
Swimming Pools:	Treatment System Modification	150.00	
	0 – 5,000 sq ft	250.00	
	> 5,000 sq ft	300.00	

ARTICLE XXIV: SMOKING/TOBACCO PRODUCTS



The Chautauqua County Board of Health officially adopts Article 13-E (Regulation of Smoking) and Article 13-F (Regulation of Tobacco) of the New York State Public Health Law. In addition to these sections of the Public Health Law the Chautauqua County Local Law 9-88 further regulates smoking in County Vehicles & Buildings. The Chautauqua County Local Law 2-16 prohibits the sale in Chautauqua County of tobacco and related products to individuals under twenty-one years of age. The Chautauqua County Local Law 9-13 prohibits the use of tobacco, tobacco products, electronic cigarettes, and herbal cigarettes on real property owned or leased by the County of Chautauqua.

Section 1. County Vehicles & Buildings

Notwithstanding any other provision of this Article, no person shall smoke in any vehicle, building, structure, or portion thereof operated, occupied, operated or leased to the County of Chautauqua, its agencies, boards, or commissions or within fifteen (15) feet of any entrances that are maintained and/or controlled by the County in any such building or structure. This section does not apply to properties used for residential purposes or properties that are operated primarily for non-public purposes, or designated outdoor smoking shelters.

CERTIFICATION



I, Christine Schuyler, BSN, MHA, Secretary of the Chautauque County Board of Health and Public Health Director, Chautauque County do hereby certify that I have compared this copy of the Chautauque County Sanitary Code dated November 14, 2017 with the Sanitary Code adopted by the Chautauque County Board of Health and find that it is a true and exact copy thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of November, 2017

A handwritten signature in blue ink that reads "Christine Schuyler".

Public Health Director
Chautauque County Health District

Sworn to before me this
14th day of November, 2017

A handwritten signature in blue ink that reads "Sherril L. Rater".

Notary Public

SHERRIL L. RATER
Notary Public, State of New York
No. 01RA6215585
Qualified in Chautauque County
Commission Expires January 4, 2018



Chautauque County Department of Health and Human Services
Public Health Division aka Department of Health
7 North Erie Street, Mayville, New York 14757 . 716-753-4590 www.co.chautauque.ny.us