

CHEMUNG COUNTY SANITARY CODE

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CHEMUNG COUNTY SANITARY CODE

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CHEMUNG COUNTY SANITARY CODE

Statutory Authority: New York State Public

Health Law 347

ARTICLE I TITLE, PURPOSE

SECTION 1. Title

The rules and regulations contained herein together with duly enacted amendments thereto shall be known as the "Sanitary Code of the Chemung County Health District".

SECTION 2. Short Title

These rules and regulations may be known and cited as the "Chemung County Sanitary Code".

SECTION 3. Purpose

The purpose of the Chemung County Sanitary Code is to establish rules that will provide for the comfortable enjoyment of life in a healthy manner and to prevent conditions that might otherwise interfere with the public right to pursue the normal conduct of life without threat to health, comfort, and repose.

ARTICLE II DEFINITIONS, JURISDICTION

SECTION 1. Definitions

Whenever used in this code, unless otherwise expressly stated or unless the context or subject matter requires a different meaning, the following terms shall have the respective meanings hereinafter set forth or indicated:

- A. *Accessory structure* shall mean a detached structure or an attached structure located on or partially on any premises, which is not used or not intended to be used for living or sleeping by human occupants.

- B. *Approved* shall mean approved by the Director.
- C. *Board of Health or Board* shall mean the Board of Health of the Chemung County Health District.
- D. *Central heating system* shall mean a single system supplying heat to one or more dwelling units or more than one rooming unit.
- E. *Community sewerage system* means a system utilized for the collection and treatment of sewage, or other wastes of a liquid nature, including the various devices for the treatment of such wastes serving more than one lot, whether owned by a municipal corporation or private utility.
- F. *Community water system* means a source of water and necessary appurtenances together with a distribution system serving more than one lot, whether owned by a municipal corporation or private utility.
- G. *Comprehensive study* shall have the meaning ascribed to it in sections 17-1901 through 17-1907 and sections 15-1301 through 15-1311_of the Environmental Conservation Law, for public water, as applicable.
- H. *Department of Health* or Department shall mean the Department of Health of the Chemung County Health District.
- I. *Designed* shall mean (wherever it is included in the text of the code) that the design work shall be performed by a licensed professional engineer or other licensed professional that is registered to practice in New York State and is qualified within the scope of their professional license to perform that type of design.
- J. *Developer* means a person, partnership, corporation or other legal entity undertaking or participating in the establishment of a subdivision.
- K. *Director* shall mean the Public Health Director duly appointed by the Board of Health pursuant to Section 603

of the Chemung County Charter, or his authorized representative

- L. *Dry sewer* means a pipe intended to carry domestic waste at such future time as sewerage and treatment facilities are constructed.
- M. *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.
- N. *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.
- O. *Extermination* shall mean the control or 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.
- P. *Garbage* shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, serving, and non-consumption of food.
- Q. *Habitable room* shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, furnace rooms, pantries, kitchenettes and utility rooms of less than 50 square feet, foyers or communicating corridors, stairways, closets and storage spaces; and workshops, hobby and recreation areas in unsealed or un-insulated parts of the structure below ground level or in attics.
- R. *Health District* shall mean the Chemung County Health District established by the Chemung County Board of Supervisors on December 16, 1957 pursuant to Article 3, Title III of the Public Health Law.

- S. *Heated water* shall mean water heated to a temperature of not less than 110 degrees Fahrenheit measured at the tap.
- T. *Individual sewage treatment system* means a single system of piping, tanks or other facilities serving only a single lot and disposing of sewage or other liquid wastes into the soil of the lot, except where a permit for such a facility is required under the applicable provisions of Article 17 of the Environmental Conservation Law.
- U. *Individual water supply system* means a single system of piping, tanks or other facilities together with a source of water intended to supply only a single lot, used in the absence of a public water system as defined in Subpart 5-1 of the State Sanitary Code.
- V. *Infestation* shall mean the presence within or around a dwelling of any insects, rodents, or other pests.
- W. *Kitchen* shall mean any room used primarily for cooking or preparation of food and containing any or all of the following equipment: sink and/or other device for dishwashing, stove or other device for cooking, refrigerator or other device for cooling or storage of food. Where a room is used for cooking and preparation of food, but not primarily so used, kitchen shall mean that portion of such room which contains the above equipment and an area within three feet of such equipment.
- X. *Meaning of certain words.* Whenever the words "Dwelling", "dwelling unit", "rooming house", "rooming unit", "premises", "structure", are used in this part, they shall be construed as though they were followed by the words "or any part thereof". Words used in the singular include the plural, and the plural the singular, the masculine gender includes the feminine and the feminine the masculine.
- Y. *Multiple dwelling* shall mean any dwelling containing more than two dwelling units or more than four roomers.
- Z. *Occupant* shall mean any person living, sleeping, cooking, or eating in, or actually having possession of, a dwelling unit or a rooming unit; except that in dwelling units a guest will not be considered an occupant.

- AA. *Official Representative* shall mean employees of the Chemung County Department of Health acting for and in behalf of the Director and includes the plural as well as the singular.
- BB. *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.
- CC. *Owner* shall mean any person who, alone or jointly or severally with other, 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 part to the same extent as if he were the owner.
- DD. *Permit* shall include any written approval to operate issued by the Director, or by his authorized representative.
- EE. *Person* shall mean and include any individual, firm, public or private corporation, municipality, political subdivision, institution, public body, association, trust, estate, agency, board, department or bureau of a municipality, partnership, or any other legal entity whatsoever which is recognized by law as the subject or rights and duties. Person shall not include any State or Federal Agency.
- FF. *Plumbing* shall mean and include all of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, toilets, sinks, installed dish wash lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and any other similar supplies fixtures, together with all connections to water, sewer, or gas lines.
- GG. *Premises* shall mean a platted lot or part thereof or unplatted lot or parcel or land or plot of land, whether or not it has erected thereon a dwelling or non-dwelling structure

and it includes any building, accessory structure or other structure thereon.

- HH. *Privacy* shall mean the ability of a person or persons to carry out an activity without interruption or interference, either by sight or sound.
- II. *Rat harborage* shall mean any place where rats can live, nest or seek shelter.
- JJ. *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 Director.
- KK. *Refuse* shall mean all putrescible and non-putrescible solids (except body wastes) including garbage, rubbish, ashes and dead animals.
- LL. *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 Director. Openings into the containers such as covers and doors shall be tight fitting.
- MM. *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.
- NN. *Rooming house* shall mean any dwelling or that part of any dwelling containing one or more rooming units, in which space is occupied by three or more persons who are not members of a single family.
- OO. *Rubbish* shall mean non-putrescible solid wastes (excluding ashes) consisting of either or both:

- (1) combustible wastes such as paper, cardboard, rags, furniture, plastic containers, yard clippings, tree branches, leaves and wood, and
- (2) non-combustible wastes such as tin cans, glass, crockery and discarded appliances.

- PP. *Safety* shall mean the condition of being reasonably free from danger and hazards which may cause accidents or disease.
- QQ. *Sanitary Code* shall mean the Chemung County Sanitary Code now or hereafter formulated, promulgated and adopted by the Board of Health of the Chemung County Health District pursuant to the Public Health Law of the State of New York.
- RR. *State Sanitary Code* shall mean the sanitary code of the State of New York and any amendments thereof established pursuant to Section 225 of the Public Health Law of the State of New York.
- SS. *Supplied* shall mean paid for, furnished, provided by, or under the control of the owner or operator.

SECTION 2. Jurisdiction:

- A. The provisions of the Sanitary Code shall be in force throughout the Chemung County Health District and shall be supplemental to the regulations, rules and orders of the State Sanitary Code, Public Health Law, and other New York State Laws relating to Public Health.
- B. Nothing herein contained shall be construed to restrict or abrogate the authority of any local municipality in the Health District to adopt and enforce additional ordinances or to enforce existing ordinances relative to Health and Sanitation, providing that such ordinances are not inconsistent with the provisions of the State Public Health Law or the State Sanitary Code.

**ARTICLE III
ADMINISTRATION AND ENFORCEMENT**

SECTION 1. The Board of Health; Officers; Meetings

- A. The Board shall meet regularly each month.
- B. The President, or other presiding officer of the Board may call special meetings thereof when in his judgment, the protection, preservation or improvement of the public health of the county or any part thereof requires it.
- C. A majority of the membership of the Board shall constitute a quorum at any regular or special meeting of the Board and not less than majority of the total number of the Board may perform and exercise the power of the Board.
- D. The Board shall elect a president from among its members who shall serve as presiding officer of the Board.
- E. The Board shall elect a vice-president from among its members who shall serve as presiding officer of the Board in the absence of the president.
- F. The Board may adopt by-laws for the proper conduct of its affairs, election of officers and appointment of committees, not inconsistent with law.
- G. The Board shall designate a secretary from among its members who shall record the minutes of any regular or special meeting of the Board.

SECTION 2. The Board of Health; Quasi-Judicial Powers

- A. The Board of Health shall have the general powers and duties as provided by Section 308, 309, and 347 of the Public Health Law.

SECTION 3. The Director; General Powers

- A. The Director shall have the general powers and duties as included in Sections 324 and 352 of the Public Health Law.

SECTION 4. Inspection Generally:

- A. All premises covered by the regulation of this Sanitary Code shall be subject to inspection by the Director or his official representative, and if any violation of the Sanitary Code exists on the premises any permit granted by the Director may be suspended.
- B. No person, firm or corporation shall refuse to allow any representative of the Department of Health to inspect fully any and all premises and no person, firm or corporation shall molest or interfere with or resist or obstruct any

representative of the Department of Health in the discharge of his duties.

- C. An official representative may, during business hours, inspect any record required to be kept pursuant to the public health law, the State Sanitary Code or this Code.

SECTION 5. Permits and Licenses: Generally

- A. Permits and Licenses: Application
 - 1. Application for a permit or for the renewal of a permit shall be made on forms furnished by the Department of Health and shall contain all information called for by said forms.
 - 2. Application for a permit or for the renewal of a permit shall be accompanied by such other information, evidence or documentation as may be required by the Code.
 - 3. Application for a permit or for the renewal of a permit shall be made by and signed by:
 - a. In the case of an individual who is to be the permittee, by the individual or his representative duly authorized in writing; or,
 - b. In the case of a partnership, by a general partner or a representative of the partnership duly authorized in writing; or,
 - c. In the case of an unincorporated association or group, by a duly authorized officer or representative of the association or group who shall submit a certified copy of a resolution of the governing board or executive committee of such association or group authorizing the making of such application; or,
 - d. In the case of a corporation, by a duly authorized officer or representative of the corporation, who shall submit a certified copy of a resolution of the Board of Directors of the Corporation, authorizing the making of such application; or,
 - e. In the case of a municipality, other than the County, by an official or a representative authorized in writing.
 - 4. Every individual applicant for a permit or for renewal of a permit shall be eighteen years of age or over.
 - 5. Application for a permit or for renewal of a permit shall constitute an agreement that the permittee

assumes responsibility for the operation, conduct and maintenance of the activity authorized by the permit, in accordance with the provisions of this Code and the conditions required by the permit, and to inspections pertaining thereto.

- B. Permits and Licenses; Posting; Expiration
 - 1. Every permit shall expire on the date stated in the permit and may be extended in writing for a specified limited time for cause.
 - 2. Every permittee shall apply for renewal of a permit prior to the expiration date of such permit; unless otherwise required by this Code, the State Sanitary Code, or the Public Health Law.
 - 3. A permittee shall comply with the conditions contained in the permit and the provisions and requirements of this Code, the State Sanitary Code, and the Public Health Law under which such permit was issued.
- C. Permits and Licenses; Not Transferable
 - 1. A permit issued to a particular permittee or for a designated purpose, place, or vehicle, shall not be valid for use by any other person or for any other purpose, place or vehicle.
 - 2. Any attempted or purported transfer of a permit to a person not designated as the permittee therein, or for a purpose or place not authorized by such permit shall be cause to revoke such permit.
 - 3. Approval may be issued for the continuation of an activity authorized by a permit by a partnership, or by a sole remaining individual or group thereof, if the partnership or group originally authorized by such permit has been duly recorded with the Department of Health within ten days after such change of organization.
- D. Permits and Licenses; Suspension and Revocation
 - 1. The Board of Health may suspend a permit for cause after due notice and an opportunity for a hearing, or revoke a permit for cause after due notice and hearing.
- E. General Standards for Denial, Suspension or Revocation of Permit: A permit shall be denied, suspended or revoked for any sufficient or competent reason including but not limited to any one or more of the following conditions:

1. Proposed construction, location, purpose, business or other act in violation of the provisions of this code, the Public Health Law, State Sanitary Code or any local municipal law, ordinance or regulation.
2. Inaccurate, incomplete, false or misleading information stated in the application, including any plans or other data submitted in support thereof.
3. Competency to perform not shown to the reasonable satisfaction of the Director.

SECTION 6 - Sanitary Code; Violation; Penalties

The provisions of the Chemung County Sanitary Code shall have the force and effect of law and the non-compliance or non-conformance with any provision thereof shall constitute a violation punishable on conviction by a fine not exceeding that amount as specified in Section 348 of Public Health Law.

SECTION 7 - Violations of Health Laws or Regulation: Penalties

- A. Any person who violates, disobeys, or disregards any term or provision of the public health law 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 as allowed under Section 12 of Public Health Law.
- B. The penalty provided for in subdivision A of this section may be recovered by an action brought by the State Commissioner of Health in any court of competent jurisdiction.
- C. Any person who violates, disobeys or disregards the terms of any order or regulation of the State Sanitary Code, shall be subject to the imposition of a penalty as allowed in Section 229 of Public Health Law.
- D. Nothing in this section contained shall be construed to alter or repeal any existing provision of the law declaring felonies or prescribing the penalty therefor.

SECTION 8 - Enforcement; Violations; Other Than by Prosecution

- A. The Director may seek to obtain the voluntary compliance with this Code by way of notice, warning or educational means.
- B. This section shall not be construed to require that such non-compulsory methods must be employed or attempted

before proceedings by way of compulsory or other legally prescribed procedures.

SECTION 9 - Inspections, Taking Samples

The Director or his official representative may take and remove any substance or thing or any necessary part or portion thereof from any premises or place as a sample for investigation or evidence when in the opinion of such representative such substance or thing may be dangerous or detrimental to the public health.

SECTION 10 - Notices; Posting; Destroying

- A. Notice shall be in the English language, provided however, if the department is of the opinion that the person or persons to whom a required warning, notice or instructional sign is addressed may not understand the English language, such warning, notice or sign may appear legibly both in English and other designated foreign language.
- B. No person shall remove, mutilate, conceal, obstruct, alter or tear down any notice or placard of the director posted in or on any premises or public place pursuant to requirements of the public health law, State Sanitary Code or this Code, except by written permission of the Director or his authorized representative.

SECTION 11 - Hearings

- A. The Board may order a formal hearing on any application, complaint, circumstances, or alleged violation of the health laws and regulations under its jurisdiction.
 - 1. Unless otherwise provided in the public health law or State Sanitary Code, such hearings shall be on fifteen days notice to the person or persons concerned and shall be set down for a certain day.
 - 2. The notice of the hearing shall set forth:
 - a. the time and place of the hearing;
 - b. the purpose of the hearing;
 - c. charges and violations complained of, if any, with specific reference to the provisions and sections of the public health law, State Sanitary Code and this Code involved;
 - d. the right to present evidence.;
 - e. the right to examine and cross-examine witnesses; and,

- f. the right to be represented by counsel.
3.
 - a. On the return day of the hearing, the hearing officer shall note the appearance of the persons attending the hearing.
 - b. Witnesses shall be sworn and testimony shall be recorded.
 - c. The testimony shall be transcribed within a reasonable time after the conclusion of the hearing.
4. The hearing office shall thereafter prepare findings of fact and conclusions, upon which the Board shall make a formal order, setting forth the determination, conditions, if any, to be complied with, and penalties, if any.
5. The order provided for in subdivision four of this section shall be filed in the Department of Health and a copy thereof shall be served on all respondents.

SECTION 12 - Waivers; Variances

- A. Waiver. In order to accept alternative arrangements that do not meet a provision of the Chemung County Sanitary Code, a person may submit a written request to the Director for a waiver from a specific provision of this_code. Such request shall not be granted unless the person can demonstrate that circumstances exist that are beyond the control of the person, compliance with the provision would present a hardship and that the public's health and safety will not be endangered by granting such a waiver. The person must meet all terms of an approved waiver. A waiver will remain in effect indefinitely unless revoked by the Director.
- B. Variance. In order to allow time to comply with a provision of the Chemung County Sanitary Code, a person may submit a written request to the Director for a variance. Such variance request shall not be granted unless the person demonstrates that the health and safety of the public will not be prejudiced by the variance, and there are practical difficulties or hardships in immediate compliance with the provisions. A person must meet all terms of an approved variance including the effective date, the time period for which the variance is granted, the requirements being varied and any special conditions the Director specifies. A variance shall end one year from its

date of issuance, unless it is granted for a lesser period of time.

SECTION 13 - Separability

If any provisions of this Code are held invalid, such invalidity shall not affect other provisions which shall be given effect without the invalid provisions.

ARTICLE IV HOUSING HYGIENE AND OCCUPANCY

Section 1 - Application & Scope

The requirements of this Article shall apply to all dwellings, dwelling units, habitable rooms and rooming houses within the jurisdiction outlined in Article II, Section 2, except those regulated under subparts 7-1, 7-2, and Part 15 of the State Sanitary Code unless otherwise specified.

Section 2 - Dwelling Unfit For Human Habitation

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

Section 3 - Responsibilities of Owners and Occupants

A. Occupancy and letting.

No owner shall let to another person any vacant dwelling or dwelling unit unless it and the premises are clean,

sanitary, fit for human occupancy, and complies with the requirements of this Article and all applicable laws.

B. Containers to be provided for rubbish and garbage.

Every owner of a dwelling containing three or more dwelling units shall supply and maintain 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 and maintain such facilities or refuse containers.

C. Responsibility for extermination.

Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this section, whenever infestation is caused by failure of the owner to maintain a dwelling in a rodent-proof or reasonable insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

Section 4 - Minimum standards for basic equipment and facilities

A. Basic equipment and facilities required for dwelling or dwelling unit occupied or let for living, sleeping, cooking, or eating.

No person shall let to another for occupancy any dwelling or dwelling unit, for the purposes of living, sleeping, cooking, or eating therein, which does not comply with the following requirements:

1. *Kitchen requirements.* Every dwelling unit shall have a room or portion of a room in which food may be prepared and/or cooked and be equipped with the following:

- (i) A kitchen sink in good working condition and properly connected to a water supply system which is approved by the Director and which provides at all times an adequate amount of heated and unheated running water under pressure, and which is connected to a sewer system approved by the Director.
 - (ii) Adequate cabinets and shelves for the storage of eating, drinking, and cooking equipment and utensils and of food that does not under ordinary maximum summer conditions require refrigeration for safe keeping; an adequate counter or table for food preparation; and shall be of sound construction furnished with surfaces that are easily cleanable and that will not impart any toxic or deleterious effect to food.
- 2. *Toilet requirements.* Within every dwelling unit there shall be a non-habitable room which affords privacy to a person within said room and which is equipped with a toilet in good working condition. Said toilet shall be connected to a water system that at all times provides an adequate amount of running water under pressure to cause the toilet to be operated properly and shall be connected to a sewer system which is approved by the Director.
- 3. *Lavatory sink requirements.* Within every dwelling unit there shall be a room which affords privacy to a person within said room which is equipped with a lavatory sink. Said lavatory sink may be in the same room as the toilet or in another room; provided that, if located in a room other than the one containing the toilet, the toilet shall be located in close proximity to the door leading directly into the room in which said lavatory sink is located. The lavatory sink shall be in good working condition and properly connected to a water supply system which is approved by the Director and which provides at all times an adequate amount of heated and unheated, running water under pressure, and which is connected to a sewer system approved by the Director.

4. *Bathtub or shower requirements.* Within every dwelling unit there shall be a room which affords privacy to a person within said room and which is equipped with a bathtub or shower in good working condition. Said bathtub or shower may be in the same room as the toilet or in another room and shall be properly connected to a water supply system which is approved by the Director and which provides at all times an adequate amount of heated and unheated running water under pressure, and which is connected to a sewer system approved by the Director.

Section 5 - Minimum standards for light and ventilation

A. Light and ventilation required for dwelling or dwelling unit occupied or let for living purposes.

No person shall let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

1. *Electric Service.* Where there is electric service available from power lines which are not more than 300 feet away from a dwelling, every dwelling unit and all public and common areas shall be supplied with electric service, outlets and fixtures. In a manner prescribed by law, such outlets and fixtures shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to the source of electric power. The capacity of such service and the number of outlets and fixtures shall be as follows:
 - (i) Every habitable room shall have sufficient electric service and outlets and/or fixtures which shall include at least one floor or wall type electric convenience outlet.
 - (ii) Provided lighting controls shall be conveniently located so as to allow for safe travel in rooms and passageways.
2. *Lighting for public halls and stairways.* Every public hall and stairway in structures containing not more than two dwelling units shall be supplied with conveniently located light switches controlling an

adequate lighting system which may be turned on when needed, instead of full-time lighting.

Section 6 - Minimum thermal standards (Heating & Cooling)

A. Thermal requirements for occupying or letting, for living purposes. No person shall let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

1. *Heating facilities.* Every dwelling shall have heating facilities which are properly installed, and are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments in every dwelling unit as noted in (2.) below.
2. *Minimum temperature.* The owner is responsible for furnishing the heat unless the rental agreement provides otherwise. Where the owner furnishes the heat, the temperature shall be maintained at not less than 68 degrees Fahrenheit at a distance of five feet above floor level and two feet or more from an outside wall.
3. *Space and water heaters.* Un-vented flame space heaters and space heaters without back-draft diverter and automatic controls are prohibited; Portable electric heaters meeting the standards of the National Electric Code, as approved by Underwriter Laboratories, Inc. and the Director are acceptable. Gas-fueled space or water heaters and accessories or controls shall be properly installed and be of a type approved by the American Gas Association and the Director.

Section 7 - Discontinuance of services, facilities, equipment or utilities.

No owner, operator, or occupant shall cause or be responsible for causing any service, facility, equipment or utility which is required under this article to be removed from or shut off from or discontinued for any occupied dwelling or dwelling unit let or occupied by him; except for such temporary

interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is either not reasonably avoidable or is approved by the Director.

Section 8 - Maximum density, minimum space, use and location requirements

A. Specification of requirements.

No person shall let to be occupied any dwelling or dwelling unit, for the purpose of living therein, unless there is compliance with the following requirements:

1. *Maximum density.* Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof and at least 100 additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.
2. *Ceiling height.* The ceiling height of any habitable room shall be at least seven feet; except that in any habitable room under a sloping ceiling at least one half of the floor area shall have a ceiling height of at least seven feet, and the floor area of that part of such room where the ceiling height is less than five feet shall not be considered as part of the floor area in computing the total floor area of the room.
3. *Floor space for sleeping rooms.* In every dwelling unit of two or more rooms, every room occupied for sleeping purposes shall contain at least 70 square feet of floor space for the first occupant, and at least 50 square feet of floor space for each additional occupant thereof.

ARTICLE V
ONSITE WASTEWATER TREATMENT SYSTEMS (OWTS)

SECTION 1. General

- A. Standards:** Onsite Wastewater Treatment Systems (OWTS) shall be designed, constructed and maintained in accordance with the standards of the State Commissioner of Health as set forth in 10 NYCRR Part 75 titled "Standards for Individual Water Supply and Individual Sewage Treatment Systems", 10 NYCRR Appendix 75-A titled "Wastewater Treatment Standards - Individual Household Systems", and the New York State Health Department "Individual Residential Wastewater Treatment Systems Design Handbook", as well as the National Sanitation Foundation (NSF) Standard 40.
- B. Definitions:**
- i. **Construct** – to make, build, create, repair, or replace an OWTS and/or its components
 - ii. **Construction permit** – a permit issued by the Director that allows for the construction of an OWTS as per the plans approved by the Director
 - iii. **Install** – to place in position for an intended use
 - iv. **Onsite Wastewater Treatment System (OWTS)** – means a facility serving one or more parcels of land or residential households and treating sewage or other liquid wastes for discharge into the groundwater, except where a permit for such a facility is required under the applicable provisions of Article 17 of the Environmental Conservation Law
 - v. **Registered Contractor** – a person who is currently listed as registered with the Director to construct, re-construct or replace an OWTS or its components
 - vi. **Site Evaluation** – an assessment made by the Director of a parcel of land to determine conditions and characteristics of the soil, topography, ground water, surface water, and any other factors needed to determine if the parcel is suitable for construction of an OWTS

vii. **Wastewater** – any water discharged from a house or building through a plumbing fixture to include, but not be limited to, sewage and any water or waste from a device which is produced in the house or on the property.

- C. **Where Required:** Each premises provided with plumbing fixtures or provided with a receptacle to create a sanitary flow, where no approved community sewerage system is available, shall have an OWTS as described in section 1.
- D. **Construction Permit Required:** No person shall undertake to construct, install, alter, expand, replace, repair or provide a system or any component of a system or facilities for the private treatment of waterborne sewage, domestic or trade wastes, to serve any building, dwelling, or premises in or from which such wastes may be discharged without first having obtained a "Construction Permit" for a specific parcel therefor from the Director. Such permit shall not be required when a permit therefor has been issued by the New York State Department of Environmental Conservation. A copy of such permit from the State or of a determination rejecting such permit shall be filed with the Department of Health. All OWTS are required to be designed by a licensed design professional.
- E. **Inspection Required:** The person constructing an OWTS must cause an inspection by the Director of the OWTS prior to backfill, or at various stages of construction as stated in the permit. The OWTS shall not be covered or placed into operation until the construction has been inspected and approved by the Director.
- F. **Requirements Prior To Use:** The owner of the dwelling to which the OWTS is connected shall not use or allow the use of such system or facilities until construction has been completed in accordance with the conditions of the permit, inspected, and approved in writing by the Director.

- G. Maintenance:** It shall be the responsibility of the owner to maintain the OWTS in accordance with the standards listed herein.
- H. Prohibited Discharges:** The discharge of inadequately treated or untreated wastewater as determined by the Director onto the ground surface, into a building, or into the waters of New York State is prohibited.
- I. Permit Exceptions:** Exceptions to the requirement for obtaining a permit would include using acceptable materials for the replacement of a house sewer, repair or replacement of internal baffles on a septic tank, replacement of sewage transmission pipe between the septic tank and an absorption/treatment area, replacement of mechanical equipment, the pumping of a septic tank, and exposing a component of a septic system to determine the required abatement needed to resolve a failure or problem.
- J. Waivers:** The Director may grant a waiver in an individual situation involving the replacement of an existing OWTS because of a hardship or other circumstances that makes it impractical to comply with a standard for individual sewage treatment systems. Each waiver granted must be in writing and advise the owner of the design or conditions approved that do not meet State Standards and the potential consequences of such deviations.
- K. Minimum Lot Sizes:** For lots where the soil percolation rate is faster than 60 minutes per inch and public water is available, the minimum lot size for construction of an OWTS shall be 15,000 square feet. For lots where the soil percolation rate is faster than 60 minutes per inch and a private water supply will be utilized, the minimum lot size for construction of an OWTS shall be 20,000 square feet. The minimum lot size for the Sand Filter OWTS shall be three acres. Other alternative systems can be considered on a case by case basis as per the policies established by the Director.

- L. **Separation Distances:** Even when the above-mentioned minimum lot sizes are met, there must still be sufficient area available to maintain the required separation distances as required herein.
- M. **Replacement System Area Required:** For new OWTS's, there shall be available sufficient area to provide for the complete replacement of the leaching system or other subsurface treatment system.
- N. **Aerobic Treatment Systems.** The use of aerobic treatment units (ATU's) and aerobic treatment systems (ATS's) is permitted in Chemung County as long as all requirements in this Article are adhered to. The owner shall maintain a service contract with a manufacturer's authorized representative qualified to perform service for the life of the system. No one shall distribute, sell, install, or service ATU's or ATS's unless they are an authorized representative of the manufacturer of the unit.

SECTION 2. Construction Permits

- A. **Issuance:** No person or contractor shall begin to construct an OWTS until a permit to construct an OWTS has been issued by the Director. No work can be performed on an OWTS for which a permit has not been obtained.
- B. **Permit On Site:** A copy of the permit shall be on the construction site until the final inspection is completed.
- C. **Renewals:** A sewage treatment system construction permit may be renewed annually for up to five years from the first date of issue upon written application to the Director prior to the expiration date of the current permit. A permit that has been kept active for a period of five years shall not be renewed and a new application must be made which will incorporate the standards in existence at that time.
- D. **Site Evaluations:** For parcels on which no OWTS exists, a site evaluation must be completed by the Director prior to issuance of a construction permit.

- E. **Construction Responsibility:** It shall be the responsibility of the contractor to construct the OWTS in accordance with the standards listed herein, the approved plans, and the conditions of the permit.

SECTION 3. Contractor Registration

- A. **Requirements:** No person shall undertake to construct, install, alter, expand, replace, repair or provide a system or any component of a system or facilities for the private treatment of waterborne sewage, domestic or trade wastes, to serve any building, dwelling, or premises in or from which such wastes may be discharged that would require a permit from the Director without first having registered with the Director in a manner as prescribed by the Director. The Director shall maintain an up-to-date list of registered contractors.
- B. **Fees:** The registration may require a fee as would be outlined on the Department fee schedule. There may be an expiration date on the registration.
- C. **Revocation of Registration:** The registration of a contractor may be revoked by the Director for a specific period of time if it is determined that the contractor has violated the conditions of the registration.
- D. **Violations:** A person performing any of the activities described in this Article for which a registration is required but without a current registration would be considered to be in violation of this code and subject to an enforcement action.
- E. **Exceptions:** An exception to the requirement to be registered with the Director prior to commencing construction subject to the permit requirements mentioned earlier would be for a property owner performing construction activities on their own property. The property owner would be required to show proof of ownership and obtain a construction permit from the Director.

SECTION 4. Connections to Community Sewerage Systems

- A. Defined:** No person shall construct on any premises an OWTS or component thereof for the treatment of sewage, where a community sewerage system is available and accessible. For the purposes of this section for a one- or two-family dwelling, a community sewerage system shall be deemed accessible when such sewer is within 100 feet of the premises on which the dwelling is located, measured along a street, and a connection may be made lawfully thereto. For buildings of any other occupancy, a community sewerage system shall be deemed accessible when such sewer is within 500 feet of the premises on which the building is located, measured along a street, and a connection may be made lawfully thereto. When a community sewerage system is available and accessible, the Director may issue an order upon the owner of any property whereon an OWTS is located requiring said owner to abandon the use of same and to connect with such community sewerage system within a period not exceeding sixty (60) days.
- B. Construction Prohibited:** When a community sewerage system is deemed available and accessible by the Director to a particular parcel, no construction of an OWTS shall occur on that parcel.

ARTICLE VI INDIVIDUAL WATER SUPPLY SYSTEMS

SECTION 1. Connections to Public Water Systems:

No person shall construct on any premises a private water supply system where a public water supply system is available and accessible. For the purposes of this section for a one- or two-family dwelling, a public water supply shall be deemed accessible when such supply is within 100 feet of the premises on which the dwelling is located, measured along a street, and a connection may be made lawfully thereto. For buildings of any other occupancies, a public water supply shall be deemed accessible when such supply is within 500 feet of the premises

on which the building is located, measured along a street, and a connection may be made lawfully thereto. When a public water supply system is available and accessible, the Board of Health may issue an order upon the owner of any property whereon a private water supply system is located requiring said owner to abandon the use of same and to connect with such public water supply system within a period not exceeding sixty (60) days.

ARTICLE VII REALTY SUBDIVISIONS

SECTION 1. Realty Subdivisions; General

The Department of Health shall have jurisdiction over all subdivisions as defined in Section 1115 of Public Health Law within the Chemung County Health District and they shall comply with all conditions found in: sections 1115, 1115a, 1116, and 1117 of the Public Health Law; sections 1501, 1505, 1511, and 1513 of Environmental Conservation Law; and 10 NYCRR Part 74. All plans for realty subdivisions shall be designed in accordance with all applicable codes, rules and regulations.

SECTION 2. Installation of Works:

- A. Upon completion of the construction of a private well or sewage treatment system for an individual lot in a subdivision, the builder or owner shall immediately notify the Director who shall arrange for an inspection of the completed works at the earliest possible time.
- B. The Director at his discretion, may require that private sewage treatment systems shall be installed under the supervision and direction of a licensed professional engineer, and that he be furnished with the engineers certificate of inspection.

SECTION 3. Reproduction of Plans:

Upon the sale of a lot in a subdivision, the owner shall furnish the purchaser with a legible reproduction of such part or parts of the plan approved by the Director, as pertains to said lot.

SECTION 4. Filing of Plans with County Clerk:

The County Clerk shall not file nor record nor accept for filing any map of a subdivision of land unless there is endorsed thereon a certificate indicating the approval of the plans by the Director.

SECTION 5. Filing Fees to Accompany Plans:

At the time of submitting a plan for approval as required by this article, a filing fee computed as per the fee schedule approved by the Board shall be paid to the Department of Health.

**ARTICLE VIII
OFFENSIVE MATERIAL**

SECTION 1. Definition:

The term "offensive material" as used in this section shall mean any sewage, fecal matter, manure, offal, garbage, dead animals, meat wastes, blood, tankage, or any putrescible organic matter, or the content of privies, cesspools, septic tanks or chemical toilets, either in liquid or solid state or any other solid, liquid or gaseous substance which, in the opinion of the Director, may be dangerous or prejudicial to health.

SECTION 2. Disposal:

No person shall permit, deposit, store or hold any offensive material on any premises or place or in any building or structure unless such material is so treated, screened, covered or placed as not to create a nuisance detrimental to health. All containers for the storage of such material shall completely confine the material, shall be rodent and insect proof, and shall be kept in an inoffensive and sanitary condition at all times. Any offensive material which is buried shall be buried at such distance from any source of water supply, or be disposed of at other places so that water supplies will not be subject to pollution and where a nuisance will not be created, subject to regulations for the protection of public water supplies adopted pursuant to the provisions of the Public Health Law and Environmental Conservation Law. Such material shall not be discharged into streams, ponds, or other bodies of water or onto the surface of the ground or into the atmosphere except under provisions of the Public Health law and Environmental Conservation Law.

SECTION 3. Removal and Transportation:

No person shall remove or transport or permit the removal or transportation of any offensive material except in such manner and in or by such conveyance as will prevent the creation of a nuisance or the loss or discharge of such material in any public place. All such material shall be so handled, covered or treated that it cannot escape or be accessible to rodents, flies or other

insects or create a nuisance. All vehicles and implements used in connection therewith shall be so stored or kept as not to create a nuisance.

SECTION 4. Permit for Solid Waste Disposal Area:

No person, firm, corporation or municipality shall maintain, operate or permit the use of any land as a public or private solid waste disposal area or place of disposal of offensive material without first having obtained a permit therefore from the Department of Environmental Conservation, or the Director, when permit issuing authority has been delegated to him by the Commissioner of Environmental Conservation.

SECTION 5. Permit for Human Waste Collection:

No person, firm, corporation or municipality shall engage in the business of removing, collecting, transporting or disposing of the contents of privies, cesspools, septic tanks, chemical toilets or the like without first having obtained a permit therefore from the Department of Environmental Conservation, or the Director, when permit issuing authority has been delegated to him by the Commissioner of Environmental Conservation.

**ARTICLE IX
TEMPORARY FACILITIES**

SECTION 1. Temporary Toilet Facilities on Construction:

Any builder, contractor or other person, firm or corporation employing persons on the construction or repair of any building or structure shall provide or cause to be provided temporary toilet facilities at a convenient place upon the premises or readily accessible thereto and the same shall be properly enclosed. Waste materials shall be treated or removed in a manner acceptable to the Director.

SECTION 2. Temporary Facilities for Gatherings:

Adequate facilities shall be provided for gatherings of people whenever the Director determines them necessary to prevent nuisances which may affect health. The Director may require any person using a property for a gathering of people to provide temporary toilet facilities, hand washing facilities and water supply taps, in numbers not exceeding those required for mass gatherings by the State Sanitary Code.

**ARTICLE X
PUBLIC RESTROOMS**

SECTION 1. Public Restrooms:

Every person who shall provide a restroom facility for the use of employees, patrons or members, or available to the public, shall maintain such facilities at all times in a clean, well lighted, ventilated and sanitary condition. The floor of any such facility shall be impervious to moisture and properly drained. Such restrooms shall provide adequate hand-washing facilities which include a potable water supply, soap, and hand towels. No common towel, hairbrush or comb shall be provided for common use in any such public rest room or locker room adjacent thereto. The owner of a building or dwelling or his agent in charge thereof, wherein two or more tenants shall have common use of a restroom, shall be responsible for the satisfactory sanitary maintenance of such facilities. The term "common use" shall mean use by more than one person without effective disinfection.

**ARTICLE XI
SWIMMING POOLS AND BATHING BEACHES**

SECTION 1. Swimming Pools and Bathing Beaches:

Swimming pools and bathing beaches shall be constructed, operated and maintained in accordance with the provisions of Part 6 of the New York State Sanitary Code.

**ARTICLE XII
NUISANCES**

SECTION 1. Nuisances: Duty to Investigate:

The Director or his duly authorized representative shall receive and examine into all complaints concerning nuisances, or causes of danger or injury to life and health in the county and may request such complaints to be made in writing.

SECTION 2. Nuisances: Investigation: Reports:

A. The Director or his duly authorized representative may enter upon or within any place or premises where nuisances or conditions dangerous to life and health, or

which are the cause of nuisances existing elsewhere, are known or believed to exist to inspect or examine same.

- B. The owners, agents and occupants of any premise shall permit sanitary examinations and inspections to be made pursuant to the provisions of this article and Title 1 of Article 13 of the Public Health Law.
- C. The Director shall furnish the Board of Health and the agents and occupants of the premises on which such conditions exist with a written statement of the results and conclusions of an examination or inspection conducted pursuant to this article.

SECTION 3. Nuisances: Abatement and Suppression

- A. The Board of Health shall order the suppression and removal of all nuisances and conditions detrimental to life and health found to exist within the county.
- B. The Board of Health or its agents and employees may, if the owner, agent or occupant of any premises whereon any nuisance or condition deemed to be detrimental to the public health exists or causes the existence of such nuisance or condition elsewhere fails to comply with any such order, enter upon the premises to remove or suppress such nuisance, condition, or matter to which said order relates.
- C. The expenses of such removal and abatement shall be paid and may be collected in the manner prescribed in Public Health Law Sections 1306 and 1307.

**ARTICLE XIII
TEMPORARY RESIDENCES**

SECTION 1. Conformity with State Sanitation Code:

No person, firm or corporation shall operate a Temporary Residence, Mass Gathering, or Children’s Camp within Chemung County Health District which does not conform in all respects with Part 7 of the State Sanitary Code as the same is now in effect and may hereafter from time to time be amended.

**ARTICLE XIV
FOOD SERVICE ESTABLISHMENTS**

SECTION 1. Permits for Service Food Establishments:

- A. No person shall operate a food service establishment in the Health District unless such person possesses a valid permit issued by the Director, to operate such food service establishment.
- B. Only persons who comply with the requirements of Part 14 of the New York State Sanitary Code shall be entitled to receive and retain such permit.
- C. This permit will be issued annually, and will expire one year from the date of issuance, except as otherwise stipulated on the permit. Permits are not transferable.

SECTION 2. Ice for Human Consumption:

- A. Places manufacturing ice for use for human consumption shall meet the requirements of this article.
- B. Protection from contamination: All ice intended for off-premises consumption shall be packaged and handled at all times so as to prevent contamination.
- C. Labeling: All packaged ice offered for sale or use in the Chemung County Health District for human consumption, shall be labeled with the name of the producer and the words "Ice for human consumption".

**ARTICLE XV
FEES AND CHARGES**

SECTION 1. Fees and Charges:

- A. The Director may establish fees for permit, license and environmental inspection and sampling services provided by the Department of Health, subject to annual review and approval of the Board of Health and the Chemung County Executive. Any fee and revenue plan comprising an integral part of the County's Municipal Public Health Services Plan must be approved by the State Health Commissioner.
- B. The Director may waive the collection of all, or a portion of, the established fee for non-profit agencies, governmental agencies, and low income persons, subject to the approval of the Board of Health and the Chemung County Executive.