

LAID ON DESKS 1/21/2020
GOVERNMENT SERVICES & ADMINISTRATION

RESOLUTION NO. 2020021

RE: LOCAL LAW NO. OF 2020, A LOCAL LAW TO PROVIDE
FOR THE CODIFICATION OF THE LOCAL LAWS AND CERTAIN
RESOLUTIONS OF THE COUNTY OF DUTCHESS INTO A MUNICIPAL
CODE TO BE DESIGNATED THE "CODE OF LOCAL LAWS OF THE
COUNTY OF DUTCHESS"

Legislators HOUSTON, BOLNER, and SAGLIANO offer the following and
move its adoption:

RESOLVED, that the Legislature of the County of Dutchess adopt Local Law No. _____ of 2020 which has been submitted this day for consideration by said Legislature

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 10th day of February 2020, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 10th day of February 2020.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

RE: LOCAL LAW NO. OF 2020, A LOCAL LAW TO PROVIDE FOR THE CODIFICATION OF THE LOCAL LAWS AND CERTAIN RESOLUTIONS OF THE COUNTY OF DUTCHESS INTO A MUNICIPAL CODE TO BE DESIGNATED THE “CODE OF LOCAL LAWS OF THE COUNTY OF DUTCHESS”

BE IT ENACTED by the County Legislature of the County of Dutchess, State of New York as follows:

SECTION 1.1 LEGISLATIVE INTENT.

In accordance with Subdivision 3 of § 20 of the Municipal Home Rule Law, the local laws and certain resolutions of the County of Dutchess, as codified by General Code, and consisting of Chapters 1 through 275, together with an Appendix, shall be known collectively as the “Code of Local Laws of the County of Dutchess,” hereafter termed the “Code.” Wherever reference is made in any of the local laws and resolutions contained in the “Code of Local Laws of the County of Dutchess” to any other local law or resolution appearing in said Code, such reference shall be changed to the appropriate chapter title, chapter number, article number or section number appearing in the Code as if such local law or resolution had been formally amended to so read.

SECTION 1.2 CONTINUATION OF EXISTING PROVISIONS.

The provisions of the Code, insofar as they are substantively the same as those of local laws and resolutions in force immediately prior to the enactment of the Code by this local law, are intended as a continuation of such local laws and resolutions and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior local law or resolution. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the County Legislature of the County of Dutchess, and it is the intention of said County Legislature that each such provision contained within the Code is hereby reaffirmed as it appears in said Code. Only such provisions of former local laws as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1.3 below.

SECTION 1.3 REPEALER.

- A. Repeal of inconsistent enactments. Except as provided in § 1.4, Enactments saved from repeal; matters not affected, below, all local laws or parts of such local laws inconsistent with the provisions contained in the Code adopted by this local law are hereby repealed as of the adoption and filing of this local law as set forth in § 1.13; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the County of Dutchess which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.

B. Repeal of specific enactments. The County Legislature of the County of Dutchess has determined that the following local laws and/or ordinances are no longer in effect and hereby specifically repeals the following legislation:

- (1) Local Law No. 7-1967, regarding longevity pay for judges, adopted December 18, 1967.
- (2) Local Law No. 5-1987, regarding airport parking regulations, adopted September 14, 1987.

SECTION 1.4 ENACTMENTS SAVED FROM REPEAL; MATTERS NOT AFFECTED.

The repeal of local laws provided for in § 1.3 of this local law shall not affect the following classes of local laws, rights and obligations, which are hereby expressly saved from repeal:

- A. Any right or liability established, accrued or incurred under any legislative provision of the County of Dutchess prior to the effective date of this local law or any action or proceeding brought for the enforcement of such right or liability.
- B. Any offense or act committed or done before the effective date of this local law in violation of any legislative provision of the County of Dutchess or any penalty, punishment or forfeiture which may result therefrom.
- C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this local law brought pursuant to any legislative provision of the County of Dutchess.
- D. Any agreement entered into or any franchise, license, right, easement or privilege heretofore granted or conferred by the County of Dutchess.
- E. Any local law of the County of Dutchess providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacating of any right-of-way, easement, street, road, highway, park or other public place within the County of Dutchess or any portion thereof.
- F. Any local law of the County of Dutchess appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the County of Dutchess or other instruments or evidence of the County's indebtedness.
- G. Local laws authorizing the purchase, sale, lease or transfer of property, or any lawful contract, agreement or obligation.
- H. The levy or imposition of special assessments or charges.
- I. The annexation or dedication of property.

- J. Any local law relating to salaries and compensation.
- K. Any local law relating to or establishing a pension plan or pension fund for County employees.
- L. Any local law or portion of a local law establishing a specific fee amount for any license, permit or service obtained from the County.
- M. Any local law adopted subsequent to February 10, 2020.

SECTION 1.5 SEVERABILITY.

If any clause, sentence, paragraph, section, article, chapter or part of this local law or of any local law or resolution included in this Code now or through supplementation shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article, chapter or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 1.6 DIGITAL COPY OF CODE.

A digital copy of the Code is available online at: <https://www.ecode360.com/DU1148> and shall remain there for use and examination by the public. The enactment and publication of this local law, coupled with the availability of a copy of the Code for inspection by the public online, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

SECTION 1.7 AMENDMENTS TO CODE.

Any and all additions, deletions, amendments or supplements to any of the local laws and resolutions known collectively as the "Code of Local Laws of the County of Dutchess" or any new local laws or resolutions, when enacted or adopted in such form as to indicate the intention of the County to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be enacted or adopted, they shall thereafter be published as amendments and supplements to the Code. Nothing contained in this local law shall affect the status of any local law or resolution contained herein, and such local laws or resolutions may be amended, deleted or changed from time to time as the County Legislature deems desirable.

SECTION 1.8 CODE TO BE KEPT UP-TO-DATE.

It shall be the duty of the Clerk of the County Legislature to keep up-to-date the digital copy of the Code of Local Laws of the County of Dutchess required to be filed in the office of the Clerk of the County Legislature for use by the public. All changes in said Code and all local laws and resolutions adopted by the County Legislature subsequent to the enactment of this local law in such form as to indicate the intention of said County Legislature to be a part of said Code shall, when finally enacted or adopted, be included therein by temporary attachment of copies of such changes, local laws or resolutions until such changes, local laws or resolutions are published as supplements to said Code, at which time such supplements shall be included therein.

SECTION 1.9 AVAILABILITY TO PUBLIC.

The Code is available on line at this link: <https://www.ecode360.com/DU1148> or any chapter or portion of it, may be purchased from the Clerk of the County Legislature, or an authorized agent of the Clerk, upon the payment of a fee.

SECTION 1.10 PENALTIES FOR TAMPERING WITH CODE.

Any person who alters or tampers with the Code of the County of Dutchess in any manner whatsoever which will cause the legislation of the County of Dutchess to be misrepresented thereby, or who violates any other provision of this local law, shall be guilty of an offense and shall, upon conviction thereof, be subject to a fine of not more than \$250 or imprisonment for a term of not more than 15 days, or both.

SECTION 1.11 CHANGES IN PREVIOUSLY ADOPTED LEGISLATION; NEW PROVISIONS.

- A. In compiling and preparing the local laws and resolutions for publication as the Code of the County of Dutchess, no changes in the meaning or intent of such local laws and resolutions have been made, except as provided for in Subsection B hereof. In addition, certain grammatical changes and other minor non-substantive changes were made in one or more of said pieces of legislation. It is the intention of the County Legislature that all such changes be adopted as part of the Code as if the local laws and resolutions had been previously formally amended to read as such.
- B. In addition, the amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this local law. (Chapter and section number references are to the local laws and resolutions as they have been renumbered and appear in the Code.)

SECTION 1.12 INCORPORATION OF PROVISIONS INTO CODE.

The provisions of this local law are hereby made Article I of Chapter 1 of the Code of Local Laws of the County of Dutchess, such local law to be entitled "General Provisions, Article I, Adoption of Code," and the sections of this local law shall be numbered §§ 1.1 to 1.13, inclusive.

SECTION 1.13 WHEN EFFECTIVE.

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost \$ 4,000

Total Current Year Revenue \$ _____
and Source

Source of County Funds (check one): Existing Appropriations, Contingency,
 Transfer of Existing Appropriations, Additional Appropriations, Other (explain).

Identify Line Items(s):

A.1010.4401.105 Professional Services Consultants - Estimate based on number of local law adopted per year

A.1040.4609 Maintenance - Service Contracts - Annual fee of \$1,195

Related Expenses: Amount \$ _____

Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): _____

Over Five Years: _____

Additional Comments/Explanation:

Prepared by: Leigh Wager, Deputy Clerk

Prepared On: 1/16/2020

Dutchess County Code Adoption Schedule A

Charter

Section 3.02(k) is amended to change “State Board of Equalization and Assessment” to “State Board of Real Property Tax Services.”

Administrative Code

1. Section 3.07 is amended to change “State Board of Equalization and Assessment” to “State Board of Real Property Tax Services.”
2. Section 7.02 is amended to increase the maximum penalty from \$50 to \$1,000; and to change “violation or nonconformance” to “violation, noncompliance or nonconformance.”
3. Section 7.03 is amended to read as follows:

The Board of Health shall, in consultation with the Commissioner, prepare recommendations for meeting the public health needs of Dutchess County. Copies of the recommendations shall be transmitted to the County Executive for his/her evaluation. Within 60 days, the County Executive shall refer the recommendations with his/her evaluation to the County Legislature and the State Commissioner of Health. The Board of Health shall have and exercise such other powers and duties conferred upon such Board by the County Charter or this Code.

4. Section 7.06 is amended to read as follows:

The Mental Hygiene Advisory Board shall, in consultation with the Director of Community Services, prepare recommendations for meeting the mental health needs of Dutchess County. Copies of the recommendations shall be transmitted to the County Executive for his/her evaluation. Within 60 days, the County Executive shall refer the recommendations with his/her evaluation to the County Legislature and the State Commissioner of Mental Hygiene. The Mental Hygiene Advisory Board shall have and exercise such other powers and duties conferred upon such Board by the County Charter or this Code.

5. Section 12.02 is amended to read as follows:

Each member of the County Planning Board shall continue to hold office for the balance of his/her respective term, at the conclusion of which the applicable appointive provisions of the Charter and this Code shall become effective. Members of the advisory Planning Board shall be appointed in the manner and for the term provided in Section 12.03 of the Charter. The advisory Planning Board shall elect annually a Chairman, Vice-Chairman and a Secretary from among its members. Meetings of the advisory Planning Board shall be held at least quarterly at the call of the Chairman of such Board, or the Commissioner of Planning and Development, on three days' written notice mailed to the last known address of such Board members. Vacancies occurring other than by expiration of term shall be filled for the balance of the term remaining in the same manner and by the same appointing authority as the original appointment.

6. The lead-in paragraph to Section 14.01 and Subsection (g) of said section are amended to change “New York State Superintendent of Public Works” to “Commissioner of the New York State Department of Transportation.”
7. Section 16.04A(1) is amended to change “Department of Mental Hygiene, Department of Health, and Chair of the Health and Human Services Cabinet” to “Department of Behavioral and Community Health.”

Dutchess County Code Adoption
Schedule A

8. Sections 20.01(a), 23.02(c) and (d) are amended to change "Commissioner of Personnel" to "Commissioner of Human Resources."
9. Section 23.02(c) is amended to change "Division of Criminal Identification of the State Department of Correction" to "Division of Criminal Justice Services."
10. Section 30.04 is amended to delete the "Advisory Committee" provisions and to read as follows:

Section 30.04. Office for the Aging.

(a) The Director of the Office for the Aging shall:

- 1. Be responsible for providing the following general services in connection with the County's aging population, which shall include but not be limited to:*
 - a. Plan environmental and personal services to meet the needs of the elderly through the evaluation of services and the identification of major problems affecting the elderly;*
 - b. Stimulate and review needed programs and services for the elderly;*
 - c. Conduct research on the needs of the elderly in this community and develop alternative means of meeting these needs;*
 - d. Cooperate with elderly citizens and organizations servicing or representing the elderly to meet the needs of the elderly population of the community;*
 - e. Provide information relative to programs and services for the elderly in the community and sources of support for programs and services;*
 - f. Encourage the cooperation of agencies servicing the elderly; and*
 - g. Recommend to and cooperate with federal, state and local agencies in the development of policy toward the elderly.*
- 2. The Director of the Office for the Aging may from time to time add or delete such programs as allowed by statute, rule or regulation.*

(b) Advisory Board/Committee, officers, powers and duties. The existing Aging Advisory Board/Committee shall continue without interruption or change.

It shall consist of not less than nine nor more than 18 members appointed by the County Executive whose function and duty it will be to advise the Director on matters related to the operation of said division. The term for which the members shall be appointed to serve shall be as follows:

- 1. One-third of the membership to serve for a one-year term;*
- 2. One-third of the membership to serve for a two-year term;*
- 3. One-third of the membership to serve for a three-year term;*
- 4. Upon the termination of the term of each member, succeeding members shall be appointed for a three-year term.*

At least half of the membership of the Board/Committee shall include actual or potential consumers of services provided by the County for older persons, with the remainder of the group to be broadly representative of major public and private agencies and organizations in the County concerned with the interests of older persons and other

Dutchess County Code Adoption Schedule A

persons who are interested in or have demonstrated special interests in the special needs of the elderly. In the event of the death or resignation of any member, his/her successor shall be appointed to serve for the unexpired period of the term for which such member has been appointed. The County Executive may appoint County officials to serve ex officio on this Board/Committee.

The Chairperson shall be elected from the membership of the Board/Committee by the Board/Committee members to serve for a term of one year. The Chairperson shall preside at all Board/Committee meetings and represent the Board/Committee.

The Vice-Chair shall be elected from the membership of the Board/Committee by the Board/Committee members to serve for a term of one year. The Vice-Chair shall, in the absence of the Chairperson, act in his place.

11. Section 31.02 is amended to delete the reference to Section 18.01 of the Administrative Code, which was repealed by L.L. No. 1-2015.

Chapter 7, Boards, Commissions and Councils

1. Throughout this chapter, "Board of Representatives" is changed to "County Legislature."
2. Sections 7-3A and 7-3D are amended to delete the initial terms of members of the Environmental Management Council and to read as follows:
 - A. *The Council shall consist of the members appointed by the County Legislature as provided in this section. In addition to the members appointed from city and town commissions for conservation of the environment and ex-officio members as provided herein, the County Legislature shall appoint 11 members who shall be persons other than members of city, town, or village commissions for conservation of the environment residing within the County of Dutchess and who are interested in the improvement and preservation of environmental quality.*
 - D. *All appointees to membership in the Council shall serve for a term of two years. The terms of members appointed from city, town or village commissions for conservation of the environment shall be concurrent with their terms on such city, town or village commissions, not exceeding a period of two years. Vacancies on the Council shall be filled in the same manner as the original appointment, except that a vacancy occurring through circumstances other than by expiration of term of office shall be filled only for the remainder of the unexpired term.*
3. Section 7-3B is amended to add a references to "villages" and to read as follows:
 - B. *The membership of the Council also shall consist of one member from each commission for conservation of the environment that has been established by the governing bodies of cities, towns and villages within the County of Dutchess.*
4. Section 7-6 is amended to change "New York State Natural Beauty Commission" to "New York State Department of Environmental Conservation."
5. Section 7-11A is amended to change the membership of the Traffic Safety Board from "not less than 10 or more than 20 members" to "not less than 10 members."

Dutchess County Code Adoption Schedule A

6. Section 7-11C is amended to delete the initial terms of members of the Traffic Safety Board and to read as follows:
 - C. *The term of office of such members shall be three years. Upon the expiration of the term of office of any member, his/her successor shall be appointed to membership in such Board for a term of three years.*
7. Section 7-24 is amended to revise the duties of the Industrial and Commercial Incentive Board in Subsection C as follows:
 - C. *Such plan shall make recommendations concerning the applicability of the exemption to specific sectors and subsectors, as defined in the North American Industry Classification System published by the United States Government.*
8. Section 7-26 is amended to read as follows:

It is hereby determined by the Dutchess County Legislature that the creation of a Board of Benefit Assessment Review and the enactment of procedures for the preparation and adoption of benefit assessment tax rolls for zones of assessment in the Dutchess County Water District and Dutchess County Part County Sewer Districts is in the best interests of the citizens of Dutchess County.

Chapter 13, Claims

1. This chapter is amended to change “Board of Supervisors” or “Board” to “County Legislature” or “Legislature.”
2. Section 13-1 is amended to change “Article 33 of the Civil Practice Act” to “Article 23 of the Civil Practice Law and Rules.”

Chapter 18, Continuity of Government

1. Section 18-1 is amended to delete the citation to repealed General Municipal Law § 60, replacing it with the current citation to Executive Law § 27.
2. Section 18-7 is amended to change “Board of Supervisors” to “County Legislature.”

Chapter 40, Ethics, Code of

1. Section 40-3I is amended to read as follows:
 - I. *Future employment. No officer or employee shall, within a period of one year after termination of service or employment with the County, appear before any agency of the County, except on his or her own behalf. No officer or employee shall, after termination of service or employment with the County, appear before any agency of the County in relation to any matter, case, proceeding, application or transaction with respect to which such person was directly concerned or in which he or she personally participated during his or her service or employment with the County.*
2. Section 40-7A is amended to read as follows:
 - A. *The Dutchess County Commissioner of Human Resources shall, prior to February 1 of each calendar year in which changes to affected positions become effective, submit to*

Dutchess County Code Adoption Schedule A

the Dutchess County Legislature for approval, by resolution, a list specifying by name of office or title or classification those officers, employees, and local elected officials of the executive and legislative branches of County government, but no judges or justices of the Unified Court System, who shall be required to complete and file an annual financial disclosure statement.

- (1) Such list shall contain the heads of all County-created agencies, departments, divisions, councils, boards, commissions or bureaus and their deputies and assistants, and the officers and employees of such agencies, departments, divisions, boards, bureaus, commissions or councils created by the County who hold policy-making positions as determined by the appointing authority, as "appointing authority" is defined by New York State Civil Service Law § 2(9).*
 - (2) Such officers and employees shall be responsible to complete and file a financial disclosure statement in substantially the form set forth herein and in accordance with the requirements of this chapter. On or before March 15 of each year, the County Attorney shall cause to be distributed to those persons holding the positions set forth on such list said financial disclosure statement.*
3. Section 40-10C is amended to change "personal services" to "personnel services."

Chapter 75, Article I, Civil Service Coverage for Sheriff's Department

Section 75-1 is amended to change "Deputy Sheriff-Confidential Secretary to the Sheriff" to "Confidential Secretary to the Sheriff."

Chapter 75, Article III, Residency Requirements

1. Section 75-7E is amended to change "Commissioner of Health" to "Commissioner of Behavioral and Community Health."
2. Section 75-10 is amended to change "Commissioner of Personnel" to "Commissioner of Human Resources."

Chapter 75, Article V, Defense and Indemnification

Section 75-25A is amended to change "within five days" to "within 10 days."

Chapter 81, Article I, Purchasing Department

1. Sections 81-1, 81-2, 81-3 and 81-4 are amended to change "Board of Supervisors" to "County Legislature."
2. Section 81-2 is amended to change "County Treasurer" to "Commissioner of Finance."
3. Section 81-5A(1) is amended to change "Health Department" to "Department of Behavioral and Community Health."
4. Section 81-5A(3) is amended to change "Welfare Department" to "Department of Community and Family Services."

Dutchess County Code Adoption Schedule A

Chapter 88, Records Management

1. Section 88-3B(3) is amended to change “Records Management Office” to “Records Management Officer.”
2. In § 88-6, the definition of “archives” is amended to read as follows:

ARCHIVES – Those official records which have been determined by the Records Management Officer and Records Advisory Board to have sufficient historical or other value to warrant their continued preservation by the County.

Chapter 97, Article I, Establishment of Salaries for Certain Elected Officials

Section 97-4 is amended to change the reference from “Section 2.06” to “Section 2.05” of the County Administrative Code.

Chapter 128, Article I, Social Hosts

Section 128-4C is amended to read as follows:

- C. *Third and subsequent offenses. Any person who violates § 128-3 of this article shall be guilty of an unclassified misdemeanor punishable by a fine not to exceed \$1,000 and a term of imprisonment not to exceed one year, or both, where such violation constitutes the person's third or subsequent offense.*

Chapter 141, Article I, Unfair Trade Practices

This article is amended to change references to the “Department of Health” to “Department of Behavioral and Community Health.”

Chapter 147, E911 System

1. Section 147-4A is amended to change “more than 50 exchange access lines” to “more than 75 exchange access lines.”
2. Section 147-4D is added as follows:
 - D. *The surcharge shall not be imposed upon public safety agencies.*
3. Section 147-7 is amended to read as follows:

This chapter shall not be interpreted as precluding other means of funding all or part of an E911 system. The County of Dutchess may apply for and accept federal monies and may accept contributions and donations from any source for the purpose of funding an E911 emergency telephone system. All surcharge monies remitted to the County of Dutchess by a service supplier and all other monies dedicated to the payment of system costs from whatever source derived or received by the County of Dutchess shall be expended only upon authorization of the County Legislature, and only for payment of system costs as permitted by County Law Article 6. The County of Dutchess shall separately account for and keep adequate books and records of the amount and source of all such revenues and of the

Dutchess County Code Adoption Schedule A

amount and object or purpose of all expenditures thereof. If at the end of any fiscal year the total amount of all such revenues exceeds the amount necessary for payment of system costs in such fiscal year, such excess shall be reserved and carried over for the payment of system costs in the following fiscal year. However, if at the end of any fiscal year such E911 reserved fund balance exceeds an amount equal to 5% of that necessary for the payment of system costs in such fiscal year, the County Legislature shall by local law reduce the surcharge for the following fiscal year to a level which more adequately reflects the system cost requirements of its E911 system. The County Legislature may also by local law reestablish or increase such surcharge, subject to the provisions of County Law § 303, if the revenues generated by such surcharge and by any other source are not adequate to pay for system costs.

Chapter 163, Article I, Reimbursement of Medical and Dental Services for Inmates

Section 163-3 is amended to change “Commissioner of Personnel” to “Commissioner of Human Resources.”

Chapter 163, Article III, Custody and Visitation Investigations Fees

Section 163-10 is amended to change “Division of Probation and Correctional Alternatives” to “Office of Probation and Correctional Alternatives.”

Chapter 174, Freshwater Wetlands

Section 174-2A is amended to delete the reference to the repealed Article VIII of the Public Service Law and to read as follows:

- A. *Projects for which applications have been filed pursuant to Article VII of the Public Service Law;*

Chapter 181, Gasoline Sales

This chapter is amended to change references to the Department or Commissioner of Health to the Department of Commissioner of Behavioral and Community Health.

Chapter 187, Graffiti

Section 187-5A is amended to read as follows:

- A. *It shall be the duty of any person or entity that sells or offers for sale any aerosol spray paint can to require, from any person desiring to purchase such container, identification and proof of such person's age before selling or delivering a container to such a person.*

**Dutchess County Code Adoption
Schedule A**

Chapter 205, Manufactured Homes, Article I, Eviction of Owners

1. This article is amended to change “mobile home” to “manufactured home” throughout.
2. Section 205-7 is amended to change “Department of Health” to “Department of Behavioral and Community Health.”

Chapter 212, Notification of Defects

1. Section 212-2 is amended to read as follows:

The Clerk of the County Legislature shall keep an indexed record, in a separate book, of all notices which he/she shall receive pursuant to this chapter of the existence of such defective, unsafe, dangerous or obstructed condition in or upon, or of an accumulation of ice or snow upon any County highway, bridge or culvert, which record shall state the date of receipt of the notice, the nature and location of the condition stated to exist, and the name and address of the person from whom the notice is received. All such written notices shall be indexed according to the location of the alleged defective, unsafe, dangerous or obstructed condition, or the location of accumulated snow or ice. The record of each notice shall be preserved for a period of five years after the date it is received.

2. Section 212-4 is added as follows:

§ 212-4. Transmission of notices to Clerk of the County Legislature.

The Commissioner of Public Works, or, in the event there is no Commissioner of Public Works, the person exercising the powers and performing the duties of the Commissioner of Public Works, shall transmit in writing to the Clerk of the County Legislature, within 10 days after receipt thereof, all written notices received by him/her pursuant to this chapter.

Chapter 219, Off-Track Betting

Section 219-2 is amended to correct the statutory reference and to read as follows:

This chapter is authorized pursuant to the terms of Article V-a, § 518 et seq., of the Racing, Parimutuel Wagering and Breeding Law.

Chapter 226, Precious Metal and Coin Exchanges

1. In § 226-2, the definition of “Commissioner” is amended to change “Commissioner of Health” to “Commissioner of Behavioral and Community Health.”
2. Section 226-8A is amended to read as follows:
 - A. *Each licensee shall keep records, in a written or electronic log, in the English language. Each entry shall be made in ink at the time of each transaction and shall be serially numbered, and shall include: . . .*

Dutchess County Code Adoption Schedule A

Chapter 238, Scrap Metal Processors

1. In § 238-2, Subsection A of the definition of "identification" is amended to change "Induces a state identification card" to "Includes a state identification card."
2. Section 238-3B(6) is amended to read as follows:
 - (6) *The type and number of the identification pursuant to Subsection C of the definition of "identification" in § 238-2;*

Chapter 252, Smoking

1. In § 252-2, the definition of "bar and tavern" is amended to read as follows:

BAR AND TAVERN – Any establishment, including outdoor seating areas, devoted to the sale and service of alcoholic beverages for on-premises consumption, where the service of food is merely incidental to the operation of the business. Any bar or tavern that generates 40% or more of total annual gross sales from the sale of food for on-premises consumption shall be a restaurant.

2. In § 252-2, the definition of "place of employment" is amended to read as follows:

PLACE OF EMPLOYMENT – Any indoor area or portion thereof under the control of an employer in which employees of the employer perform services, and shall include, but not be limited to, offices, school grounds, retail stores, banquet facilities, theaters, food stores, banks, financial institutions, factories, warehouses, employee cafeterias, lounges, auditoriums, gymnasiums, rest rooms, elevators, hallways, museums, libraries, bowling establishments, employee medical facilities, rooms or areas containing photocopying equipment or other office equipment used in common, and company vehicles.

3. In § 252-2, the definition of "TOBACCO BUSINESS" is changed to "RETAIL TOBACCO BUSINESS."
4. Section 252-7C is amended to change "tobacco business" to "retail tobacco businesses."
5. Sections 252-10, 252-11 and 252-12D are amended to change "Health Commissioner" to "Commissioner of Behavioral and Community Health"; and to change "Health Department" to "Department of Behavioral and Community Health."

Chapter 256, Article III, Materials Management and Licensing Rules and Regulations

Section 256-32I is amended to change "Annual MSW report" to "Annual municipal solid waste (MSW) report."

Chapter 264, Article I, Senior Citizens Tax Exemption

Section 264-2 is amended to read as follows:

- A. *Real property owned by one or more persons, each of whom is 65 years of age or over, or real property owned by husband and wife, or by siblings, one of whom is 65 years of age or over, shall be exempt from County taxes to the extent of 50% of the assessed valuation to the extent provided in the schedule set forth in Subsection B hereof. For the purpose of this*

Dutchess County Code Adoption
Schedule A

article, "sibling" shall mean a brother or a sister, whether related through half blood, whole blood or adoption.

- B. *The income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption shall not exceed the amounts set forth in the following schedule:*

<i>Annual Income</i>	<i>Percentage of Assessed Valuation Exempt from Taxation</i>
\$0 to \$24,000	50%
\$24,000 to \$24,999	45%
\$25,000 to \$25,999	40%
\$26,000 to \$26,999	35%
\$27,000 to \$27,899	30%
\$27,900 to \$28,799	25%
\$28,800 to \$29,699	20%
\$29,700 or more	0%

Chapter 264, Article II, Collection of School Taxes in Installments

1. Section 264-4 is added to read as follows:

§ 264-4. Eligible property pursuant to RP Tax § 972, Subdivision 4.

- A. *A local law establishing an installment program pursuant to this article may provide that the program shall be limited to one or more of the following types of property:*
- (1) *Property which has been assessed as a one-, two-, or three-family residence; or*
 - (2) *Property which is exempt from taxation pursuant to Real Property Tax Law § 467; or*
 - (3) *Property which is exempt from taxation pursuant to Real Property Tax Law § 459, or which is owned and occupied by a person or persons who qualify as physically disabled pursuant to that statute; or*
 - (4) *Property which is owned by, and used as, the principal residence of a person who receives supplemental social security income.*
- B. *If the local law does not provide otherwise, the program shall apply to all types of property.*
- C. *Notwithstanding the foregoing, taxes which are paid through a real property tax escrow account may not be paid in installments pursuant to this article.*

2. Section 264-5B is amended to change "service charge" to "interest" throughout.

**Dutchess County Code Adoption
Schedule A**

Chapter 264, Article III, Hotel Occupancy Tax

1. Sections 264-18 and 264-19 are amended to change “superintendent of insurance” to “Superintendent of Financial Services.”
2. Section 264-25C is amended to change “tax commission” to “Department of Taxation and Finance.”

Chapter 264, Article V, Redemption Period for Delinquent Property Taxes

Section 264-34 is amended to read as follows:

Article 11 of the Real Property Tax Law, as amended, establishes new procedures for the enforcement of delinquent real property taxes, beginning with taxes becoming liens on and after January 1, 1995. Section 1110 of the Real Property Tax Law prescribes a standard redemption period of two years after lien date. Section 8(b) of Chapter 602 of the Laws of 1993, as amended, allows a tax district to adopt a local law phasing in the standard two-year redemption period with regard to taxes becoming liens in 1995 and 1996. The purpose of this article is to phase in the standard two-year redemption period as authorized by law.

Chapter 264, Article VI, Empire Zone Tax Exemption

This article is amended to change “economic development zone” to “Empire Zone” throughout.

Chapter 264, Article IX, Cold War Veterans Tax Exemption

In § 264-48, the definition of “latest state equalization rate” and § 264-50 are amended to change “state board of real property services” to “Commissioner of Finance and Taxation.”

Chapter 264, Article X, Tax Exemption for Nonresidential Conversions to Mixed-Use Property

1. The first sentence of § 264-52 is amended to read as follows:

The City of Poughkeepsie adopted a local law in 2011 establishing a tax exemption for city nonresidential property converted to mixed-use property located within the city pursuant to § 485-a of the Real Property Tax Law. . . .

2. In § 264-53, the definition of “residential construction work” is amended to read as follows:

RESIDENTIAL CONSTRUCTION WORK – The creation, modernization, rehabilitation, expansion or other improvement of dwelling units, other than dwelling units in a hotel, in the portion of mixed-use property to be used for residential purposes.

Chapter 264, Article XI, Tax Exemption for Persons with Disabilities and Limited Incomes

In § 264-57, the definition of “person with a disability” is amended to change “State Commission for the Blind and Visually Handicapped” to “State Commission for the Blind”; and Subsection A(5) is amended to change “disabled person” to “disability pension.”

**Dutchess County Code Adoption
Schedule A**

Chapter 275, Article I, Authority to Establish Parking Regulations

Section 275-1 is amended to change “Board of Supervisors” to “County Legislature.”

Editorial and Legal Analysis

Return to General Code by April 7, 2017

Dutchess County, NY

Project Editor: Claudia M. Zuch
czuch@generalcode.com

Printed in the United States of America

General Code
781 Elmgrove Road
Rochester, NY 14624
855-436-2633
www.GeneralCode.com

Contents

Introduction.....	3
General Decisions	5
Binders.....	5
Nomenclature.....	6
Reference Information	7
Charter	9
Administrative Code	11
Part I, Administrative Legislation.....	17
Chapter 1, General Provisions	17
Chapter 7, Boards, Commissions and Councils.....	17
Chapter 13, Claims	21
Chapter 18, Continuity of Government	22
Chapter 24, County Legislature.....	23
Chapter 36, Elections.....	23
Chapter 40, Ethics, Code of.....	24
Chapter 61, Leases.....	25
Chapter 75, Officers and Employees	25
Chapter 81, Procurement	28
Chapter 88, Records Management.....	29
Chapter 97, Salaries and Compensation	30
Chapter 103, Tax Statements	31
Chapter 109, Transportation Services.....	31
Part II, General Legislation.....	32
Chapter 120, Airport.....	32
Chapter 124, Alarm Systems	32
Chapter 128, Alcoholic Beverages	33
Chapter 135, Building Numbering and Road Signs	33
Chapter 141, Consumer Protection.....	34
Chapter 147, E911 System	36
Chapter 152, Energy Programs.....	37
Chapter 156, Environmental Protection	38
Chapter 163, Fees and Charges	38
Chapter 168, Fireworks	40
Chapter 174, Freshwater Wetlands.....	40

Chapter 181, Gasoline Sales	40
Chapter 187, Graffiti	41
Chapter 205, Mobile Homes	42
Chapter 212, Notification of Defects	43
Chapter 219, Off-Track Betting	44
Chapter 226, Precious Metal and Coin Exchanges	44
Chapter 238, Scrap Metal Processors.....	45
Chapter 243, Sewers.....	46
Chapter 247, Sex Offender Registration	46
Chapter 252, Smoking.....	47
Chapter 256, Solid Waste.....	48
Chapter 264, Taxation.....	49
Chapter 275, Vehicles and Traffic	60
Wrap Up	61
Completeness Check	61
Sending Materials.....	61
Project Schedule.....	62

INTRODUCTION

Editorial and Legal Analysis

The purpose of the Editorial and Legal Analysis is to guide County officials in making decisions as to what legislation is or is not to be included in the County Code and with what, if any, revisions. This Editorial and Legal Analysis has been prepared on the basis of a critique of the County's existing legislation, including, as much as possible, a comparison with statutory provisions, to identify conflicts and ambiguities in order to bring consistency and order to the general body of the County's law.

Legal Advice

Please note that it is not the intent of General Code to give legal advice or opinions by way of the Editorial and Legal Analysis, but rather to provide as much information as possible to enable County officials to make necessary decisions. Any questions as to validity or legal sufficiency of legislation, or as to interpretation of cases and statutes, will properly remain the responsibility of the County Attorneys.

Manuscript

The Manuscript included with these materials is current through L.L. No. 3-2016, adopted 10-11-2016.

- While the format of the Manuscript appears to be in final form, the chapters have not been edited, but represent the County's current legislation of a general and permanent nature. Any typographical errors, grammatical errors, style inconsistencies and similar corrections will be made when the Code is fully edited during the next phase of the project.
- Each piece of legislation in the Manuscript is identified by its adoption date in the "History" included in each chapter.
- Amendments and changes to such legislation have been inserted where appropriate in the text, and superseded and extraneous material has been deleted.
- Internal references (i.e., a reference to a section number within a law) have been updated to facilitate your review.

The Manuscript is designed as a working document to be used for reference during this stage of review and discussion and as a temporary compilation pending final publication of the Code.

Review by County

This Editorial and Legal Analysis is set up as a workbook. Where the phrase "sufficient as written" is used, the editor has found that subject to be generally suitable as written. However, those comments do not preclude revisions to any chapter based on the experiences of the County. We encourage County officials to review all chapters of the Manuscript, using this Editorial and Legal Analysis as a guide, paying particular attention to the following:

Dutchess County, NY

- ◆ Are certain provisions no longer enforced?
- ◆ Is the legislation the appropriate regulation of the subject matter or would such provisions be enforced under another law or statute?
- ◆ Are the procedures described accurate or should they be changed to reflect current practices? Are there obsolete procedures that can be deleted?
- ◆ Have problems in enforcement of particular provisions arisen in the past? Could the provisions be made more specific?
- ◆ Are the titles of officials and departments up-to-date? Are there other administrative terms that should be changed?
- ◆ Are the amounts of fees and bonds adequate? Will they cover the Town's cost in administering the legislation?

Our experience indicates that the County may find it helpful to designate one person or a small committee to perform the detailed review work and to report back to the governing body with specific recommendations and any questions needing some type of policy decision. Often at this point the completed workbook is passed on to the County Attorney for his or her review of the decisions. As the governing body will adopt the Code following final publication, we recommend that the governing body has preapproved all changes.

Please make a copy of the completed Editorial and Legal Analysis and any accompanying documents for the County's internal records and send General Code the original copies.

How do we make changes to our existing legislation? Do we have to enact separate local laws for each change? This Code project provides the County with an opportunity to adopt multiple changes with a single law. See the sample law included in the "Code Adoption" portion of this portfolio. Therefore, the County does not need to adopt separate laws for each change made during the course of this project. We do recommend, however, that any changes that are complicated or potentially controversial be adopted by separate law so that the Code adoption is not held up by such issues.

Extent of Decisions

It is not necessary for the County to answer every single question in the Editorial and Legal Analysis. There may be some subjects that require further time for review and revision. You have the option of printing existing legislation as is, and revising it in the future. The aim should be to answer as many questions as possible within the time frames.

If the County wishes to use this approach, either mark the checkbox option indicating "Make no changes" and/or make a notation of **LEAVE AS IS** at a chapter title in the Editorial and Legal Analysis.

In addition, the questions and comments in this Analysis do not preclude the County from submitting additional changes based on its review. Simply submit a list of requested changes, marked-up Manuscript pages and/or any documentation that clearly indicates the additional changes the County is requesting.

GENERAL DECISIONS

Binders

- A. Binder colors. Please choose binder and lettering colors for your new Codes. Binder color options may be reviewed on the Web at <http://www.generalcode.com/codification/binder-colors/>

Binder Color	Lettering
<input checked="" type="checkbox"/> Blue	<input type="checkbox"/> Brown
<input type="checkbox"/> Green	<input type="checkbox"/> Burgundy
<input type="checkbox"/> Gray	<input type="checkbox"/> Black

- B. Seal or Logo. If the County can provide us with a clear, black-and-white copy of the County Seal, or the current Logo, we will include it on the Code binders.

Decision:

- Clear, black-and-white copy of the Seal or Logo is attached.
- Electronic image of Seal or Logo (in .tiff or .jpeg format) has been e-mailed to ezsupp@generalcode.com.
- Seal or Logo is not available for reproduction on binders.

- C. Title. The standard title appearing on the binder cover will be "Code of Dutchess County New York." Other options to consider (Note that according to the terms of the project contract, the County will only be receiving two print copies of the Code.):

- Charter and Code of Dutchess County
- Charter, Administrative Code and Code of Dutchess County
- Charter, Administrative Code and Local Laws of Dutchess County
- Charter, Administrative Code and Code of Local Laws of Dutchess County
- Other:

Dutchess County, NY

Nomenclature

This Code project provides the County with a good opportunity to review the titles of various boards, officers and employees as currently set out in County legislation. Any changes required can be noted in this table.

Current Title	Change To

Board of Supervisors.

Older laws included in the Manuscript refer to the "Board of Supervisors." Should this be changed to "County Legislature"? See, for example, § 18-7, which could be revised as follows:

In the event of an attack or a public disaster the Chairman of the County Legislature ~~Board of Supervisors~~, or his duly authorized deputy or emergency interim successor performing his powers and duties, may suspend quorum requirements for the County Legislature ~~Board of Supervisors~~. If quorum requirements are suspended, any local law, ordinance, resolution, or other action requiring enactment, adoption or approval by an affirmative vote of a specified proportion of members may be enacted, adopted or approved by the affirmative vote of the specified proportion of those voting thereon; provided, however, that at least a majority of those voting thereon shall be necessary to any such local law, ordinance, resolution or other action.

The term also appears in Chapter 81, Article I, and § 275-1.

Decision: Revise as suggested. Revise as follows: Make no changes.

Department of Health

Local Law No. 2-2011 amended the Charter and Administrative Code and other local laws to change references to the “Department of Consumer Affairs” to “Department of Health.” These changes were implemented in the Charter and Administrative Code, as well as in Chapters 141, 181, 205 and 226. Local Law No. 7-2015 subsequently amended the Charter and Administrative Code to change “Department of Health” to “Department of Behavioral and Community Health.” Should this change also be implemented in Chapters 141, 181, 205 and 226?

Decision:

Revise as suggested.

Revise as follows:

Make no changes.

Reference Information

In accordance with the RFP for this project, specified reference information will be included in the Code as follows:

1. *Prepare statutory cross-references to sections of the state statutes and references to other pertinent parts of the Local Laws, Charter and Administrative Code where applicable:* When the Code is fully edited during the next phase of the project, each chapter will have “Statutory References” and “County Code References” listed at the beginning. See, for example, Chapters 238 and 256 in the Manuscript.
 - a) Statutory References will include both the statutes specifically cited within the chapter and other state law references pertinent to the chapter’s subject matter. Note that the statutory citations tend to be quite lengthy and we could abbreviate the titles somewhat. See, for example, the citations at the beginning of Chapter 264, Taxation:
 - Real Property Tax Law § 467 could become RP Tax § 467
 - b) General References will include references to the Charter, Administrative Code and/or other Code chapters and articles with related or pertinent subject matter.

Comment: Prepare statutory cross-references. Keep full language, do not abbreviate.

Dutchess County, NY

2. *Prepare Tables of Special Local Laws listing chronologically in groups those local laws in certain subject areas that the County and publisher mutually agree to be pertinent:* For Manuscript purposes this table has not been included. If the County is still interested in a table of this sort, please provide additional information as to what "groups" of legislation are pertinent; such as "Salaries" or "Administration," etc.

Comment: Special Local Law groups will be forthcoming.

3. *Prepare Parallel Reference Tables showing: a) the disposition of local laws (in numeric sequence) included in the codification (local law to Code; and b) a listing of code sections based on state statutes (statute to Code):*

- a) See the Disposition List included at the back of the Code, which includes County legislation from L.L. No. 1-1951 through L.L. No. 3-2016 and indicates where that legislation is included in the Code or the reason for its exclusion. This Disposition List will be updated throughout the codification project and with each supplement to the Code following publication.
- b) See Appendix Chapter A300. (For Manuscript purposes, this chapter is incomplete. The table will be completed when the Code is fully edited prior to publication.)

This will be very helpful.

CHARTER

L.L. No. I-1967

- A. **“Reserved” Articles.** Where previously existing material has been deleted by local law or where there were gaps in numbering, we have inserted “Reserved” articles. See, for example, Article IV, which includes a footnote referring to the repeal of this article by L.L. No. 8-1992; and Article XIX, which has been inserted to cover the gap between Articles XVIII and XX. OK
- B. **Nomenclature.** The Charter sometimes uses “he” pronouns and sometimes uses gender-neutral “he/she” or “he or she” pronouns. If the County is interested in making the entire Charter consistent as part of this project, we could either:
- (1) Use gender-neutral “he/she” pronouns throughout (or “his or her” style); or
 - (2) Use “he” consistently throughout.

Decision:

- Impose gender-neutral “he/she” style throughout Charter.
 Impose gender-neutral “he or she” style throughout Charter.
 Use “he” consistently throughout Charter.
 Revise as follows:

 Make no changes.

Administrative Code. If a change is indicated above, should that same change be implemented in the Administrative Code?

Decision:

- Yes.
 No.

Dutchess County, NY

- C. Section 3.02(k) refers to the "State Board of Equalization and Assessment," which is now the "State Board of Real Property Tax Services" (as of 2010). Should the title be updated?

Decision: Update title as noted above. Revise as follows: Make no changes.

- D. Organizationally, Section 7.07 could be slightly modified to make the lead-in paragraph – "The Director of Veterans Services shall" – part of Subsection 1. That lead-in does not apply to Subsections 2 and 3.

Decision: Revise as suggested. Revise as follows: Make no changes.

ADMINISTRATIVE CODE

L.L. No. 5-1967

- A. Section 3.07 refers to the "State Board of Equalization and Assessment," which is now the "State Board of Real Property Tax Services" (as of 2010). Should the title be updated?

Decision:

- Update title as noted above.
 Revise as follows:

- Make no changes.

- B. Section 7.02 establishes a misdemeanor penalty of \$50 for violations of the County Sanitary Code. Is this amount current and correct? We note that Section 4.13 of the Sanitary Code itself refers noncompliance as "violations"; and Section 4.14 establishes administrative penalties not to exceed \$1,000. Note, too, that state law permits misdemeanor penalties to be set at a maximum amount of \$1,000.

Decision:

- Revise as follows: Section 7.02 - change \$50 to "not more than \$1,000"
Section 7.02 "2nd sentence" should read as follows: Any violation, noncompliance, or nonconformance, etc.
- Make no changes.

- C. There may be text missing from Section 7.03 as indicated by the following blank line:

The Board of Health shall, in consultation with the Commissioner, prepare recommendations for meeting the public health needs of Dutchess County. Copies of the recommendations shall be transmitted to the County Executive for his or her evaluation. Within 60 days, the County Executive shall refer the recommendations with his/her evaluation to the County Legislature and the State Commissioner of Health. The Board of Health shall have and exercise such other powers and duties conferred upon such Board by the County Charter or this Code.

See the same text in Section 7.06. Revise with similar language as above.

Decision:

Revise as follows: See above revisions in red.

Make no changes.

- D. Charter Section 7.10 refers to the "Mental Hygiene Board," while Section 7.05 of this Code refers to the "Mental Hygiene Advisory Board." Which title is correct?

Decision:

Mental Hygiene Board
 Mental Hygiene Advisory Board
 Revise as follows:

Make no changes.

- E. With the codification of the Charter and Administrative Code, the County may wish to review Section 8.05, which requires the County Attorney to annually prepare a supplement to these documents. If the County maintains the Charter and Administrative Code with the assistance of the codifier, perhaps Section 8.05 could be revised to, for example, permit this responsibility to be done with the assistance of a codifier (which might also be covered by Section 8.04).

Decision:

Revise as follows:

Make no changes.

- F. Section 12.02 states that vacancies in the County Planning Board occurring otherwise than by expiration of term shall be filled by appointment of the County Executive. Compare Charter Section 12.03, which states that these vacancies shall be filled in the same manner and by the same appointing authority as the original appointment, which means that the appointment could be by the County Executive (9 positions) or the County Legislature (4 positions). Are the Charter and Code provisions consistent?

Decision:

- Delete last sentence of Section 12.02.
- Revise Section 12.02 to state that vacancies are filled as set forth in Charter Section 12.03.
- Revise as follows: Use same vacancy language "spelled out" in 12.03 and replace in 12.02.

- Make no changes.

G. In Section 14.01(g), is "New York State Superintendent of Public Works" a correct title? The former Department of Public Works is now the Department of Transportation.

Decision:

- Change "New York State Superintendent of Public Works" to "Department of Transportation."
- Revise as follows: Commissioner of the New York State Department of Transportation

- Make no changes.

H. Section 14.02 and 14.03 duplicate the DPW provisions found in Sections 14.03 and 14.04 of the Charter. Is it necessary to retain the same provisions in both documents?

Decision:

- Remove Sections 14.02 and 14.03 from the Administrative Code.
- Revise as follows:

- Make no changes.

Dutchess County, NY

- I. Section 16.01 and 16.02 duplicate the Department of Community and Family Services provisions also found in Sections 16.03 and 16.04 of the Charter. Is it necessary to retain the same provisions in both documents?

Decision:

- Remove Section 16.01 and 16.02 from the Administrative Code.
 Revise as follows:

 Make no changes.

- J. Section 16.04A(1) refers to the "Department of Mental Hygiene" and "Department of Health." To reflect current titles, should these be changed to "Mental Hygiene Board" and "Department of Behavioral & Community Health," respectively?

Decision:

- Revise as suggested.
 Revise as follows: Replace, Department of Mental Hygiene, Department of Health, and the Chair of the Health and Human Services Cabinet to the Department of Behavioral and Community Health.
 Make no changes.
- K. Section 20.01(a) refers to the "Commissioner of Personnel." Should this be changed to "Commissioner of Human Resources"? (See Charter Article XI and Article XI of this Code.) See also Section 23.02(c) and (d).

Decision:

- Revise as suggested.
 Revise as follows:

 Make no changes.

- L. Section 23.02(c) refers to filing fingerprints with the "Division of Criminal Identification of the State Department of Correction." Is this correct or should it refer to the Division of Criminal Justice Services?

Decision:

Revise as suggested as suggested.

Make no changes.

- M. Article XXVIII of this Code addresses procurement procedures. The County may wish to review this article in light of the recently adopted Local Law No. 2-2016, authorizing the award of purchase and service contracts on the basis of best value. Are any revisions to this article necessary in light of that law? Should the provisions of that law be referenced in this article?

Decision:

Revise as follows:

Make no changes.

- N. Section 30.03 duplicates the County Historian provisions also found in Charter Section 30.08. Is it necessary to retain the same provisions in both documents?

Decision:

Remove Section 30.03 from the Administrative Code.

Revise as follows:

Make no changes.

Dutchess County, NY

- O. Organizationally, Section 30.04, Office for the Aging, could be revised to add structure. The paragraph beginning with "Advisory Committee, Officers, Powers and Duties" could be designated as Subsection (4), with the following paragraphs designated as a., b., c., and d.

Decision: Revise as suggested. Revise as follows:

- A. The Director of the Office for the Aging shall (1 & 2), (3) Becomes B.
Advisory Board becomes Advisory Board/Committee - throughout. Delete Advisory Committee,
 Make no changes. Officers, Powers and Duties - redundant

- P. Section 31.02 references Section 18.01 of this Code. Former Article XVIII, Department of Emergency Response, was repealed by L.L. No. 1-2015. The sentence in which this reference appears could be revised as follows:

The Board of Trustees shall promulgate appropriate policy and procedures for procuring and managing the property of the College notwithstanding any provisions of Sections 3.01 and 18.01 to the contrary.

Decision: Revise as suggested. Revise as follows: Make no changes.

PART I, ADMINISTRATIVE LEGISLATION

Chapter 1, General Provisions

Article I, Adoption of Code

At the end of this project, General Code will provide the County with a sample local law which will adopt the County Code and put into effect any changes made during the course of the project. Upon adoption by the County Legislature, that local law will be included as Chapter 1, Article I, of the Code.

Chapter 7, Boards, Commissions and Councils

Article I, Environmental Management Council

L.L. No. 2-1972

- A. This article refers throughout to the "Board of Representatives," which should now be changed to "County Legislature."

Decision:

Revise as suggested.

Revise as follows:

Make no changes.

- B. Section 7-3A, as amended by L.L. No. 4-1989, establishes an eleven-member Council. In light of the 1989 amendment, it appears that the terms of the initial members could be removed from Subsection A as follows:

The Council shall consist of the members appointed by the ~~Board of Representatives County Legislature~~ as provided in this section. In addition to the members appointed from city and town commissions for conservation of the environment and ex-officio members as provided herein, the ~~Board of Representatives County Legislature~~ shall appoint 11 members who shall be persons other than members of city, town, or village commissions for conservation of the environment residing within the County of Dutchess and who are interested in the improvement and preservation of environmental quality. ~~The first four members of said nine members appointed other than members of city, town or village commissions for conservation of the environment shall hold office for a term of one year; the second five of said nine~~

Dutchess County, NY

~~members appointed shall hold office for a term of two years, and the successors of all said nine initial appointees shall be appointed for full terms of two years.~~

Note that if the above change is made, § 7-3D will be similarly revised to remove the reference to initial member terms.

Decision:

- Revise as suggested.
 - Revise as follows:

 - Make no changes.
- C. In order to be comprehensive, should "villages" be mentioned in § 7-3B as follows? (Note that Subsection A refers to the "city, town or village" within the County.)

The membership of the Council also shall consist of one member from each commission for conservation of the environment that has been established by the governing bodies of cities and towns and villages within the County of Dutchess.

Note that if the above change is made, § 7-3D will be similarly revised.

Decision:

- Revise as suggested.
 - Revise as follows:

 - Make no changes.
- D. Section 7-6 refers to a scenic roads committee and to the "New York Natural Beauty Commission." Does such a committee exist in the County? In our research, we were unable to identify the mentioned state commission.

Decision:

- Delete § 7-6.
- Revise as follows: Replace with New York State Department of Environmental Conservation

- Make no changes.

Article II, Traffic Safety Board

L.L. No. 8-1977

- A. Section 7-11A could be revised as follows in light of a similar 1987 amendment to Vehicle and Traffic Law § 1673:

The Dutchess County Traffic Safety Board shall consist of not less than 10 ~~or more than~~ 20 members. They shall be appointed by the County Executive of the County of Dutchess, pursuant to Section 3.02(e) of the County Charter, subject to confirmation of the Dutchess County Legislature.

Decision:

- Revise as suggested.
 - Revise as follows:

 - Make no changes.
- B. Should § 7-11C be revised to remove information regarding the terms of initial members to this Board?

The term of office of such members shall be three years, ~~except that the members first appointed to such board shall be appointed as follows: five shall be appointed for a term of one year, five for a term of two years and five for a term of three years.~~ Upon the expiration of the term of office of any member, his successor shall be appointed to membership in such board for a term of three years.

Decision:

- Revise as suggested.
- Revise as follows:

- Make no changes.

Dutchess County, NY

Article III, Human Rights Commission*L.L. No. 3-1988*

This article permits a member of the Human Rights Commission to apply for the position of Executive Director of the Commission.

A. Is "Executive Director" the current title? We note from the County website that the head of the Commission appears to be the "Human Rights Officer."

Decision:

- Revise as noted. Resolution 2016223 Repealed any and all other resolutions adopted by the Legislature in furtherance of the original DC HRC are also repealed.
- Revise as follows: Please see attachments and replace Article III 7-16 and 7-17 with the language to coincide with Res. No. 2016223.
- Make no changes.

B. Is there legislation establishing the Commission that should be added to the Code?

Decision: Please see editors note and attachments. Resolution 840392 and Local Law

3 of 1988 were repealed by 2016223

- Revise as follows: Local Law 3 2016 replaces 7-18 in its entirety.
- Resolution 2017056 amended 2016223 Article V Funding
- Make no changes.

Article IV, Industrial and Commercial Incentive Board*L.L. No. 5-1996*

Section 7-21C could be revised as follows in light of 2000 amendments to similar provisions in Real Property Tax Law § 485-b:

Such plan shall make recommendations concerning the applicability of the exemption to ~~specific divisions and major groups, as defined in the Standard Industrial Classification Manual~~ sectors and subsectors, as defined in the North American Industry Classification System published by the United States Government.

Decision:

- Revise as suggested.
- Revise as follows:
- Make no changes.

Family & Human Services

RESOLUTION NO. 2016223

RE: REPEAL OF RESOLUTION NO. 392 OF 1984, DISBANDING OF THE DUTCHESS COUNTY COMMISSION ON HUMAN RIGHTS, AND THE RE-ESTABLISHMENT OF A NEW DUTCHESS COUNTY COMMISSION ON HUMAN RIGHTS

Legislators THOMES, BORCHERT, MICCIO, BOLNER, STRAWINSKI, FLESLAND, TRUITT, LANDISI, WASHBURN, RIESER, JETER-JACKSON, SAGLIANO, HORTON, BRENDLI, and BLACK offer the following and move its adoption:

WHEREAS, by Resolution No. 392 of 1984, the Dutchess County Legislature established a Commission on Human Rights (the Commission) pursuant to the New York State General Municipal Law, Sections 239-o through 239-t, and

WHEREAS, it appears the Commission was defunded in 2011, and

WHEREAS, as a result of the defunding and the resignation of the Executive Director of the Commission, the Commission in essence became inactive, and

WHEREAS, the County Executive and the Legislature have a common interest in the formation of a new Commission as indicated herein, and

WHEREAS, by Article 12-D, Sections 239-o through 239-t, of the General Municipal Law, the Legislature of this State authorizes the creation of a new Commission by this County, and

WHEREAS, the County Executive and the Legislature agree that a new Commission should be re-established, with county-wide membership and jurisdiction in order to enhance the quality of life in Dutchess County, now therefore, be it

RESOLVED, that Resolution No. 392 of 1984 is hereby repealed and that the original Dutchess County Commission on Human Rights established by said resolution is hereby disbanded, and it is further

RESOLVED, that any and all other resolutions adopted by this Legislature in furtherance of the original Dutchess County Human Rights Commission are also repealed, and it is further

RESOLVED, that the Dutchess County Legislature hereby re-establishes the Dutchess County Commission on Human Rights on the following terms and conditions:

Article 1. Membership, Appointments and Terms.

(a) The Commission shall consist of fifteen (15) members, who shall be interested in Community and Human Relations.

Seven (7) members of the Commission shall be appointed by the County Executive and seven (7) members shall be appointed by the Chairman of the Legislature, all confirmed by the County Legislature.

The Chairperson and 15th member of the Commission shall be the County's Equal Employment Opportunity/Human Rights Officer or Acting Equal Employment Opportunity/Human Rights Officer.

Membership selection shall take into consideration various religious, racial, nationality, political and other groups in the County.

(b) The term of office for Commission members shall be three years, except that the members first appointed to such Board shall be appointed as follows: Four (4) shall be appointed for a term of one year, four (4) for a term of two years, and six (6) for a term of three years.

(c) The members of the Commission shall serve without compensation.

(d) The County Executive and the Chairman of the Legislature, or their designees, shall be ex-officio members of the Commission.

Article 2. Officers and Employees Expenses.

The Commission shall have the power and authority to employ a secretary and such attorneys, experts and other employees as may be necessary, providing the same does not involve the expenditure of County funds.

Article 3-A. General Duties and Powers.

It shall be the duty of the Commission:

(a) To foster mutual respect and understanding among all racial, religious, nationality and other groups in the County.

(b) To make such studies in any field of human relationship in the County as in the judgment of the Commission will aid in effectuating its general purposes and where desirable, to make the results of such studies public.

(c) To inquire into incidents of tension and conflict among or between various racial, religious, nationality and other groups, and to take such action as may be designed to alleviate such tensions and conflict.

(d) To conduct and recommend such educational programs as, in the judgment of the Commission, will increase goodwill among inhabitants of the community and open new opportunities into all phases of community life for all inhabitants.

Article 3 – B. In addition to all other powers, the Commission, where and to the extent authorized by local law or ordinances, shall have the power:

(a) To report complaints to the New York State Division of Human Rights alleging unlawful discriminatory practices under Article 15 of the executive law.

(b) To receive, accept and use and expend public grants and private gifts, donations or bequests and other payments, goods and services, notwithstanding any other provision of law.

Article 4. General Obligations.

The Commission shall discharge the following obligations:

- (a) To receive complaints of alleged discrimination because of race, creed, color, national origin, and to seek the active assistance of the Division of Human Rights of the State of New York in the solution of complaints which fall within the jurisdiction of the Division and to prepare its own plans in the case of other complaints with a view toward reducing and eliminating such alleged discrimination through the process of conference, conciliation and persuasion.
- (b) To hold conferences, and other public meetings in the interest of the constructive resolution of racial, religious, nationality and other group tensions and the prejudice and discrimination occasioned thereby.
- (c) To issue such publications and reports of investigation as in its judgment will tend to effectuate the purposes of this Commission.
- (d) To enlist the cooperation and participation of the various racial, religious and nationality groups, community organizations, industry and labor organizations, media or mass communication, fraternal and benevolent associations, and other groups in an educational campaign devoted to fostering among the diverse groups of the County mutual esteem, justice and equity and opening new opportunities into all phases of community life for all individuals.
- (e) To encourage and stimulate agencies under the jurisdiction of the County to take such action as will fulfill the purposes of this Resolution.
- (f) To submit an annual report to the County Legislature and to furnish a copy thereof to the Division of Human Rights of the State of New York.

Article 5. Funding. County funds shall be expended by the Commission as authorized through the Department of Human Resources for ministerial type acts including qualifying potential Commission members. The Commission shall otherwise discharge its duties and obligations without the expenditure of any additional County funds.

Article 6. Effective. Said Commission shall be effective upon adoption of this Resolution.

RESOLVED, that the Clerk of the Dutchess County Legislature is directed to send a certified copy of this resolution to the Division on Human Rights of the State of New York within five days after its adoption, pursuant to § 239-t of the General Municipal Law.

CA-122-16 AMS/kvh/G-0602 8/12/2016 Fiscal Impact: (None) (See attached statement)
APPROVED
MARCUS J. MOLINARO
COUNTY EXECUTIVE
Date 9/10/2016
STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 12th day of September 2016, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 12th day of September 2016.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE
Carolyn Morris

Government Services & Administration

LAID ON DESKS 9/12/16

RESOLUTION NO. 2016233

RE: LOCAL LAW NO. 3 OF 2016, A LOCAL LAW
AUTHORIZING THE NEWLY RE-ESTABLISHED COMMISSION
ON HUMAN RIGHTS TO REPORT COMPLAINTS ALLEGING
UNLAWFUL DISCRIMINATORY PRACTICES UNDER ARTICLE 15 OF
THE EXECUTIVE LAW, TO THE NEW YORK STATE DIVISION OF
HUMAN RIGHTS

Legislators BORCHERT, MICCIO, BOLNER, JETER-JACKSON, HORTON,
TRUITT, LANDISI, STRAWINSKI, SAGLIANO, AMPARO, BRENDLI, BLACK, and
INCORONATO offer the following and move its adoption:

3 RESOLVED, that the Legislature of the County of Dutchess adopt Local Law No.
of 2016 which has been submitted this day for consideration by said Legislature.

CA-121-16
AMS/kvh/G-0602
09/12/16

Fiscal Impact: None

APPROVED
MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 10/28/2016

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 11th day of October 2016, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 11th day of October 2016.

Carolyn Morris
CAROLYN MORRIS, CLERK OF THE LEGISLATURE

LOCAL LAW NO. 3 of 2016

RE: AUTHORIZING THE NEWLY RE-ESTABLISHED COMMISSION
ON HUMAN RIGHTS TO REPORT COMPLAINTS ALLEGING
UNLAWFUL DISCRIMINATORY PRACTICES UNDER ARTICLE 15 OF
THE EXECUTIVE LAW, TO THE NEW YORK STATE DIVISION OF
HUMAN RIGHTS

BE IT ENACTED by the County Legislature of the County of Dutchess, State of New York as follows:

SECTION 1. LEGISLATIVE INTENT. It is hereby determined by the Dutchess County Legislature that the Dutchess County Commission on Human Rights, in addition to its general duties and powers as provided for in Section 239-q of the General Municipal Law, shall have the additional power to report complaints alleging unlawful discriminatory practices under Article 15 of the Executive Law to the State Division of Human Rights.

The establishment of a Commission on Human Rights pursuant to General Municipal Law Sections 239-o through 239-t enables a Commission to receive complaints of discrimination but does not grant it the ability to report such complaints to the State Division of Human Rights. General Municipal Law Section 239-q(2) specifically grants to the County the authority to adopt a local law to provide said Commission with the power to report a complaint alleging unlawful discriminatory practices under Article 15 of the Executive Law to the State Division of Human Rights.

It is the intent of the Dutchess County Legislature to provide the Commission with this additional power to report practices of unlawful discrimination to the State Division in an effort to further combat unlawful discrimination in Dutchess County.

It is the further intent of the Dutchess County Legislature that while the Dutchess County Human Rights Commission is authorized to inquire into allegations of unlawful discriminatory practices under both article 15 of the Executive Law and Article 12-D of the General Municipal Law, such inquiry shall be limited to questions and information gathering in an effort to determine the sufficiency of said allegations of unlawful discrimination for purposes of reporting same to the State Division of Human Rights pursuant to this Local Law. Additional

investigation, if any, after the initial inquiry described herein shall be carried out through the State Division of Human Rights.

SECTION 2. SEVERABILITY. If any clause, sentence, paragraph, subdivision, section, or part of this law or application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the cause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

SECTION 3. EFFECTIVE DATE. This local law shall become effective when filed in the Office of the Secretary of New York.

Family & Human Services

RESOLUTION NO. 2017056

RE: AMENDING RESOLUTION NO. 2016223 REGARDING APPROPRIATION OF COUNTY FUNDS TO THE DUTCHESS COUNTY COMMISSION ON HUMAN RIGHTS AND AMENDING THE 2017 ADOPTED COUNTY BUDGET AS IT PERTAINS TO THE DUTCHESS COUNTY COMMISSION ON HUMAN RIGHTS

Legislators THOMES, BORCHERT, MICCIO, ROMAN, LANDISI, HORTON, BLACK, TRUITT, and JETER-JACKSON offer the following and move its adoption:

WHEREAS, by Resolution No. 2016223 the Dutchess County Legislature disbanded the original Dutchess County Commission on Human Rights, repealed all prior resolutions adopted by this Legislature in furtherance of the original Dutchess County Commission on Human Rights, and re-established the Dutchess County Commission on Human Rights under new terms and conditions as outlined therein, and

WHEREAS, in 2016 the newly re-established Dutchess County Commission on Human Rights started a project entitled The Transformative Dialogue Project (Project) which is a collaboration among the Commission on Human Rights, Northern Dutchess NAACP and the Dutchess County Interfaith Council, and

WHEREAS, the Project's primary goal is to help improve community relations in the greater Poughkeepsie area by providing locations for people to meet and discuss concerns of their neighborhoods, and

WHEREAS, a memorandum from Jody Miller, EEO Officer/Human Rights Officer and Chairwoman of the Dutchess County Commission on Human Rights dated February 22, 2017 which describes the Project is attached hereto and made a part hereof, and

WHEREAS, the Dutchess County Commission on Human Rights now seeks funding for this Project, in order to train facilitators, monitor the Project, evaluate the Project, and provide for technical assistance, and

WHEREAS, Resolution 2016223, which states at Article 5, entitled "Funding", that "the Commission shall otherwise discharge its duties and obligations without any expenditure of any additional County funds" requires amendment in order to authorize the expenditure of County funds by the Department of Human Resources to support the Project as expressly stated herein, and

WHEREAS, it is also necessary to amend the 2017 Adopted County Budget to provide funds necessary for the implementation of the Project, now therefore, be it

RESOLVED, that Article 5, entitled "Funding", of Resolution 2016223 is hereby amended as follows: "The Department of Human Resources may authorize funding to support the mission of the Dutchess County Human Rights Commission as adopted and approved by the Dutchess County Legislature", and be it further

RESOLVED, that the Commissioner of Finance is authorized, empowered and directed to amend the 2017 Adopted County Budget as follows, in order to fund the Transformative Dialogue Project.

APPROPRIATIONS

Increase

A.1430.4401.105 Professional Services Consultants \$10,000

Decrease

A.1990.4007 General Contingency (\$10,000)

CA-039-17
CEB/kvh/G-0602
03/07/17 1

Fiscal Impact: See attached statement

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 11th day of April 2017 and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 11th day of April 2017.

Caron B. Morris
CARON B. MORRIS, CLERK OF THE LEGISLATURE

APPROVED
Marcus J. Molinaro
MARCUS J. MOLIMARO
COUNTY EXECUTIVE
Date 4/14/2017

Article V, Board of Benefit Assessment Review

L.L. No. 4-1999

This article was amended by L.L. No. 3-2004 to apply to sewer districts as well as water districts. Therefore, the findings statement in § 7-23 could be:

- (1) Deleted; or
- (2) Revised as follows:

It is hereby determined by the Dutchess County Legislature that the creation of a Board of Benefit Assessment Review and the enactment of procedures for the preparation and adoption of benefit assessment tax rolls for zones of assessment in the Dutchess County Water District and Dutchess County Part County Sewer Districts is in the best interests of the citizens of Dutchess County.

Decision:

- Revise as suggested in 2 above. Also list in Article V title Amended 7-12-2004 by LL No. 3-2004
- Revise as follows:
- Make no changes.

Chapter 13, Claims

L.L. No. 3-1955

A. In this chapter, should "Board of Supervisors" be changed to "County Legislature"?

Decision:

- Revise as suggested.
- Revise as follows:
- Make no changes.

Dutchess County, NY

- B. Section 13-1 refers to "Article 33 of the Civil Practice Act." The Civil Practice Act was repealed and replaced by the Civil Practice Law and Rules in 1962. The current reference could be to Civil Practice Law and Rules Article 23, Subpoenas, Oaths and Affirmations. (See, for example, § 2308, Disobedience of subpoena.)

Decision:

- Update reference to Article 23 of the Civil Practice Law and Rules.
- Revise as follows:

- Make no changes.

Chapter 18, Continuity of Government

L.L. No. 3-1962

If this chapter is retained in the Code, see the footnotes in § 18-1 identifying laws that have been renumbered or repealed. We will update these references when the Code is edited.

In terms of succession, this chapter could be reviewed against various Charter provisions which require officers to designate deputies and/or assistants who will act in their place in the event said officer is unable to serve. See, for example, Charter Sections 2.14(c), 3.05-A, 5.04, etc.

Note that the designations in the Charter are required to be filed with both the County Clerk and Clerk to the Legislature, while the designations in this chapter are required to be filed only with the County Clerk.

Decision:

- Revise as follows:

- Make no changes.

Chapter 24, County Legislature

L.L. No. 7-2002

Provisions regarding the filling of vacancies on the County Legislature are found both in § 24-6 of this chapter and in Charter § 2.13. Should the provisions be retained in both places?

Decision:

- Delete § 24-6.
- Revise § 24-6 to read as follows: *Vacancies which occur on the County Legislature shall be filled in accordance with Charter Section 2.13.*
- Revise as follows:

- Make no changes.

Chapter 36, Elections

Article I, Registration of Voters

L.L. No. 1-1965

The copy of the law we received for this project was poor so text is missing from § 36-1.

Note, too, that the reference to Article 15 of the Election Law is no longer current as of the revision of the Election Law in 1976. It appears that the current voter registration requirements are found in Article 5 of the Election Law.

Decision:

- These provisions have been superseded by state law; remove Chapter 36 from the Code.
- Retain Chapter 36 but update statutory reference as noted above.
- Revise as follows:

- Retain Chapter 36 without change.

Chapter 40, Ethics, Code of

L.L. No. 7-2000

A. For the sake of clarity, § 40-3I could be revised as follows:

- I. Future employment. No officer or employee shall, within a period of one year after termination of service or employment with the County, appear before any agency of the County, except on his or her own behalf. No officer or employee shall, after termination of service or employment with the County, appear before any agency of the County in relation to any matter, case, proceeding, application or transaction with respect to which such person was directly concerned or in which he or she personally participated in during his or her service or employment with the County.

Decision:

- Revise as suggested.
 Revise as follows:

- Make no changes.

B. In § 40-7, the list of positions required to file financial disclosure statements should be reviewed to ensure that the titles are current. For example, is “Computer Information Services” a current title? Should “Planning Department” be changed to “Planning and Development Department”?

Decision:

- Revise as follows: Replace 40-7A with attached paragraphs.

- Make no changes.

C. In § 40-11C, should “personal services” be changed to “personnel services”?

Decision:

- Revise as suggested. Can't find in 40-11c is it 40-10c if so make no changes
 Revise as follows:
 Make no changes.

Page 24 "B"

Upon the adoption of this Local Law, Local Law No. 7 of 2000, Section 6(a) is hereby amended to read as follows:

The Dutchess County Commissioner of Human Resources shall, prior to February 1st of each calendar year in which changes to affected positions become effective, submit to the Dutchess County legislature for approval by resolution, a list specifying by name of office or by title or classification, those officers, employees, and local elected officials of the executive and legislative branches of county government, but not judges or justices of the Unified Court System, who shall be required to complete and file an annual financial disclosure statement.

Such list shall contain the heads of all county created agencies, departments, divisions, councils, boards, commissions or bureaus and their deputies and assistants, and the officers and employees of such agencies, departments, divisions, boards, bureaus, commissions or councils created by the county who hold policy making positions as determined by the appointing authority as appointing authority is defined by New York State Civil Service Law Section 2(9).

Such officers and employees shall be responsible to complete and file a financial disclosure statement in substantially the form set forth herein and in accordance with the requirements of this local law. On or before March 15th of each year, the County Attorney shall cause to be distributed to those persons holding the positions set forth on such list said financial disclosure statement.

Chapter 61, Leases

L.L. No. 8-1983

This chapter appears to be sufficient as written.

Comment:

Chapter 75, Officers and Employees

Article I, Civil Service Coverage for Sheriff's Department

L.L. No. 1-1976

This article places certain Sheriff's Department positions in the unclassified service. While it appears to be generally sufficient as written, § 75-1 should be reviewed to ensure that the titles listed are correct and that the list is comprehensive.

Decision:

- Revise as follows: Delete Deputy Sheriff before confidential secretary
- Make no changes.

Article II, Dismissal Hearings for Noncompetitive and Labor Classes

L.L. No. 8-1976

This article appears to be sufficient as written.

Comment:

Article III, Residency Requirements

L.L. No. 6-1987

- A. In § 75-10, should "Commissioner of Personnel" be changed to "Commissioner of Human Resources"?

Decision:

- Revise as suggested.
- Revise as follows:

- Make no changes.

- B. Attachment 1 at the end of this chapter includes a list of positions that require County residency. Item 4, Commissioner of Health, has an asterisk, but there is no explanatory note associated with that asterisk.

Decision:

- Delete asterisk.
- Revise as follows: Revise with Resolution 2016113

 Make no changes.

Article IV, Workers' Compensation

L.L. No. 6-2013

This article appears to be sufficient as written.

Comment:

Budget, Finance, & Personnel
Background Amended in Committee 5/5/16

RESOLUTION NO. 2016113

RE: APPROVAL OF UPDATED LIST SPECIFYING BY NAME OF
OFFICE OR BY TITLE OR CLASSIFICATION THOSE OFFICERS
OR EMPLOYEES OF THE EXECUTIVE BRANCH OF COUNTY
GOVERNMENT WHO SHALL BE REQUIRED TO RESIDE
WITHIN THE COUNTY OF DUTCHESS

Legislators FLESLAND, MICCIO, SAGLIANO, LANDISI, HORTON, and
TRUITT offer the following and move its adoption:

WHEREAS, Dutchess County Local Law No 1 of 2014 established a process for
updating the list of titles and positions of local officers and employees required to reside within
the County of Dutchess, and

WHEREAS, the Dutchess County Commissioner of Human Resources is
authorized, in any calendar year in which changes to affected positions become effective, to
submit to the Dutchess County Legislature for approval by resolution a list specifying by name
of office or by title or classification those officers or employees of the executive branch of
County government who shall be required to reside within the County of Dutchess, now
therefore, be it

RESOLVED, that commencing with calendar year 2016, the attached updated list
(Attachment "A") specifying by name or office or by title or classification those officers or
employees of the executive branch of County government who shall be required to reside within
the County of Dutchess is hereby approved.

CA-072-16
SR/dl/CRC/kvh/G-0175-A
04/11/16

Fiscal Impact: See attached statement

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with
the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 9th day of May 2016, and that the same
is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 9th day of May 2016.

Caroline Morris
CAROLINE MORRIS, CLERK OF THE LEGISLATURE

ATTACHMENT "A" TO RESOLUTION - 2016

The following are titles for County employees that require residency by this Local Law:

1. Assistants to County Executive;
2. Budget Director;
3. Chief Medical Examiner – Forensic Pathologist;
4. Commissioner of Behavioral & Community Health;
5. Commissioner of Central Information Systems;
6. Commissioner of Community and Family Services;
7. Commissioner of Emergency Response;
8. Commissioner of Finance;
9. Commissioner of Human Resources;
10. Commissioner of Planning and Development;
11. Commissioner of Public Works;
12. Comptroller;
13. County Attorney;
14. County Clerk;
15. County Executive;
16. County Historian;
17. Deputy County Executive;
18. Director of Office for the Aging;
19. Director of Probation and Community Corrections;
20. District Attorney;
21. Public Defender;
22. Sheriff;

Article V, Defense and Indemnification

L.L. No. 4-1988

Section 75-25A(1) could be revised as follows to match similar provisions found in Public Officers Law § 18(5):

- (1) Delivery by the employee to the County Attorney, or his assistant, at his office, the original or a copy of any summons, complaint, process, notice, demand or pleading within five 10 days after service on the employee;

Decision:

- Revise as suggested.
- Revise as follows:

- Make no changes.

Article VI, Elected Officials' Contribution to Health Insurance Benefits

L.L. No. 2-2010

This article appears to be sufficient as written.

Comment:

Chapter 81, Procurement

Article I, Purchasing Department

L.L. No. 2-1966

This article establishes the Purchasing Department and sets forth the duties and responsibilities of the Purchasing Agent. In light of Article XXVIII of the Administrative Code, Procurement Procedures, is this article still in effect?

If so, is the position of "County Treasurer" as mentioned in § 81-2 still in existence or should this be changed to "Commissioner of Finance"?

Decision:

- Remove Article I from Code.
- Retain Article I but change "County Treasurer" to "Commissioner of Finance."
- Revise as follows: 1) 81-5 Exceptions; 2) Department of Behavioral and Community Health
3) Department of Community and Family Services
- Retain Article I and make no changes.

Article II, Best Value Purchases

L.L. No. 2-2016

This article appears to be sufficient as written.

Comment:

Chapter 88, Records Management

L.L. No. 3-1986

- A. Section 88-1 of this chapter was amended by L.L. No. 4-2012 to transfer records management functions to the County Clerk, who now serves as the Records Management Officer. Section 88-3 includes the County Clerk as a member of the Records Advisory Board to provide advice to the Records Management Officer. In light of L.L. No. 4-2012, should § 88-3A be revised to replace the County Clerk with a different County official?

Decision:

- Revise § 88-3A to delete “the County Clerk.”
- Revise as follows:

- Make no changes.

- B. In § 88-3B(3), should “Records Management Office” be changed to “Records Management Officer”?

Decision:

- Revise as suggested.
- Revise as follows:

- Make no changes.

- C. For the sake of clarity, the definition of “archives” in § 88-6 could be revised as follows:

ARCHIVES – Those official records which have been determined by the Records management Officer and Records Advisory Board Committee to have sufficient historical or other value to warrant their continued preservation by the County.

Decision:

- Revise as suggested.
- Revise as follows:

- Make no changes.

Dutchess County, NY

Chapter 97, Salaries and Compensation

Article I, Longevity Pay for Judges

L.L. No. 7-1967

Section 97-1 cites Judiciary Law § 182-a, which was repealed by L. 1975, c. 150, § 1. Is Article I still in effect?

Decision:

- Delete Article I; its provisions are no longer in effect.
- Revise as follows:

- Retain Article I without change.

Establishment of Salaries for Certain Elected Officials

L.L. No. 4-2002

Section 97-6 refers to reimbursement of expenses "pursuant to Section 2.06 of the Administrative Code." That section addresses petty cash funds – Is it the correct reference? Section 2.05 addresses reimbursement of conference expenses.

Decision:

- Change reference to Administrative Code Section 2.05.
- Revise as follows:

- Make no changes.

Chapter 103, Tax Statements

Article I, Medicaid Costs

L.L. No. 4-2003

This article appears to be sufficient as written.

Comment:

Article II, Resource Recovery Agency Obligations

L.L. No. 1-2006

This article appears to be sufficient as written.

Comment:

Chapter 109, Transportation Services

L.L. No. 3-1980

This chapter appears to be sufficient as written.

Comment:

PART II, GENERAL LEGISLATION

Chapter 120, Airport

Article I, Commercial Leases and Contracts

L.L. No. 6-2015

This chapter appears to be sufficient as written.

Comment:

Chapter 124, Alarm Systems

L.L. No. 6-1999

This chapter appears to be sufficient as written.

Comment:

Chapter 128, Alcoholic Beverages

Article I, Social Hosts

L.L. No. 2-2008

This article imposes liability on anyone over the age of 18 who serves alcoholic beverages at their home to anyone under the age of 21. It seems incongruous to impose liability on minors who should not have access to alcohol in the first place, nor are they likely to be the legal owner or lessee of premises on which alcoholic beverages are served.

Section 128-1 and 128-3A could be revised to change the phrase "over the age of 18" to "over the age of 21."

Decision:

- Revise as suggested.
- Revise as follows:

- Make no changes.

Chapter 135, Building Numbering and Road Signs

L.L. No. 8-1999

A. Section 135-2B could be reviewed against State Building Code requirements for building numbering. Subsection B requires building numbers to be not less than three inches in height. The State Building Code (and Property Maintenance Code) requires numbers to be "Arabic numerals or alphabet letters, a minimum of four inches high, with a minimum stroke width of 0.5 inches, and of contrasting color."

Decision:

- Revise Subsection B to change "not less than three inches in height" to "not less than four inches in height."
- Remove specific requirements in Subsections B and C and require that numbers conform to "the requirements of the New York State Uniform Fire Prevention and Building Code."
- Revise as follows:

- Make no changes.

Dutchess County, NY

- B. Local Law No. 8-2000 amended this chapter to add a new Section 7, Enforcement. However, the law did not include the text of the section. We have included § 135-7 as "Reserved" for purposes of the Manuscript.

Decision:

- Missing text enclosed.
 - Delete § 135-7.
 - Revise as follows:
-
- Make no changes.

Chapter 141, Consumer Protection

Article I, Item Pricing of Retail Sales Items

L.L. No. 9-1991

- A. Section 141-5C addresses referral of violations to the County District Attorney where there is evidence of intent to defraud, and to the "attorney for the municipality" where there is no evidence of intent to defraud. Subsection C also refers to the "municipality director."

- (1) Does "attorney for the municipality" refer to the municipality in which the offending retail establishment is located?
- (2) Who is the "municipality director"?

Compare the text in Article II, § 141-12B, of this chapter, which refers to the County Attorney.

Decision:

- Revise Subsection C to correspond to text found in § 141-12B of this chapter.
 - Revise as follows: Replace this section with 2 of 2017. All prior LL's have been repealed.
-
- Make no changes.

Lay on DESKS
8-14
P.S.

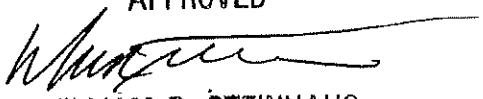
RESOLUTION NO. 200273

RE: LOCAL LAW NO. 8 OF 2000, A LOCAL LAW AMENDING LOCAL
LAW NO. 8 OF 1999

Legislators KELLY and PHILLIPS offer the following and move its adoption:

RESOLVED, that this Legislature of the County of Dutchess adopt Local Law
No. 8 of 2000, which has been submitted this day for consideration by said Legislature.

APPROVED


WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

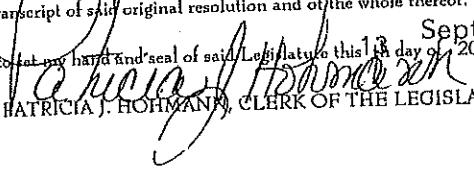
Date 10/17, 2000

RES. 273 local law 8/9/00 js/dk/tq
Revised 8/14/00 lw
STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 13th day of September, 2000, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 13th day of September, 2000.

PATRICIA J. HOHMAN, CLERK OF THE LEGISLATURE

LOCAL LAW NO. 8 OF 2000

RE: A LOCAL LAW AMENDING LOCAL LAW NO. 8 OF 1999

BE IT ENACTED by the County Legislature of the County of Dutchess as follows:

SECTION 1. LEGISLATIVE INTENT.

The Dutchess County Legislature has previously determined that it is in the best interest of the citizens of the County of Dutchess to have uniform signs for E-911 purposes so that all structures in the County can be easily identified by emergency vehicles. In addition thereto, the Dutchess County Legislature strongly feels that each citizen has the responsibility of affixing his/her E-911 number once that number has been received. There must be cooperation among the citizens, the government, and the emergency service providers in order for the E-911 system to operate as designed.

SECTION 2.

Section 2A of Local Law No. 8 of 1999 is amended by the following language:

“SECTION 2 NUMBERING OF HOUSES/STRUCTURES”

- A. The property owner of record has the responsibility to affix the E-911 number as described in Section 2 (B) and (C). After the E-911 number has been affixed, the property owner of record shall remove the previous number that had been assigned to the property. The costs involved in affixing the E-911 number and removing the previous number shall be borne by the property owner of record.

SECTION 3.

Section 4 of Local Law No. 8 of 1999 shall be deleted in its entirety and in its place the following language shall appear:

“SECTION 4 PROCEDURE ON NONCOMPLIANCE

- A. Any owner of a structure within the County of Dutchess who refuses or neglects to properly number said structure as outlined in Section 2 or pay the fee for a private road sign outlined in Section 3C shall be deemed in violation of this local law. Said owner shall be notified of the violation of this local law.
- B. Service of notice. The notice provided for in Subsection 4 (a) may be given by personal service or by mailing a copy, certified mail, return receipt requested, thereof to the last known address of the owner.
- C. Numbering of structure by county. In the event of the neglect or refusal of any owner, after notice, to cause said structure to be properly numbered, the Dutchess County Emergency Response Coordinator may cause said structure to be properly numbered.

- D. Any City, Town, or Village in Dutchess County may authorize the enforcement of the provisions of this local law by designating by appointment of an enforcement official for the service of notices, issuance of summonses, prosecution of violations, and collection of fines herein. All fines shall be paid to the financial officer of the municipality prosecuting the violation and retained by the municipality for general purposes.
- E. Upon discovery of a violation of this local law, the designated official shall give notice of such violation by affixing a copy to the entrance of the main structure on the premises and by mailing a copy to the last known address of the purported owner thereof. The owner shall have thirty (30) days within which to comply. Failure to comply thirty (30) days after allows the designated official to issue a summons to the last known owner of the premises, directing that person as a respondent to show cause before the designated official at a stated time and place why said person should not be declared in violation of this law and fined in accordance herewith.
- F. The Respondent, at said time and place shall present any evidence in defense of his or her position or may show particular circumstances or hardship for which they may be entitled to additional time to comply, or due to unusual hardship, may be entitled to a variance in the application of this law.
- G. The designated official, shall, after considering all the facts, make a determination forthwith, holding: (1) The owner is in violation and imposing a fine in accordance with Section 5 herein; or (2) Extending the owner additional time within which to comply; or (3) Granting a variance from the strict application of this Law; or (4) Dismiss the summons on the basis of the defense submitted."

SECTION 4.

Section 5 of Local Law No. 8 of 1999 is amended so that the present language is deleted and the following language shall appear:

“SECTION 5 PENALTIES FOR OFFENSES

Any violation of this law shall constitute an offense punishable by a fine not exceeding \$50 for a first offense, not exceeding \$100 for a second offense, and not exceeding \$150 for any subsequent offense.”

SECTION 5.

Section 6 of Local Law No. 8 of 1999 entitled, “Section 6 Applicability” remains the same and shall be renumbered Section 8.

SECTION 6.

Section 7 of Local Law No. 8 of 1999 entitled, “Validity and Severability” remains the same and shall be renumbered as Section 9.

SECTION 7.

A new section entitled, "Section 6 Appeals" shall be added to Section 6 and shall read as follows:

"SECTION 6 APPEALS

- A. There is hereby created an E-911 Appeals Panel, consisting of three members, who shall be members of the E-911 Oversight Board and who shall be designated by the Chairperson of said Board. The term of each panel member shall be for the balance of their term on the Oversight Board.
- B. Any owner may challenge the City, Town, and Village designated official's determination by filing an appeal with the E-911 Appeals Panel (Appeals Panel) within thirty (30) days of receipt of said determination. Said appeal shall be in writing and shall be limited to the issues before the said City, Town, and Village designated official. The Appeals Panel shall permit the owner the opportunity to appear before it at a public meeting and to present information orally and in writing which supports the position of said party.
- C. The Appeals Panel shall, after due deliberation, and within sixty (60) days of receipt of the appeal, make a determination (1) Affirming the determination of the City, Town, and Village designated official, or (2) Modifying the determination of the City, Town, and Village designated official by granting a variance to said owner; or (3) Reversing the determination of the City, Town, and Village designated official."

SECTION 8.

A new section entitled, "Section 7 Enforcement" shall be added to Section 6 and shall read as follows:

"SECTION 7 ENFORCEMENT

Any fine levied through the process in Section 6 entitled, "Appeals" shall be paid within thirty (30) days of receipt of notice from the City, Town, and Village designated official or within 30 days of receipt of the final determination of the Appeals Panel on an appeal. Upon the failure of an owner/applicant to pay the fine within the time provided, the City, Town, and Village financial officer may commence a suit in small claims part of the City, Town, or Village Court having jurisdiction. Where a City, Town, or Village has enacted a local law as provided in Section 8, the designated officer of such municipality, or such other officer as may be authorized, may notify the governing board of said municipality of said delinquencies for levy with the next tax bill."

SECTION 9.

A new section entitled, "Section 10 Local Jurisdiction" is added as follows:

"SECTION 10 LOCAL JURISDICTION

Any City, Town, or Village may enact a local law adopting the provisions of this local law, except that said local law may authorize an individual other than the designated official to enforce it. In addition, said local law may provide for the levy of unpaid fines on the next tax bill in the same manner as unpaid water bills."

SECTION 10.

A new Section entitled, "Section 11 Effective Date" shall be added and read as follows:

"SECTION 11 EFFECTIVE DATE

This local law shall take effect immediately upon full compliance with all the requisite statutes and laws applicable to its adoption and promulgation."

Laid on Desks by Mail, E-Mail, and in Mailboxes 11/22/16
Government Services & Administration

RESOLUTION NO. 2016288

RE: AUTHORIZING LOCAL LAW NO. 2 of 2017 A LOCAL LAW
REQUIRING THE PRICING OF GOODS OFFERED FOR SALE AT
RETAIL IN DUTCHESS COUNTY AND REPEALING DUTCHESS
COUNTY LOCAL LAW NO. 9 OF 1991 AS AMENDED BY LOCAL
LAW NO. 5 of 1994, LOCAL LAW NO. 3 of 1998, LOCAL LAW NO. 6
of 2004, and LOCAL LAW NO. 2 of 2011

Legislators BORCHERT, MICCIO, SAGLIANO, and LANDISI offer the
following and move its adoption:

RESOLVED, that the Legislature of the County of Dutchess adopt Local Law No.
2 of 2017 which has been submitted this day for consideration by said Legislature.

CA-146-16
CRC/kyh/G-0992
10/06/16

Fiscal Impact: None

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 1-12-2017

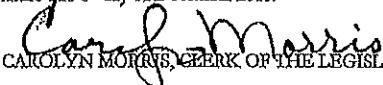
STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 8th day of December 2016, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 8th day of December 2016.


CAROLYN MORRIS, CLERK, OF THE LEGISLATURE

LOCAL LAW NO. 2 of 2017

RE: LOCAL LAW NO. 2 of 2017, A LOCAL LAW REQUIRING THE PRICING OF GOODS OFFERED FOR SALE AT RETAIL IN DUTCHESS COUNTY AND REPEALING DUTCHESS COUNTY LOCAL LAW NO. 9 OF 1991 AS AMENDED BY LOCAL LAW NO. 5 of 1994, LOCAL LAW NO. 3 of 1998, LOCAL LAW NO. 6 of 2004, and LOCAL LAW NO. 2 of 2011

BE IT ENACTED by the County Legislature of the County of Dutchess as follows:

SECTION 1. LEGISLATIVE INTENT

This Legislature hereby finds and determines that the Consumers in Dutchess County are entitled to clear information, setting forth the prices of consumer commodities which they purchase from retail stores. A clear, easily-enforceable item-pricing statute will promote the Dutchess County consumers' right to all reasonable information in order that these consumers are able to make informed choices about their purchases.

The Legislature also finds and declares that price marking technology utilizing a laser scanning device offers numerous efficiencies and economies to the operation of the retail food industry. The Legislature further finds that price marking constitutes an indispensable ingredient to a consumer's right to all reasonable information in order to make an informed purchase choice.

The Legislature further finds and determines that Computer Assisted Checkout Systems (CACOS) are an accurate means of pricing consumer commodities and have become an indispensable technology for retail stores. Employment of such technology obviates and provides a reasonable alternative to the requirement that individual items be price marked in Arabic numerals, so long as the accuracy of the CACOS system is established and the price of individual items is clearly marked on shelves and displays as provided herein. Other than New York City, Dutchess County is the last jurisdiction in the State to have a mandatory item pricing law without a scanner accuracy waiver provision. This Legislature further finds and determines that there are some retailers which will not operate in counties that mandate manual pricing thus having the effect of limiting competition and economic expansion in Dutchess County. As such, the Legislature finds that other pricing systems should be permitted as an alternative to price marking, subject to proper safeguards.

This Local Law shall not be construed to diminish the requirements of section 214-h of the New York State Agriculture and Markets Law, Section 197-b of the New York State Agriculture and Markets Law, or the New York State Regulations at 1 NYCRR 345.1 et seq. but shall be in addition thereto.

SECTION 2. PRIOR ITEM PRICING LOCAL LAW REPEALED

LOCAL LAW NO. 9 OF 1991 AS AMENDED BY LOCAL LAW NO. 5 of 1994, LOCAL LAW NO. 3 of 1998, LOCAL LAW NO. 6 of 2004, and LOCAL LAW NO. 2 of 2011 of the County of Dutchess, and known as the Dutchess County Item Pricing Law is repealed upon the effective date of this Local Law; provided, however, that nothing, including this Section shall prohibit the enforcement of said Local Law No. 9 of 1991, as amended, of the County of Dutchess, for actions or inactions done or not done as the case may be, by those subject to such Local Law No. 9 of 1991, as amended, of the County of Dutchess, prior to the effective date of this Local Law. All fines, penalties, criminal, and civil liability as the case may be shall remain in full force and effect and available for enforcement under such repealed Local Law No. 9 of

1991, as amended, of the County of Dutchess, for any applicable actions or inaction of those subject to such law as if such law remained in full force and effect for actions taken or inaction prior to the effective date of this Local Law.

SECTION 3. ITEM PRICING REQUIRED

Every retail space in Dutchess County which sells, offers for sale or exposes for sale a consumer commodity shall clearly disclose on each item, the selling price of said consumer commodity. The selling price may be shown by stamp, tag, label, or otherwise, marked in Arabic numeral on each item.

SECTION 4 – EMPLOYMENT OF COMPUTER ASSISTED CHECKOUT SYSTEMS AS SATISFYING THE PROVISIONS OF DUTCHESS COUNTY ITEM PRICING REQUIREMENTS.

Every retail store which uses a computer-assisted checkout system and which would otherwise be required to price mark each item as provided in Section 3 above may make an application, in writing, to the Dutchess County Commissioner of Behavioral and Community Health for a waiver of the item pricing requirement. A separate application shall be required for each qualified retail store.

SECTION 5. DEPARTMENT OF BEHAVIORAL AND COMMUNITY HEALTH, DIVISION OF WEIGHTS AND MEASURES

The responsibility of the administration and enforcement of this Local Law shall be with the Dutchess County Department of Behavioral and Community Health, Division of Weights and Measures. The Commissioner of Behavioral and Community Health shall be vested with the power to promulgate rules and regulations consistent with this Local Law. Item Pricing Rules and Regulations are submitted herewith for adoption by local law.

SECTION 6. SEVERABILITY.

If any clause, sentence, paragraph, subdivision, section or part of this law or application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the cause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

SECTION 7. EFFECTIVE DATE.

This Local Law shall take effect upon filing with the Secretary of State.

DUTCHESSE COUNTY DEPARTMENT OF BEHAVIORAL AND COMMUNITY HEALTH, DIVISION OF WEIGHTS AND MEASURES, ITEM PRICING RULES AND REGULATIONS

SECTION 1. DEFINITIONS

- (1) "Retail space" shall mean a store within a general retail merchandise store selling primarily food at retail for off-premises consumption, provided that such store had annual gross sales in the previous calendar year of at least two million dollars, unless such store is a part of network of subsidiaries, affiliates or other member stores, under direct or indirect common control, which, as a group had annual gross sales in the previous calendar year of at least two million dollars.
- (2) "Consumer Commodity" shall mean the following:
 - (a) food, including all material solid, liquid or mixed, whether simple or compounded, used or intended for consumption by human beings, or animals normally kept as household pets, and all substances or ingredients added thereto for any purposes, and, (b) napkins, facial tissues, toilet tissues, foil wrapping, plastic wrapping, paper toweling, disposable plates and cups, and, (c) detergents, soaps and other cleansing agents, and (d) non-prescription drugs, female hygiene products and toiletries.
- (3) "Computer Assisted Check-Out System" shall mean any electronic device, computer system or a machine which determines the selling price of a consumer commodity by interpreting its universal product code, or an in-house product code, or by use of its prices look-up function.
- (4) "Inspector" shall mean an employee of the Dutchess County Division of Weights and Measures, Department of Behavioral and Community Health.
- (5) "Stock-keeping unit" means each group of items offered for sale of the same brand, quantity of contents, retail price, and having different colors, flavors, or varieties.
- (6) "Stock-keeping item" means each individual item within a stock-keeping unit offered for sale.

SECTION 2. ITEM PRICING REQUIRED

- (a) Every retail space in Dutchess County which sells, offers for sale or exposes for sale a consumer commodity shall clearly disclose on each item, the selling price of said consumer commodity. The selling price may be shown by stamp, tag, label, or otherwise, market in Arabic numeral on each item.
- (b) The provisions of Section 2(a) hereof shall not apply to the following consumer commodities however packaged or contained, provided the selling price is conspicuously, plainly and clearly state in Arabic numerals by a sign contiguous to the point of display of the commodity:
 - (1) Milk
 - (2) Eggs
 - (3) Loose fresh produce
 - (4) Consumer commodities which are offered for sale in single packages and weighing three ounces or less and are priced under one dollar.
 - (5) Snack good such as cakes, gum candies, chips and nuts offered for sale in single packages and weighing five ounces or less.
 - (6) Food sold for consumption on premises.
 - (7) Identical items within a multi-item package that is properly price marked.

- (8) Products sold through a vending machine.
 - (9) Cigarettes, cigars, tobacco and tobacco products.
 - (10) Food offered for sale in bulk.
- (c) Every retail space in Dutchess County which accepts manufacturers' coupons is required to post clearly and concisely the establishment's policy with respect to the doubling and/or tripling of coupons in areas easily visible to customers at no less than one entrance to the establishment.

SECTION 3 - EMPLOYMENT OF COMPUTER ASSISTED CHECKOUT SYSTEMS AS SATISFYING THE PROVISIONS OF DUTCHESS COUNTY ITEM PRICING REQUIREMENTS.

A. Every retail store which uses a computer-assisted checkout system and which would otherwise be required to price mark each item as provided in Section 4 above may make an application, in writing, to the Dutchess County Commissioner of Behavioral and Community Health for a waiver of the item pricing requirement. A separate application shall be required for each qualified retail store. Each applicant shall be subject to a non-refundable waiver fee based upon the square footage of the retail area of each store as set according to the following schedule:

1. Store's Square Footage of Retail Area	Waiver Fee
a. 0 to 9,999 sq. ft.	\$ 500.00
b. 10,000 to 29,999 sq. ft.	\$ 1,000.00
c. 30,000 to 49,999 sq. ft.	\$ 3,500.00
d. 50,000 to 89,999 sq. ft.	\$ 5,000.00
e. 90,000 or more sq. ft.	\$ 10,000.00

2. Waiver of fees pursuant to this section may hereafter be revised and amended from time to time by resolution of the Dutchess County Legislature.

B. Upon receipt of an application and fee as provided in subsection 1 above of this Section, the Commissioner of Behavioral and Community Health shall conduct a scanner count, location and accuracy inspections of the retail location for which the application has been submitted. At stores with a retail area in excess of 10,000 square feet, a minimum of 100 stock keeping units shall be checked at inspection. At stores with a retail area of 10,000 square feet or less, a minimum of fifty stock keeping units shall be checked. If the number of stock keeping units found to be in violation does not exceed two percent of those stock keeping units inspected, the Commissioner of Behavioral and Community Health shall grant to the applicant a one year revocable waiver for the item pricing requirement.

C. In the event that total violations in excess of two percent are discovered in the inspection process, the Commissioner of Behavioral and Community Health shall not grant a waiver to the applicant. Such a store may, within fifteen business days of being notified of the failure, request a second inspection. If the number of stock keeping units found to be in violation during this second inspection does not exceed two percent of those stock keeping units inspected, the Commissioner of Behavioral and Community Health shall grant to the applicant a one year revocable waiver for the item pricing requirement.

D. Stores whose waivers are revoked pursuant to subsection H or stores which, upon renewal for waiver, fail the scanner accuracy inspection(s) twice must comply with item pricing as set forth in Section 2 above within thirty days from the final date of failure. Such a store will be prohibited from applying for a new waiver for one year from the date of revocation or second inspection failure.

E. Waivers shall be valid for a period of one year from the date of issuance, at which time the waiver shall expire. Stores must reapply annually for renewal. The waiver fee and inspection shall be required for each annual renewal application, as required for an original waiver application.

F. In the event that the Commissioner of Behavioral and Community Health is unable to conduct an inspection within 60 days of receipt of a complete application with the appropriate fee, then the Commissioner of Behavioral and Community Health will issue a temporary waiver pending the completion of the inspection process. The Commissioner of Behavioral and Community Health shall cause an inspection to be completed as soon as practicable. If, upon completion, there is a violation rate of less than two percent, then the Commissioner of Behavioral and Community Health shall issue a permanent waiver with an expiration date of one year from the date of the issuance of the temporary waiver. If, upon completion of an inspection, there is a violation rate in excess of two percent, the temporary waiver shall be immediately revoked. Nevertheless, the store may, within 15 business days of being notified of the failure, request a second inspection. If the number of stock keeping units found to be in violation during this second inspection does not exceed two percent of those stock keeping units inspected, the Commissioner of Behavioral and Community Health shall grant to the applicant a one year revocable waiver for the item pricing requirement from the date of the issuance of the temporary waiver. If the store does not request a second inspection, or if the store fails the second inspection, then the store must comply with the item pricing requirements set forth in Section 2 above.

G. As a condition of the waiver from item pricing, each store must agree to meet all of the following requirements, and no regular or temporary waiver shall be granted to a store which has not agreed to these requirements in writing:

1. The store shall make available price check scanners to enable consumers to confirm the price of stock keeping items. These price check scanners shall be in locations convenient to consumers with signs of sufficient sized lettering to identify the units to the consumers. Stores will submit their proposed sign and device locations to the Commissioner of Behavioral and Community Health for approval. In stores with multiple floors, there shall be at least one scanner conveniently located on each floor of the store. The number of conveniently located scanners shall also be dependent on the store's retail area:

Store's Retail Area:	Scanners:
Under 3,000 sq. ft.	1
Between 3,001 and 10,000 sq. ft.	2
Between 10,001 and 20,000 sq. ft.	3
Between 20,001 and 30,000 sq. ft.	4
Over 30,001 sq. ft.	Minimum of 5 and such additional scanners as the Commissioner may deem appropriate; and

2. Stores must also have a shelf price for each stock keeping item which is visible to the consumer and which are located directly under the item on the shelf on which the item is

displayed; or if the item is not conspicuously visible to the consumer, by a sign or list conspicuously placed at the point of procurement. Failure to display the shelf price for a stock keeping item shall constitute a violation. The Commissioner of Behavioral and Community Health may specify standard shape, typeface, placement and format of shelf prices and may set other requirements to ensure the readability of shelf prices and the ability of consumers to identify which shelf prices applies to each stock keeping item.

3. The store shall not charge any consumer a price for any stock keeping item (SKI) that exceeds the item, shelf, sale or advertised price of the SKI.
4. The store shall make prompt payment to consumers who have been overcharged and shall correct all pricing errors identified by consumers.
5. The store shall post, in a conspicuous place, the refund policy of such retail store in the event of an overcharge.

H. The Commissioner of Behavioral and Community Health may revoke a waiver from item pricing for any of the following reasons:

1. Failure to comply with any provisions of this Local Law;
2. Deliberate overcharging of any consumer;
3. Material misrepresentation in the application for a waiver.

SECTION 4. PENALTIES, INJUNCTIVE RELIEF, SETTLEMENTS

- (a) A violation of any provision of this Local Law or of any rule or regulation promulgated hereunder shall be punishable by the payment of a Civil Penalty in the sum of not more than one hundred dollars for each such violation, with a maximum fine of \$10,000.00 (TEN THOUSAND DOLLARS) per inspection.
- (b) Failure to display the selling price of any stock-keeping unit (SKU) consistent with this act shall be punishable upon proof thereof by payment of a civil penalty in the sum of \$100 per violation per SKU with a maximum fine of \$10,000.00 (TEN THOUSAND DOLLARS) per inspection.
- (c) Whenever any person has engaged in any acts or practices which constitutes repeated or persisted violations of any provision of this Local Law or any rule or regulation promulgated hereunder, the County Attorney, upon the request of the Department of Behavioral and Community Health, Division of Weights and Measures, may commence an action in the name of the County for a restraining order, temporary or permanent injunction or equitable relief.
- (d) On finding a violation of the provisions of this Local Law or the rules and regulations promulgated hereunder, the Dutchess County Department of Behavioral and Community Health, Division of Weights and Measures, shall expeditiously cause the same to be corrected to where there is evidence of intent to defraud refer evidence of such violation to the District Attorney of the County for prosecution or in the absence of intent to defraud refer to the attorney for the municipality for commencement of a civil action, in the name of the municipality, to recover a civil penalty in the amounts prescribed. A cause of action for recovery of such penalty may be released, settled or compromised by the municipality attorney, or, thereafter, by such attorney.

- B. Section 141-6 vests authority to enforce this article in the "Department of Health," and then states that "he" shall promulgate rules and regulations.
- (1) If "he" is correct, perhaps the enforcement authority should be changed to the Commissioner of Health."
 - (2) If "Department" is correct, we will change "He shall be vested" to "It shall be vested."

Decision:

- Revise as suggested in _____ above.
- Revise as follows: See above Local Law 2 of 2017
- Make no changes.

Article II, Unfair Trade Practices

L.L. No. 10-1991

This article appears to be sufficient as written.

Comment:

Chapter 147, E911 System**Article I, Surcharge***L.L. No. I-1994*

- A. Section 147-4 lists exceptions to the imposition of this surcharge. See County Law § 304, which was amended in 1997 to also exempt "a public safety agency." Note, too, that County Law § 304 states that the surcharge shall not be imposed on more than 75 exchange access lines per customer per location (Subsection A of this section sets forth a 50-line limit.).

Decision:

- Add "public safety agency" as one of the exceptions in § 147-4.
 - Change "50 exchange access lines" to "75 exchange access lines."
 - Revise as follows:
 - Make no changes.
- B. Section 147-7 could be revised as follows to match 2000 amendments to corresponding provisions in County Law § 307:

This Local Law shall not be interpreted as precluding other means of funding all or part of an E911 system. The County of Dutchess may apply for and accept federal monies and may accept contributions and donations from any source for the purpose of funding an E911 emergency telephone system. All surcharge monies remitted to the County of Dutchess by a service supplier and all other monies dedicated to the payment of system costs from whatever source derived or received by the County of Dutchess shall be expended only upon authorization of the County Legislature, and only for payment of system costs as permitted by County Law Article 6. The County of Dutchess shall separately account for and keep adequate books and records of the amount and source of all such revenues and of the amount and object or purpose of all expenditures thereof. If at the end of any fiscal year the total amount of all such revenues exceeds the amount necessary ~~and expended~~ for payment of system costs in such fiscal year, such ~~unencumbered cash surplus~~ excess shall be reserved and carried over for the payment of system costs in the following fiscal year. However, if at the end of any fiscal year such ~~unencumbered cash surplus~~ E911 reserved fund balance exceeds an amount equal to 5% of that necessary for the payment of system costs in such fiscal year, the County Legislature shall by local law reduce the surcharge for the following fiscal year to a level which more adequately reflects the system cost requirements of its E911 system. The County Legislature may also by local law reestablish or increase such surcharge, subject to the provisions of County

Law § 303, if the revenues generated by such surcharge and by any other source are not adequate to pay for system costs.

Decision:

- Revise as suggested.
- Revise as follows:

- Make no changes.

Article II, Wireless Surcharge

L.L. No. 8-2003

This article appears to be sufficient as written and consistent with County Law § 308-a.

Comment:

Chapter 152, Energy Programs

Article I, Sustainable Energy Loan Program

L.L. No. 4-2015

This article appears to be sufficient as written and consistent with General Municipal Law Article 5-L.

Comment:

Dutchess County, NY

Chapter 156, Environmental Protection**Article I, Sale of Phosphate Detergents***L.L. No. 7-1971*

It appears that this prohibition on the sale of detergents containing phosphates has been superseded by a similar state law prohibition, adopted in 1972 and found in Environmental Conservation Law Article 35, § 35-0101 et seq. (last amended in 2015).

Decision:

- Remove Chapter 156 from the Code project.
- Revise as follows:

- Make no changes.

Chapter 163, Fees and Charges**Article I, Reimbursement of Medical and Dental Services for Inmates***L.L. No. 1-1992*

In § 163-3, should "Commissioner of Personnel" be changed to "Commissioner of Human Resources"?

Decision:

- Revise as suggested.
- Revise as follows:

- Make no changes.

Article II, Reimbursement of Administrative Costs of Probation*L.L. No. 2-1999*

This article appears to be sufficient as written.

Comment:

Article III, Custody and Visitation Investigations

L.L. No. 2-1993

In researching information relevant to this article, we noticed that the Division of Criminal Justice Services includes an Office of Probation and Correctional Alternatives. Should § 163-10 be revised to change "Division" to "Office"?

Decision:

- Revise as suggested.
- Revise as follows:

- Make no changes.

Article IV, Motor Vehicle Use Fee

L.L. No. 6-2008

This article appears to be sufficient as written.

Comment:

Article V, County Clerk Fees

L.L. No. 7-2008

This article appears to be sufficient as written and conforms to the current requirements of Civil Practice Law and Rules § 8021.

Comment:

Dutchess County, NY

Chapter 168, Fireworks

Article I, Sparkling Devices

L.L. No. 3-2015

This article appears to be sufficient as written.

Comment:

Chapter 174, Freshwater Wetlands

L.L. No. 2-1977

Section 174-2A excepts from the applicability of this chapter projects for which applications have been filed pursuant to Articles VII and VIII of the Public Service Law. Article VIII, Siting of Major Steam Electric Generating Facilities, expired January 1, 1979 and January 1, 1989.

Decision:

- Revise Subsection A to delete reference to Article VIII.
- Revise as follows:

- Make no changes.

Chapter 181, Gasoline Sales

L.L. No. 2-1986

This chapter appears to be sufficient as written.

Comment:

Chapter 187, Graffiti

L.L. No. 5-2009

A. For the sake of clarity, § 187-5A could be revised as follows:

A. It shall be the duty of any person or entity that sells or offers for sale any ~~container previously described~~ aerosol spray paint can to require, from any person desiring to purchase such container, identification and proof of such person's age before selling or delivering a container to such a person.

Decision:

Revise as suggested.

Revise as follows:

Make no changes.

B. Section 187-6C authorizes penalties for persons who are convicted of defacing property with graffiti. Since this chapter prohibits the sale of spray paint and does not specifically prohibit graffiti, is Subsection C's penalties consistent with this chapter?

Decision:

Delete Subsection C.

Revise as follows:

Make no changes.

Chapter 205, Mobile Homes

Article I, Eviction of Owners

L.L. No. 3-1989

- A. This article mirrors and supplements protections found in Real Property Law § 233. Note that this section of state law was amended in 1996 to change “mobile home” to “manufactured home” throughout.

Decision:

- Update Article I to change “mobile home” to “manufactured home” throughout.
 Revise as follows:

 Make no changes.
- B. Section 205-3E permits a mobile home owner to be evicted from a mobile home park if the landowner proposes a change in use of the land and gives the mobile home owner proper notice. Similar state law provisions in Real Property Law § 233, Subdivision 6, were amended in 2008 to add the following:

Where a purchaser of a manufactured home park certified that such purchaser did not intend to change the use of the land pursuant to paragraph (b) of Subdivision 2 of § 283-a of this article, no eviction proceedings based on a change of use shall be commenced until the expiration of 60 months from the date of the closing on the sale of the park.

Are any revisions to § 205-3 required?

Decision:

Revise as follows:

Make no changes.

Chapter 212, Notification of Defects

L.L. No. 7-1976

- A. Section 212-2 could be revised to mirror amendments to similar state law provisions in Highway Law § 139 as follows:

The Commissioner of Public Works, or in the event there be no Commissioner of Public Works, to the person exercising the powers and performing the duties of the Commissioner of Public Works, shall keep an indexed record, in a separate book, of all notices which ~~he~~ shall receive of the existence of such defective, unsafe, dangerous or obstructed condition, or of such snow or ice, which record shall state the date of receipt of the notice, the nature and location of the condition stated to exist, and the name and address of the person from whom the notice is received. All such written notices shall be indexed according to the location of the alleged defective, unsafe, dangerous or obstructed condition, or the location of accumulated snow or ice. The record of each notice shall be preserved for a period of five years after the date it is received.

Decision:

- Revise as suggested.
- Revise as follows:

- Make no changes.

- B. In addition, a new section could be added in light of similar provisions in Highway Law § 139, Subdivision 3:

The Commissioner of Public Works, or in the event there is no Commissioner of Public Work, the person exercising the powers and performing the duties of the Commissioner of Public Works, shall transmit in writing to the Clerk of the County Legislature, within 10 days after receipt thereof, all written notices received by him pursuant to this chapter.

Decision:

- Revise as suggested.
- Revise as follows: Accept above new section, change second line "Work" to "Works". In addition add Section 4 of Highway Law Section 139 subdivision 4 "verbatim" See attached.
- Make no changes.

WESTLAW

McKinney's Consolidated Laws of New York Annotated
Highway Law (Refs & Annos)

Chapter 25, Of the Consolidated Laws

§ 139. County liable for injuries caused by defective highways and bridges
McKinney's Consolidated Laws of New York Annotated Highway Law (Approx. 2 pages)

McKinney's Highway Law § 139

§ 139. County liable for injuries caused by defective highways and bridges

Currentness

1. When, by law, a county has charge of the repair or maintenance of a road, highway, bridge or culvert, the county shall be liable for injuries to person or property and for wrongful death sustained in consequence of such road, highway, bridge or culvert being defective, out of repair, unsafe, dangerous or obstructed existing because of the negligence of the county, its officers, agents or servants. A civil action may be maintained against the county to recover damages for any such injury or death; but the county shall not be liable in such action unless a notice of claim shall have been made and served in compliance with section fifty-e of the general municipal law, and unless the action is commenced in compliance with the conditions set forth in section fifty-i of the general municipal law.

2. Notwithstanding the provisions of subdivision one of this section, a county may, by local law duly enacted, provide that no civil action shall be maintained against such county for damages or injuries to person or property sustained by reason of any highway, bridge or culvert being defective, out of repair, unsafe, dangerous or obstructed unless written notice of such defective, unsafe, dangerous or obstructed condition was actually given to the clerk of the governing body of such county or the county highway superintendent; and that there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction complained of, or, in the absence of such notice, unless such defective, unsafe, dangerous or obstructed condition existed for so long a period that the same should have been discovered and remedied in the exercise of reasonable care and diligence; but no such action shall be maintained for damages or injuries to person or property sustained solely in consequence of the existence of snow or ice upon any highway, bridge or culvert, unless written notice thereof, specifying the particular place, was actually given to the clerk of the governing body of a county or county highway superintendent and there was a failure or neglect to cause such snow or ice to be removed, or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

3. The county highway superintendent shall transmit in writing to the clerk of the governing body of the county within ten days after the receipt thereof all written notices received by him pursuant to a local law enacted pursuant to this section,

4. The clerk of the governing body of each county shall keep an indexed record, in a separate book, of all written notices, which he shall receive pursuant to such local law of the existence of a defective, unsafe, dangerous or obstructed condition in or upon, or of an accumulation of ice or snow upon any county highway, bridge or culvert, which record shall state the date of receipt of the notice, the nature and location of the condition stated to exist, and the name and address of the person from whom the notice is received. All such written notices shall be indexed according to the location of the alleged defective, unsafe, dangerous or obstructed condition, or the location of accumulated snow or ice. The record of each notice shall be preserved for a period of five years after the date it is received.

Credits

(Added L.1950, c. 640. Amended L.1981, c. 738, § 3; L.1982, c. 722, § 1; L.1987, c. 603, § 5.)

NOTES OF DECISIONS (107)

- Adjacent highway areas
- Admissibility of evidence
- Construction and application
- Construction projects
- Construction with local law
- Constructive notice of dangerous condition
- Ice conditions
- Immunity from liability
- Inspection of highways
- Intersections
- Joint liability
- Lane markers
- Limitation of actions
- Motion to dismiss
- Notice of claim
- Notice of dangerous condition
- Questions of fact
- Review
- Summary judgment
- Town roads
- Warnings or barriers
- Water damages
- Weight and sufficiency of evidence

Dutchess County, NY

Chapter 219, Off-Track Betting*L.L. No. 5-1971*

This chapter is based on "Chapter 5 of the Pari-Mutuel Revenue Law," which is no longer in existence. (According to our research, the Pari-Mutuel Revenue Law was formerly found in Title 21, Chapter 2, Sections 7951 through 8166, of the Unconsolidated Laws of New York.) It appears that the current relevant provisions are found in Racing, Pari-Mutuel Wagering and Breeding Law Article V-a, § 518 et seq.

Decision:

- Update statutory reference in § 219-2 as noted above.
- Revise as follows:

- Make no changes.

Chapter 226, Precious Metal and Coin Exchanges*L.L. No. 8-1987*

- A. If the County maintains a schedule of fees apart from the laws in which they appear, § 226-4B could be revised as follows:

If a license hereunder shall be lost, stolen or destroyed, a duplicate may be issued by the Director on:

B. The payment of a \$25 fee as set from time to time by the County Legislature.

See also the fees in §§ 226-5C and 226-6.

Decision:

- Revise as suggested.
- Revise as follows:

- Make no changes.

- B. Section 226-8A requires a written record of transactions "in a bound book." Are other recordkeeping methods permissible? See, for example, Chapter 238, Scrap Metal Processors, § 238-3A(2), which permits a "written or electronic log" of transactions.

Decision:

- Revise as follows: "IN WRITTEN OR ELECTRONIC LOG, IN THE ENGLISH LANGUAGE"
 Make no changes.

- C. Section 226-11F states that any person who shall "repeatedly" violate this chapter shall also be guilty of a misdemeanor. In terms of enforceability, is "repeatedly" a sufficient standard on which to impose misdemeanor liability? Is there a certain number of violations which constitutes "repeatedly"? Or does a certain number of violations within a specified period of time constitute a repeat offender?

Decision:

- Delete Subsection F.
 Revise as follows:

 Make no changes.

Chapter 238, Scrap Metal Processors

L.L. No. 2-2009

- A. In Subsection C of the definition of "identification" in § 238-2, it appears that "induces" should be changed to "includes" as follows:

IDENTIFICATION — A form of positive identification issued by a governmental entity that:

C. ~~Induces~~ Includes a state identification card, a state driver's license, a United States military identification card, or a United States passport.

Decision:

- Revise as suggested.
 Revise as follows:
 Make no changes.

Dutchess County, NY

- B. Section 238-3B(6) requires the type and number of the identification provided in "Subsection (2)(c)(a)." Subsection (2)(c) of the original law is now Subsection B(3) of this section, which does not include any further subsections. Is this a reference to Subsection A of the definition on "identification" in § 238-2 of this chapter?

Decision:

- Change reference to read: Subsection B(3).
- Revise as follows: REPLACE WITH THE FOLLOWING SENTENCE "THE TYPE AND NUMBER OF THE IDENTIFICATION PURSUANT TO SECTION 238-2: IDENTIFICATION, SUBSECTION C
- Make no changes.

Chapter 243, Sewers**Article I, Establishment of Sewer Districts**

L.L. No. 5-2012

This article appears to be sufficient as written.

Comment:

Chapter 247, Sex Offender Registration

L.L. No. 2-2007

This chapter appears to be sufficient as written.

Comment:

Chapter 252, Smoking

L.L. No. 5-2002

This article restricts smoking in certain public areas of the County. It supplements state law provisions found in Public Health Law Article 13-E, § 1399-n et seq. State law was extensively amended in 2003 and County provisions could be revised to take those amendments into consideration as follows:

- A. The definition of "bar and tavern" in § 252-2 could be revised as follows (see Public Health Law § 1399-n, Subdivision 1):

~~BAR AND TAVERN – Any establishment open to the public, including outdoor seating areas, devoted to the sale and service of alcoholic beverages for on-premises consumption, where the service of food is merely incidental to the operation of the business, and for which the sale of food for on-premises consumption does not exceed 40% of annual gross sales.~~ Any bar or tavern that generates 40% or more of total annual gross sales from the sale of food for on-premises consumption shall be a restaurant.

Decision:

- Revise as suggested.
- Revise as follows:
- Make no changes.

- B. The definition of "place of employment" in § 252-2 could be reviewed in light of Public Health Law § 1399-n, Subdivision 5, which, as amended in 2003, reads as follows:

~~"Place of employment" means any indoor area or portion thereof under the control of an employer in which employees of the employer perform services but which is not generally accessible to the public, and shall include, but not be limited to, offices, school grounds, retail stores, banquet facilities, theaters, food stores, banks, financial institutions, factories, warehouses, employee cafeterias, lounges, auditoriums, gymnasiums, restrooms, elevators, hallways, museums, libraries, bowling establishments, employee medical facilities, rooms or areas containing photocopying equipment or other office equipment used in common, and company vehicles.~~

Decision:

- Revise as follows: AS SUGGESTED ABOVE
- Make no changes.

Dutchess County, NY

- C. State law was amended in 2003 to delete the definition of "tobacco business" and to replace it with a definition of "retail tobacco business." The County's term in § 252-2 could be likewise revised since it refers to the definition found in Public Health Law Article 13-E.

If this change is made to the definition, § 252-7C should be similarly revised to change "Tobacco business" to "Retail tobacco business."

Decision:

- Revise as suggested.
- Revise as follows:
- Make no changes.

Chapter 256, Solid Waste

Local Law Nos. 1-1984, 4-1990 and 3-2014

- A. It appears that Article III (L.L. No. 3-2014) supersedes the solid waste management and recycling provisions currently found in Articles I and II of this chapter. Should Articles I and II therefore be removed from the Code?

Section 2 of L.L. No. 3-2014 reads as follows: *To the extent the provisions of Local Law No. 1-1984 (i.e., Article I) . . . and Local Law No. 4-1990 (i.e., Article II) . . . are inconsistent with this Local Law, the provisions of this Local Law shall control.*

Decision:

- Remove Articles I and II from Code.
- Revise as follows:
- Retain Articles I and II in Code.

B. For the sake of clarity, the title of § 256-32, Subsection I, could be revised as follows:

Annual municipal solid waste (MSW) report.

Decision:

Revise as suggested.

Revise as follows:

Make no changes.

C. The February 1 to January 31 biennial license term is set forth both in § 256-32D and in § 256-35A. Is it necessary to set this period out in both sections?

Decision:

Delete § 256-32D.

Delete § 256-35A.

Revise as follows:

Make no changes.

Chapter 264, Taxation

Article I, Senior Citizens Exemption

L.L. No. 5-1966

This article is based on Real Property Tax Law § 467. Based on a review of that statute, as last amended in 2016, consider the following:

A. Section 264-2A could be revised as follows:

A. Real property owned by one or more persons, each of whom is 65 years of age or over, or real property owned by husband and wife or by siblings, one of whom is 65 years of age or over, shall be exempt from County taxes to the extent of 50% of the assessed valuation to the extent provided in the schedule set forth in Subsection B hereof. For the purpose of this article, "sibling" shall mean a brother or a sister, whether related through half blood, whole blood or adoption.

Dutchess County, NY

Decision:

- Revise as suggested.
- Revise as follows:

- Make no changes.

B. The annual income limits in § 264-2B could be revised to be more precise as follows:

Annual Income

- \$0 to \$24,000
- \$24,000 to \$24,999
- \$25,000 to \$25,999
- \$26,000 to \$26,999
- \$27,000 to \$27,899
- \$27,900 to \$28,799
- \$28,800 to \$29,699
- \$29,700 or more

See also similar income limits in § 264-57.

Decision:

- Revise as suggested.
- Revise table to match amounts in § 264-57.
- Revise as follows:

- Make no changes.

- C. Section 2(c) of Local Law No. 3-1990, which amended § 264-2, was cut off. See the blank line at the end of § 264-2, Subsection C.

Decision:

Revise as follows: See attached add in where appropriate in taxation law.

Make no changes.

- D. Even though text is missing from § 264-2C, it seems that the County's intent is to make other provisions of Real Property Tax Law § 467 applicable to the County's implementation of this tax exemption. Note that there are certain provisions of the state law that require action by the governing body by local law or resolution if they are to apply to the County.

- (1) RP Tax § 467, Subdivision 3(a) provides that: *Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings, and net income from self-employment, but shall not include a return of capital, gifts, inheritances, payments made to individuals because of their status as victims of Nazi persecution, as defined in P.L. 103-2861 or monies earned through employment in the federal foster grandparent program and any such income shall be offset by all medical and prescription drug expenses actually paid which were not reimbursed or paid for by insurance, if the governing board of a municipality, after a public hearing, adopts a local law, ordinance or resolution providing therefor.*
- (2) And further provides that: *The provisions of this paragraph notwithstanding, such income shall not include veterans disability compensation, as defined in Title 38 of the United States Code provided the governing board of such municipality, after public hearing, adopts a local law, ordinance or resolution providing therefor.*
- (3) See Subdivision 3-a(c), which addresses certain tenant-stockholders.
- (4) See Subdivision 5-a, regarding applications for the exemption filed after the taxable status date.
- (5) See Subdivision 6(b), regarding filing of applications in consecutive years.
- (6) See Subdivisions 8 and 8-a regarding filing of renewal applications after the taxable status date.

April 11, 1990

WHEREAS, pursuant to Section 556 of the Real Property Tax Law, the County Director of Real Property Tax Service has investigated this claim and it has been determined and certified by said Director that the tax bill, as issued, is erroneous for the reason that approved exemption was omitted from assessment roll, and

WHEREAS, there is attached hereto the written report of the Director, together with his recommendation that the application be approved by the County Legislature, and

WHEREAS, the County Legislature has agreed that the claimed clerical error does exist, now, therefore, be it

RESOLVED, that the application dated February 24, 1990 relating to Account No. 09-6571-04-899499-00 for a tax refund be and it hereby is approved, and be it further

RESOLVED, that the Commissioner of Finance be and hereby is authorized, empowered and directed to issue a tax refund to the applicant in the amount of \$86.97 and to charge-back the erroneous taxes on next year's levy as follows:

A342 Allowance for Uncollectible Taxes	\$68.42
A480 Town of Milan	18.55
	<hr/>
	\$86.97

and be it further

RESOLVED, that the Clerk of the County Legislature be and she hereby is authorized, empowered and directed to mail a copy of the approved application and this resolution to the applicant.

Fiscal Impact: None

Roll call vote on the foregoing resolution (#160) resulted as follows:

Ayes: 32

Nays: 0

Absent: 3—Horton, Klose, Vandewater.

Resolution adopted.

RESOLUTION NO. 162A—1990

RE: Local Law No. 3 of 1990, a Local Law Amending Local Law No. 5 of 1966 Granting Partial Tax Exemption of Real Property Owned by Certain Persons with Limited Income who are Sixty-Five (65) years of Age or Over and Repealing Subsequent Amendments to Said Local Law No. 5 of 1966

Legislators Bleakley and McMillen offer the following and move its adoption:

RESOLVED, that the Legislature of the County of Dutchess adopt Local Law No. of 1990 which has been submitted this day for consideration by said Legislature:

April 11, 1990

LOCAL LAW NO. 3 OF 1990

A Local Law Amending Local Law No. 5 of 1966, Being a Local Law Granting Partial Tax Exemption of Real Property Owned by Certain Persons with Limited Income Who Are Sixty-five (65) Years of Age or Over and Repealing Subsequent Amendments to Said Local Law No. 5 of 1966

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF DUTCHESSE AS FOLLOWS:

Section 1:

Section 2 of Local Law No. 5 of 1966 is amended to read as follows:

- a) Real property owned by one or more persons, each of whom is sixty-five (65) years of age or over, or real property owned by husband and wife, one of whom is sixty-five (65) years of age or over, shall be exempt from County taxes to the extent of fifty (50) per centum of the assessed valuation to the extent provided in the schedule set forth in subdivision (b) hereof.
- b) The income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption shall not exceed the amounts set forth in the following schedule:

Annual Income	Percentage Assessed Valuation Exempt From Taxation
\$12,025 or less	50%
More than \$12,025 but less than \$12,625	45%
\$12,625 or more but less than \$13,225	40%
\$13,225 or more but less than \$13,825	35%
\$13,825 or more but less than \$14,425	30%
\$14,425 or more but less than \$15,025	25%
\$15,025 or more but less than \$15,625	20%
More than \$15,625	0%

- c) All other restrictions, definitions and requirements of Section Four Hundred Sixty-Seven of the Real Property Tax Law, as amended, shall apply to this Local Law as if fully set forth herein.

Section 2:

- a) Local Law No. 4 of 1971 is hereby repealed
- b) Local Law No. 7 of 1972 is hereby repealed
- c) Local Law No. 6 of 1974 is hereby repealed
- d) Local Law No. 7 of 1977 is hereby repealed
- e) Local Law No. 6 of 1979 is hereby repealed
- f) Local Law No. 6 of 1980 is hereby repealed
- g) Local Law No. 1 of 1983 is hereby repealed
- h) Local Law No. 13 of 1983 is hereby repealed
- i) Local Law No. 2 of 1987 is hereby repealed

Section 3:

This Local Law shall take effect on compliance with all statutes and requirements of law applicable to its passage.

Dutchess County, NY

Decision:

Revise as follows:

Make no changes.

Article II, Collection of School Taxes in Installments

L.L. No. 4-1978

A. This article is based on the authority granted by Real Property Tax Law § 972. Note that state law was amended in 1997 and permits the County to charge "interest" rather than the "service charge" identified in § 264-4B. As amended RP Tax § 972, Subdivision 3, reads as follows:

3. Interest.

(a) Each installment other than the first shall be subject to interest at the rate determined pursuant to § 924-a of this article, or such other law as may be locally applicable, up to and including the date on which it is to be paid. Such interest shall be amortized over all scheduled payments, unless the local law provides for unequal installments, in which case interest shall be calculated and imposed separately upon each installment.

(b) If an installment is not paid on or before the date it is due, additional interest shall be added as provided by § 975 or § 1340 of this chapter.

(c) The amount of any interest which shall be added to any installment pursuant to this section and by § 975 or § 1340 of this chapter shall belong to the county.

Decision:

Revise as follows: Change service charge to interest.

Make no changes.

B. The 1997 state law amendments also added the following Subdivision 4 to RP Tax § 972:

4. Eligible property.

(a) A local law establishing an installment program pursuant to this section may provide that the program shall be limited to one or more of the following types of property:

*(i) property which has been assessed as a one, two or three family residence; or
(ii) property which is exempt from taxation pursuant to § 467 of this chapter; or
(iii) property which is exempt from taxation pursuant to § 459 of this chapter, or which is owned and occupied by a person or persons who qualify as physically disabled pursuant to that statute; or
(iv) property which is owned by, and used as, the principal residence of, a person who receives supplemental security income.*

(b) If the local law does not provide otherwise, the program shall apply to all types of property.

(c) Notwithstanding the foregoing, taxes which are paid through a real property tax escrow account may not be paid in installments pursuant to this title.

Decision:

- Revise as suggested. Insert as 264-4 and renumber 4 to 5 and 5 to 6 - Name: Eligible
 Revise as follows: property pursuant to RP Tax Section 972 Subdivision 4

 Make no changes.

Article III, Hotel Occupancy Tax

L.L. No. 6-1985

A. While this article appears to be generally sufficient as written, we note that § 264-17 refers to the state "Superintendent of Insurance," a position which no longer exists. According to our research, this position was transferred in 2011 to the "Superintendent of Financial Services." See also § 264-18.

Decision:

- Update title as noted above.
 Revise as follows:

 Make no changes.

Dutchess County, NY

- B. Section 264-24C refers to the state "Tax Commission." Should this be changed to "Department of Taxation and Finance" or "Commissioner of Taxation and Finance"?

Decision:

- Revise as follows: Department of Taxation and Finance
- Make no changes.

Article IV, Alternative Veterans Exemption*L.L. No. 4-1985*

Please review this article to ensure that we have incorporated the amendments adopted by Local Law Nos. 2-1997 and 2-2005 correctly. While they appear to apply to different applications of the alternative veterans exemption, it is possible that the County's intent when adopting Local Law No. 2-2005 was to supersede the increased exemption adopted by L.L. No. 2-1997. If that is the case, we will delete § 264-32.

Decision:

- Delete § 264-32.
- Revise as follows:
- Make no changes.

Article V, Redemption Period for Delinquent Property Taxes*L.L. No. 1-1996*

- A. This article phases in the two-year redemption period provided by Real Property Tax Law § 1110. Since that period has passed and state law applies in the County, is it necessary to include this local law in the Code?

Decision:

- Do not include Article V in the Code.
- Revise as follows:
- Retain Article V in the Code.

- B. If Article V is to be retained in the Code, note that § 264-33 refers to amendments to Real Property Tax Law Article 11 through Chapter 579 of the Laws of 1995. Since this article has been amended since that time, § 264-33 could be revised as follows:

Article 11 of the Real Property Tax Law, as amended by ~~Chapter 602 of the Laws of 1993, Chapter 532 of the Laws of 1994 and Chapter 579 of the Laws of 1995~~, establishes new procedures for the enforcement of delinquent real property taxes, beginning with taxes becoming liens on and after January 1, 1995. New Section 1110 of the Real Property Tax Law prescribes a standard redemption period of two years after lien date. Section 8(b) of Chapter 602 of the Laws of 1993, as amended by ~~Section 11 of Chapter 532 of the Laws of 1994~~, allows a tax district to adopt a local law phasing-in the standard two year redemption period with regard to taxes becoming liens in 1995 and 1996. The purpose of this Local Law is to phase-in the standard two year redemption period as authorized by law.

Decision:

Revise as suggested.

Revise as follows:

Make no changes.

Article VI, Empire Zone Exemption

L.L. No. 2-1995

Former "economic development zones" are now known as "Empire Zones." We will update this article accordingly.

Decision:

Revise as suggested.

Revise as follows:

Make no changes.

Dutchess County, NY

Article VII, Collection of Delinquent Village Taxes

L.L. No. 3-1996

This article appears to be sufficient as written.

Comment:

Article VIII, Business Investment Exemption

L.L. No. 2-1998

This article appears to be sufficient as written.

Comment:

Article IX, Cold War Veterans Exemption

L.L. No. 3-2007

This article is based on Real Property Tax Law § 458-b, which has been amended since the last amendments to this article.

- A. In § 264-47, the definition of “latest state equalization rate” could be revised to change “state board of real property services” to “Commissioner of Finance and Taxation.” [See the definition in RP Tax § 458-b, Subdivision (g).] See also § 264-49.

Decision:

Revise as suggested.

Revise as follows:

Make no changes.

- B. State maximum exemption amounts were increased as follows by L. 2016, c. 22, effective January 2, 2016; see RP Tax Law § 458-b, Subdivision 2(c)(iii):

(iii) The exemption provided by paragraph (a) of this subdivision shall be granted for a period of 10 years. The commencement of such ten year period shall be governed pursuant to this subparagraph. Where a qualified owner owns qualifying residential real property on the effective date of the local law or resolution providing for such exemption, such ten year period shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring on or after the effective date of the local law or resolution providing for such exemption. Where a qualified owner does not own qualifying residential real property on the effective date of the local law or resolution providing for such exemption, such ten year period shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring at least 60 days after the date of purchase of qualifying residential real property; provided, however, that should the veteran apply for and be granted an exemption on the assessment roll prepared pursuant to a taxable status date occurring within 60 days after the date of purchase of residential real property, such ten year period shall be measured from the first assessment roll in which the exemption occurs. If, before the expiration of such ten year period, such exempt property is sold and replaced with other residential real property, such exemption may be granted pursuant to this subdivision for the unexpired portion of the ten year exemption period. Each county, city, town or village may adopt a local law, and each school district may adopt a resolution, to reduce the maximum exemption allowable in paragraphs (a) and (b) of this subdivision to \$6,000, \$9,000 and \$30,000, respectively, or \$4,000, \$6,000 and \$20,000, respectively. Each county, city, town, or village is also authorized to adopt a local law, and each school district may adopt a resolution, to increase the maximum exemption allowable in paragraphs (a) and (b) of this subdivision to \$10,000, \$15,000 and \$50,000, respectively; \$12,000, \$18,000 and \$60,000, respectively; \$14,000, \$21,000 and \$70,000, respectively; \$16,000, \$24,000 and \$80,000, respectively; \$18,000, \$27,000 and \$90,000, respectively; \$20,000, \$30,000 and \$100,000, respectively; \$22,000, \$33,000 and \$110,000, respectively; \$24,000, \$36,000 and \$120,000, respectively; \$26,000, \$39,000, and \$130,000, respectively; \$28,000, \$42,000, and \$140,000, respectively; and \$30,000, \$45,000 and \$150,000, respectively. In addition, a county, city, town or village which is a "high-appreciation municipality" as defined in this subparagraph is authorized to adopt a local law, and each school district which is within a high-appreciation municipality is authorized to adopt a resolution, to increase the maximum exemption allowable in paragraphs (a) and (b) of this subdivision to \$26,000, \$39,000 and \$130,000, respectively; \$28,000, \$42,000 and \$140,000, respectively; \$30,000, \$45,000 and \$150,000, respectively; \$32,000, \$48,000 and \$160,000, respectively; \$34,000, \$51,000 and \$170,000, respectively; \$36,000, \$54,000 and \$180,000, respectively; \$38,000, \$57,000 and \$190,000, respectively; \$40,000, \$60,000 and \$200,000, respectively; \$42,000, \$63,000 and \$210,000, respectively; \$44,000, \$66,000 and \$220,000, respectively; \$46,000, \$69,000 and \$230,000, respectively; \$48,000, \$72,000 and \$240,000, respectively; \$50,000, \$75,000 and \$250,000, respectively. For purposes of this subparagraph, a "high-appreciation municipality" means: (A) a special assessing unit that is a city, (B) a county for which the commissioner has established a sales price differential factor for purposes of the

Dutchess County, NY

STAR exemption authorized by § 425 of this title in three consecutive years, and (C) a city, town or village which is wholly or partly located within such a county.

Are any revisions to this article necessary in light of the above provisions?

Decision:

Revise as follows:

Make no changes.

Article X, Exemption for Nonresidential Conversions to Mixed-Use Property*L.L. No. 2-2012*

- A. Section 264-51 refers to City of Poughkeepsie Local Law No. 6-2011, which forms the basis for the County's adoption of this article. Our research, however, discovered that this City law was filed with the state as L.L. No. 5-2011, although the City tends to refer to its legislation by its proposed number (i.e., 6-2011) rather than the number filed with the state. Therefore, to avoid potential confusion, the County could consider revising § 264-51 as follows:

The City of Poughkeepsie ~~adopted a local law in 2011 has adopted a Local Law No. 6 of 2014~~ establishing a tax exemption for City nonresidential property converted to mixed-use property located within the City pursuant to § 485-a of the Real Property Tax Law. . . .

Decision:

Revise as suggested.

Revise as follows:

Make no changes.

- B. There is text missing from the definition of "residential construction work" in § 264-52, which could be revised as follows:

RESIDENTIAL CONSTRUCTION WORK – The creation, modernization, rehabilitation, expansion or other improvement of dwelling units, other than dwelling units in a hotel, in the portion of mixed-use property to be used for residential purposes.

Decision:

- Revise as suggested.
- Revise as follows:

- Make no changes.

Article XI, Exemption for Persons with Disabilities and Limited Income

L.L. No. 6-2012

- A. In light of 2013 state law provisions in Real Property Tax Law § 459-c which provides the authority for this exemption, Subsections A(3) and B of the definition of "person with a disability" in § 265-56 could be revised to change "State Commission for the Blind and Visually Handicapped" to "State Commission for the Blind."

Decision:

- Revise as suggested.
- Revise as follows:

- Make no changes.

- B. Subsection A(5) of the definition of "person with a disability" should be revised as follows:

(5) Is certified to receive a United States Department of Veterans Affairs disabled person disability pension pursuant to 38 U.S.C. § 1521.

Decision:

- Revise as suggested.
- Revise as follows:

- Make no changes.

Chapter 275, Vehicles and Traffic

Article I, Authority to Establish Parking Regulations

L.L. No. 5-1955

This article appears to be sufficient as written.

Comment:

Article II, Airport Parking Regulations

L.L. No. 5-1987

The provisions of this article should be carefully reviewed to ensure they reflect current practices and procedures. For example:

- A. Is the description of the "visitor parking area" in the definition in § 275-4 current?
- B. Are the visitor parking rates in § 275-6 current? Should they be increased? Should the amounts be removed and replaced with text indicating that fees are set from time to time by the County?
- C. The Department of Aviation was removed from Article IV of the Charter by L.L. No. 8-1992. Those responsibilities are now handled by the Department of Public Works. Therefore, the references to the "Commissioner of Aviation" and "Director of Aviation" in § 275-7 and § 275-9 may need revision.
- D. Are the penalty amounts in § 275-8 current or should they be increased?

Decision:

Revise as follows: Repeal and delete all of article 2

Make no changes.

WRAP UP

Completeness Check

In order to ensure that the next phase of the project can be scheduled upon return of this Editorial and Legal Analysis to General Code, please double-check the following items prior to sending:

Binder and Seal. Is the table on page 6 completed? Is the Seal attached (or has it been e-mailed) if required?

New Legislation. Is the latest legislation being submitted? As-adopted copies, with enactment dates and numbers, should be sent.

Responses. Throughout the Editorial and Legal Analysis, are all questions answered?

- The only blank boxes should be for topics that are to be deleted or included “as is.”
- Items marked with a question mark or a note “to be reviewed” cannot be accurately edited and require follow-up. It is most efficient for the County officials to get the answer now, when the whole document is available.

Attachments. Are all attachments accounted for? If a checkbox indicates “revise as attached” is there a corresponding document?

Sending Materials

The entire Codification Portfolio binder does not need to be returned. Generally only the Editorial and Legal Analysis and any documents with a decision or revised wording should be submitted.

We strongly suggest that you make a photocopy for your records before sending General Code the original materials.

- ✓ If several officials have completed their own copies of the Editorial and Legal Analysis, please compile all responses into one comprehensive version. Any conflicts in responses should be resolved prior to submission.
- ✓ If several officials have worked in the same copy of the Editorial and Legal Analysis, that version is fine to send to General Code, as long as there are no conflicts in the responses.

Send materials to:

General Code
781 Elmwood Road
Rochester, NY 14624

E-mail files to ezsupp@generalcode.com

Dutchess County, NY

Project Schedule

The table below shows the remaining steps in the project and the estimated time frames for completion of these steps. The dates shown will change as project pieces are completed ahead of schedule or if there are delays in completing any project pieces. (All time frames are calculated using business days.)

Project Piece	Deadline	Contract Terms
Review of Manuscript and Editorial and Legal Analysis; submission of responses to General Code (County)	April 7, 2017	45-day review period
Publication of Code, including editing, stylization and incorporation of any changes requested by County as a result of its review of the Editorial and Legal Analysis, indexing and posting of eCode360 on-line version of Code (General Code)	July 2017	Within 60 days of receipt of responses to Editorial and Legal Analysis
Submission of proposed Code Adoption Local Law (General Code)		Shortly after publication
Adoption of Code (County)		If the County adopts the Code within 90 days of receipt of the proposed law, General Code will include the law in the Code at no charge to the County