

LOCAL LAW PERMANENT 8 OF 2012
LOCAL LAW INTRO 10 OF 2012

**A Local Law Amending the Broome County Charter and Code to Create the
Department of Public Works, Parks, Recreation and Youth Services**

Section 1 Article IX of the Charter is amended to read as follows:

ARTICLE IX

Department of Public Works, Parks, Recreation and Youth Services

§ C901. Department of Public Works, Parks, Recreation and Youth Services; Commissioner; appointment; qualifications.

There shall be a Department of Public Works, Parks, Recreation and Youth Services headed by a Commissioner who shall be appointed by the County Executive, subject to confirmation by the County Legislature, and shall serve at the pleasure of the County Executive.

§ C902. Powers and duties.

The Commissioner of Public Works, Parks, Recreation and Youth Services shall:

- A. Have all the powers and duties of a County engineer and a County superintendent of highways pursuant to the Highway Law or other applicable law.
- B. Except as otherwise provided in Articles XI and XIV of this Charter, have charge and supervision of the design, specifications, construction, alterations, maintenance and repair of all County buildings and grounds, parking fields, drives and walks, together with all structures, roads, parking areas equipment and appurtenances, but not including custodial care and such grounds work as provided for in the Administrative Code.
- C. Furnish engineering and other related services to the County Legislature, the County Executive, the Department of Planning and other County departments.
- D. Have charge of and have the duty of performing such other functions concerning County property, public works and other matters as the County Legislature or the County Executive may from time to time direct.
- E. Any professional engineering work required to be practiced by said Commissioner in the exercise of the powers and duties of his office shall be delegated to one or more licensed professional engineers unless said Commissioner shall be a licensed professional engineer.
- F. Have charge and supervision and control of the design, construction, operation, maintenance and repair of all grounds, parking fields, drives and walks, together with all structures, roads, parking areas, equipment and appurtenances relating to parks and recreational facilities.

- G. Have charge and supervision and control of the operation, maintenance and use of the Broome County Veterans Memorial Arena and the Broome County Performing Arts Theater (The Forum).
- H. Have charge and supervision of programs for the aid and betterment of County youth and shall have the duties of Executive Director of the Youth Bureau.
- I. Perform such other and related duties as shall be required of or delegated to the Commissioner by the County Executive or the County Legislature.

§ C903. Divisions of Department.

There shall be within the Department of Public Works, Parks, Recreation and Youth Services the following divisions: the Division of Highways, the Division of Buildings and Grounds, the Division of Engineering, the Division of Security, the Division of Solid Waste Management, the Division of Drainage, Sanitation and Water Supply, The Division of Parks, Recreation and Youth Services and such other divisions as may be created within the Department by local law or resolution of the County Legislature. The Commissioner shall assign a deputy to each division who shall act for and on behalf of the Commissioner with respect to such division, as provided by the Administrative Code, local law or by directives of the Commissioner. Such division heads shall be subject to reassignment or transfer by the Commissioner to other duties within the Department, including the responsibility of being the head of more than one division. The Commissioner may, when authorized by the County Executive, act as the head of any division in the Department. There shall be within the Division of Buildings and Grounds an Animal Control Branch which shall consist of the County Dog Warden and any personnel, equipment and facilities employed in connection with the County's animal control function. The Animal Control Branch shall be administered by the Dog Warden under the direction, jurisdiction and supervision of the Deputy Commissioner of Public Works, Parks, Recreation and Youth Services for Buildings and Grounds, subject to the overall supervision of the Commissioner of Public Works, Parks, Recreation and Youth Services. The Dog Warden shall be appointed by the County Executive pursuant to § C2405 of this Charter.

§ C904. Deputies.

The Commissioner of Public Works, Parks, Recreation and Youth Services shall appoint such deputies as may be authorized by the County Legislature. All Deputy Commissioners shall serve at the pleasure of the Commissioner of Public Works, Parks, Recreation and Youth Services.

§ C905. Rules and regulations.

The County Legislature shall have the power, by local legislation, to establish such rules and regulations as may be necessary to provide for use by the public of facilities under the jurisdiction of the Department of Public Works, Parks, Recreation and Youth Services and to provide for the enforcement thereof.

Section 2. Section C1201 of the Charter shall be amended to read as follows:

§ C1201. Board created; powers and duties.

There shall be a Board of Acquisition and Contract which shall consist of the County Executive, the Commissioner of Public Works, Parks, Recreation and Youth Services and the Chairman of the County Legislature.

The Board of Acquisition and Contract shall contract for and acquire by purchase or condemnation all lands, buildings and other real property the acquisition of which has been authorized by the County Legislature and shall award all contracts for the construction, reconstruction, repair or alteration of all public works or improvements involving an expenditure of more than \$7,000.

Section 3. Article XI of the Charter is hereby repealed.

Section 4. Section A602(B) of the Charter and Code is hereby amended to read as follows:

- (B) Capital program advisory committee. To assist in the consideration of capital projects and capital program, there shall be a Capital Program Advisory Committee consisting of the County Executive, the Director of Management and Budget, the Commissioner of Planning, the Commissioner of Public Works, Parks, Recreation and Youth Services and such other administrative heads as the County Executive may designate and the following members of the County Legislature: the Chairman, the Chairman of the Finance Committee and the Chairman of the Public Works Committee. The County Executive shall be responsible for the capital program as submitted to the County Legislature, and no member of the County Legislature shall be obliged to support any capital project by reason of membership on the Capital Program Advisory Committee. The County Executive shall be the Chairman and the Director of Management and Budget shall be the Vice Chairman of the Committee.

Section 5. Article IX of the Administrative Code is hereby amended to read as follows:

ARTICLE IX
Department of Public Works, Parks, Recreation and Youth Services

§ A901. Department of Public Works, Parks, Recreation and Youth Services; Commissioner; appointment; qualifications.

There shall be a Department of Public Works, Parks, Recreation and Youth Services headed by a Commissioner. The method of choosing the Commissioner as well as his qualifications shall be as provided for in § C901 of Article IX of the Charter.

§ A902. Powers and duties.

The Commissioner of Public Works, Parks, Recreation and Youth Services shall:

- (A) Have sole charge of the administration of his Department, subject to any applicable rules and regulations that may be adopted by the County Legislature.
- (B) Have all the powers and duties and be subject to all obligations and liabilities heretofore or hereafter lawfully granted or imposed by this Code, the Charter, local law, ordinance or resolution of the County Legislature or any applicable provision of any act of the State Legislature. Such powers, duties, obligations and liabilities shall include but shall not be

limited to any power, duty, obligation or liability now or hereafter required to be performed by or imposed upon a County Engineer or a County Superintendent of Highways.

- (C) Within the appropriations provided therefore, and when authorized by the County Legislature, employ such special engineering, architectural or other technical assistance and incur such expenses as may be necessary for the performance of any of his duties. Professional fees or other compensation shall not exceed rates approved by the County Legislature.
- (D) Have the authority, as will any consultant, deputy, assistant or employee of the Department of Public Works, Parks, Recreation and Youth Services when authorized by the Commissioner, to enter upon any public or private property within the County for the purpose of making any surveys, examinations or investigations necessary or desirable for the exercise of the powers or the performance of the duties of the Department of Public Works, Parks, Recreation and Youth Services.
- (E) Arrange, subject to the approval of the County Legislature, with any public corporation or public authority, or any combination of the same, for public works services as provided by law. The charge for such joint services shall be in each case determined by the allocation of such costs as certified by the Commissioner of Public Works, Parks, Recreation and Youth Services.
- (F) Have charge of and have the duty of performing such other functions concerning County property, public works and other matters as the County Legislature or the County Executive may from time to time direct.
- (G) Have charge, supervision and control of the design, construction, operation, maintenance and repair of all grounds, parking fields, drives and walks, together with all structures, roads, parking areas, equipment and appurtenances relating to parks and recreation facilities.
- (H) Have charge, supervision and control of all parks and recreation programs.
- (I) Have charge, [and] supervision and control of the operation, maintenance and use of the Broome County Veterans Memorial Arena and the Broome County Performing Arts Theater (The Forum).
- (J) Have charge and supervision of establishing programs for the aid and betterment for youth including but not limited to programs authorized under Article 19-A of the Executive Law.

§ A903. Reports.

On or before March 1 in each year, the Commissioner of Public Works, Parks, Recreation and Youth Services shall make an annual report for the immediately preceding calendar year, covering generally the work of his Department. The Commissioner shall make such other reports at such times as may be required by the County Legislature, County Executive or other applicable law and the New York State Department of Transportation. All reports shall be filed with the Clerk of the County Legislature and County Executive.

§ A904. Organization of Department.

There shall be within the Department of Public Works, Parks, Recreation and Youth Services the following Divisions: the Division of Highways, the Division of Buildings and Grounds, the Division of Engineering, the Division of Security, the Division of Solid Waste Management, the Division of Drainage, Sanitation and Water Supply, Division of Parks, Recreation and Youth Services and such other divisions as may be created within the Department by the County Legislature. The Commissioner shall assign a Deputy to each Division who shall act generally for and in place of the Commissioner. Such division heads shall be subject to reassignment, including the responsibility of being the head of more than one Division. The Commissioner may, when authorized by the County Executive, act as the head of any Division in the Department.

- (A) Division of Highways. The Division of Highways shall be headed by a Deputy Commissioner, who shall possess the administrative and highway engineering experience and qualifications for the duties of his office. Said Deputy shall, to the extent that the Commissioner of Public Works, Parks, Recreation and Youth Services shall designate the same in writing, have all the powers and duties vested in and imposed upon a County Superintendent of Highways by the Highway Law. He shall have such other duties as may be prescribed by local law, ordinance or resolution of the County Legislature or by direction of the Commissioner of Public Works, Parks, Recreation and Youth Services.

The provisions of the Highway Law shall apply to and define the powers, duties, obligations and liabilities of the Commissioner of Public Works, Parks, Recreation and Youth Services or of his designated Deputy when exercising any of the powers or performing any of the duties of a County Superintendent of Highways.

The Commissioner of Public Works, Parks, Recreation and Youth Services may permit the rental, with or without an operator, of County highway machinery, tools, equipment and implements under the jurisdiction of the Commissioner of Public Works, Parks, Recreation and Youth Services by any public corporation or public authority, or any combination of the same, as provided by law, upon such terms as may be agreed upon, but with the payment to the County of not less than the hourly rate as fixed by the New York State Commissioner of Transportation for the rental or hiring of such machinery, tools, equipment or implements by the County. All sums obtained from the rental of County highway machinery shall be deposited in the County Road Machinery Fund.

The Commissioner of Public Works, Parks, Recreation and Youth Services may permit the rental of machinery, with or without an operator, from any person, company or corporation or any public corporation or public authority, or any combination of the same, in accordance with the applicable statutes appertaining thereto; such rental shall be payable from the proper fund.

- (B) Division of Buildings and Grounds. The Division of Buildings and Grounds shall be headed by a Deputy Commissioner, who shall be appointed on the basis of his administrative experience and his qualifications for the duties of his office.

The Deputy Commissioner shall have charge of the preservation and maintenance of all buildings and grounds owned or leased by the County which are held, used and/or operated by the County for County purposes, except:

- (1) The lands and buildings under the jurisdiction of the Division of Highways, the Division of Engineering and the Division of Solid Waste Management.
- (2) The custodial care of jails, jail barracks, airports, community colleges, Broome County nursing homes, social service office buildings and mental health clinics.
- (3) The maintenance, repair and alterations of runways and other airport facilities.
- (4) The buildings and grounds under the jurisdiction of the Division of Parks Recreation and Youth Services

The Deputy Commissioner shall have charge and control of all janitors, caretakers, custodians and other employees connected with the care and maintenance of County buildings and grounds, except as provided herein. He may make such rules and regulations governing such employees as he shall deem proper, subject to the approval of the Commissioner of Public Works, Parks, Recreation and Youth Services.

The Deputy Commissioner shall have the power to maintain and operate any County central garage that may be hereafter established by the County Legislature.

(C) Division of Engineering. The Division of Engineering shall be headed by a Deputy Commissioner, who shall be appointed on the basis of his administrative experience and his qualifications for the duties of his office. He shall be licensed by the State of New York to practice professional engineering. The Deputy Commissioner shall:

- (1) Have charge and supervision of all officers and employees of the Department of Public Works, Parks, Recreation and Youth Services performing professional engineering, surveying and related engineering services for the County, except division heads of said Department.
- (2) Upon the request of the Commissioner of Public Works, Parks, Recreation and Youth Services assign such officers and employees from the Division of Engineering as may be needed by other Divisions of the Department of Public Works, Parks, Recreation and Youth Services to work on projects designated by such Commissioner.
- (3) Upon the request of the County Legislature, perform such professional engineering, surveying and related engineering services as may be required by other County administrative units.
- (4) Oversee and supervise the design and construction of all capital projects.

The Deputy Commissioner shall, to the extent that the Commissioner of Public Works, Parks, Recreation and Youth Services shall designate the same in writing, have all the powers and duties invested in and imposed upon a County Engineer by the Highway Law.

The Deputy Commissioner shall perform such other related duties and make such reports as are required by the Commissioner of Public Works, Parks, Recreation and Youth Services.

- (D) Division of Security. The Division of Security shall be headed by the Director of Security, who shall be appointed by the Commissioner on the basis of administrative experience and qualifications for the office. The Director shall be in charge of all security as designated by the Commissioner, subject to appropriation by the Legislature.
- (E) Division of Solid Waste Management. The Division of Solid Waste Management shall be headed by a Deputy Commissioner, who shall be appointed on the basis of his or her administrative experience and qualifications for the office. The Deputy Commissioner shall:
- (1) Have charge and supervision of all of the County's materials-recovery programs, including reuse, recycling and reduction programs.
 - (2) Have charge and supervision of the operation and maintenance of the County's sanitary landfills and solid waste disposal facilities.
 - (3) Have charge of and supervise the implementation of all charges or user fees imposed or fixed by the County Legislature for solid waste disposal or handling.
 - (4) Coordinate all engineering studies for the County's solid waste management operations.
 - (5) Perform such other and further duties in connection with the administration of the County's solid waste management program as may be required by the Commissioner of Public Works, Parks, Recreation and Youth Services.
- (F) Division of Drainage, Sanitation and Water Supply. The Division of Drainage, Sanitation and Water Supply shall be headed by a Deputy Commissioner, who shall be appointed on the basis of his or her administrative experience and qualifications for the office. The Deputy Commissioner shall:
- (1) Have charge of facilities for County drainage, sewage and water supply.
 - (2) Have the management and control of certain County special districts, including, but not limited to, County water, water quality treatment, water supply, sewer, wastewater disposal and drainage districts.
 - (3) Be responsible for and coordinate maintenance of completed structures and other duties in connection with small watershed flood protection projects in Broome County.
- (G) Division of Parks, Recreation and Youth Services. The Division of Parks, Recreation and Youth Services shall be headed by a Director of Parks, Recreation and Youth Services who shall be appointed on the basis of his or her administrative experience or qualifications for the office. The Director shall:
- (1) Have charge, supervision and control of the design, construction, operation, maintenance and repair of all grounds, parking fields, drives and walks, together with all structures, roads, parking areas, equipment and appurtenances relating to parks and recreation facilities.

- (2) Have charge, supervision and control of all parks and recreation programs.
- (3) Have charge and supervision of establishing programs for the aid and betterment for youth including but not limited to programs authorized under Article 19-A of the Executive Law.
- (4) Shall perform the duties of Executive Director of the Youth Bureau.

§ A905. Rules and regulations.

The County Legislature shall have the power by resolution, local law, or ordinance to establish such rules, regulations and charges relating to the Department of Public Works, Parks, Recreation and Youth Services as it may deem necessary. Any such rules, regulations or charges so established shall become valid upon their being filed with the County Executive, the Commissioner of Public Works, Parks, Recreation and Youth Services and the Department of Records.

§ A906. Deputies.

The Commissioner of Public Works, Parks, Recreation and Youth Services shall appoint Deputies as authorized by the County Legislature. All Deputy Commissioners and the Director of Parks, Recreation and Youth Services shall serve at the pleasure of the Commissioner of Public Works, Parks, Recreation and Youth Services. The Deputy Commissioners shall perform all duties and make all reports as are required by the Commissioner of Public Works, Parks, Recreation and Youth Services and shall have the authority to act generally for and in place of said Commissioner. The designation or designations shall be in writing and filed with the Department of Records, and copies thereof shall be filed with the County Executive and with the Clerk of the County Legislature.

The Commissioner of Public Works, Parks, Recreation and Youth Services may delegate to one or more of his Deputies specific powers and duties, including those which he has as County Engineer or as County Superintendent of Highways, and may revoke such delegations. If the powers or duties so delegated or revoked are those which the Commissioner of Public Works, Parks, Recreation and Youth Services has as County Engineer or County Superintendent of Highways, a duplicate of such written delegation or revocation shall be filed with the New York State Commissioner of Transportation, if required by law. Any act performed by a Deputy pursuant to such delegation shall have the same effect, in law, as if performed by the Commissioner of Public Works, Parks, Recreation and Youth Services.

Section 6. Section A 1201 of the Charter and Administrative Code is hereby amended to read as follows:

§ A1201. Board created; organization and procedures.

There shall be a Board of Acquisition and Contract which shall consist of the County Executive, the Commissioner of Public Works, Parks, Recreation and Youth Services and the Chairman of the County Legislature or their designees. The Board of Acquisition and Contract shall have all the powers and duties in relation to the acquisition of real property and the approval and execution of contracts as are set forth in §§ A1202, A1203, A1204, A1205 and A1206 of this Article.

The Board of Acquisition and Contract shall meet at the call of the County Executive, who shall serve as Chairman of such Board. All meetings of the Board of Acquisition and Contract shall be open to the public, and the Board shall be required to keep written minutes of its proceedings, which shall be available to public inspection at all reasonable times.

The Board of Acquisition and Contract shall adopt rules of procedure for the conduct of its meetings and shall establish its regular meeting dates.

The Board of Acquisition and Contract shall have and exercise all powers and duties conferred or imposed upon it by the Charter and this Code. The members of such Board shall receive no additional salary or compensation for their services, but shall, within the appropriations provided therefore, be entitled to actual and necessary disbursements and expenses in performing the duties of their office.

The Board of Acquisition and Contract may make recommendations to the County Legislature relative to the operations of the Board and County contracts.

Section 7. Section A2303-A(3)(a) of the Charter and Code is hereby amended to read as follows:

- (a) Annually the Board of Trustees shall furnish to the Director of Management and Budget a description, justification and estimate for each project in the capital program which it proposes to develop during one or more of the ensuing six fiscal years of the County. Such capital project requests and their consideration, approval and budgeting of said projects shall be made pursuant to the County Administrative Code and Charter. All capital projects approved for Broome Community College shall be a part of the County's six-year capital program and County budget.

All projects within the capital program shall be developed in accordance with a Facilities Master Plan for the college. The Trustees shall consult with the Commissioner of Public Works, Parks, Recreation and Youth Services in developing the capital program for the college.

Section 8. Section A2307-A(3)(b) of the Charter and Code is hereby amended to read as follows:

- (b) The college shall contract with the County Department of Public Works, Parks, Recreation and Youth Services for contract administration services for all public works projects of the college.

Section 9. Section 19-6(2) of the Charter and Code is hereby amended to read as follows:

- (2) The following heads of agencies, department, divisions, councils, boards, commissions or bureaus and their deputies and assistants:

Aging, Office for

Director of Office for Aging

Deputy Director of Office for Aging

Audit and Control

Comptroller

Deputy Comptroller
Director of Weights and Measures

Aviation

Commissioner of Aviation
Deputy Commissioner of Aviation

Broome Community College

President of Broome Community College
Vice President of Academic Affairs
Vice President for Administration and Financial Affairs
Vice President for Student Affairs

Central Foods

Director of Central Food and Nutrition Services

Community Alternative Systems Agency

CASA Director

County Clerk

Executive Deputy County Clerk
Deputy County Clerk
Records Management Officer
Deputy Clerk — DMV

County Executive

Deputy County Executive
Administrative Assistant to County Executive
Executive Assistant to County Executive (2)
Communications Director
Director of Greater Binghamton Coalition

District Attorney

Chief Assistant District Attorney

Elections

Commissioners of Elections
Deputy Commissioners of Elections

Emergency Services

Director of Emergency Services/Fire Coordinator
Deputy Director of Emergency Services

Employment and Training

Employment and Training Director
Deputy Employment and Training Director

Office of Management and Budget

Director of the Office of Management and Budget
Deputy Director of OMB — Treasury
Deputy Director of OMB — Budget
Deputy Director of OMB — Accounting

Health

Public Health Director
Deputy Public Health Director

Historian

County Historian

Information Technology

Director of Information Technology
Assistant Director of Information Technology

Law

County Attorney
Chief Assistant County Attorney
Deputy County Attorney (DSS)

Legislature

Clerk of County Legislature
Deputy Clerk of County Legislature
2nd Deputy Clerk of County Legislature
Legislative Assistant

Library

Library Director

Mental Health

Commissioner of Community Mental Health Services
Deputy Commissioner of Community Mental Health Services

Nursing Home

Willow Point Nursing Home Administrator
Deputy Nursing Home Administrator — Fiscal Services
Deputy Nursing Home Administrator — Health Services

Personnel

Personnel Officer
Director of Employee Relations
Equal Employment Opportunity Compliance Officer

Planning and Economic Development

Commissioner of Planning and Economic Development

Probation

Probation Director
Deputy Probation Director

Public Defender

Public Defender
Chief Assistant Public Defender

Public Transportation

Commissioner of Public Transportation
Deputy Commissioner of Public Transportation

Public Works, Parks, Recreation and Youth Services

Commissioner of Public Works, Parks, Recreation and Youth Services
Deputy Commissioner of Public Works/Buildings and Grounds
Deputy Commissioner of Public Works/Engineering
Deputy Commissioner of Public Works/Highways
Director of Security
Director of Solid Waste Management
Director of Parks, Recreation and Youth Services
Arena Manager

Purchasing

Purchasing Agent

Real Property Tax Service

Director of Real Property Tax Services
Assistant Director of Real Property Tax Services

Risk and Insurance

Manager of Risk and Insurance

Sheriff

Undersheriff
Corrections Major

Social Services

Commissioner of Social Services
Deputy Commissioner of Social Services
Deputy Commissioner of Social Services — Temporary Assistance
Deputy Commissioner of Social Services — Administrative Services

Stop-DWI

STOP DWI Coordinator

Section 10. Section 85-11(F) of the Charter and Code is hereby amended to read as follows:

- F. Appeal of suspension or revocation. Any suspension of a license may be appealed by submitting a written appeal to the Broome County Commissioner of Public Works, Parks, Recreation and Youth Services with 10 days of the suspension or revocation by the Director. The Commissioner of Public Works, Parks, Recreation and Youth Services may uphold or overturn the decision of the Director based on the documentation provided.

Section 11. Section 98-1A of the Charter and Code is hereby amended to read as follows:

§ 98-1. Code enforcement officer; Board of Review.

- A. Administration. The Commissioner of Public Works, Parks, Recreation and Youth Services is hereby designated as code enforcement official to administer and enforce the Uniform Fire Prevention and Building Code with respect to:
- (1) Buildings, premises and equipment in the custody of or activities relating thereto undertaken by:
 - (a) The county.
 - (b) Any special purpose unit of government created by or for the benefit of the county.
 - (c) The Off-Track Betting Corporation whenever such buildings, premises, equipment or activities are located or occur within the county.
 - (2) Any other buildings, premises, activities or equipment for which the county is accountable for enforcing the Uniform Fire Prevention and Building Code by reason of state law or regulation.

Section 12. Section 98-7G of the Charter and Code is hereby amended to read as follows:

- G. Waiver of fees. The Commissioner of Public Works, Parks, Recreation and Youth Services may waive any fee or a portion thereof if it is established that the payment of such fee will cause unnecessary hardship or that the waiver of the fee would be in the best interests of the county.

Section 13. Section 100-2B of the Charter and Code is hereby amended to read as follows:

- B. The Commissioner of Public Works, Parks, Recreation and Youth Services (hereinafter the "Commissioner") of the County of Broome (hereinafter the "County") is hereby designated as the authority to receive applications for permits to operate or move a

vehicle or a combination of vehicles, the weights or dimensions of which exceed the limitations provided in § 385 on County roads or highways. Such permit can only be issued to applicants who are eligible for or are holders of valid New York State hauling permits issued by the New York Department of Transportation (hereinafter NYSDOT) pursuant to Title 17, Transportation, New York Code of Rules and Regulations, Part 154.

Section 14. Section 100-4 of the Charter and Code is hereby amended to read as follows:

§ 100-4. Permit form.

The Commissioner is hereby authorized to promulgate the permit form to be issued upon review and approval of an application for a permit. In the event that the holder of a NYSDOT special hauling permit(s) presents proof (satisfactory to the Commissioner of Public Works, Parks, Recreation and Youth Services) that such holder, for itself, its agents and subcontractors, plans to use more than one vehicle, the weights or dimensions of which exceed the limitations provided in § 385 on County roads or highways, the holder of the NYSDOT special hauling permit(s) may elect to execute a County-wide road maintenance agreement in lieu of separate permits for each vehicle(s). Said road maintenance agreement shall conform to the minimum requirements of this chapter, shall be executed by the County and the permit holder and shall include such additional terms as are reasonably required by the Commissioner, including but not limited to insurance, maintenance bond, hauling route designations, traffic schedules, inspections and road surveys. All of the vehicles specifically listed in such agreement, including those owned by the holder, its agents and subcontractors, shall be deemed to be covered by such agreement, and upon execution of the agreement the Commissioner shall issue a blanket permit.

Section 15. Chapter 150 of the Charter and Code is hereby amended to read as follows:

§ 150-1. Written notice required.

- A. No civil action shall be maintained against the county or officers and officials of the county for damages or injuries to a person or property or for wrongful death sustained by reason of any highway, sidewalk, bridge or culvert being defective, out of repair, unsafe, dangerous or obstructed unless written notice of such defective, unsafe, dangerous or obstructed condition of such highway, sidewalk, bridge or culvert was actually given to the County Clerk or County Commissioner of Public Works, Parks, Recreation and Youth Services and 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; but no such action shall be maintained for damages or injuries to a person or property or for wrongful death sustained solely in consequence of the existence of snow or ice upon any highway, sidewalk, bridge or culvert unless written notice thereof, specifying the particular place, was actually given to the County Clerk or County Commissioner of Public Works, Parks, Recreation and Youth Services and there was a failure or neglect to cause such ice or snow to be removed or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.
- B. No civil action shall be maintained against the county or officers and officials of the county for damages or injuries to a person or property or for wrongful death sustained by reason of any other property owned, operated or maintained by the county being defective, unsafe, dangerous or obstructed unless written notice of such defective, unsafe, dangerous or obstructed condition of such property was actually given to the County Clerk

or County Commissioner of Public Works, Parks, Recreation and Youth Services and there was failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction.

§ 150-2. Transmittal of notices.

The County Commissioner of Public Works, Parks, Recreation and Youth Services shall transmit, in writing, to the County Clerk within five days after the receipt thereof all written notices received by him or her pursuant to this chapter. The County Clerk shall cause all written notices received by him or her pursuant to this chapter to be presented to the County Legislature within five days of the receipt thereof or at the next succeeding County Legislature meeting, whichever shall be sooner.

Section 16. Chapter 158-1 and 158-2 of the Charter and Code is hereby amended to read as follows:

§ 158-1. Purpose.

Broome County has established various parks and leisure facilities to be administered by the Broome County Department of Public Works, Parks, Recreation and Youth Services. For the better management of these facilities, it is necessary to establish certain rules and regulations for all persons entering, using or visiting or who are otherwise within the boundaries of said facilities.

§ 158-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

COMMISSIONER — The Commissioner of the Broome County Department of Public Works, Parks, Recreation and Youth Services and/or his duly authorized personnel.

COMMITTEE — The Parks and Recreation Committee of the Broome County Legislature.

COUNTY — The County of Broome.

COUNTY EXECUTIVE — The County Executive of Broome County.

DEPARTMENT — The Broome County Department of Public Works, Parks, Recreation and Youth Services.

LEGISLATURE — The Broome County Legislature.

LEISURE FACILITY — The Broome County Veterans Memorial Arena and Broome County Forum.

PARK — Any and all land and/or physical structures owned or controlled by the County of Broome and administered by its Department of Public Works, Parks, Recreation and Youth Services. These shall include areas designated as parks, campgrounds, picnic areas, ice rinks, nature reserves, the Arena, Forum and other special use areas as designated by the Department of Public Works, Parks, Recreation and Youth Services.

PERSON — Includes persons and corporations and other groups.

Section 17. Section 158-3 P(3) of the Charter and Code is hereby amended to read as follows:

P. Dogs and other animals.

- (3) Horseback riding, farm animals and petting zoos are not allowed on park property unless deemed appropriate by the Commissioner of Public Works, Parks, Recreation and Youth Services in extenuating circumstances.

Section 18. Notes 3, 5 and 6 of Section 158.4 of the Charter and Code are hereby amended to read as follows:

NOTE No. 3: The Department will follow a strict policy of no refunds, except as outlined in specific contracts or as deemed appropriate by the Commissioner of Public Works, Parks, Recreation and Youth Services in extenuating circumstances.

NOTE No. 5: The Commissioner of Public Works, Parks, Recreation and Youth Services has the right to require additional security and emergency medical services coverage from a promoter or registered group for an event and appropriately charge said group or promoter for said services.

NOTE No. 6: Seasonal uniform. Broome County Public Works, Parks, Recreation and Youth Services Department is authorized to allocate a minimum number of uniforms to those seasonal employees who are required to wear them in order to adequately perform their job duties in a safe and professional manner.

Section 19. Section 179-1A of the Charter and Code is hereby amended to read as follows:

A. As used in this chapter, the following terms shall have the meanings indicated:

CHARGEABLE TONNAGE — All material transported over Broome County facility scales for which a payment is assessed by Broome County to the transporting user of the facility.

COMMERCIAL USER — One generating or transporting solid waste in the course of business, earning a livelihood or other regularly income-producing service or activity. This includes but is not limited to the following commercial waste haulers and processors, contractors, small businesses, corporations, and institutions.

DEPUTY COMMISSIONER — The Deputy Commissioner of Public Works, Parks, Recreation and Youth Services for the Division of Solid Waste Management.

RESIDENTIAL USER — One generating waste in the course of daily living and improvement of their own residence. This specifically excludes those hauling commercial waste, or waste from commercial building and other contracting projects.

Section 20. Section 179-9(3)(K) of the Charter and Code is hereby amended to read as follows:

- (k) Waste-to-energy incinerator ash: \$15 per ton to be accepted under the direction of the Deputy Commissioner of Public Works, Parks, Recreation and Youth Services for Solid Waste Management, who may enter into agreements with vendors and/or

brokers as necessary and appropriate in order to receive this material as alternative cover for the landfill, and provided the processor(s) furnish(es) documentation showing the ash to have been tested and to be in compliance with applicable Department of Environmental Conservation requirements and/or the Environmental Conservation Law.

Section 21. Section 179-13 of the Charter and Code is hereby amended to read as follows:

§ 179-13. Definitions.

As used or referred to in this article, unless the context otherwise requires, the following terms shall have the meanings indicated:

COMMERCIAL USER — One generating or transporting recyclable waste in the course of business, earning a livelihood or other regularly income-producing service or activity. This includes but is not limited to the following: commercial waste haulers and processors, contractors, small businesses, corporations and institutions.

COUNTY OF BROOME — The entire County of Broome as constituted and existing under the laws of the State of New York.

DEPUTY COMMISSIONER — The Deputy Commissioner of Public Works, Parks, Recreation and Youth Services for the Division of Solid Waste Management.

DISPOSAL OF SOLID WASTE — The transporting or delivery of solid waste to a solid waste management - resource recovery facility.

DROPOFF AREA — Any area designated from time to time by the County Executive or his designee (as hereinafter provided) where persons can bring recyclables for aggregation and further transport to a materials recovery facility.

MATERIALS RECOVERY FACILITY — A type of solid waste management - resource recovery facility, duly designated pursuant to this article, at which recyclables are aggregated and processed for eventual transportation to markets, where said materials can be beneficially reused or distributed for beneficial reuse.

MUNICIPALITY — Any county, city, town, village, improvement district (or a county, city, town or village acting on behalf of an improvement district), public corporation, municipal corporation, political subdivision, government agency or department or bureau of the state or federal government.

PERSON — Any natural person, individual, partnership, co-partnership, association, joint venture, corporation, trust, estate or any other legal entity, inclusive of a municipality.

RECYCLABLES — That component of solid waste which may be reclaimed for further use, specifically those materials designated as recyclable in Article IV of this chapter.

Section 22. Section 203-2(A) of the Charter and Code is hereby amended to read as follows:

- A. The Commissioner of Public Works Parks Recreation and Youth Services (hereinafter "the Commissioner") shall assess and make public, on at least an annual basis, present and

future construction programs and establish anticipated requirements for architectural and engineering services.

Section 23. Section 209-2A(7)(c) of the Charter and Code is hereby amended to read as follows:

- (c) Broome County Department of Public Works, Parks, Recreation and Youth Services (ex officio/nonvoting).

Section 24. Section 210-2 of the Charter and Code is hereby amended to read as follows:

§ 210-2. Membership; terms; Chairman.

The membership of the Broome County Environmental Management Council shall be comprised of one member of each Town, City and Village Conservation Commission within the County of Broome, 15 at-large members who are residents of Broome County, two Broome County high school students, one student from Broome Community College or the State University of New York at Binghamton who is a Broome County resident, one representative each from the Soil Conservation Service, the Cooperative Extension Service and the Soil and Water Conservation District located within Broome County and, as ex officio members, the Commissioner or his designee of the Broome County Departments of Health, of Planning and Economic Development and of Public Works, Parks, Recreation and Youth Services and two Broome County Legislators, all of whom shall be appointed by and serve at the pleasure of the County Executive for terms not to exceed two years, and any such appointments shall be subject to confirmation by the County Legislature. The County Executive shall appoint a Chairman of the Council from among the members of the Council.

Section 25. Section 210-5B(1) of the Charter and Code is hereby amended to read as follows:

B. The following individuals shall be non-voting, ex-officio members of the Council:

- (1) The administrators of the following County government departments, or their designated standing representatives from the respective agencies:
 - (a) Health.
 - (b) Planning and Economic Development.
 - (c) Public Works, Parks, Recreation and Youth Services.
 - (d) Division of Solid Waste Management.

Section 25. This Local Law shall take effect on January 1, 2013.