

**ERIE COUNTY BOARD OF HEALTH**  
Duties and Responsibilities of the Board

**Organization**

**Membership**

- Members appointed by the County Executive. [EC Charter § 502]
- Members must be residents of the County health district. [EC Code § 5.04]
- Consist of seven members [NYPHL § 343]
  - One (1) member of the Legislature, selected by the legislature. [NYPHL § 343]
  - At least three (3) physicians licensed to practice in NY. [NYPHL § 343]
  - Each City that becomes a part of County health district shall be entitled to one additional representative member on the BOH. [NYPHL § 343]
    - No city is included as part of the health district unless the Mayor and a majority of the Common Council of such city have consented thereto AND unless a majority of the Legislators representing that part of the county outside such city have consented thereto. [NYPHL § 340]
    - Additional City representative members shall be appointed from a list of three (3) persons submitted by the Mayor or other administrative head of such city. [NYPHL § 343]
    - City representative members shall have all of the powers and duties conferred upon other members of the BOH. [NYPHL § 343]
- The County Medical Society may submit to the County Executive a list of physicians from which the County Executive may choose the medical members of the BOH. [EC Code § 5.04]
- The BOH elects annually a Chairman, Vice-Chairman and a Secretary from among its members. [EC Code § 5.04]

**Terms and Vacancies**

- The term of each appointive member of the BOH is six (6) years. [NYPHL § 344]
- The term of one of the members expires annually. [NYPHL § 344]
- The term of the member of the Legislature may be for a lesser period in the event that member does not continue as a Legislator. [NYPHL § 344]
- Vacancies must be filled by appointment for the unexpired term. [EC Code § 5.04]

**Meetings**

- Can be held at the call of the Commissioner or Chairman of the Board on five days written notice. [EC Code § 5.04]

**Duties**

- Advise on matters relating to the preservation and improvement of the public health. [EC Charter § 502]
- Advise on matters relating to the preservation and improvement of services and facilities of the County laboratory. [EC § Charter 502]
- Make recommendations and suggestions to the County Executive relative to the qualifications and appointments of the Commissioner of Health and relative to the qualifications and duties of the deputy commissioners, officers or employees of the department of health. [EC Code § 504]

- Submit to the County Executive a program of health and laboratory services and facilities and rules and regulations concerning the rendition or operation of services and facilities in the health and laboratory programs. [EC Code § 5.04]
- BOH has power to enter into contracts with not more than two (2) counties to obtain or render health services (provided approval of the Legislature of each county and of the Commissioner is obtained). [NYPHL § 347]

### **Sanitary Code**

- BOH may formulate, promulgate, adopt and publish rules, regulations, orders and directions relating to health in the County, which shall not be inconsistent with the public health law or the state sanitary code. [EC Charter § 504]
- Before adopting any amendment to the County Sanitary Code, the BOH must hold public hearing on amendments. [EC Code § 5.05b]
  - Publication and notice requirements must be met with regard to the public hearings. [EC Code § 5.05b]
- *Restriction:* County Sanitary Code can be amended with respect to the establishment or revision of schedules of fees by the board of health ONLY after such amendment is ratified by the county legislature. [EC Charter § 504]
  - If the legislature does not ratify, modify or reject such amendments within sixty days following the presentation of such amendments to the clerk of the legislature by the board of health, then such amendments shall be deemed ratified. [EC Charter § 504]
- Every rule, regulation, order and direction adopted by the BOH shall state the date on which it takes effect. A copy must be signed by the Commissioner and shall be filed as a public record in the Department and in the office of the County Clerk. [NYPHL § 347]
- Provisions of the Sanitary Code have the force and effect of law. [NYPHL § 348]
- Fines: 1<sup>st</sup> offense—fine of not more than \$250 or imprisonment of not more than 15 days; 2<sup>nd</sup> or subsequent offense—fine of not more than \$500 or by imprisonment not exceeding fifteen days, or both. [NYPHL § 348]

### **Nuisances**

- BOH (as well as County Commissioner) receive and examines all complaints made by any inhabitant concerning nuisances, or causes of danger or injury to life and health within the health district. [NYPHL §1303]
- May enter any place or premises where such nuisances or conditions exist and by its members or other persons designated for that purpose, inspect and examine the same. [NYPHL § 1303]
- BOH can order the suppression and removal of all nuisances and conditions detrimental to life and health found to exist within the health district. [NYPHL §1303]
- BOH is authorized to make an ex parte application for a temporary restraining order, where there is a violation within the jurisdiction of the BOH which requires immediate relief. [NYPHL §1308]
- When requested by the State Commissioner, the BOH may appoint one of its members to act with and assist the State Commissioner during the investigation of any nuisance or to determine whether a public nuisance exists. The final determination rests solely with the State Commissioner. [NYPHL §1303]
- Whenever the State Commissioner directs the BOH to take certain definite proceedings, the BOH shall convene and take the action directed. [NYPHL §1303]