

COUNTY OF ERIE

ERIE COUNTY LEGISLATURE

LOCAL LAW NO. 2

117 LAWRENCE AVENUE
ALBANY, N.Y. 14202

LOCAL LAW INTRO. NO. 12 [Print JUL 21 9 12 AM '77
1977

A LOCAL LAW amending Local Law No. 1-1959, constituting the Erie County Charter, as amended, in relation to establishing a Department of Environment and Planning by repealing Article IX thereof and substituting a new Article IX therefor, repealing Section 306.1 and amending Section 1621.

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE, AS FOLLOWS:

Section 1. Article IX of Local Law No. 1-1959, constituting the Erie County Charter, as amended, is hereby repealed, and a new Article IX is substituted therefor to read as follows:

ARTICLE IX

DEPARTMENT OF ENVIRONMENT AND PLANNING

- Section 901 - Department of Environment and Planning; Commissioner; Qualifications.
902 - Powers and duties of Commissioner.
903 - County Environmental Quality Code.

§ 901 - Department of environment and planning; commissioner; qualifications. There shall be a department of environment and planning headed by a commissioner. He shall be appointed by the county executive, subject to confirmation by the county legislature. He shall possess not less than a baccalaureate degree in an appropriate subject field and suitable experience in private or public administration and environmental control or regional, county or municipal planning.

§ 902 - Powers and duties of commissioner. The Commissioner of Environment and Planning shall have the following powers and duties.

a. He shall administer the planning, environmental quality control, drainage, flood control, solid waste management, sewerage planning, construction and management functions vested in the executive branch of the county government, provided, however, that this provision shall not be deemed to restrict the powers or duties of any administrative body appointed, designated, or established in accordance with Article 5-A of the County Law and the Erie county charter and administrative code.

b. He shall head the department of environment and planning, supervise and direct its officers and employees, and make such assignments of powers and duties among them as he may consider advisable.

c. He may promulgate, administer, enforce and amend a county environmental quality code, pursuant to Section 903 of this charter.

d. He may, if authorized to do so by appropriate federal or state authorities, administer or enforce federal or state laws, rules, regulations, orders, or programs in relation to the control, enhancement and preservation of environmental resources.

e. He shall advertise and call for bids on the construction of each sewer project of the county and such other

projects as may be assigned to this department by the county legislature, open such bids publicly, tabulate them and submit recommendations with respect thereto to the county legislature and county executive.

f. He shall have such additional powers and duties as may be prescribed by the county executive.

g. He shall have all powers necessary or proper to the exercise of any of the duties or functions of the commissioner of the department of environment and planning.

§ 903 - County environmental quality code. To the extent applicable to the control and enhancement of the quality, use or enjoyment of air and water resources, the authority conferred upon a board of health by the Public Health Law to formulate, promulgate, adopt, publish and enforce rules, regulations, orders and directions for the security of life and health to be known as a sanitary code may be exercised by the commissioner of environment and planning in formulating, promulgating, adopting, publishing and enforcing an environmental quality code. The commissioner may also promulgate such other and additional rules and regulations as he shall consider appropriate to enhance the quality, use and enjoyment of air, water and other resources within the county, in furtherance of the public health, safety and welfare. This shall not be deemed to limit the authority of the commissioner of health or the board of health to promulgate such additional regulations for the security of life and health as may be necessary. Before adopting any provision or

amendment of the county environmental quality code, the commissioner shall conduct a public hearing, pursuant to the procedures set forth in Section 9.06(a) of the Erie county administrative code. Following such public hearing, if the commissioner's decision is to adopt said proposed code or amendment, he shall file a copy of the said preliminary decision with the clerk of the legislature. If the county legislature shall so direct, pursuant to Section 9.06(a) of the Erie county administrative code, the commissioner shall conduct a second public hearing.

Nothing in this section shall be construed to mean that the commissioner must promulgate or enforce such rules, regulations, orders and directions except as he has the necessary staff and funds to do so.

Section 2. Section 306.1 of Local Law No. 1-1959, constituting the Erie County Charter, as amended, is hereby repealed.

Section 3. Section 1621 of Local Law No. 1-1959, constituting the Erie County Charter, as amended, is hereby amended to read as follows:

§ 1621. Establishment of the Erie County Environmental Management Council; membership. There is hereby established, pursuant to article nineteen of the conservation law and the municipal home rule, a county environmental management council, to be known as the Erie County Environmental Management Council, hereinafter called the Council. The Council shall be appointed by the County Executive, subject to the confirmation

of the Legislature, and shall consist of twelve (12) members at large and one (1) member recommended to the County Executive by and from each town, village or city environmental or conservation management council established by the official governing body of such town, village or city. The term of all members shall be two (2) 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. In addition, the [Commissioner of Environmental Quality] Commissioner of Environment and Planning, the Commissioner of Health, [the Director of Planning.] and a representative of the Erie & Niagara Counties Regional Planning Board [and the County Attorney] shall be ex officio voting members of the Council.

The County Executive shall appoint one (1) member of the Council as chairman thereof. The Council shall meet at least four (4) times each year. The Council shall adopt rules and procedures for its meetings, shall keep accurate records of its meetings and activities, and shall file the annual report and plan as provided in section 1622 of this law.

Section 4. This Local Law is to be effective immediately.

LEONARD R. LENIHAN

WILLIAM STACHOWSKI

WILLIAM A. PAULY

-5-

Adopted by Legislature on 9/8/77 (Print #2)
Signed by County Executive Regan 9/22/77
9/22/77 Filed with Secretary of State
9/26/77 Acknowledgment received from Sec'y of State

