

LOCAL LAW NO. 1 OF 2011**A LOCAL LAW AMENDING LOCAL LAW NO. 12 OF 2009, A LOCAL LAW REGULATING SECONDHAND PRECIOUS METAL OR GEM DEALERS FOR THE COUNTY OF ORANGE.**

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

SECTION 1. PURPOSE

The purpose of this Local Law is to add further specificity to the provisions of Local Law No. 12 of 2009 in order to comply with requirements of the New York State Division of Criminal Justice Services. This amendment shall identify the title of the individual that will be reviewing the criminal history record information provided to the County of Orange by the New York State Division of Criminal Justice Services pursuant to Local Law No. 12 of 2009. This amendment shall also specify the manner in which fingerprints shall be submitted to the New York State Division of Criminal Justice Services.

SECTION 2. AMENDMENTS

A. Local Law No. 12 of the Year 2009, a local law regulating secondhand precious metal or gem dealers for the County of Orange, be and hereby is amended as follows:

- (i) by amending and restating Section 5, entitled "Issuance of license," sub-section "A," to read as follows:

A. Upon receipt of the license application, criminal history record information received from the New York State Division of Criminal Justice Services (DCJS), fees, and bonds required of the applicant, the Sealer shall review the application and, if appropriate, issue a license to the applicant.

- (ii) By amending and restating Section 4, entitled "Application for license; fee; bond," subsection "8," to read as follows:

8. All applicants must submit fingerprints of: the individual owner, if the applicant is a sole proprietorship; the general partners if the applicant is a partnership; and the officers, principals, directors, and stockholders holding more than 5% of the outstanding stock if the applicant is a corporation. Fingerprints will be submitted in electronic form to the Division of Criminal Justice Services for a criminal background check. The Sealer shall secure from the applicant the required fee for said background check in the form of a check or money order made payable to the New York State Department of Criminal Justice Services.

SECTION 3. EFFECTIVE DATE

This Local Law amending Local Law No. 12 of 2009 shall take effect in the manner provided in the Municipal Home Rule Law and upon completion of the requisite filings and procedures.

Local Law No. 1 of 2010 was passed on March 4, 2010 by the following roll call vote:

Ayes:	20
Noes:	0
Absent:	1

Approved by the County Executive: December 15, 2010

Effective: January 7, 2011

LOCAL LAW NO. 2 OF 2011

A LOCAL LAW AMENDING LOCAL LAW NO. 8 of 2007 ESTABLISHING THE ORANGE COUNTY ELECTRICAL LICENSING BOARD AND PROVIDING FOR THE QUALIFICATIONS, EXAMINATION, LICENSING AND REGULATION OF ELECTRICIANS IN ORANGE COUNTY, NEW YORK.

BE IN ENACTED, by the County Legislature of the County of Orange, State of New York as follows:

Section 1. **Legislative Intent.**

The Orange County Legislature received recommendations from the Orange County Electrical Licensing Board requesting amendments to the Orange County Electrical Licensing Law to wit:

Establishing Class B and Class C licenses, adding the Commissioner of the Consumer Affairs and Weights and Measure of the County of Orange as a non-voting member of the Board, authorizing the Commissioner to issue Notices of Violations; establishing regulations for adjudicatory proceedings, repealing Section 17 Office requirements; and establishing that violations of this local law to be a Violation of the New York State Penal Code, except for those violations which may otherwise be prosecuted by local municipal law enforcement agencies and /or the district attorney's offices as civil or criminal matters.

Section 2. Local Law No. 8 of 2007 is hereby amended, renumbered and restated as follows:

LOCAL LAW NO. 8 OF 2007

A LOCAL LAW ESTABLISHING THE ORANGE COUNTY ELECTRICAL LICENSING BOARD AND PROVIDING FOR THE QUALIFICATIONS,

EXAMINATION, LICENSING AND REGULATION OF ELECTRICIANS IN ORANGE COUNTY, NEW YORK.

BE IN ENACTED, by the County Legislature of the County of Orange, State of New York as follows:

Section 1. **Legislative Intent.**

The Orange County Legislature does hereby find that the installation, repair and improvement of electrical services and wiring in residential and commercial structures is a unique occupation requiring experience and skills not commonly required for persons performing other occupations. The improper installation, repair and improvement of electrical wiring may create hazardous conditions for the occupants and community. The County Legislature finds that the licensing of electricians is a fair and effective method to insure that qualified persons practice the electrical trade in Orange County in order to protect the public.

Nothing in this local law is designed to interfere with or shall be construed to interfere with (i) any existing state or local law or the industry practice relating to electrical work; (ii) authority of the local municipalities within Orange County to issue certificates of occupancy or any permits necessary for the performance of electrical work to an electrician who has a license issued by the Electrical Licensing Board pursuant to this local law; or (iii) a homeowner from making electrical repairs to his residence, except as provided in Section 21 of this Local Law.

Section 2. **Definitions.**

As used in this local law, unless otherwise indicated, the following terms shall have the meanings indicated:

"Board" – The Orange County Electrical Licensing Board established by this local law.

"Chairman" – The Chairman of the Orange County Electrical Licensing Board.

"Class B Electrician License" – An electrical license issued to an applicant for the sole use at, and limited to, a specific facility, as an employee of that facility.

"Class C Electrician License" – An electrical license issued to an applicant for the sole purpose and limited to, work in a specific profession.

"Commissioner: - the Commissioner of the Office of Consumer Affairs and Weights and Measures of the County of Orange.

"County Executive" – The County Executive of the County of Orange.

"County Legislature" – The County Legislature of the County of Orange.

"Hands-on experience" – shall mean working with tools in the installation, alteration and repair of wiring and appliances for light, heat, power and signaling

purposes in or on buildings, which work shall have been done in compliance with the National Electrical Code. Hands-on experience shall not include time spent in supervising, engaging in the practice of engineering, estimating and performing other managerial tasks.

"Homeowner" – any person who owns land in Orange County upon which there is an existing, unattached, single-family home used as such person(s)' primary residence and/or where there may also be non-residential buildings used solely for the private use of such person and the title thereto being the name of such person, and/or his or her spouse, individually or jointly.

"Journeyman Electrician" – an electrician who has successfully completed a formal electrical apprenticeship program which has been registered and approved by (a) the New York State Department of Labor; (b) another state of the United States of America; or (c) the Bureau of Apprenticeship Training of the United States Department of Labor.

"Master Electrician" – a person who has met all the requirements of the Electrical Licensing Board including a passing grade on the Master Electrician exam.

"Person" – an individual, firm, partnership, corporation or other legal entity, whether or not organized for profit.

"Provisional Electrician License" An electrical license issued to an applicant who qualifies as per the specifications set forth in Section 16 of this local law.

"Shelve" - the voluntary placement by a person of his County of Orange Master Electrician License in an inactive status. A person with a shelved license shall be unlicensed. This person shall not maintain, conduct, operate, advertise, engage in or transact a business as a Master Electrician in the County of Orange.

"Violation"- shall mean an offense, as defined under Article 10 of the New York State Penal Law, punishable by a fine of up to \$1,000.00 and/or a sentence to a term of imprisonment not to exceed fifteen days.

Section 3. **License Required.**

On or after the effective date of this local law, no person shall engage in, carry on or conduct the business of, or hold himself or herself out as, an electrical contractor within the County of Orange unless he or she is licensed pursuant to this local law or unless employed by a person so licensed.

Section 4. **Electrical Licensing Board.**

- A. There is hereby established in and for the County of Orange, a Board known as the "Orange County Electrical Licensing Board" comprised of the following ten (10) individuals who reside in Orange County:**

The Commissioner who shall be a non-voting member of the Board;
One (1) individual who is qualified as an Electrical Inspector in New York State;
One (1) member representing the licensing boards of the three cities

(Newburgh, Middletown and Port Jervis) located in Orange County;

One (1) union contractor who shall be a licensed Master Electrician;

One (1) open shop contractor who shall be a licensed Master Electrician;

Two (2) members of the public;

One (1) individual representing the County Executive;

One (1) County Legislator designated by the Chairman of the Legislature; and;

One (1) representative from the Association of Supervisors and Mayors of Orange County.

- B. Members of the Board, except for the Commissioner, shall be appointed by the County Executive, subject to confirmation by the County Legislature. Of the members first appointed, one shall be appointed for a term of one (1) year; two for a term of two (2) years; three for a term of three (3) years; and three for a term of five (5) years. Members may continue to serve after the expiration of their respective terms of office until their successors have been appointed and confirmed. The successors of all members of the Board thereafter shall be appointed for terms of five (5) years.
- C. The Board shall elect a chair, vice-chair and secretary from its membership annually.
- D. A majority of the Board shall constitute a quorum for the transaction of business.
- E. Compensation to be paid to the members of the Board, if any, shall be determined by the County Legislature.

Section 5. **Powers of the Board.**

The Board shall have the following powers and duties in addition to that elsewhere prescribed in this local law:

- A. Hold regular monthly meetings and special meetings as often as necessary or required. At least twenty-four (24) hours' written notice of a special meeting shall be given to the members of the Board.
- B. Adopt by-laws and such rules and regulations as may be necessary to implement this local law, including licensing standards not inconsistent herewith. A certified copy of such by-laws and rules and regulations shall be filed with the Clerk of the County Legislature prior to its effective date.
- C. Review qualifications and fitness of applicants for licenses under this local law.
- D. Assist in the preparation of and review standard written tests in such form as determined by the Board from time to time, based on the applicable New York State Uniform Fire Prevention and Building Code and relevant reference standards provided in the Code and grade such tests in accordance with such standards.
- E. Issue licenses as authorized by this local law to applicants possessing the requisite qualifications. Licenses shall be signed by the Chairman and the Secretary of the Board.

- F. Issue notices of violation, appearance tickets, hear and dispose of complaints of alleged violations of this local law. Suspend and/or revoke licenses. Impose and collect fines and penalties. Refer violations to the County Attorney to institute legal action in the name of the County of Orange and enjoin unlawful activity.
- G. Comply with the New York State Public Officers Law (Open Meetings Law & Freedom of Information Law).
- H. Suspend or revoke licenses "for cause" as per Section 19.
 - I. Keep records of all of its meetings and proceedings and of all licenses issued, suspended or revoked and of all fines imposed.
 - J. Allow the Commissioner to issue notices of violations and/or appearance tickets for alleged violations of this local law.

Section 6. **Applications for Licenses.**

- A. Every person seeking a Master Electrician's License in Orange County shall make application, along with the required fee, to the Board in the form and manner prescribed by this local law and any rules and regulations of the Board.
- B. No person shall apply for a license unless, prior to the administration of a written examination, such person satisfies the qualifications set forth herein for a Master Electrician's License.

Section 7. **Licenses; Term, Renewal, Fees.**

A. The Board may issue and renew a Master Electrician's License. Such license shall permit the licensee to engage in the business of an electrical contractor who is an owner, officer or partner of an electrical contracting business within the County of Orange for the period of one year from the date it was issued. A Master Electrician will only be entitled to possess one (1) valid Master Electrician's License pursuant to this local law for any given year.

B. The license fee shall be as follows:

i. Residents of Orange County – five hundred (\$500) dollars - for persons who (i) have passed the examination, or (ii) are entitled to a temporary license under Section 16 or (iii) can be issued a license under Section 15 (Grandfather Clause) or Reciprocal Licenses for residents under Section 22;

ii. Residents of New York State - seven hundred and fifty (\$750) dollars;

iii. Non-residents of New York State - one thousand five hundred (\$1,500) dollars.

C. Each application shall be accompanied by a non-refundable check or money order representing the fee as determined by the Board for administration of the examination.

D. Such a license must be renewed annually on or before the expiration thereof

for the period of one (1) year upon payment of an annual fee of one hundred and fifty (\$150) dollars for residents of New York State and three hundred and fifty (\$350) dollars for nonresidents of New York State.

- E. Each application for renewal of a license must also be accompanied by proof that the individual has successfully completed a refresher course on changes to the New York State Uniform Fire Prevention and Building Code and the current National Electrical Code version adopted by New York State.
- F. Licensed Master Electricians who are not actively engaged in the business of Master Electrician may shelve such a license for a fee of fifty (\$50) dollars per year.
- G. Failure of a licensed Master Electrician to renew such license after fifteen (15) days of the expiration date shall result in a penalty of fifty (\$50) dollars. If renewal is not received within thirty (30) days from the expiration date, it shall result in revocation of the license unless, upon good cause shown, an additional thirty-day extension is granted by the Board.
- H. Each Master Electrician duly licensed under this local law shall list his or her license number in each advertisement, estimate, bill or contract and post such license number at each job and prominently display it on the electrical license decal issued by the Board on each vehicle while in the course of said licensee's trade or business. One decal shall be provided free of charge upon the issuance of a license hereunder. A fee of ten dollars (\$10) shall be charged for each additional decal needed to comply with the provisions contained herein. Said decals shall include the words "Orange County" and "electric" or "electrical", which must be clearly legible from a distance of fifty (50) feet.
- I. The fee for a Master Electrician's License, "Certificate of Name Change" after initial issuance of Master Electrician's License shall be one hundred and fifty dollars (\$150.00). A "Certificate of Name Change" shall only be issued to a qualified person as required by this local law who is also the owner, officer, or partner of an electrical contracting business.

Section 8. **Exemptions from License Requirement.**

This local law shall not apply to:

- A. Persons engaged solely in selling or solely in the attachment of ordinary electric appliances to existing circuits where no jointing or splicing of electrical conductors are required;
- B. The installation, maintenance or repair of elevators, dumbwaiters and escalators;
- C. The repair of heating systems;
- D. Any work involved in the manufacture, assembly, test or repair of electrical machinery, apparatus, materials and equipment by a person,

firm or corporation engaged in electrical manufacturing as his principal business; and

E. Persons employed by public service companies authorized to do business in the State of New York;

F. Homeowners engaged in the installation, maintenance, replacement and/or improvement of electrical work in their primary unattached single family residence which is greater than one year old. Replacement shall not include replacement of the entire electrical service on such residence. All such work must comply with local municipal building permit requirements. To the extent that a building permit is required, such electrical work must be inspected by a certified electrical inspector as defined under Section 21 of this local law. No homeowner shall engage in the construction and installation of electrical wiring for any electrical equipment in or adjacent to all swimming pools, (in-ground or above ground), hydro massage bathtubs, fountains, hot tubs, spas and wading, therapeutic and decorative pools as is covered under Article 680 of the National Electric Code in the current National Electrical Code version adopted by New York State.

Section 9. Applications.

Every person desiring a license as a Master Electrician under this local law and who meets the qualifications set forth herein shall apply for a license in such form and detail as the Board may prescribe. Such application shall state, among other things:

1. Name, home and business address;
2. Telephone number;
3. Social security number and employer identification numbers;
4. Valid passport photos for identification;
5. A statement of all qualified work experience and education, setting forth names, addresses and descriptions of work performed or degrees attained, and dates of employment or attendance;
6. A statement of whether the applicant was licensed under any other law, where such license is currently valid, whether such license was ever suspended, revoked or other action taken and, if so, the disposition thereof;
7. A statement of whether the applicant was ever convicted of a crime other than a minor traffic infraction, and if so, the disposition thereof;
8. An authorization to the Board to investigate the facts set forth in the application as required to make a determination as to the person's qualifications for an electrical license;
9. A statement that such application is made under penalties of perjury.

Section 10. Qualifications for Applicants for Licenses.

To qualify for the examination, all applicants must possess a minimum of seven (7) years of experience in the installation, alteration, and repair of wiring and appliances for light, heat and power and signaling in or on buildings under the requirements of the National Electrical Code as required by the New York State Department of State, Division of Code Enforcement and Administration and/or any municipal codes within the United States which equal or exceed the requirements of the National Electrical Code.

The Board must compute an applicant's years of experience as follows:

- A. Completion of a four-year apprenticeship program approved by both a Federal agency and a Federally-certified State agency and has worked at least two (2) years with his or her tools on the installation, alteration and repair of wiring and appliances for light, heat and power and signaling purposes in or on buildings. A Certificate of Completion issued by the apprenticeship program and a certification by an employer regarding the additional two (2) years of hands-on work experience shall be submitted with the application for the electrical license examination; or
- B. A journeyman electrician who has worked at least two (2) years as a journeyman with his or her tools on the installation, alteration and repair of wiring and appliances for light, heat and power and signaling purposes in or on buildings. The applicant shall submit proof of having satisfied the definition of a qualified journeyman electrician and a certification by an employer regarding the additional two (2) years of hands-on work experience; or
- C. A graduate engineer of a college or university who holds a degree of electrical engineering, master engineering or Bachelor of Science in electrical engineering and has in addition worked at least three (3) years with his or her tools on the installation, alteration and repair of wiring and appliances for light, heat and power and signaling purposes in or on buildings. The applicant shall submit a copy of his or her diploma and a certification by an employer regarding the additional three (3) years of hands-on work experience; or
- D. A high school or equivalent who is a graduate of a vocational, industrial or trade school in electric wiring, installation and design or applied electricity, and has worked at least six (6) years with his or her tools on the installation, alteration and repair of wiring and appliances for light, heat and power and signaling purposes in or on buildings. The applicant shall submit a copy of his or her diploma or equivalency diploma and a certification by an employer regarding the additional six (6) years of hands-on work experience; or
- E. A person who attended courses in a college or university leading to a degree in electrical engineering, mechanical engineering, Bachelor of Science in electrical engineering or mechanical engineering, who passed all subjects in the required courses shall be credited with practical experience equal to fifty

(50%) percent of the number of curriculum years he has satisfactorily completed which, in no event, however, shall exceed one (1) year's credit of practical experience, and an additional six (6) years of hands-on work experience must have been obtained by working with his or her tools on the installation, alteration and repair of wiring and appliances for light, heat and power and signaling purposes in or on buildings. The applicant shall submit a copy of his or her school transcripts and a certification by an employer regarding the additional six (6) years of hands-on work experience; or

- F. A person who worked in the field of electrical contracting for at least seven (7) years immediately preceding the date of application. The applicant shall submit a certification by an employer regarding the additional seven (7) years of hands-on work experience.

A year of practical hands-on experience shall be credited if such person was employed in a part-time capacity and the hand on experience was completed within a period of twenty-four (24) consecutive months.

Section 11. **Other Qualifications.**

A person who applies for a Master Electrician's License must prove to the satisfaction of the Board that he or she is a competent electrician and qualified to do electrical contracting, construction and installation of electrical wiring; has a working knowledge of electricity and the natural laws, properties and functions of electricity and of appliances, apparatus, materials, devices for electric, light, heat, power and signaling systems used and required in such work, combined with a practical working knowledge of the requirements and provisions of the National Electrical Code and a knowledge of the provisions of this local law and the rules and regulations of the Board and the State of New York, if any, and of the County of Orange for installation of electrical wiring, devices, appliances and equipment and of the provisions thereof requiring permits therefor.

Section 12. Examinations.

- A. All applicants for a Master Electrician's License must submit to and pass an examination. Examinations shall be in writing or in such form as determined by the Board from time to time. An applicant must receive a grade of seventy-five (75%) percent or more to pass the examination. A complete record of every examination given shall be kept on file for three (3) years after the date of the examination. Examinations shall be held at such times and places as the Board may fix.
- B. The applicant must present himself for examination at the time and place specified in a notice from the Board.
- C. An applicant who fails his or her first examination shall not be eligible for reexamination until the next regularly scheduled exam. A person who fails the examination twice shall not be eligible for further reexamination until at least six (6) months have elapsed from the date

he or she last took the examination.

Section 13. **Approval or Denial of License.**

- A. Upon meeting all the requirements of this local law, the Board shall direct the Chairman and Secretary to issue a Master Electrician's License to the applicant. The individual's name shall then be placed on the Orange County list of qualified Master Electricians.
- B. Failure to pass the exam with a passing grade of seventy-five (75%) percent or more, or to meet the qualifications and other requirements set forth herein, shall be summary grounds for denial of a license under this local law.

Section 14. **Denial of Licenses; Hearings.**

- A. If the Board shall deny a license the Board shall set forth the reasons for such denial in writing and mail it to the applicant by certified mail, return receipt requested within ten (10) business days after a determination has been made by the Board. Failure of the written examination shall be grounds for summary denial of a license. Within thirty (30) business days after the date of mailing such notice of denial, the applicant may, by written request, seek a hearing to review the determination of the Board. All such hearings shall be held and conducted in accordance with the attached Regulations for Adjudicatory proceedings.
- B. No application shall be denied on the grounds that the applicant was convicted of a crime, except in accordance with Article 23A of the Corrections Law.

Section 15. **Grandfather Clause.**

- A. Any person possessing a certified copy of a Master Electrician's License issued by Middletown, Newburgh or Port Jervis, which was valid and effective as of the date of the adoption of this local law and who completes an application to the Board as required by the Board no later than two (2) years from the date of the adoption of this local law shall be entitled to an Orange County license without examination.
- B. Any person who can show proof that he or she has been in business as an electrical contractor continuously and competently doing the work of a Master Electrician in Orange County for at least eleven (11) consecutive years prior to the date of the adoption of this local law and this work is a principal source of livelihood for that person, and who completes an application to the Board as required by the Board no later than two (2) years from the date of the adoption of this local law shall be entitled to a Master Electrician's License without examination, which will not apply in the cities of Middletown, Newburgh and Port Jervis, where an examination has been a requirement.
- C. Any person who is issued a Master Electrician's License under this Grandfather Clause may renew said license annually on or before the

expiration of the license upon payment of an annual renewal fee.

- D. If a person is issued a Master Electrician's License under this Section, such person may renew his or her license for an additional fee without taking the written examination only if: (a) he or she has been actively and continuously engaged in work as a Master Electrician under the supervision of a licensed Master Electrician since the issuance of his or her last valid Master Electrician's License; or (b) he or she has been actively and continuously engaged in work as an inspector of electrical work; or (c) he or she has not been actively or continuously engaged in work as a Master Electrician during the past two years but can provide proof acceptable to the Board that he or she has recently participated in a continuing education course updating his or her knowledge of the work of a Master Electrician.
- E. If a person fails to apply for a license under the Grandfather Clause of this local law within five (5) years of enactment of this local law, then said person must comply with all the other requirements contained in this local law in order to receive an Orange County Master Electrician's License.

Section 16. Provisional Master Electrician's License.

A person who has been in the electrical business in Orange County, continuously and competently doing the work of a Master Electrician, for a period of less than eleven (11) consecutive years but more than seven (7) consecutive years, prior to the date of the adoption of this local law can apply to the Board for a Temporary Master Electrician's License. Upon completion of eleven (11) consecutive years of successfully and competently performing electrical work in Orange County, such person may apply to the Board for a Master Electrician's License under Section 15 (Grandfather Clause) of this local law.

Section 17. Office Requirements. **[Repealed in its entirety]**

Section 18.

No Transferability of License; Designation and Termination of Supervisor, Name Change, Display of License.

- A. No license issued hereunder shall be assignable or transferable.
- B. Each license issued hereunder shall specify the name of the person, firm, partnership, corporation or other legal entity, who or which shall be known as the "holder of the license." The license of an electrical contractor shall specify the name of the person who is the Master Electrician, and such person shall be designated in the license of an electrical contractor as the supervisor of all work to be done under the license.
- C. In the event that the business association of the supervisor of the work, or the employment of the supervisor of the work by the electrical contractor shall terminate, the supervisor of the work shall notify the Board of such fact forthwith and upon notification the license shall no longer be licensed

pursuant to the local law.

- D. All licenses shall be numbered in the order in which they are issued and shall be in such form and of such color and shall contain such information as may be prescribed by the Board.
- E. Each license shall at all times be kept conspicuously displayed in the place of business of the licensee.

Section 19.

Imposition of Fines; Refusal, Suspension or Revocation of License.

A Master Electrician may be fined or his or her license refused, suspended or revoked by the Board for any one (1) or more of the following reasons:

1. Violation of any provision of this local law or of any rule or regulation adopted hereunder by the Board or any other law or ordinance pertaining to electricians;
2. Violation of any law, rule, regulation or any building code governing electrical work, or any order issued by building departments of any municipality in Orange County;
3. Violation of any requirement contained in the rules and regulations of the National Fire Protection Association or the National Electrical Code;
4. Conviction of a crime by a court of competent jurisdiction where there is a direct relationship between the crime and the specific license sought; or the issuance of the license would invoke an unreasonable risk to the property or to the safety or welfare of specific individuals or the general public;
5. Fraud, misrepresentation or bribery in securing a license;
6. The making of any false statement as to a material matter in any application for a license or name change;
7. The business transactions of the Master Electrician have been marked by a practice of failure to perform contracts or the fraudulent manipulation of assets or accounts;
8. Failure to display the license decal issued under this local law;
9. Maintaining, conducting, operating, advertising, engaging in or transacting a business as a Master Electrician in the County of Orange with a shelved license; or

10. Employing an unlicensed subcontractor or subcontractors to perform electrical work or any combination thereof in the County of Orange.

Section 20. Penalty for Offenses

- A. Failure to comply with the provisions of this local law shall constitute a Violation and shall be punishable by a fine not to exceed One thousand dollars (\$1,000.00) and/or imprisonment not to exceed fifteen days.**
- B. The Commissioner, and/or his or her designee, shall have the authority to issue violations and/or appearance tickets as they are defined in this local law and Article 150 of the Criminal Procedure Law.**
- C. Nothing herein contained shall prevent the Commissioner from proceeding to enforce by both Criminal and Civil Action the requirements of this local law.**
- D. The Board may withhold the issuance of a license, either new or renewed, to any person who has failed to pay any fine imposed pursuant to the provisions of this local law.**
- E. Nothing in this local law shall prevent a local municipality or law enforcement agency from initiating independent proceedings against a Master Electrician or any other person who has violated any other law.**
- F. Prior to the imposition of any fine or penalty or the refusal, revocation or suspension of a Master Electrician's License, the applicant or licensee shall receive in writing, all the particulars of the alleged violation and shall have an opportunity to present his or her defense at adjudicatory proceeding as set forth in the attached regulations.**

Section 21. Liability for Damage; Insurance.

- A. This local law shall not be construed to relieve, limit or reduce the responsibility of any person owning, operating, controlling or installing any electric wiring, devices, appliances or equipment for loss of life or damage to person or property caused by any defect therein, nor shall the County of Orange be deemed to have assumed any such liability by reason of any license issued pursuant to this local law.**
- B. Every person holding a license shall submit proof to the Board that he or she maintains liability, workers compensation and disability insurance for damage to persons and property in connection with the carrying on of his business as a Master Electrician in such amounts as shall be established by the Board from time to time.**
- C. The failure to maintain an insurance policy or file proof of**

coverage shall be grounds for the summary suspension of such person's license under this local law, which suspension shall continue in effect until coverage is obtained or reinstated.

Section 22. Installation Standards; Evidence of Proper Installation.

- A. All installations of, extensions to and alterations of electrical work within the County of Orange shall conform to the National Electrical Code and of any other applicable statute, ordinance or building code pertaining thereto and shall also be in conformity with approved standards for safety to life and property. In every case where no specific type of class of material or no specific standards are prescribed by law, conformity with the regulations and requirements contained in the applicable New York State Uniform Fire Prevention and Building Code and the relevant reference standards provided by that code contained in the current National Electrical Code version adopted by New York State shall be prima facie evidence of conformity with approved standards for safety to life and property.**
- B. Inspections made and the certificates of approval or permits issued by a certified electrical inspector approved by the local municipality having jurisdiction over building permits for such electrical installation in the County of Orange shall be deemed by the Board as evidence of proper installations.**

A certified electrical inspector shall be an individual who has met the minimum qualifications as recommended by the National Fire Protection Association and who has also received certifications by a nationally recognized inspection certification program.

Section 23. Reciprocal Licensing.

- A. The Legislature may authorize the County Executive to enter into reciprocal license agreements with individual municipalities or other jurisdictions within New York State upon the recommendation and finding of the Board that the qualifications required for a Master greater than those required by this local law.**
- B. Pursuant to such formalized reciprocal license agreements, the Board shall be authorized to issue reciprocal licenses upon such terms and conditions as are applicable to the individual reciprocating municipalities and other jurisdictions. Said licenses may be granted without examination upon application to the Board and payment of all required fees.**

Section 24. Issuance of Permits by Municipalities.

Nothing contained herein shall be construed to obviate the necessity of procuring a permit for electrical work whenever required by statute, local law, resolution, building code or ordinance of the municipality wherein such work is to be performed. No permit for construction or certificate of approval or certificate of occupancy shall be issued by a municipality in the County of Orange if there has been an installation, erection, alteration or repair of electrical wiring, apparatus, fixtures, devices, appliances or equipment in violation of the licensing requirements contained herein.

Section 25. Disposition of Money Received.

All fees, fines and penalties imposed in accordance with this local law shall be turned over to the Commissioner of Finance by the Board in accordance with Orange County's financial procedures and such moneys shall be deposited in the General Fund of Orange County.

Section 26. Construction.

Nothing in this local law shall operate to restrict the meaning of or diminish or impair any power granted to a local government by the constitution or any other law.

Section 27. Separability.

If any part of this local law, or the application thereof to any person or circumstances, shall be judged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the parts of the provision directly involved in the controversy in which such judgment shall have been rendered and affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances.

Section 28. Title.

This local law may be referred to as the "Orange County Electrical Licensing Law."

Section 29. Effective Date.

This local law shall take effect immediately upon filing in the office of the Secretary of State pursuant to Section 27 of the Municipal Home Rule Law.

Local Law No. 2 of 2011 was passed on December 16, 2010 by the following roll call vote:

Ayes: 21
Noes: 0
Absent: 0

Approved by the County Executive: January 6, 2011

Effective: January 28, 2011

LOCAL LAW NO. 3 OF 2011

A LOCAL LAW AMENDING LOCAL LAW NO. 10 OF 1969, KNOWN AS THE ORANGE COUNTY ADMINISTRATIVE CODE, AS PREVIOUSLY AMENDED, RENAMING THE TITLE OF EXECUTIVE ASSISTANT TO DEPUTY COUNTY EXECUTIVE FOR THE PURPOSE OF MODERNIZING THE POSITION TITLE CONSISTENT WITH MUNICIPAL STANDARDS.

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

SECTION 1. PURPOSE

This Legislature recognizes the need to modernize and update the title of Executive Assistant in the Office of the County Executive to Deputy County Executive so as to be consistent with municipal standards.

In order to accomplish this goal, the Orange County Administrative Code shall be amended to rename the title of Executive Assistant in the Office of the County Executive to Deputy County Executive. Consistent with this title change, the current Executive Assistant, also known as the Administrative Officer, in the office of the County Executive shall be known as the Deputy County Executive.

SECTION 2. AMENDMENTS

A. Local Law No. 10 of the Year 1969, known as the Orange County Administrative Code, be and hereby is amended as follows:

- (i) by amending and restating Article III, entitled "EXECUTIVE BRANCH" sections 3.10, 3.11 and 3.12 to read as follows:

ARTICLE III

EXECUTIVE BRANCH

Section

- 3.10. Division of Administration; Deputy County Executive; Appointment; Term.
- 3.11. Deputy County Executive; Powers and Duties.
- 3.12. Central Administrative Services Section; Deputy County Executive.

Section 3.10. Division of Administration; Deputy County Executive; Appointment; Term.

There shall be within the office of the County Executive a Division of Administration under the direction of a Deputy County Executive, who shall be appointed by the County Executive, subject to the approval of the County Legislature. He shall be directly responsible to, and serve at the pleasure of, the County Executive, and he shall be in the exempt class of civil service.

Section 3.11. Deputy County Executive; Powers and Duties

Except as may otherwise be provided in the Charter of this Code, the Deputy County Executive shall:

- (a) supervise and participate in the implementation and performance of executive and administrative programs and duties in the manner, and to the extent required by the County Executive;
- (b) analyze, review and coordinate the various activities of departments and other units of county government within the County Executive's jurisdiction;
- (c) serve as transmittal agent for executive orders, directives and communications;
- (d) assist the County Executive in the promotion and implementation of public relations programs and activities for the County;
- (e) serve as liaison between the County government and the Federal and State governments and other local governmental units within the County;
- (f) promote and coordinate centralized administrative services and procedures for all units of county government, as hereinafter provided;
- (g) within such limits as may be allowed by law, represent the County Executive at such times and in such capacities as he may direct; and
- (h) perform such other and related duties required by the County Executive.

Section 3.12 Central Administrative Services Section; Deputy County Executive.

There shall be within the Division of Administration a Central Administrative Services Section under the Direction of the Deputy County Executive.

SECTION 3. All the powers, duties and functions associated with the title Executive Assistant and/or Administrative Officer shall be unchanged and remain with the Deputy County Executive who shall continue to exercise all the powers and duties of an individual holding such title in the exempt class of civil service as provided by law. Nothing contained herein shall be deemed to either curtail or extend the term of office of the individual holding the office of the Executive Assistant and/or Administrative Officer, now known as the Deputy County Executive, on the effective date of this law. All references in the Laws of Orange County to the Executive Assistant and/or Administrative Officer in the Office of the County Executive shall be deemed to refer to the Deputy County Executive.

SECTION 4. Nothing in this Local Law shall affect the appointment of the Deputy, employees and staff in the Office of the County Executive, holding such positions as of the effective date of this Local Law other than the title change as provided herein.

SECTION 5. EFFECTIVE DATE

This Local Law amending the Orange County Administrative Code shall take effect in the manner provided in the Municipal Home Rule Law and upon the completion of the requisite filings and procedures.

Local Law No. 3 of 2011 was passed on November 4, 2010 by the following roll call vote:

Ayes: 13
Noes: 7
Absent: 1

Approved by the County Executive: November 24, 2010

Effective: January 28, 2011

Sponsors: Brescia, Castricone
Co-Sponsors: Simmons, Anagnostakis, Paduch

LOCAL LAW NO. 4 OF 2011**A LOCAL LAW AMENDING LOCAL LAW NO. 13 OF 2001, "A LOCAL LAW ESTABLISHING LAWS, RULES AND REGULATIONS GOVERNING THE USE OF LANDS AND PROPERTIES COMPRISING THE ORANGE COUNTY PARKS SYSTEM" TO PROVIDE FOR THE REDUCTION OF CERTAIN PARK FACILITY RENTAL FEES FOR VOLUNTEER FIRE AND AMBULANCE COMPANIES.**

Be it enacted by the County Legislature of the County of Orange, State of New York as follows:

Section 1. Purpose: Partial Waiver of Certain County Park Facility Rental Fees.

This Legislature has long recognized the dedication and commitment of Orange County residents who volunteer their time and efforts to local emergency fire and ambulance volunteer organizations recognized under New York State Law in the County of Orange. The County wishes to reduce rental fees associated with the use of County outdoor owned park picnic facilities for all Orange County Volunteer Fire and Ambulance companies.

Section 2. Amendment

Local Law No. 13 of 2001 is hereby amended as follows:

Section 3. GENERAL USE

5. The Commissioner is authorized to adopt a schedule of fees, which shall be charged for the use of Park Facilities and/or equipment. However, any such rental fees for outdoor picnic facilities shall be reduced by 50% for all Orange County volunteer emergency fire and ambulance companies. The Commissioner shall establish the appropriate guidelines and procedures for the waiver of said fees." The Commissioner is authorized to require the posting of security, in the form of cash, check, bonds, insurance or other form or manner, as a condition of the use of the Parks or Park facilities and/or equipment."

Section 3. Effective Date.

This Local Law shall take effect upon filing in the Office of the Secretary of State provided by Section 27 of the Municipal Home Rule Law.

Local Law No. 4 of 2011 was passed on April 1, 2011 by the following roll call vote:

Ayes: 20
Noes: 0
Excused: 1

Approved by the County Executive: April 20, 2011

Effective: May 10, 2011

Sponsors: Eachus, Amo, Pahucki

A LOCAL LAW AMENDING LOCAL LAW NO. 3 OF 1992 AS PREVIOUSLY AMENDED BY LOCAL LAW NO. 5 OF 1993 , AUTHORIZING THE COUNTY EXECUTIVE OF THE COUNTY OF ORANGE TO SIGN A LETTER OF INTENT TO VOIP SERVICE SUPPLIERS SERVING IN THE ORANGE COUNTY ENHANCED 911 SYSTEM DIRECTING THEM TO IMPOSE A SURCHARGE ON THEIR CUSTOMERS AND REMIT SUCH FUNDS TO THE COUNTY.

WHEREAS, Local Law No. 3 of 1992 as amended by Local Law No. 5 of 1993 requires landline telephone service providers to remit monthly, to the Commissioner of the Department of Finance, a surcharge collected from their customers equaling \$0.35 per line per month as a surcharge in accordance with New York State County Law Section 303; and

WHEREAS, effective January 1, 2010 the New York State Legislature amended Sections 301 and 303 of County Law to ensure that all Voice Over Internet Protocol (VOIP) service providers, including nomadic VOIP providers such as Vonage, are required to collect a surcharge of \$0.35 per month just like their landline competitors.

NOW, THEREFORE, BE IT ENACTED, by the County Legislature of the County of Orange, State of New York as follows:

Section 1. Local Law No. 3 of 1992, as previously amended, shall be further amended to provide the following:

a. Voice Over Internet Protocol (VOIP) service suppliers providing service in the Orange County Enhanced 911 System shall begin to add a \$0.35 surcharge per month per access line to their customers' invoices commencing on the first full billing cycle occurring forty-five (45) days following written notice from the County of Orange directing such action and continuing each and every month thereafter while this law remains in effect. Such funds shall be collected by the VOIP service suppliers as collection agent for the County and shall be remitted monthly to the Commissioner of the Department of Finance of the County of Orange.

b. VOIP service suppliers shall be entitled to retain, as an administrative fee an amount equal to two percent (2%) of their collection of the surcharge. The surcharge shall be stated as a stand-alone surcharge on the VOIP service suppliers' invoice to their customers. The VOIP service supplier shall annually provide to the County of Orange an accounting of the surcharge amounts invoiced and collected.

c. The surcharge shall be imposed on a per access line basis on all current bills rendered by the VOIP service supplier within the County of Orange 911 service area. The surcharge shall have uniform application and shall be imposed throughout the County to the greatest extent possible in conformance with the availability of the County's E911 system. No surcharge shall be imposed upon more than seventy-five (75) lines per customer per location. Lifeline customers and any municipality that has enacted a local law pursuant to the provisions of Article 6 of County Law shall be exempt from any surcharge imposed under this law.

Section 2. The County Executive of the County is hereby authorized to execute a letter of intent and deliver it to all the VOIP service suppliers within the County of Orange 911 service area advising them of their duty as collection agent for the County to impose, collect, and remit the foregoing surcharge on behalf of the County.

Section 3. This Local Law amending Local Law No. 3 of 1992 as previously amended by Local Law No. 5 of 1993 shall take effect in the manner provided in the Municipal Home Rule Law and upon completion of the requisite filings and procedures.

Local Law No. 5 of 2011 was passed on May 5, 2011 by the following roll call vote:

Ayes: 19
Noes: 1
Absent: 0

Approved by the County Executive: May 25, 2011

Effective: June 6, 2011

LOCAL LAW NO. 6 OF 2011

A LOCAL LAW TO PROVIDE AN EXEMPTION FROM TAXES AND SPECIAL AD VALOREM LEVIES FOR CAPITAL IMPROVEMENTS TO RESIDENTIAL BUILDINGS.

Be it enacted by the County Legislature of the County of Orange as follows:

Section 1. Purpose This local law is adopted pursuant to Section 421-f of the Real Property Tax Law for the purpose of exempting capital improvements to residential buildings from taxation and special ad valorem levies as hereinafter provided and shall be applied in accordance with that statute, as amended from time to time.

Section 2. Definitions

- a. "Residential building" means any building or structure designed and occupied exclusively for residential purposes by not more than two families.
- b. "Reconstruction," "alteration," and "improvement" shall not include ordinary maintenance and repairs.

Section 3. Exemption

- a. Residential buildings reconstructed, altered, or improved subsequent to the effective date of this local law shall be exempt from taxation and special ad valorem levies to the extent provided herein.
- b. No such exemption shall be granted for reconstruction, alterations, or improvements unless:
 - i. such reconstruction, alteration or improvement was commenced subsequent to the effective date of this local law; and
 - ii. the value of such reconstruction, alteration, or improvement exceeds five thousand dollars; and
 - iii. the greater portion, as so determined by square footage, of the building reconstructed, altered, or improved is at least five years old.

- c. Nothing herein shall require any assessor to find that any alteration, installation or improvement has necessarily increased or improved the assessed value of any property.

Section 4. Calculation of Exemption The buildings described in Section 3 shall be exempt for a period of eight years to the extent of the following percentages of the increase in the "exemption base" as defined in Real Property Tax Law Section 421-f as the increase in assessed value thereof attributable to such reconstruction, alteration or improvement, modified as required by paragraph 2.(a) (ii).

<u>Year</u>	<u>Exemption Percentage</u>
1	100.0
2	87.5
3	75.0
4	62.5
5	50.0
6	37.5
7	25.0
8	12.5

The exemption shall be limited to eighty thousand dollars in increased market value of the property attributable to such reconstruction, alteration, or improvement, but not less than five thousand dollars.

Section 5. Application for and Grant of Exemption

- a. An exemption shall be granted only upon application by the owner of the building on a form prescribed by the Commissioner of the Department of Taxation and Finance.

The application shall be filed with the assessor of the local municipality having the power to assess property for taxation on or before the appropriate taxable status date of such local municipality.

- b. If satisfied that the applicant is entitled to an exemption pursuant to this local law, the assessor shall approve the application and such building shall thereafter be exempt from taxation and special ad valorem levies as herein provided commencing with the assessment roll prepared on the basis of the taxable status date. The assessed value of any exemption granted pursuant to this local law shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

Section 6. Termination of Exemption In the event that a building granted an exemption pursuant to this local law ceases to be used primarily for residential purposes or title thereto is transferred to other than the heirs or distributees of the owner, the exemption shall cease.

Section 7. Repeal of Introductory Local Law No. 2 of 2011. This local law hereby repeals Local Law Introductory No. 2 of 2011.

Section 8. Effective Date

This local law shall become effective upon filing in the office of the Secretary of State, as provided and in the manner described in the Municipal Home Rule Law. Following its adoption, a copy of this local law shall be sent to and filed with the Office of Real Property Tax Services, a Division of the Department of Taxation and Finance, with the Director of the Real Property Tax Service Agency of Orange County, and with all the assessors of local municipal governments of Orange County.

This local law shall automatically expire and the exemption authorized hereunder shall no longer be available to new applicants after three (3) years from the date of its adoption unless further acted upon by action of the County Legislature. This local law shall automatically expire and be of no further effect and the exemption granted hereunder shall cease immediately upon the adoption of a local law by this County Legislature pursuant to any amendment of Real Property Tax Law Section 421-f including a Special Law enacted by the State Legislature pursuant to a Home Rule request under Municipal Home Rule Law. However, all exemptions granted hereunder which shall have become effective prior to the automatic expiration thereof by any event defined in this paragraph shall continue beyond such expiration according to the terms of Sections 1 through 6 hereof.

Local Law No. 6 of 2011 was passed on, June 2, 2011 by the following roll call vote:

Ayes: 21

Noes: 0

Absent: 0

Approved by the County Executive: June 3, 2011

Effective: July 6, 2011