

**COUNTY OF OSWEGO
EMERGENCY ORDER NUMBER 2023-05**

JAMES S. WEATHERUP, as the Chairman of the County Legislature of the **COUNTY OF OSWEGO**, in accordance with a declaration of a State of Emergency issued on May 15th, 2023, and pursuant to Section 24 of New York State Executive Law, **HEREBY RENEWS AMENDS AND REISSUES ORDER NUMBER 2023-01 AS FOLLOWS:**

As Chairman of the County Legislature, I hereby find and determine that the orderly and humane treatment of migrants and asylum seekers is necessary for the public safety, welfare and health of the residents of the County of Oswego and migrants and asylum seekers alike and that the plan of the City of New York and/or other municipalities to bus migrants and asylum seekers to other counties without regard to available resources, community impacts, funding and capacity to humanely care and provide for migrants and asylum seekers necessitates the issuance of this Emergency Order.

I. Temporary Prohibition of External Municipal Programs which burden the government of the County of Oswego.

A. Effective immediately, no municipality within the County of Oswego may make contracts with persons, businesses, or entities doing business within the territorial limits of the County of Oswego to transport migrants or asylum seekers to locations in the county, or to house persons at locations in the county for any length of time without the express written permission of the Chair of the County Legislature or his designee. In addition, no person or entity may act on behalf of any municipality within the County of Oswego or in performance of a municipal program, or other act funded by such a municipality, to perform an act in violation of this subsection.

B. No hotel, motel, owner of a multiple dwelling, or shelter within the County of Oswego is permitted to contract or otherwise engage in business with any other municipality (“external municipality” includes other counties OR cities, towns or villages outside the County of Oswego) other than the County of Oswego for the purpose of providing housing or accommodations for migrants or asylum seekers without a license granted by the county. This prohibition extends to any person or entity participating in an external municipality’s government program, or a contract or service funded by an external municipality or acting on behalf of any external municipality.

1. Licenses will be granted only by the Director of Public Health of the Oswego County Public Health Department (the Director). The Director may enlist the services of any other agency within the executive branch of the County government to perform the duties necessary to affect this provision.
2. Licenses will only be granted where, to the satisfaction of the Director, both the applicant and the external municipality demonstrate that:
 - i. The contract provides that the migrants or asylum seekers will be returned to the external municipality from which they arrived or another location outside the

County, upon expiration of external municipality funding for their stay in the County; and

- ii. The external municipality demonstrates to the County that it has sufficient funding to sustain the needs of the migrants or asylum seekers during the time of their stay; and
 - iii. The external municipality agrees to assume any costs expended by any municipality in the County (“Oswego municipalities”) including the County itself, for the care, welfare, law enforcement interactions, or other expenses related to municipal interaction with the migrants or asylum seekers upon demand; and
 - iv. The applicant and the external municipality each have a performance bond for the conditions set by the license in the amount of \$2,000 per migrant or asylum seeker being housed or boarded at the applicant’s facility; and
 - v. The occupancy is otherwise lawful and in compliance with applicable NYS fire and occupancy codes.
3. The conditions described in this section will not apply to any contract directly between the external municipality and the County of Oswego itself.
 4. License renewal will be at the sole discretion of the Director, after consideration of the purpose and intent of the State of Emergency Proclamation that covers this Emergency Order.

II. Remedies and Enforcement

- A. Appearance tickets. The Oswego County Sheriff’s Office be, and is hereby, authorized to issue appearance tickets for any violation of this Emergency Order with the penalty prescribed by NYS Executive Law § 24(5).
- B. Civil penalties. In addition to those penalties prescribed by NYS Executive Law §24(5), any person who violates any provision of this Emergency Order or any term or condition of any license issued pursuant to this Emergency Order, shall be liable to a civil penalty, to be determined by a process set by the Director, of not more than \$2,000 per migrant/ asylum seeker housed by the external municipality or other violator, for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of the County of Oswego and initiated by the Director.

III. Abatement.

Regardless of any other remedy or relief brought by the County of Oswego for any violation, the Director is authorized to direct the County Attorney, or his designee, to commence actions or proceedings in the name of the County of Oswego, in a court of competent jurisdiction, to abate any violation of, or to enforce any provision of this

Emergency Order.

IV. Remedies not exclusive.

- A. No remedy or penalty specified in this Emergency Order shall be the exclusive remedy or remedy available to address any violation described in this Emergency Order; all other remedies available at law may be utilized.
- B. Each remedy or penalty specified in this Order shall be in addition to, and not in substitution for or limitation of, any and all other remedies or penalties specified in this Order or in any other applicable state or local law.
- C. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this Order or in any other applicable law.
- D. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in NYS Executive Law § 24, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in NYS Executive Law § 24.

V. Penalty for Violation of Order.

- 1. In accordance with Executive Law Section § 24, any person who knowingly violates the provisions of this order shall be guilty of a Class B Misdemeanor.

VI. Effective Date.

This Emergency Order shall take effect immediately.

VII. Duration of Local Emergency Order.

This Emergency Order shall remain in effect for five (5) days unless sooner modified, extended, or revoked, and may be extended for additional periods not to exceed five (5) days during the pendency of the local state of emergency. Failure to obey this Order is a criminal offense, punishable by law under New York State Executive Law § 24(5).

SIGNED AND ISSUED this the 31st day of May 2023, at 4:00 o'clock P.M. in the County of Oswego, New York.

IT IS SO ORDERED.

COUNTY OF OSWEGO

By:

James S. Weatherup
JAMES S. WEATHERUP

CHAIRMAN OF THE LEGISLATURE