

**COUNTY OF OSWEGO
EMERGENCY ORDER NUMBER 2023-11**

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 subsequently renewed and amended on June 14th, 2023, and pursuant to Section 24 of New York State Executive Law, **HEREBY 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 individuals to be sent by an external municipality (“external municipality” includes other counties, the City of New York OR cities, towns or villages outside the County of Oswego), *en masse* via bus the County of Oswego for the purpose of sheltering them, is necessary to maintain the public safety, welfare and health of the residents of the County of Oswego and those individuals alike. I am aware from news accounts that New York City proposed sending 200 individuals to a hotel in Onondaga County and note the County of Oswego has proud history of providing refuge to those in need, having been home to 982 Holocaust refugees at Fort Ontario during World War II. I further find and determine that any plans of the City of New York and/or other external municipalities to bus persons *en masse*, whom may include, but not be limited to, individuals whom may be homeless, migrants or asylum seekers, to other counties for the purpose of sheltering them outside of the external municipality’s social services district, without consulting counties and without regard to available local resources, community impacts, medical resources, housing/shelter resources, how meals will be provided to these individuals, educational resources, funding and capacity to humanely care and provide for these individuals necessitates the issuance of this temporary 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 individuals *en masse*, from other social services districts for the purpose of sheltering these individuals their own municipality, to locations within the county, or to house those persons at locations in the county for any length of time without the express written permission of the Chair of the County Legislature or 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 external 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 external municipality for the purpose of providing housing, shelter or accommodations for groups of persons sent *en masse*, from other social services districts, by or on behalf of an external municipality to this county for the purpose of sheltering those persons locally without first obtaining a license granted by the County of Oswego. This prohibition extends to any person or entity participating in an external municipality’s social services district’s program, 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 individuals transported *en masse* from an external municipality's social services district for temporary shelter will have all their housing, food, medical and other needs met and paid for by the originating municipality's social services district during their stay within the County; and
 - ii. The external municipality's social services district demonstrates to the County that it has committed sufficient funding to sustain the needs of these individuals to be transported *en masse* during the duration of their stay; and
 - iii. The external municipality's social services district agrees to assume any costs expended by any municipality in the County ("Oswego municipalities") including the County itself, for the care, public welfare, health, food or other expenses related to municipal interaction with and humane sheltering of these individuals to be sent *en masse* upon demand; and
 - iv. The applicant have a blanket performance bond covering the conditions set by the license in the amount of \$2,000 per individual to be sent *en masse* being sheltered, housed or boarded at the applicant's facility; and
 - v. The occupancy at the facility where these individuals are temporarily sheltered is otherwise lawful and in full compliance with applicable NYS Uniform Fire and Building Codes as well as NYS Sanitary Code, Part 7 and other applicable state regulations.
 - vi. The external municipality's social services district shall provide advance notice to the county, the location and number of individuals to be sent *en masse* to this county by the external municipality's social services district and, if a shelter is located within radiological zone for the county's three nuclear power plants, the external municipality's social services district shall provide a list of any special needs or services which may be needed by these individuals in case of radiological emergency, evacuation or shelter in place order, including, but not limited to, transportation, translation services and medical needs.
3. The conditions described in this section will not apply to any contract directly between an external municipality and the County of Oswego itself or to any existing contracts presently in force.

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. 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 individual 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, to restrain the conduct of an external municipality where warranted 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 5th day of July, 2023, at 11 o'clock A.M. in the County of Oswego, New York.

IT IS SO ORDERED.

COUNTY OF OSWEGO

By: 

JAMES S. WEATHERUP

CHAIRMAN OF THE LEGISLATURE