

Local Law No. of 2018, entitled:

“Amendment to Chapter 250-89 D. of the Town Code Clarifying the Zoning Administrator’s Authority to Obtaining a Search Warrant”

BE IT ENACTED BY, the Town Board of the Town of Clinton as follows:

1. Section 89 D. of Chapter 250 of the Code of the Town of Clinton (“Town Code”) is hereby amended by repealing the existing Section 89 D. and replacing it with a new Section 89 D. which shall read as follows:

D. **Inspections.** The Zoning Administrator is authorized to enter, with property owner permission, upon, examine, and inspect any building, structure, or property at any reasonable time, in the Town of Clinton, for the purpose of carrying out the duties of the position and to determine compliance with the provisions of this chapter and other local laws and ordinances. In the event that the person, firm, corporation, trust, estate, association or other entity owning possessing or controlling real property in the Town of Clinton refuses to allow the Zoning Administrator to inspect the real property where an alleged violation of this chapter is or has occurred, then the Zoning Administrator shall file an Affidavit of the Facts showing a probable violation of this chapter with the Town Justice, or any court of competent jurisdiction, and after an examination of the Zoning Administrator and the filed Affidavit of Facts, the Court shall make a written finding whether or not there appears to be probable cause that there is a violation of this chapter. If the Court makes a determination that such a violation probably exists, then the Court shall issue a search warrant to a police officer or department having jurisdiction over the Town authorizing a search of the real property to determine if there is a violation of this chapter. The search shall be conducted in accordance with the terms and conditions of the search warrant which shall proscribe the date, time and other parameters of the authorized search. The Zoning Administrator shall accompany the police officer conducting the search. When conducting the search, the police officer shall give notice of their authority and purpose only to the owner(s) and/or occupant(s) present at the real property at the time of the search before conducting the authorized search and show the owner(s) and/or occupant(s) present at the real property the warrant or a copy thereof upon request. A written report of each such search and inspection shall be prepared on an appropriate form and kept on file by the Zoning Administrator.

2. If any section, subsection or specific part or provision or standard of this Local Law or the application hereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such section, subsection or specific part or provision or standard shall be deemed a

Local Law No. of 2018, entitled:

“Amendment to Chapter 250-89 D. of the Town Code Clarifying the Zoning Administrator’s Authority to Obtaining a Search Warrant”

separate, distinct and independent provision and such judgment shall not affect the validity of the remaining portions thereof.

3. To the extent that any provision of this Chapter is inconsistent with Town Law §§ 263, 274-a, 274-b or any other provision of Article 16 of the Town Law, or of the Public Health Law, or of Real Property Law, the provisions of this chapter are expressly intended to and do hereby supersede any such inconsistent provisions under the Town’s municipal home rule powers, pursuant to Municipal Home Rule Law §10(1)(ii)(d)(3); §10(1)(ii)(a)(14) and §22 to supersede any inconsistent authority.
4. This Local Law shall take effect immediately upon filing with the Secretary of State.