

Local Law No. 5 of 2021, entitled:

“Local Law Updating Fines and Penalties”

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

1. Section 102 (Penalties for Offenses) of Chapter 250 (Zoning) of the Town Code is hereby amended by deleting the existing subsection (C) and replacing it with a new subsection (C) which shall read as follows:

(C) A violation of this Chapter is hereby declared to be a Violation Zoning unless specifically designated as a Violation Zoning Enhanced, punishable as set forth in Chapter 137, Fines and Penalties. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, all violations of this Chapter shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations.

2. Section 45 (Conference Centers) of Chapter 250 (Zoning) of the Town Code is hereby amended by adding a new provision to subsection (C) which shall be designated as 26. and read as follows:

26. Violations: A violation of this Section is hereby declared to be a Violation Zoning Enhanced, punishable as set forth in Chapter 137, Fines and Penalties.

3. Section 45.1 (Agricultural Event Venues) of Chapter 250 (Zoning) of the Town Code is hereby amended by adding a new provision to subsection (D) which shall be designated as 24. and read as follows:

24. Violations: A violation of this Section is hereby declared to be a Violation Zoning Enhanced, punishable as set forth in Chapter 137, Fines and Penalties.

4. Section 69.1 (Short-Term Rentals) of Chapter 250 (Zoning) of the Town Code is hereby amended by deleting numbers 3., 4., 5., and 6. of subsection (F) and adding a new number 3. to subsection (F) which shall read as follows:

3. A violation of this Section is hereby declared to be a Violation Zoning Enhanced, punishable as set forth in Chapter 137, Fines and Penalties.

5. Section 1 (Schedule of Fines) of Chapter 137 (Fines and Penalties) of the Town Code is hereby amended by adding a new category of fines and penalties entitled “Violation Zoning Enhanced” and inserting the following new fines and penalties under the heading “Violation Zoning Enhanced”:

Type of Violation	Offense	Min Fine	Max Fine	Max Imprisonment
Violation Zoning Enhanced	First	\$1,000	\$2,000	NONE
(Classified as misdemeanor under NY Town Law § 268 for Jurisdictional Purposes <u>Only</u>)	Second Within 5 Years	\$2,000	\$4,000	NONE
	Third or More Within 5 Years	\$4,000	\$8,000	NONE

Each week’s continual violation shall constitute a separate additional violation.

6. Section 2 (Penalties for Code Violations) of Chapter 137 (Fines and Penalties) of the Town Code is hereby amended by inserting the following Town Code Sections and Type of Violation:

Code Section	Type of Violation	Penalty for
§250-45	Violation Zoning Enhanced	Conference Centers
§250-45.1	Violation Zoning Enhanced	Ag. Event Venues
§250-69.1	Violation Zoning Enhanced	Short-Term Rentals

7. The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of this Local Law, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase of this Local Law, which shall remain in full force and effect.

8. This Local Law is adopted pursuant to § 261-263 of the Town Law and § 20 of the Municipal Home Rule Law of the State of New York, which authorize the Town to adopt zoning provisions that advance and protect the health, safety, and welfare of the community.

9. 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 Energy 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.

10. This Local Law shall take effect immediately upon filing with the Secretary of State.