

Be it enacted by the Town Board of the Town of Clarkstown as follows:

Section 1. Title.

A Local Law amending Chapter 4 (Appearance Tickets), Chapter 109 (Building Construction Administration), Chapter 126 (Massage Establishments), Chapter 153 (Historic Road Preservation), Chapter 173 (Littering and Posting), Chapter 240 (Shopping Center Parking Areas), and Chapter 290 (Zoning) of the Code of the Town of Clarkstown.

Section 2. Amend Chapter 4 - Appearance Tickets as follows:

Change § 4-2. Authority to issue appearance tickets. To read as follows:

"The Code Enforcement personnel, inspectors and staff of the Office of the Building Inspector, as designated by the Building Inspector (also known as the Chief Code Enforcement Officer); Town Attorney or designee or deputy; inspectors and staff of the Department of Environmental Control, as designated by the Director; deputies and staff of the Clarkstown Highway Department, as designated by the Superintendent, and Animal Control Officers of the Town of Clarkstown shall have the power to issue appearance tickets as the same are defined in Article 150 of the Criminal Procedure Law."

Section 3. Amend Chapter 109 - Building Construction Administration as follows:

Change § 109-1. Definitions. by deleting the Zoning Administrator definition.

Change § 109-2.A.(10) Code Enforcement Officer and inspectors. by deleting the words "Zoning Administrator" and replacing them with the words "Building Inspector."

Change § 109-3.F. Issuance of building permits. by amending the third sentence to read "He shall approve or disapprove the application within a reasonable time."

Section 4. Amend Chapter 126 - Massage Establishments as follows:

Change § 126-3.B. Business license for massage establishments. by deleting the words "Zoning Administrator and" from the first sentence.

Section 5. Amend Chapter 153 - Historic Road Preservation as follows:

Change § 153.6. Recording of historic road boundaries. by deleting "H. The Zoning Administrator" and re-lettering the remaining agencies.

Section 6. Amend Chapter 173 - Littering and Posting as follows:

Change § 173.5. Enforcement. by deleting the words "and the Zoning Administrator" from the first and second sentence and replacing them in the second sentence with the words "and/or their designee".

Section 7. Amend Chapter 240 - Shopping Center Parking Areas as follows:

Change § 240-4. Repair and maintenance. by deleting the words "Zoning Administrator" from the third sentence in "A." and from "B."

Change § 240-5. Rules and regulations. by deleting the words "Zoning Administrator" from the first sentence in "A" and replacing them with the words "or its designee".

Change § 240-6. Enforcement; penalties for offenses. by deleting the words "Zoning Administrator" from "A".

Section 8. Amend Chapter 290 - Zoning as follows:

Change § 290-3.B. Defined words. by amending the definition for "TEMPORARY EVENT PERMIT" by deleting the words "Zoning Administrator" and replacing them with the words "Building Inspector".

Change § 290-17.E.(6) by deleting the words "Zoning Administrator."

Change § 290-17.O(A)(3) by deleting the words "Town Zoning Administrator" and replacing them with the words "Building Inspector" in both places in this paragraph.

Amend § 290-31. Enforcement. as follows:

Delete § 290-31.A. Zoning Administrator. in its entirety.

Change § 290-31.B. Building Inspector. by re-lettering the paragraph to "A." and to read as follows:

"A. Building Inspector. This chapter shall be enforced by the Building Inspector as provided in § 138 of Town Law and in Chapter 109, Building Construction Administration, of the Code of the Town of Clarkstown, and as provided herein.

- (1) Inspect any building, structure or land to determine whether any violations of this Zoning Law have been committed or exist, whether or not such building, structure or land is occupied and whether or not a certificate of occupancy or certificate of use has been issued.
- (2) Keep the Town Board advised of all matters pertaining to the enforcement of this Zoning Ordinance of Town of Clarkstown; to make and keep all records necessary and appropriate to the office, including records of written complaints of violation of this Zoning Law and action taken on same.
- (3) Keep the Planning Board advised of all matters, including written complaints of violation of this Zoning Ordinance of the Town of Clarkstown and action taken on same.
- (4) Issue and post notices of violations, stop work orders, revocation of certificates of occupancy and use and appearance tickets and shall order the remedying of any condition or omission that is found to be in violation of this Zoning Ordinance of Town of Clarkstown. In addition, by resolution, the Town Board, after a public hearing, may direct the Building Inspector to revoke such certificate of occupancy or use, issue such stop work orders, make such inspection and reports, initiate and take such court proceedings

and perform all other actions as required by the Town Board as may be necessary to enforce this Zoning Ordinance of Town of Clarkstown or to invoke penalties for its violation."

Change § 290-31.C. Building permit. by re-lettering the paragraph to "B" and by deleting the words "Zoning Administrator" from the first sentence in (3).

Change the remaining paragraphs in § 290-31. by re-lettering these paragraphs "C." through "G."

Change § 290-32.C. Powers. by deleting the words "Zoning Administrator" from (1) (a) and (b).

Change § 290-45. Responsibility. by deleting the words "only upon certification by the Zoning Administrator" from the first sentence and by deleting the last sentence.

Change § 290-46. Administrative actions. by deleting the words "Zoning Administrator" in both places in this paragraph.

Change § 290-48.A. by deleting the words "Zoning Administrator."

Change § 290-50. Investigation. by deleting the words "Zoning Administrator" from the second sentence of this paragraph.

Change § 290-51. Issuance, denial and revocation of licenses. by deleting the words "Zoning Administrator" from the first sentences in "A" and "B(1)".

Change § 290-60. Records and reports; consent by licensee. by deleting the words "Zoning Administrator."

Section 9. When effective.

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.