

LOCAL LAW NO. 2 -2024 TO AMEND THE WALWORTH TOWN CODE TO AUTHORIZE THE ISSUANCE OF APPEARANCE TICKETS BY THE WALWORTH CODE ENFORCEMENT OFFICER / BUILDING INSPECTOR

BE IT ENACTED, by the Town Board of the Town of Walworth, Wayne County, State of New York, as follows:

Section I. Authorization.

The adoption of this Local Law is in accordance with Section 10 of New York Municipal Home Rule Law.

Section II. Title and Purpose.

This law shall be known as and may be cited as Local Law No. __-2024 to Amend the Walworth Town Code to Authorize the Issuance of Appearance Tickets by the Walworth Code Enforcement Officer / Building Inspector, and its purpose is to authorize the issuance of appearance tickets by the Code Enforcement Officer and/or Building Inspector of the Town of Walworth.

Section III. Legislative Intent and Finding.

The Walworth Town Board has determined that, in order to more fully and efficiently protect and provide for the health, safety and welfare of the Town of Walworth, its Code Enforcement Officer and/or Building Inspector shall be authorized to issue appearance tickets in connection with violations.

Section IV. Amendment.

Chapter 1 of the Walworth Town Code, "General Provisions," shall be amended by adding a new Article IV thereto which shall read as follows:

Article IV – Issuance of Appearance Tickets by Code Enforcement Officer.

The Code Enforcement Officer is authorized to issue appearance tickets relating to the enforcement of any provision of any Code, local law, ordinance, rule or regulation of the Town of Walworth that the Code Enforcement Officer is required or authorized to enforce where such Code, local law, ordinance, rule or regulation of the Town of Walworth relates to parking, licensing of occupations or businesses, fire prevention and safety, health and sanitation, and building, zoning and planning, with said issuance to be in accordance with law, including applicable provisions of Criminal Procedure Law.

Chapter 85 of the Walworth Town Code, "Fire Prevention and Building Construction," Section 85-5 thereof, "Powers and Duties," shall be amended such that an additional subsection "G" is added thereto, which shall read as follows:

G. Appearance Tickets. The Building Inspector and Code Enforcement Officer are authorized to

issue appearance tickets for any violation of the New York State Uniform Fire Prevention and Building Code and/or this Chapter, all in accordance with applicable law, including but not limited to in accordance with applicable provisions of Criminal Procedure Law.

Chapter 180 of the Walworth Town Code, "Zoning," Section 180-57 thereof, "Enforcement," shall be amended such that said Section is revised to read as follows:

§ 180-57 - Enforcement.

A. This Chapter shall be enforced by the Town officer(s) and designees designated by the Town Board to enforce such Zoning Laws and/or Land Development Regulations, including the Code Enforcement Officer(s). No building permit or certificate of occupancy shall be issued except where all the provisions of this Chapter have been complied with.

B. In addition to any other available avenues of enforcement, the Code Enforcement Officer or duly authorized designee shall have the authority to issue appearance tickets for any violation of this Chapter, all in accordance with applicable law, including but not limited to in accordance with applicable provisions of Criminal Procedure Law.

Section V. Validity and Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section VI. Repeal, Amendment and Supersession of Other Laws

All other ordinances or local laws of the Town which are in conflict with the provisions of this local law are hereby superseded or repealed to the extent necessary to give this local law force and effect during its effective period.

Section VII. Effective Date

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