

LOCAL LAW 6 OF 2024

A LOCAL LAW AMENDING CHAPTER 310 (“ZONING”) OF THE CODE OF THE VILLAGE OF WOODBURY TO ALLOW FOR THE RIGHT-OF-ENTRY IN ACCORDANCE WITH NEW YORK STATE LAW

BE IT ENACTED by the Board of Trustees of the Village of Woodbury, Orange County, New York, as follows:

SECTION 1 PURPOSE

The purpose of this local law is to amend Chapter 310 (“Zoning”) of the Code of the Village of Woodbury to allow for the right-of-entry by the Code Enforcement Officer in accordance with New York State Law.

SECTION 2 CHAPTER 310 ZONING

A new Section 310-46.1 (“Right of Entry”) is created as follows:

§310-46.1 Right of entry.

- A. In the performance of his duties, the Code Enforcement Officer, or his designee, shall be authorized to enter upon any nonpublic premises, or portions of premises, that are not the subject of an application for permit or certificate or temporary certificate, at such times and in such manner as such personnel may deem necessary, with the consent of the person in possession or occupancy, upon presentation of proper credentials. The Code Enforcement Officer, or his designee, shall not enter without an adult present upon the premises.
- B. If entry onto any such premises, or portions of premises, is refused or cannot be obtained from a person in possession or occupancy, the Code Enforcement Officer, or his designee, shall be authorized to obtain a warrant to make an inspection, provided that reasonable/probable cause is shown that a violation of the Village Zoning Code or New York State Uniform Fire Prevention and Building Code has occurred or is occurring.
- C. In exigent circumstances, the Code Enforcement Officer, or his designee, may, without a warrant, enter upon any such premises, or portions of premises, to inspect the same at any time without the permission of the person in possession or occupancy, provided (1) the presence of reasonable/probable cause that a violation of the Village Zoning Code or New York State Uniform Fire Prevention and Building Code has occurred or is occurring and, (2) there is an immediate need for such entry to protect life or property.
- D. If the situation warrants, the Code Enforcement Officer may request law enforcement assistance in gaining the required access.

SECTION 3 SUPERSEDING PROVISION

To the extent that any State or local laws fail to provide specific authority for this Local Law or the procedures necessary for its adoption, or otherwise appear to be in conflict with this Local Law or the procedures followed for its adoption, then such laws, including, but not limited to,

Article 7 of the New York State Village Law, including, but not limited to, Village Law §§ 7-706 and 7-708, are hereby superseded by this Local Law pursuant to New York Municipal Home Rule Law and the common law.

SECTION 4 SEVERABILITY

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered, and the remaining provisions shall remain in full force and effect.

SECTION 5 EFFECTIVE DATE

This law shall take effect upon the filing of this Local Law with the New York Secretary of State in the manner provided for in the Municipal Home Rule Law.