S T A T E O F N E W Y O R K

3120

2009-2010 Regular Sessions

I N A S S E M B L Y

January 22, 2009

Introduced by M. of A. THIELE -- read once and referred to the Committee on Judiciary

AN ACT to amend the uniform justice court act, in relation to authorizing justice courts to grant preliminary injunctions and temporary restraining orders in connection with local land use, building and fire regulations

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 209 of the uniform justice court act is amended to read as follows:

S 209. Provisional remedies.

(A) A requisition to seize a chattel may issue out of the court if such requisition might issue out of the supreme court in a like case. No other provisional remedy shall issue by or out of the court EXCEPT AS PROVIDED BY SUBDIVISION (B) OF THIS SECTION.

(B) NO INJUNCTION OR RESTRAINING ORDER OR NOTICE SHALL ISSUE OUT OF OR BY THIS COURT UNLESS, THE ACTIVITY COMPLAINED OF HAS AS ITS BASIS A VIOLATION OF LOCAL LAW OR ORDINANCES RELATING TO LAND USE, BUILDING REGULATION, OR FIRE PREVENTION IN WHICH CASE, UPON THE MOTION OF THE PROSECUTING ATTORNEY IN ACCORDANCE WITH ARTICLE SIXTY-THREE OF THE CIVIL PRACTICE LAW AND RULES, THE COURT MAY ISSUE A PRELIMINARY INJUNCTION OR TEMPORARY RESTRAINING ORDER RESTRAINING SUCH ACTIVITY.

S 2. This act shall take effect on the first of the month occurring at least 90 days after it shall have become a law.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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