

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

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CA 18-00237

PRESENT: SMITH, J.P., CARNI, NEMOYER, CURRAN, AND TROUTMAN, JJ.

IN THE MATTER OF THOMAS C. TURNER AND KINGSLEY
STANARD, PETITIONERS-PLAINTIFFS-APPELLANTS,

V

ORDER

MUNICIPAL CODE VIOLATIONS BUREAU OF CITY OF
ROCHESTER AND CITY OF ROCHESTER,
RESPONDENTS-DEFENDANTS-RESPONDENTS.

SANTIAGO BURGER LLP, PITTSFORD (MICHAEL A. BURGER OF COUNSEL), FOR
PETITIONERS-PLAINTIFFS-APPELLANTS.

TIMOTHY R. CURTIN, CORPORATION COUNSEL, ROCHESTER (MAUREEN K. GILROY
OF COUNSEL), FOR RESPONDENTS-DEFENDANTS-RESPONDENTS.

Appeal from a judgment (denominated order and judgment) of the Supreme Court, Monroe County (Evelyn Frazee, J.), entered July 28, 2017 in a CPLR article 78 proceeding and declaratory judgment action. The judgment declared that sections 202 and 307.1 of the Property Maintenance Code of New York State are not unconstitutional and that the determination of respondents-defendants that petitioner-plaintiff Thomas C. Turner violated said Code has a rational basis and is not arbitrary or capricious.

It is hereby ORDERED that the judgment so appealed from is unanimously affirmed without costs.

Entered: September 28, 2018

Mark W. Bennett
Clerk of the Court