

A local law, to amend the definition of "family" with respect to the Village zoning regulations.

Section one. The definition of "Family" in Village Code §340-2 is hereby amended, to read as follows:

"FAMILY -

A. A family consists of one or more persons, whether or not related to each other by blood, marriage or adoption, all of whom live and cohabit together as a single, stable and bona fide housekeeping unit, provided that such persons together occupy and own, lease or rent the whole of the building or dwelling unit (and, if such exists, a separate accessory building or dwelling unit) in a family-like living arrangement as the functional and factual equivalent of a natural family and use all rooms and housekeeping facilities in common.

B. Any number of persons shall not be deemed to constitute a "family" if any one of such persons may not have lawful access to all parts of the principal building or separate building or dwelling unit or if any one or more of such persons lease or rent any portion of such principal building and/or separate accessorial building or dwelling unit from any other person.

C. It shall be presumed that a separate building or dwelling unit does not constitute a single household if (i) it is occupied by four or more persons who are not related by blood, marriage or legal adoption, or (ii) any two or more of the following features may be found to exist by the Superintendent of the Building Department or other person designated by the Mayor and Board of Trustees to enforce this chapter: more than one mailbox, mail slot or post office address; more than one doorbell or doorway at the same location; more than one electric meter; more than one gas meter; separate entrances for particular portions of the separate building or dwelling unit or residents thereof; separate or segregated partitions or locked internal doors barring access between portions of the separate building or dwelling unit, including bedrooms; separate written leases, oral rental agreements or the payment of rent or the absence of a certificate of occupancy for portions of the separate building or dwelling unit by or between residents of the separate building or dwelling unit; or two or more kitchens containing a range or oven, refrigerator and sink. The aforesaid presumption shall not prevail if it is otherwise proven by evidence presented to the Superintendent that the separate building or dwelling unit is an integral part of a single household; further, a determination may be made by said Superintendent, based on facts other than those set forth above, that the separate building or dwelling unit does not constitute part of a single household.

D. After consideration of the following factors, the Superintendent may also conclude that four or more persons unrelated by blood, marriage or adoption do not constitute a "family" as defined in this section:

1. whether the household has permanency and stability akin to that of a traditional family structure;
2. the length of stay together among the occupants in the current dwelling unit or other dwelling units;
3. the presence of minor, dependent, children regularly residing in the household;
4. the presence of one individual acting as head of household;
5. proof of sharing expenses for food, rent or ownership costs, utilities and other household expenses;
6. common ownership of furniture and appliances among the members of the household;
7. whether the household is a temporary living arrangement or a framework for transient living;
8. whether the composition of the household changes from year to year, or within the year, or in relation to the seasons or the academic year of any academic institution;
9. the length of time for which the household has legally authorized occupancy, and whether prior or subsequent occupancies have legal authorization for similar dates or lengths of time;
10. the frequency with which persons join or depart as members of the household;
11. the extent to which members of the household resided together in a single household prior to commencing residency at this location, and the likelihood that members of the household will continue to reside together after terminating residency at this location;
12. whether members of the household have the same address for purposes of voter registrations, motor vehicle operator licenses, motor vehicle registrations, and/or filing of tax returns;
13. any other factor reasonably related to whether or not the group of persons is the functional equivalent of a family.

E. The Superintendent of the Buildings Department or other person designated by the Mayor and Board of Trustees to enforce this chapter shall make the primary determination as to the application of this definition of household for the purposes of compliance with any provisions of this ordinance, or of Chapters 225 and/or 340 of the Code of the Village, or the New York State Building Code or the Multiple Dwelling Law, based upon inspection of the premises and information received from the residents thereof or any other persons or documentary or other written evidence as to the condition of the premises or the relationship of the residents of the separate building or dwelling unit and their living arrangements. Such determination shall be presumed to be correct and final subject to review of or appeal to the Board of Appeals and judicial review as provided by law, and it is further provided that if any one or more of the

foregoing provisions shall be determined to be unconstitutional, it shall not affect the constitutionality of the remaining provisions. "

Section two. Any local law, ordinance, or resolution of the Village in conflict with this local law is hereby repealed to the extent of such conflict, except that such repeal, or the express repeal of any local law, ordinance or resolution herein, shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of such local law, ordinance or resolution prior to the effective date of this local law.

Section three. If any part or provision of this local law or the application thereof to any person or organization is adjudged by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect or impair any other part or provisions or the application of this local law to any other person or organization, and such judgment shall be confined in its operation to the part, provision, person or organization directly involved in the controversy in which such judgment shall have been rendered.

Section four. This local law shall take effect immediately upon adoption. Any use or occupancy which is lawful and in existence on the effective date of this law, but which would not be lawful pursuant to the provisions enacted in this law, or which would require a permit or approval from the Board of Appeals pursuant to such provisions, may continue for not more than one hundred eighty days after such effective date, and such use or occupancy thereafter shall be unlawful and shall terminate unless such use or occupancy shall obtain legal status as may be permitted by law.