

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

City

of Rockville Centre

Town

Village

Local Law No. 10 of the year 2008

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

(Insert Title)

Be it enacted by the Board of Trustees of the

(Name of Legislative Body)

County

City

of Rockville Centre **as follows:**

Town

Village

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

(If additional space is needed, attach pages the same size as this sheet, and number each.)

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.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

Name of Legislative Body
I hereby certify that the local law annexed hereto, designated as local law No. 10 of 2008 of the ~~(County)~~(City)(Town)(Village) of Rockville Centre was duly passed by the Board of Trustees on September 22, 2008, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 200__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 200_, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19_, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 200__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 200_, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 200_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 200_, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 200__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 200_, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 200_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 200_, in accordance with the applicable provisions of law.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 200__ of the City of _____ having been submitted to referendum pursuant to the

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____200_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 200__ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____19_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph __1__, above.

Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body.

Date: September 22, 2008

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF NASSAU

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature

Village Attorney
Title

~~County~~

~~City~~

of Rockville Centre

~~Town~~

~~Village~~

Date: September 22, 2008