

# Local Law Filing

[www.dos.state.ny.us/corps](http://www.dos.state.ny.us/corps)

## (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 Town x Village**

*(Select One)*

of Island Park

**Local Law No. 32 of the year 2017**, entitled Enforcement Official.

### **Enforcement official.**

It shall be the duty of the Building Inspector and he is hereby given the power and authority to enforce the provisions of this ordinance.

### **Section 1. Provisions relating to illegal occupancy prosecutions.**

In all civil and criminal prosecutions brought for the enforcement of this ordinance in respect to nonpermitted occupancy of single- and two-family dwellings, the following provisions shall apply:

- A. There shall be a rebuttable presumption that any dwelling which maintains more than one gas meter, or more than one electric meter, or more than one water meter, is being used as the residence of two or more families.
- B. There shall be a rebuttable presumption that any dwelling which maintains more than two gas meters, or more than two electric meters, or more than two water meters, is being used as the residence of three or more families.
- C. There shall be a rebuttable presumption that a single-family dwelling which maintains any entrance(s) thereto, which entrance(s) has not been set forth on any plans approved by and on file with the Department of Buildings, is being used as the residence of two or more families, except that this provision shall not apply in the case of any entrance which was constructed prior to the effective date of this Local Law.

D. There shall be a rebuttable presumption that a two- family dwelling which maintains any third or additional entrances thereto, which entrance(s) has not been set forth on any plans approved by and on file with the Department of Buildings, is being used as the residence of three or more families, except that this provision shall not apply in the case of any entrance which was originally constructed prior to the effective date of this Local Law.

E. There shall be a rebuttable presumption that a dwelling which has been advertised in any newspaper, magazine or local advertising publication as being available for sale or rent, which advertisement essentially provides that such dwelling contains more than one separate living unit, or may be occupied by more than one separate family, is being used as a dwelling containing the number of units or families set forth in such advertisement.

F. There shall be a rebuttable presumption that a dwelling is being used as the residence of more than one family if any two or more of the following are found to exist by the Building Inspector: more than one mailbox, mail slot or post office address; more than one doorbell; a written lease or leases, or oral rental agreements, or the payment of rent, for a portion of the dwelling; a separate exterior entrance to a cellar or basement; three or more vehicles registered to the dwelling where each of the owners of the vehicles have different surnames; utilities, such as telephone, television, electric or water services, are billed to two or more persons with different surnames.

G. If any provision of the Local Law shall be determined to be unconstitutional or otherwise unenforceable, it shall not affect the constitutionality or enforceability of the remaining provisions.

H. Nothing in this Section 1 shall be construed as lessening or modifying any other rights or prerogatives of the Building Inspector in the enforcement of the terms of the Village's Building Zone Ordinance.

Be it enacted by the BOARD OF TRUSTEES of the  
*(Name of Legislative Body)*

**County City Town x Village**  
*(Select One)*

**of** Island Park **as follows:**

This local law shall take effect immediately upon filing with the Secretary of State.