

## Chapter 32

### ILLEGAL RESIDENTIAL OCCUPANCIES AND OVERCROWDING IN DWELLINGS

Local Law No. XX of 2010

Be it enacted by the Board of Trustees of the Village of Sleepy Hollow, in the County of Westchester, as follows;

#### § 32-1. Prosecutions for illegal residential occupancies and overcrowding in dwellings.

A. In all civil and criminal prosecutions brought for the enforcement of this Code's provisions with respect to the illegal use of any building for residential purposes or the illegal residential occupancy of any dwelling or dwelling unit by more families than the number of families permitted for such dwelling or dwelling unit under this Code, the following rebuttable presumptions shall apply:

- (1) That any detached dwelling or dwelling unit which maintains more than one mailbox or mail receptacle, more than one gas meter, more than one electric meter, and/or more than one water meter is being used as the residence of two or more families.
- (2) That any detached dwelling or dwelling unit which maintains more than two mailboxes or mail receptacles, more than two gas meters, more than two electric meters and/or more than two water meters is being used as the residence of three or more families.
- (3) That any detached dwelling or dwelling unit which maintains any entrance or entrances thereto, which entrance or entrances have not been set forth on any plans approved by and on file with the Department of Architecture, Land Use Development, Buildings and Building Compliance, is being used as the residence of two or more families.
- (4) That any detached dwelling or dwelling unit which maintains any third or additional entrances thereto, which entrance or entrances have not been set forth on any plans approved by and on file with the Department of Architecture, Land Use Development, Buildings and Building Compliance, is being used as the residence

of three or more families.

- (5) That any building which has been advertised in any newspapers, magazines, or advertising publications as being available for sale or rent for residential purposes, in whole or in part, which advertisement expressly or implicitly provides that such building or the dwellings or dwelling units therein contain rooms for rent, contain more than one separate dwelling living unit, or may be occupied by more than one separate family, is being used as a dwelling containing the number of rooms for rent, dwelling units, or families stated or implied in such advertisement.
- (6) That any dwelling or dwelling unit which maintains two or more doorbells is being used as a dwelling for the same number of families as there are doorbells.
- (7) That any single-family dwelling or dwelling unit at which there are the following is being used for two or more families:
  - (a) Permanent partitions or internal doors which have not been set forth on any plans approved by and on file with the Department of Architecture, Land Use Development, Buildings and Building Compliance, which may serve to bar access between segregated portions of the dwelling, including but not limited to bedrooms, or the inability of any occupant or person in possession thereof to have unimpeded and/or lawful access to all parts of the dwelling unit; and/or
  - (b) Two or more kitchens which have not been set forth on any plans approved by and on file with the Department of Architecture, Land Use Development, Buildings and Building Compliance, each containing one or more of the following: a range, oven, microwave, or other similar device customarily used for cooking or preparation of foods.
- (8) That any two-family dwelling units at which there are the following is being used for three or more families:

- (a) Permanent partitions or internal doors which have not been set forth on any plans approved by and on file with the Department of Architecture, Land Use Development, Buildings and Building Compliance, which may serve to bar access between three or more segregated portions of the dwelling, including but not limited to bedrooms; and/or
  - (b) Three or more kitchens which have not been set forth on any plans approved by and on file with the Department of Architecture, Land Use Development, Buildings and Building Compliance, each containing one or more of the following: a range, oven, microwave, or other similar device customarily used for cooking or preparation of foods.
- B. The rebuttal of the aforesaid presumptions shall be an affirmative defense by the defendant that, notwithstanding the existence of such conditions, once such conditions have proven to the court, the subject building is not being used as a dwelling or the subject dwelling is not being used for more families than permitted under the Village's Zoning Code.
- C. A person charged with a violation of this Code as described herein may demand an inspection by the Department of Architecture, Land Use Development, Buildings and Building Compliance of the subject building or dwelling to rebut such presumption. Such demand shall be in writing addressed to the Department of Architecture, Land Use Development, Buildings and Building Compliance. The Department inspector shall prepare a report of the findings of the inspection together with photographs, if appropriate.

**§ 32-2. Penalties for offenses.**

- A. Notwithstanding any provision of this Code inconsistent herewith, for each code violation involving an illegal residential occupancy or an over-occupancy of a dwelling or dwelling unit, the owner and any person who is in charge of the subject building, dwelling, or dwelling unit at the time of the violation shall be liable to a fine of not less than one thousand dollars (\$1,000.) nor more than three thousand five hundred dollars (\$3,500.) and not less than one thousand dollars (\$1,000.) for the first violation; for a second and any subsequent violation, the fine shall be not less than five thousand dollars (\$5,000.) nor more than seven thousand five hundred dollars (\$7,500.)
- B. Each day that a violation continues to exist shall constitute a separate and distinct

violation.

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