

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET, ALBANY, NY 12231

(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~~

~~VILLAGE~~

of ..... Plattsburgh .....

Local Law No. .... 4 ..... of the year 20.08..

A local law AMENDING AND RESTATING THE DEFINITION OF FAMILY IN CITY CODE  
(Insert Title)

CHAPTER 270

Be it enacted by the Common Council ..... of the  
(Name of Legislative Body)

~~COUNTY~~

City

~~TOWN~~

~~VILLAGE~~

of ..... Plattsburgh ..... as follows:

## 1. LEGISLATIVE DECLARATION:

The Common Council of the City of Plattsburgh finds that Zoning Regulations applicable to residential districts, especially single family districts (also known as R-1 districts in the City), rely on the definition of "Family" for their effectiveness. The Council has determined that, in order to increase the effectiveness of the definition and thereby better preserve the character of the City's residential neighborhoods, a rebuttable presumption that four or more unrelated individuals do not constitute the functional equivalent of a family shall be included in the definition; and furthermore, that in order to clarify the definition, broad criteria to rebut the presumption and establish that a group is the functional equivalent of a traditional family be detailed within the definition. The Council concludes that the clarification of the old definition as contained in the new definition, as well as the inclusion of the rebuttable presumption, are reasonable and necessary in order to protect the health and safety of the people of the City and to promote the general welfare.

2. The definition of the term "Family" as set forth in City Code Chapter 270, §270-4 is amended and restated in its entirety to read as follows:

### Family

**The term "Family" means:**

- a. **Any number persons related by blood, marriage, or adoption living together in a single housekeeping unit and using certain rooms and sanitary and cooking facilities in common; or**

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

b. Up to four unrelated persons living together in a single housekeeping unit and using certain rooms and sanitary and cooking facilities in common; or

c. Five or more persons occupying a dwelling unit and living together as the functional equivalent of a family.

It shall be presumed that five or more persons occupying a dwelling unit do not comprise the functional equivalent of a family. A functional equivalent of a family is a group of persons living together in a dwelling unit who:

1. Share the use of the entire dwelling unit.
2. Share the cost of rent, food, utilities, property maintenance and other household expenses.
3. Intend to reside together on a permanent basis and has a stable relationship.

**The following facts shall be considered in deciding whether a group intends to reside together on a permanent basis and has a stable relationship:**

- a) The presence of minor dependent children regularly residing in the household who are enrolled in local schools.
- b) Whether the group members regularly dine together.
- c) Whether the dwelling is the legal residence of all group member as evidenced by the address listed on their driver's license, motor vehicle registration, voter registration card, income tax return or any other document that lists the member's residence address.
- d) Employment in the local area.
- e) Joint or common ownership of household furnishings.
- f) Other facts relevant to prove that the group functions as a stable household unit and intends to reside together for the indefinite future.

The building inspector shall make the initial determination whether a group of persons living together in a dwelling unit is the functional equivalent of a family. His determination may be appealed to the Zoning Board of Appeals under the procedures for Administrative Reviews in this Chapter. <sup>i</sup>

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<sup>i</sup> This change requires a person "aggrieved" by the building inspector's interpretation to exhaust his administrative remedy of an appeal to the ZBA. If the ZBA upholds the interpretation, the applicant must then take an Article 78 proceeding which imposes the burden of proof on the aggrieved party.



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

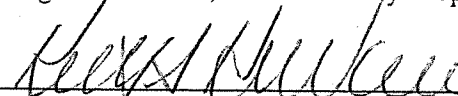
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, 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 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, 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 a 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 2 \_\_\_\_\_, above.

  
\_\_\_\_\_  
Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body Keith A. Herkaloo

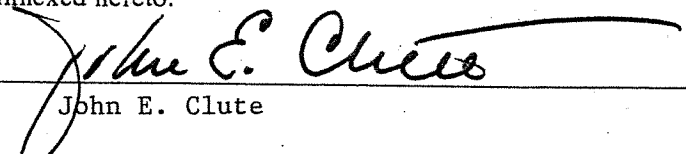
(Seal)

Date: 14 Mar 2008

(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 Clinton

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 John E. Clute  
\_\_\_\_\_  
Title Corporation Counsel

~~County~~  
City of Plattsburgh  
~~Town~~  
~~Village~~

Date: 25 Mar 2008