

PUBLIC NOTICE

PLEASE TAKE NOTICE that the Board of Trustees of the Village of North Haven will hold a public hearing on the 18th day of January 2022, at 5:00 P.M., location to be determined based on current COVID-19 safety measures in place at the time of the meeting (please call 631-725-1378 for updates), to consider the adoption of a Local Law as follows:

LOCAL LAW NO. OF 2022
A LOCAL LAW ADDING TO VILLAGE CODE CHAPTER 163 - ENACTING
ARTICLE XII § 163-96

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF NORTH HAVEN AS FOLLOWS:

SECTION 1. THE ENACTMENT OF THE VILLAGE CODE ARTICLE XII §163-96

§ 163-96 FRACTIONAL OWNERSHIP, TIME-SHARING, OR INTERVAL USES PROHIBITED

The creation fractional ownership, time-sharing, or interval projects are prohibited in single-family residences within the Village.

A. Findings and Purpose.

1. An important function of local land use regulation is the establishment and protection of single-family residential districts in which tranquil, healthy, and safe neighborhood environments are maintained for the quiet enjoyment of resident homeowners and their families.
2. Fractional ownership, time-sharing, or interval ownership projects have the same character as commercial hotels, motels, lodges, and other commercial occupancy uses due to their transient nature and multiple short-term (less than six months annually) occupancies. Such commercial or quasi-commercial like uses is inappropriate in residential areas due to the increased traffic generation and multiple occupancies disturbing the peace and quiet of residential neighborhoods.
3. The needs of transients are adverse to the interests sought to be protected and preserved in single-family

residential districts because commercial uses for transients may sacrifice other values critical to residential neighborhoods.

4. The Village deems it necessary and appropriate to protect the existence of single-family residences and the quiet and peace of the Village by preventing unwarranted commercialization from encroaching therein, including commercialization caused by the misuse of single-family residences. Thus, the Village Board finds and determines that this section is necessary to protect the public health, safety, and welfare of the residents of the Village.

- B. Prohibition of fractional ownership, time-sharing, or interval projects in single-family zoning districts.

The use of any property in any single-family zoning district as a fractional ownership, time-sharing, or interval project shall be prohibited. A fractional ownership, time-sharing, or interval project shall exist if the following features are found:

1. Multiple owners: Ownership is divided amongst 3 or more unrelated property owners, either through direct ownership of the property or indirect ownership through a membership, stake, interest, share, association, or similar device that grants entitlement to ownership rights or the use or possession of a property for the purpose of interval occupancy.
 2. Time-sharing or interval occupancy: Use, possession, or occupancy of the property is transient in nature based on an arrangement, schedule, plan, agreement, license, or any other means or scheme whereby an owner of the property receives ownership rights or the right to use the property for a period of time less than six months.
 3. Commercial purpose: Use of the property is commercial in nature based on an agreement, arrangement, or any other means or scheme whereby the owners retain, hire, or otherwise utilize a third-party individual or entity for a fee (service, management, etc.) to control, manage, or facilitate scheduling the use or occupancy of the property.
- C. Exceptions. This subsection shall not be deemed to preclude the creation of mortgages, liens, easements or other similar

interests encumbering the residential property as a whole to secure a loan or for any other legitimate purposes.

D. Severability.

If any section, subsection, sentence, clause or phrase of this section is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter.

E. Injunctive Relief.

Any land use activity conducted contrary to this chapter may be enjoined or restrained by injunction or otherwise abated in a manner provided by law.

F. Violations and penalties.

In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this chapter shall be guilty of a violation punishable by a fine not exceeding \$500, or imprisonment for a period not to exceed six months, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$750 nor more than \$1,000, or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$1,000 nor more than \$2,500, or imprisonment for a period not to exceed six months, or both. Each week's continued violation shall constitute a separate additional violation.

SECTION 2. EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the Secretary of State as provided by law.

All persons in interest will be heard by the Board of Trustees at the public hearing to be held as aforesaid and may appear in person or by representative. The Village Hall is accessible to handicapped persons.

Dated:

BY ORDER OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF NORTH HAVEN.

BY: Eileen Tuohy,
Village Clerk/Treasurer