

**VILLAGE OF HIGHLAND FALLS  
INTRODUCTORY LOCAL LAW  
REGULATION OF HOTELS AND MOTELS**

BE IT ENACTED by the Board of Trustees of the Village of Highland Falls, Orange County, New York, as follows:

**Modifications to Chapter 240, titled “Zoning,” of the Code of the Village of Highland Falls.**

Section 1. The definition of “Hotel” and “Motel” in Section 4, titled “Definitions,” of Chapter 240 of the Code of the Village of Highland Falls, titled “Zoning”, is hereby amended to read as follows:

Hotel – A building or part thereof that has a common entrance, common heating system and with or without restaurant facilities and which contains living and sleeping rooms used by an individual or individuals or groups of individuals for transient occupancy as defined herein. The definition of “hotel” shall also include “resident hotel”.

Motel – A building or group of buildings, whether detached or in connected units, used as individual sleeping units with direct outside access and related office, and with or without restaurant facilities, to be used for transient occupancy within the meaning of this chapter. A motel shall provide accessory off-street parking facilities. The term “motel” shall also include resident motels, buildings designed as tourists courts, motor lodges, auto courts and other similar appellations, but shall not be construed to include parking areas for house trailers or mobile homes.

Section 2. Subsections E and F of Section 74, titled “Violations; penalties for offenses; remedies,” of Chapter 240 of the Code of the Village of Highland Falls, titled “Zoning,” shall be deleted and replaced as shown herein and a new Subsection G shall be added:

- E. Criminal penalties. Any person who violates any provision of this chapter shall be guilty of a violation and, upon conviction thereof, shall be punishable by a fine in an amount no less than \$250 or by a term of imprisonment of not more than 15 days, or both for a first violation; in an amount not less than \$250 nor more than \$700 or a term of imprisonment of not more than 15 days or both for a second violation committed within a period of five years of the first violation; and in an amount of not less than \$700 nor more than \$1,000 or a term of imprisonment of not more than 15 days or both for a third and each subsequent violation committed within a period of five years of the first violation. Each day that a violation of or failure to comply with any provision of this chapter occurs shall constitute a separate and distinct violation.

F. Civil penalties.

- (1) In addition to and not in lieu of the above, any person who violates any provision of this chapter shall be liable to the Village for a civil penalty in an amount no less than \$250 for a first violation; in an amount not less than \$250 nor more than \$700 for a second violation committed within a period of five years of the first violation; and in an amount of not less than \$700 nor more than \$1,000 for a third and each subsequent violation committed within a period of five years of the first violation. Each day's continued violation shall constitute a separate and distinct violation.
- (2) Civil penalties may be ordered in any action or proceeding by any court of competent jurisdiction, including but not limited to state and federal courts. All penalties shall be paid to the Village.
- (3) The judgment amount of any civil penalty ordered pursuant to this section, if not paid, may be assessed and levied against the real property which is the subject of the penalty and collected in the same manner as a real property tax.

- G. In addition to and not in lieu of the remedies authorized above, the Board of Trustees or the Building Inspector or Code Enforcement Officer may institute any appropriate action or proceeding to prevent, restrain, enjoin, correct or abate any violation or threatened violation of this chapter or to enforce any provision of this chapter.

**Modifications to Chapter 122, titled "Housing Standards," of the Code of the Village of Highland Falls.**

Section 3. Section 4, titled "Scope," of Chapter 122 of the Code of the Village of Highland Falls, titled "Housing Standards," is hereby amended to add subsection E as follows:

- E. Use and occupancy of hotels and motels as defined in Part 4.

Section 4. Section 67, titled "Scope," of Chapter 122 of the Code of the Village of Highland Falls, titled "Housing Standards", is hereby amended as follows:

This part 3 shall apply to the administration of and compliance with applicable housing, occupancy and use standards set forth in this chapter and shall also apply to the properties governed by Part 4 of this chapter.

Section 5. Chapter 122, titled “Housing Standards,” of the Code of the Village of Highland Falls, is hereby amended by inserting a new “Part 4,” titled “Hotels and Motels,” as follows:

**Part 4  
Hotels and Motels**

**Article XIII  
General Provisions**

**§122-77. Title.**

Part 4 shall be known as “Hotels and Motels”.

**§122-78. Purpose.**

The purpose of Part 4 is to regulate the length of stay in a hotel or motel such that said building or property shall not provide dwelling units for a permanent occupancy.

**§122-79. Effective Date.**

Part 4 shall take effect on the first day of May 2012.

**§122-80. Scope.**

Part 4 shall apply to all hotels and motels located in the Village of Highland Falls, New York and shall be subject to the provisions of Part 3 of this chapter.

**§122-81. Application.**

- A.** The provisions of this Part 4 shall supercede local laws, ordinances, codes or regulations to the extent that such local laws, ordinances, codes or regulations are inconsistent with the provisions of this Part 4, provided that nothing herein shall be construed to prevent the adoption and enforcement of a law, ordinance or regulation which is more restrictive or establishes a higher standard than those provided herein, and such more restrictive requirement or higher standard shall govern during the time it is in effect.
- B.** In a case where a provision of Part 4 is found to be in conflict with a provision of a zoning or building law, ordinance, code or regulation, the more restrictive local law, ordinance, code or regulation shall prevail.

- C. Nothing herein shall limit the applicability of the New York State Uniform Fire Prevention and Building Code and all other applicable New York State laws and codes to hotels or motels located in the Village of Highland Falls, New York.

**§122-82. Definitions.**

The following definitions shall apply in the interpretation of Part 4:

Hotel – A building or part thereof that has a common entrance, common heating system and with or without restaurant facilities and which contains living and sleeping rooms used by an individual or individuals or groups of individuals for transient occupancy as defined herein. The definition of “hotel” shall also include resident hotels.

Motel – A building or group of buildings, whether detached or in connected units, used as individual sleeping units with direct outside access and related office, and with or without restaurant facilities, to be used for transient occupancy within the meaning of this chapter. A motel shall provide accessory off-street parking facilities. The term “motel” shall also include resident motels, buildings designed as tourists courts, motor lodges, auto courts and other similar appellations, but shall not be construed to include parking areas for house trailers or mobile homes.

Owner – Any individual or individuals, partnership or corporation, similar type of business organization proprietary interest, whether or not for project or otherwise, in whose name title to a building is vested.

Transient Dwelling – Transient dwelling shall mean any dwelling used for the purpose of transient occupancy and shall include hotels and motels as defined herein and shall not include lodging houses, boarding and nursery schools, sorority houses, fraternity houses, college and school dormitories, and convalescent, old age and nursing homes.

Transient Occupancy – Transient occupancy shall mean the occupancy of a room or rooms in the same building or on the same property for sleeping or living purposes by the same individual, individuals or group of individuals for a period not to exceed thirty (30) consecutive days and for a period not to exceed forty-five (45) non-consecutive days within any ninety (90) day period.

**§122-83. General Requirements.**

- A. A hotel or motel shall be used for transient occupancy only.
- B. A hotel or motel shall not provide dwelling units for permanent occupancy.
- C. A hotel or motel shall provide occupancy to the same individual, individuals or groups of individuals in any part of the building or on the property for a period not to exceed (30) consecutive days for a period not to exceed forty-five (45) non-consecutive days within any ninety (90) day period.

Section 7. This local law shall take effect immediately upon filing with the Secretary of State.