

(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 Lyndonville, New York, Orleans County

Local Law No. 9 of the year 1998

A local law Establishing a Moratorium on the Establishment of Adult Businesses in the Village  
(Insert Title) of Lyndonville

Be it enacted by the Board of Trustees of the  
(Name of Legislative Body)

~~County~~  
~~City~~ of Lyndonville, Orleans County, New York as follows:  
~~Town~~  
Village

**A LOCAL LAW  
ESTABLISHING A MORATORIUM ON THE ESTABLISHMENT OF  
ADULT BUSINESS IN THE VILLAGE OF LYNDONVILLE**

**SECTION I - PURPOSE**

The Planning Board of the Village of Lyndonville is in the process of studying the impacts of adult businesses on the Village. Such study is being undertaken in cooperation with the Planning Boards of the Towns of Ridgeway and Shelby and the Village of Medina. It appears that a Local Law regulating adult businesses within the Village of Lyndonville cannot be enacted until a study has been conducted to determine if there are or may be any secondary adverse effects or impacts as a result of the establishment of such businesses within the Village. It appears that such study will involve considerable time to complete and disseminate for review among the legislative bodies of the Towns and Villages involved and that it may well take up to nine (9) months to complete and assess such study. It is therefore felt that a moratorium on the establishment of adult businesses within the Village of Lyndonville should be adopted at this time in order to allow for the completion of the study and for the possible enactment of regulations relating to adult businesses by the Board of Trustees of the Village of Lyndonville.

## **SECTION II - DEFINITIONS**

For the purpose of this local law, certain terms and words used herein shall be defined and interpreted as follows:

1. **ADULT BUSINESS:** Shall mean and include, Adult Bookstore, Adult Video Store, Adult Novelty Shop, Adult Entertainment Cabaret, and Adult Mini-Motion Picture Theater.
2. **SPECIFIED ANATOMICAL AREAS:**
  - A. Less than completely and opaquely covered human genitals, pubic region, buttock or breast below a point immediately above the top of the areola.
  - B. Human genitals in a discernible turgid state, even if completely and opaquely covered.
3. **SPECIFIED SEXUAL ACTIVITY:**
  - A. Human genitals in the state of sexual stimulation or arousal.
  - B. Any act of human masturbation, sexual intercourse or sodomy.
  - C. Fondling or other erotic touching of the human genitals, pubic region, buttock or breasts.
4. **ADULT BOOKSTORE, ADULT VIDEOSTORE, AND ADULT NOVELTY STORE:** A public or private establishment having a substantial or significant portion of its stock-in-trade books, magazines, marital aids or novelties, films for sale/rent or viewing on premises by use of motion picture devices or other coin-operated means, and other periodicals or materials which are distinguishing or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas; or an establishment with a segment or section devoted to the sale, rental or display of such material.
5. **ADULT ENTERTAINMENT CABARET:** A public or private establishment which permits or suffers or allows topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers which display or expose specified anatomical areas.
6. **ADULT MINI-MOTION PICTURE THEATER:** A public or private establishment in an enclosed building with a capacity of less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

## **SECTION III - MORATORIUM ESTABLISHED**

That upon the enactment of this Local Law and the filing thereof with the Secretary of State as required by law, a moratorium shall be effective and shall continue for a period of nine (9) months thereafter upon the establishment or conduct of any adult business as hereinabove

defined within the Village of Lyndonville. The termination date of this Local Law may not be extended by the Board of Trustees of the Village of Lyndonville except by further Local Law duly enacted.

#### **SECTION IV - AFFECT OF MORATORIUM**

Neither the Board of Trustees of the Village of Lyndonville, nor the Planning Board of the Village of Lyndonville, nor the Zoning Board of Appeals of the Village of Lyndonville nor the Zoning and Code Enforcement Officer of the Village of Lyndonville shall accept or process any applications for the establishment or conduct of any adult business within the Village of Lyndonville on or after the effective date of this Local Law and thereafter until the earlier of :

- A. the expiration of this Local Law or
- B. the enactment of such further Local Law by the Board of Trustees of the Village of Lyndonville relating to the establishment and conduct of adult businesses within the Village of Lyndonville, New York, as contemplated by the enactment of this moratorium.

#### **SECTION V - DUTY OF ZONING AND CODE ENFORCEMENT OFFICER**

It shall be the duty of the Zoning and Code Enforcement Officer of the Village of Lyndonville to make inquiry of each applicant for any permit, license, or other authority, issued or processed by him as to the nature of the proposed business to be conducted by such applicant and if it appears that such business will fall within the definition of an adult business as hereinbefore defined then, in that event such Zoning and Code Enforcement shall return to such applicant such application with a copy of this Local Law advising such applicant that such application will not be accepted, filed or processed during the term of this moratorium. The Zoning and Code Enforcement Officer shall advise the Board of Trustees of any occasion upon which any such application is returned to the applicant in accordance with the provisions of this Local Law along with a report in writing as to the evidence and information received by such Zoning and Code Enforcement Officer that resulted in his action.

#### **SECTION VI - EFFECTIVE DATE**

This Local Law and the moratorium hereby established shall take effect upon the filing of this Local Law with the Secretary of State as required by law.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 9 of 1998 of the ~~(County) (City) (Town)~~ (Village) of Lyndonville, New York, Orleans County was duly passed by the Board of Trustees on November 9, 1998, in accordance with  
(Name of Legislative Body)  
the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the (County) (City) (Town) (Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)  
(Name of Legislative Body)  
(not disapproved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed  
(Elective Chief Executive Officer\*)  
duly adopted on \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the (County) (City) (Town) (Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)  
(Name of Legislative Body)  
(not disapproved) (repassed after disapproval) by the \_\_\_\_\_  
(Elective Chief Executive Officer\*)  
on \_\_\_\_\_ 19\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory) (permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special) (annual) election held on \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the (County) (City) (Town) (Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was  
(Name of Legislative Body)  
(approved) (not disapproved) (repassed after disapproval) by the \_\_\_\_\_  
(Elective Chief Executive Officer\*)  
on \_\_\_\_\_ 19\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ 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 \_\_\_\_\_ 19\_\_\_\_, 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 19\_\_\_\_ of the County of \_\_\_\_\_, State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 19\_\_\_\_, 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 of 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 1, above.

(Seal)

Debra H Miller  
Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 11/13/98

(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 ORLEANS

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.

By: [Signature]  
Signature

Village Attorneys  
Title

~~COUNTY~~  
~~CITY~~ of Lyndonville, New York, Orleans County  
~~TOWN~~  
Village

Date: 11/13/98