

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 underling to indicate new matter.

Town of Dunkirk

A LOCAL LAW AMENDING THE ZONING LOCAL LAW OF THE TOWN OF DUNKIRK

Local Law No. 2 of the year 2004.

Be it enacted by the Town Board of the

Town of Dunkirk as follows:

The Town of Dunkirk town Zoning Local Law be and hereby is amended by this Local Law as follows:

Section One- Purpose	The purpose of this local law is to Amend certain sections of the Town of Dunkirk Zoning. The current Zoning Code shall remain in full force and effect , unless specifically amended herein.
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Section Two- Amended Sections	This Local Law shall Amend the following; 1. Article XXV section 190 Definitions- “Adult Entertainment Facilities”, “Sexual Devices Store”, and “Exotic Cabaret”
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Section Three – Definitions	<u>Adult Entertainment Facilities</u> -Means and refers to “adult news rack”, “adult book store”, “adult motion picture theater”, “Sexual Devices Store”, and “Exotic Cabaret”.
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Exotic Cabaret—A nightclub, bar or restaurant or similar commercial establishment which regularly features 1) persons who appear nude or semi-nude; or 2) live performances which are characterized by the exposure of “specified anatomical areas” or by

“specified sexual activities” or 3) films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the exhibition or display of “specified sexual activities” or “specified anatomical areas”, as defined in this section.

Sexual Devices Store—An establishment having as part of or all of its stock-in-trade any items or clothing designed to cause or enhance sexual stimulation, and may be part of any Adult/Video/Media store.

Section Four—Restrictions
Cumulative in
Nature

The restrictions set forth in this law are in addition to any other applicable provision of the Zoning Law of the Town of Dunkirk. In the event of any conflict between any such provisions, the more restrictive provisions shall be applied.

Section Five—Severability

Each section and provision of this law are hereby declared to be independent divisions and subdivisions and notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provision of this law or the application thereof to any person or circumstances held to be invalid, the remaining sections or provisions and the application of such sections and provisions to any person or circumstances other than those to which it is held invalid shall not be affected thereby, and it is hereby declared that such sections and provisions would have been passed independently of such section, or provisions so known to be invalid.

Section Six – Conflict

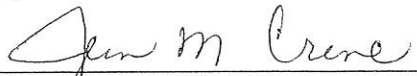
In case of conflict between existing zoning laws, ordinances, rules, or regulations and this Local Law, the provisions of this Local Law shall prevail.

Section Seven—Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State of the State of New York.

1. I hereby certify that the local law annexed hereto, designated as Local Law No ____ of the Town of Dunkirk was duly passed by the Town Board of the Town of Dunkirk on September ____, 2004 in accordance with the applicable provisions of law.

(Seal)


Clerk of the Town of Dunkirk

Date: September 15, 2004

(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 CHAUTAUQUA

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.


Albert W. Foley, Esq., Attorney
Town of Dunkirk

Date: September 15, 2004