

LOCAL LAW FILING

**New York State Department of State
162 Washington Avenue, 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

Local Law No. 1 of the year 2004.

ADULT ENTERTAINMENT FACILITIES MORATORIUM LAW

A local law imposing a three-month moratorium on the issuance of zoning and land use permits in the Town of Dunkirk for adult entertainment facilities.

Be it enacted by the Town Board of the

Town of Dunkirk as follows:

Section One - Purpose:

Pursuant to the statutory powers vested in the Town Board of the Town of Dunkirk to regulate and control land use and to protect the health, safety and welfare of its residents, the Town Board of the Town of Dunkirk hereby declares a three month moratorium on the issuance of any zoning or land use permits or the establishment, placement, construction, enlargement of any adult entertainment facility in the Town.

The Town Board has been made aware of the problems that adult entertainment facilities, if unregulated, may cause serious harm to the Town and its citizens. The Town Board is also aware that surrounding towns have passed certain zoning restrictions on adult entertainment facilities. The Town Board is aware that the Town of Dunkirk is predominately rural, agricultural and residential and

desires to address this problem in a careful manner using the regulatory powers entrusted to it by the State Enabling Acts.

Section Two – Prohibitions

During the effective period of this Local Law the Code Enforcement Officer of the Town of Dunkirk shall not issue any building permit or land use permit or zoning permit for the establishment, placement, construction or enlargement of any adult entertainment facility.

The Planning Board shall not grant any preliminary or final approval to any site plan, special use permit or other permit, which would have as a result the establishment, placement, construction or enlargement of any adult entertainment facility.

The Zoning Board of Appeals shall not grant any variance or other permit for any use, which would result in the establishment, placement, construction or enlargement of any adult entertainment facility.

The Town Board of the Town of Dunkirk reserves the right to direct the Building Inspector/Code Enforcement Officer to revoke or rescind any building permit or certificate of occupancy issued in violation of this Local Law.

It shall be unlawful to operate any adult entertainment facility in the Town of Dunkirk during the effective period of this Local Law.

Section three

No application for construction affected by this law for approvals of site plan, subdivision, variance, special use permit or other permit shall be considered by any board or officer of the Town of Dunkirk while the moratorium imposed by this Local Law is in effect.

Section Four – Term

The moratorium imposed by this Local Law shall be in effect for a period of three months from the effective date of this Local Law.

Section Five – Penalties

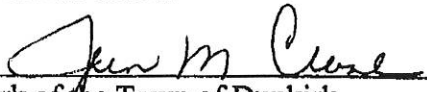
Any person, firm or corporation that shall establish, place, construct, enlarge or erect any adult entertainment facility in violation of the provisions of this Local Law or shall otherwise violate any provision of this Local Law shall be subject to the penalties as may provided by the Zoning Law of the Town of Dunkirk and any injunctive relief in favor of the Town as may be determined by an application for same to State Supreme Court.

Section Six – Effective Date

This Local Law shall take effect when it is filed in the office of 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 1 of the Town of Dunkirk was duly passed by the Town Board of the Town of Dunkirk on June 22, 2004 in accordance with the applicable provisions of law.

(Seal)


Clerk of the Town of Dunkirk

Date: June 24, 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: June 24, 2004