

LOCAL LAW NO. 3 OF THE YEAR 1998

To provide a moratorium on all new adult uses within the B-Business Use Zoning District under the Town of Sheldon Zoning Ordinance.

Be it enacted by the Town Board of the Town of Sheldon as follows:

I. Purpose

For the purpose of protecting the health, safety and general welfare of the residents of the Town of Sheldon, and for the purpose of preparing and considering legislation regulating adult uses that would bar adult establishments from residential zones and certain other zones that also permit residential development, prohibit adult establishments from being located within specified distances from schools, houses of worship, day care centers, other adult uses and certain zoning districts where new residential development is allowed, prohibiting more than one adult establishment on a single zoning lot and/or limiting the square feet of usable floor area and seller space for all adult establishments, consistent with the constitutional limitations on local regulatory power as determined by recent state and federal judicial decisions, the Town Board hereby declares and enacts a moratorium on the issuance of all special use permits under Article IV, §III and Article IX of the Town of Sheldon Zoning Ordinance, for any facility, including an adult book store, adult eating or drinking establishment, an adult theater or any other adult commercial establishment, that regularly features or devotes a substantial portion of its stock-in-trade to live, audiovisual or written entertainment or material that is characterized by an emphasis on human genitalia or sexual activities, said moratorium to lapse 6 months and 1 day following the filing of this Local Law with the Secretary of State, unless repealed or extended by enactment of the Town Board of the Town of Sheldon prior thereto.

II. Severability

If any word, clause, phrase, sentence, paragraph, section, subpart or part of this Local Law shall be judged by a Court of competent jurisdiction to be invalid, said judgment shall not effect the balance of the Local Law. Nothing herein contained shall be deemed to be a waiver of or restriction of the right of the Town of Sheldon under Federal, State, County, or Town laws, ordinances, rules or regulations or those of any agency having appropriate jurisdiction.

III. Penalties

Any persons, partnerships, corporations, or other entities violating this moratorium shall be guilty of a violation punishable by a fine not to exceed three hundred fifty dollars (\$350.00) or a jail sentence not to exceed six (6) months or both such fine and imprisonment for a first offense, a fine of not less than three hundred fifty dollars (\$350.00) nor more than seven hundred dollars (\$700.00) or a jail sentence not to exceed six (6) months or both such fine and imprisonment for a second offense, and a fine of not less than seven hundred dollars (\$700.00) nor more than one thousand dollars (\$1000.00) or a jail sentence not to exceed six (6) months or both such fine and imprisonment for a third offense. Each day's violation of this moratorium shall constitute a separate offense.