

LOCAL LAW NO. 3 OF 2008

A LOCAL LAW IMPOSING A MORATORIUM ON ADULT ENTERTAINMENT ACTIVITIES WITHIN THE TOWN

§ 1. Legislative Intent

Recently the Town Board in reviewing the Zoning Ordinance discovered that there is no specific provision within said Ordinance for adult entertainment activities. A prior decision by the United States Supreme Court indicates that Towns must accommodate these types of facilities within its Zoning Ordinance.

Rather than to allow the establishment of these facilities in commercial districts in which otherwise the Town Board would not allow them, except for ambiguity, the Town Board has determined that it would be appropriate while it is properly amending the Zoning Ordinance in accordance with the Supreme Court decision to impose a moratorium on these types of activities in the Town of East Fishkill.

§ 2. Moratorium Imposed

For 12 months from the effective date of this Law, no building permit shall be issued, nor site plan approval granted for any activity which would contain an adult entertainment in the form of adult bookstore, adult entertainment cabaret, adult entertainment use, adult massage establishment, an adult motel, an adult motion picture theatre or any adult retail stores within the Town of East Fishkill.

§ 3. Effective Date

This moratorium shall take effect immediately upon its filing with the Secretary of State of the State of New York.

**Adopted on July 24, 2008
at a Regular Meeting Held at
the Town Hall, 330 Route 376,
Hopewell Junction, NY**