

# 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 underlining to indicate new matter.

~~XXXXXX~~

~~County~~

~~City~~

~~Town~~

~~Village~~

of Duanesburg

Local Law No. 2 of the year 2001

A local law Relating To The Regulation of Adult Entertainment Establishments  
(Insert Title)  
Within the Town of Duanesburg

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

~~County~~

~~City~~

~~Town~~

~~Village~~

of Duanesburg as follows:

One Copy of Local Law Number 2, 2001 attached

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(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. 2 of 2001  
of the (County)(City)(Town)(Village) of Duanesburg was duly passed by the  
Duanesburg Town Board on February 8 2001, in accordance with the applicable provisions of law.  
(Name of Legislative Body)

**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 20\_\_\_\_  
of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the  
\_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after  
(Name of Legislative Body)  
disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_,  
(Elective Chief Executive Officer\*)  
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 20\_\_\_\_  
of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the  
\_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after  
(Name of Legislative Body)  
disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was submitted  
(Elective Chief Executive Officer\*)  
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 \_\_\_\_\_ 20\_\_\_\_, 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 20\_\_\_\_  
of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the  
\_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after  
(Name of Legislative Body)  
disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to  
(Elective Chief Executive Officer\*)  
permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, 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 chairperson 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.

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


I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ 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 \_\_\_\_\_ 20\_\_\_\_, 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 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, 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 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 \_\_\_\_\_, above.

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

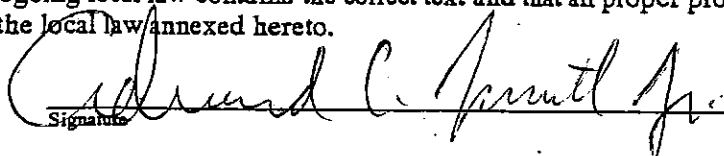
(Seal)

Date: February 22, 2001

(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 Schenectady

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.

  
Signature

Town Attorney  
Title

County  
City of Duaneburg  
Town  
Village

Date: 2/26/01

TOWN OF DUANESBURG  
ADULT ENTERTAINMENT LAW  
LOCAL LAW NO. ~~2~~<sup>2</sup>-OF THE YEAR 2001

A local law relating to the regulation of adult entertainment establishments within the Town of Duanesburg.

Be it enacted by the Town Board of the Town of Duanesburg, Schenectady County, New York as follows:

A local law regulating the location of adult entertainment establishments within the Town of Duanesburg.

Section 1. Legislative Intent. The purpose of this local law is to protect the public health, welfare and safety by regulating the location of adult entertainment establishments within the Town of Duanesburg. The establishment of certain adult entertainment businesses tend to result in the blighting and deterioration of the Town. Accordingly, it is necessary that these businesses be regulated in such a manner as to prevent the deterioration of the character of the Town. It is necessary to regulate the location where these businesses can be established so as to minimize the proliferation of such businesses and to mitigate the possibility of criminal activity and the degradation of the town.

Section 2. Short Title. This local law shall hereafter be known as the "Adult Entertainment Law."

Section 3. Definitions.

Adult entertainment businesses include any of the following:

- 1) Adult material stores. (Sometimes referred to as sex shops). An establishment having as a significant portion of its stock in trade: books, films, video tapes, CD's or DVD's, magazines and other publications which are distinguished by an emphasis on depicting sexual conduct or acts, or specific anatomical areas of the human body. Also, in addition to the above, an establishment having a significant portion of its stock in trade in sexual paraphernalia.
- 2) Adult motion picture theater. An enclosed or open area used for presenting films or video where the material presented or performances are distinguished or characterized by an emphasis on depicting or describing sexual conduct or acts, or specific anatomical areas of the human body.
- 3) Adult Motion Picture Arcade ("Peep Shows"). Any place to which the public is permitted or invited to view still or motion pictures in booths holding five(5) or fewer persons where the pictures are characterized by an emphasis on depicting or describing sexual conduct or acts, or specific anatomical areas of the human body.
- 4) Adult Clubs or Cabarets, public or private, where nude or semi-nude erotic dancing is performed, or sexual conduct is performed for audiences.
- 5) Massage parlors or other bodily contact businesses not regulated by NYS Education Department Law.
- 6) Motels that exclude minors, or that make adult films available, or offer rooms for rent for less than 10 hours.

#### Sexual Conduct.

- 1) The fondling or other touching of human genitals, pubic regions, buttocks or female breasts.
- 2) Sex acts, normal or perverted. Actual or simulated.

#### Specific human anatomical areas.

- 1) Genitals
- 2) The pubic region
- 3) Buttocks
- 4) Female breasts

#### Section 4. Prohibited Locations

- 1) No person shall cause or permit the establishment of an adult entertainment business within 500 feet of any town, county, state, or federal highway or road.
- 2) No person shall cause or permit the establishment of an adult entertainment business Within 750 feet of any residential dwelling.
- 3) No person shall cause or permit the establishment of an adult entertainment business Within 2500 feet of any school, church, playground or park.
- 4) No person shall cause or permit the establishment of an adult entertainment business within 2500 feet of another adult entertainment business, or an establishment where alcoholic beverages are sold.

The establishment of an adult entertainment business shall include: the opening of such business as a new business, the relocation of such business, or the conversion of an existing business to such a business.

Section 5. Measurement of Distances. For the purposes of this law, measurements shall be made in a straight line without regard to intervening structures or objects ( man-made or natural) from the nearest portion of the building or structure used as part of the premises of the adult entertainment business to the nearest:

- 1) Property line of a parcel of land on which is located any of the uses described in Items 2) through 4) of Section 4 of this law.
- 2) Right-of-way boundary of any town, county or state highway or road.

#### Section 6. Other Requirements and Limitations.

- 1) Special Use Permit required. Any person seeking to establish an adult entertainment business shall apply for a Special Use Permit in accordance with the Town of Duanesburg Zoning Ordinance
- 2) No explicit advertising signs are permitted, and all signs shall conform to the Town of Duanesburg Zoning Ordinance.
- 3) The buildings shall be landscaped and screened from view from the road or adjacent properties.
- 4) The buildings shall be less than 2500 square feet in area.
- 5) No music or other sounds emitted from the business shall be audible at the property lines of adjacent properties or at boundary of the right-of -way of the town, county or state highway or road.
- 6) The booths at "Peep Shows" must be open to public view and the area well lighted.

### Section 7. Penalties for Offenses

A violation of the law shall be deemed a violation of New York State Penal Law, and any person convicted of violation of this law shall be fined not less than \$250 and not more than \$500, or by imprisonment not exceeding 60 days, or both such fine and imprisonment. Each day a violation of this law is committed, permitted, or continued shall constitute a separate offense.

### Section 8. Validity

If any portion of this law is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

### Section 9.

02/08/01

This local law shall take effect on-----, Passed by resolution by the Town Board on----. Filed with the Secretary of State on-----02/22/01