

(Use this form to file a local law with the Secretary of State.)

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED

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.

JAN 07 2004

County
City of Rochester
~~Town~~
Village

MISCELLANEOUS
& STATE RECORDS

Local Law No. 2 of the year 192003

A local law amending the Code of the Town of
(Insert Title)
Rochester to Allow for Adult Use
Establishments

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

County
City of Rochester as follows:
~~Town~~
Village

see annexed

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

A LOCAL LAW AMENDING THE CODE OF THE TOWN OF ROCHESTER TO ALLOW
FOR ADULT USE ESTABLISHMENTS

§1 Legislative Intent. Town Board hereby finds that certain business activities, by their nature, have serious operational characteristics which can lead to significant impacts on the surrounding community. The Town Board further finds that the uncontrolled proliferation of such uses would be inconsistent with the existing development and future plans for the Town of Rochester in that such uses often result influences on the community which increase the crime rate and undermine the economic, physical and social welfare of the community, Further such uses have been found to contribute to the blighting of surrounding residential and commercial areas as a result of the related potential for an increase in crime, the undermining of the economic and social welfare of the community and the deterring of investment in and improvement of surrounding properties. Such uses can adversely impact the general health, safety and economic well being of the entire community. In addition, the location of these uses may be in areas where youth regularly assemble, and the general atmosphere encompassing their operation is of great concern to the Town Board. By enacting criteria for the establishment of adult uses in the town, the purpose of this local law is to prevent the un restricted proliferation or concentration of such businesses to specifically limit and reduce there accessibility to children and to ensure that the effects of such business will not adversely affect the health safety and economic well-being of the community.

§2 Standards. To help achieve the above stated goals, the Code of the Town of Rochester shall be amended as set forth below

§3 Section 140-5 shall be amended to add the following definitions:

ADULT BOOK AND/OR VIDEO STORE – An establishment, whether wholesale or retail, having more than 20% of stock-in-trade in books, magazines, periodicals, recordings, films, videotapes/cassettes, DVDs, or other viewing or audio materials for sale or viewing on or off the premises, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities or sexual anatomical areas, and which establishment excludes minors by reason of age.

ADULT CABARET – An establishment which presents topless or bottomless dancers, strippers, male or female impersonators, exotic dancers or other similar entertainers, and which excludes minors by reason of age.

ADULT HOTEL OR MOTEL – A hotel or motel which is not open to the public generally, but which excludes minors by reason of age, or which makes available to its patrons, in their rooms, films, slide shows, videotapes/cassettes, DVDs and/or other viewing material with materials distinguished or characterized by their primary emphasis on matter depicting, describing or relating to sexual activities or sexual anatomical areas which, if presented in a public movie theater, would exclude minors by reason of age.

ADULT THEATER – An establishment presenting films, slide shows, videotapes/cassettes, DVDs and/or other viewing material with materials distinguished or characterized by their primary emphasis on matter depicting, describing or relating to sexual activities or sexual anatomical areas for observation by patrons, and which establishment excludes minors by reason of age.

ADULT USE - Any use constituting an adult book and/or video store, adult cabaret, adult hotel or motel, adult theater and/or massage establishment, as those terms are defined herein, or any other use which is distinguished or characterized by its emphasis on sexual activities or sexually anatomical areas, and which excludes minors by reason of age. Any use, such as a hotel, that includes any form of an adult use as a principal or as an accessory use shall be considered an “adult use” for the purposes of this chapter.

The above definitions shall be added between the definition for **ACCESSORY USE** and the definition for **ALTERATION**.

§4 Section 140-49 shall be amended to add a new subsection C as follows:

Additional requirements for adult uses.

- (1) Not more than one (1) adult use shall be permitted on any lot.
- (2) No adult use shall be permitted on any lot which is within six thousand (6,000) feet of any other lot containing an adult use.
- (3) The lot on which the adult use is located shall have frontage on Route 209. Further, said lot shall be located between Boice Mill Road and Queens Highway.
- (4) No adult use shall be permitted within one thousand (1,000) feet of any lot containing a church or other place of religious worship, park, playground, playing field, day care center, community center or children’s camp.
- (5) No adult use shall be permitted within one thousand five hundred (1,500) feet of any municipal boundary.

§5 The Town of Rochester Schedule of Zoning Uses shall be amended to add Adult Use Establishment to the list of Business Uses with the following designations:

	District						
	A	R-1	R-2	B	I	F	HD
ADULT USE ESTABLISHMENT	N	N	N	SP	N	N	N

§6 Effective Date. This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

(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 192003 of the (County)(City)(Town)(Village) of Rochester was duly passed by the Town Board on Dec. 29, 2003, 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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.~~
~~(Name of Legislative Body)~~
~~(Elective Chief Executive Officer*)~~

~~3. (Final adoption by referendum.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted 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 _____ 19____, in accordance with the applicable provisions of law.~~
~~(Name of Legislative Body)~~
~~(Elective Chief Executive Officer*)~~

~~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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.~~
~~(Name of Legislative Body)~~
~~(Elective Chief Executive Officer*)~~

* 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 19____ 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 _____ 19____, 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 19____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19____, 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.

Peronica L. Sommer

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

(Seal)

Date: 12/29/03

(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 Ulster

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.

Mary Lou P. Christensen
Signature

Attorney for the Town
Title

County
City of Rochester
Town
Village

Date: 12/29/03