

# 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 underlining to indicate new matter.

STATE OF NEW YORK  
DEPARTMENT OF STATE

**FILED**

MAR 25 1998

*Alexander F. D'Amico*  
Secretary of State

~~County~~  
~~City~~ of Granby  
Town  
~~Village~~

Local Law No. 2 of the year 1998

A local law ADULT ENTERTAINMENT LAW OF THE TOWN OF GRANBY  
(Insert Title)

Be it enacted by the TOWN BOARD of the  
(Name of Legislative Body)

~~County~~  
~~City~~ of GRANBY as follows:  
Town  
~~Village~~ "See 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 1998 of the (County)(City)(Town)(Village) of GRANBY was duly passed by the TOWN BOARD on March 11 1998, 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 One; above.

*Ruth Sheldon, Town Clerk*

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

RUTH SHELDON, TOWN CLERK

Date: March 23, 1998

(Seal)

(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 OSWEGO

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]*  
\_\_\_\_\_  
Signature

ATTORNEY FOR THE TOWN OF GRANBY  
\_\_\_\_\_  
Title

~~County~~  
~~City~~ of GRANBY  
Town  
~~Village~~

Date: March 16, 1998



820 COUNTY ROUTE 8  
FULTON, N.Y. 13069  
(315) 598-6500  
Fax: 592-9270

**TOWN OF GRANBY LOCAL LAW #2-1998**

**ADULT ENTERTAINMENT LAW OF THE TOWN OF GRANBY**

**SECTION 1            TITLE**

This Local Law shall be known as "Adult Entertainment Law of the Town of Granby."

**SECTION 2            PURPOSE; INTENT**

A clean, wholesome and attractive environment is declared to be of importance to the health and safety of the inhabitants of the Town of Granby and the general welfare of its citizens. It is further declared that the unregulated development of Adult Entertainment Establishments jeopardizes the character of the community and would interfere with the orderly development within the Town of Granby.

The provisions of this law have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment to the Constitution of the United States or to deny access by distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this law to condone or legitimize the distribution of obscene materials.

**SECTION 3            DEFINITIONS**

1. **ADULT ENTERTAINMENT ESTABLISHMENT** - An adult bookstore, adult cabaret establishment or an adult motion picture theater.

2. **ADULT BOOKSTORE** - A place that sells or rents, or offers for sale or rent, adult material, the gross sale of which represents more than ten (10%) per cent of the gross sales of the place or that comprises more than twenty-five (25%) per cent of the individual items displayed on the premises as stock in trade.



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3. **ADULT CABARET ESTABLISHMENT** - An establishment that permits suffers or allows dancers or other entertainers to display or expose specified anatomical areas, and excludes minors because of age.

4. **ADULT MATERIAL** - Any one or more of the following:

A. Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes, slides or other visual representations or recordings, novelties and devices that have as their primary or dominant theme matter depicting, illustrating, describing or relating to specified sexual activities or paraphernalia designed for use in connection with specified sexual activities.

5. **ADULT MOTION PICTURE THEATER** - Premises used for presenting films, motion pictures, and/or videos, whether viewed in private booths or public assembly areas, which films, motion pictures and/or videos are characterized by an emphasis on matter depicting or describing or related to specified anatomical areas for observation by patrons therein.

6. **SPECIFIED SEXUAL CONDUCT** - Acts of human masturbation, sexual intercourse or sodomy; Fondling or other touching of the human genitals, pubic areas, buttocks or breasts; Human genitals in a state of sexual stimulation or arousal; Acts of sexual or apparent sexual activity, sexual stimulation or sexual gratification.

7. **SPECIFIED ANATOMICAL AREAS:**

A. Less than completely and opaquely covered human genitals, pubic region, buttock or breast below a point immediately above the top of the areola.

B. Human genitals in a discernible turgid state, even if completely and opaquely covered.

8. **SPECIFIED SEXUAL ACTIVITY:**

A. Human genitals in a state of sexual stimulation or arousal;

B. Any act of human masturbation, sexual intercourse or sodomy;

C. Fondling or other erotic touching of the human genitals, pubic region, buttocks or breasts.



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#### SECTION 4            RESTRICTIONS

1. Adult Entertainment Establishments, as defined in this Local Law, shall be prohibited within the boundaries of the Town of Granby.

2. Owners of Adult Entertainment Establishments existing on the effective date of this Local Law shall be permitted to maintain existing sites, but shall be prohibited from expanding the size or scope of their Adult Entertainment Establishments.

#### SECTION 5            PENALTIES FOR OFFENSES

1. Any person who commits or permits any act in violation of any of the provisions thereof shall be deemed to have committed an offense against such Local Law and shall be liable for any such violation or the penalty therefore.

2. For every violation of any provision of this Local Law, the person violating the same shall be subject to a fine of not more than Three Hundred Dollars (\$300.00) for each such offense. Such penalties shall be collectable by and in the name of the Town for each day that such violation shall continue.

3. In addition to the above provided penalties and punishment, the Town Board may also maintain an action or proceeding in the name of the Town in a Court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this Local Law.

#### SECTION 6            SEVERABILITY

1. If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

#### SECTION 7            EFFECTIVE DATE

This Local Law shall take effect immediately upon being filed in the Office of the Secretary of State in accordance with the provisions of Section 27 of the Municipal Home Rule Law.



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Resolution made by:

*[Signature]*  
Vincent Greco

Resolution seconded by:

Supervisor:

Donald Keeney

*(aye)* *Donald Keeney*

Town Board Members:

Rose Anthony

*(no)* *Rose Anthony*

Vincent Greco

*(aye)* *Vincent Greco*

Rick Haggerty

*(aye)* *[Signature]*

Robert Pawlewicz

*(aye)* *Robert Pawlewicz*

*Ruth Sheldon*

Ruth Sheldon-Granby Town Clerk

Dated: March 11, 1998

