

## Local Law Filing

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(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.

County  City  Town  Village  
(select one)

of Floral Park

Local Law No. 4 of the year 2017

A local law extending the moratorium on uses such as "Hookah Bars" and  
(insert Title)

"Vape Shops" within the Incorporated Village of Floral Park.

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

County  City  Town  Village  
(Select One:)

of Floral Park as follows:

### Section 1. Legislative Intent

Last year, this Board established a moratorium on certain uses within the Village. The purpose of this moratorium was and is to promote and protect the public health, safety and welfare of the Incorporated Village of Floral Park by enacting a local law which establishes a moratorium on certain uses in the Business District of the Incorporated Village of Floral Park. Under authority conferred by ARTICLE III, Section 99-11.B.(1) of the Code of the Incorporated Village of Floral Park, these uses may have been included or construed to be permitted uses.

As the Board continues its research and determination whether such uses should be deemed permitted under the Code, an extension of the moratorium is in order.

The Village Board of Trustees requested the moratorium be enacted so that it might have sufficient opportunity to evaluate the permitted uses in the Village's Business Districts and to determine whether the permitted uses should be statutorily amended, altered, modified, expanded or repealed. This moratorium will provide an opportunity for the Village Board of Trustees to evaluate the changes needed without the possibility of new businesses opening that might conflict with the plan being developed. The Village Board determined a moratorium be established prohibiting certain permitted uses in the Business District. In establishing this moratorium, the Village Board of Trustees has also considered:

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

1. The need for conserving the value of buildings and land and the need to encourage the most appropriate use of land.
2. The need to attract retail business of such a character as to encourage, foster and promote the revitalization of the Business Districts.
3. To ensure adequate parking and lessen congestion, while balancing the need for business growth.
4. To provide adequate light and air.
5. To ensure physical compatibility with surrounding uses.
6. To establish a comprehensive plan, without the pressure of new businesses that conflict with the overall goal of revitalization.
7. To encourage historic preservation.

**Section 2. Prohibitions:**

By adoption of that local for the extended term hereof, no further subdivisions will be permitted within the Village.

**Section 3. Geographic Scope:**

This local law shall apply to any parcel of land, whether wholly or, partially within, the Incorporated Village of Floral Park.

**Section 4. Term:**

This moratorium shall remain in effect for an additional period of one (1) additional year from the date of its adoption by the Board of Trustees.

**Section 5. Severability**

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 6. Effective Date**

This local law shall take effect immediately upon filing with the Secretary of State.

(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. 4 of 2017 of the (County)(City)(Town)(Village) of Floral Park was duly passed by the Board of Trustees on September 19, 2017, 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) *(Name of Legislative Body)*  
(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted *(Elective Chief Executive Officer\*)*  
on \_\_\_\_\_, 20\_\_\_\_, 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) *(Name of Legislative Body)*  
(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_. *(Elective Chief Executive Officer\*)*

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 \_\_\_\_\_, 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) *(Name of Legislative Body)*  
(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_. Such local *(Elective Chief Executive Officer\*)*  
law was subject to 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 as 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   1   above.

*Susan E Walsh*

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

Date: September 19, 2017

(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 NASSAU

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.

*John E. Ryan*

Signature John E. Ryan

Title Village Attorney

County \_\_\_\_\_  
City \_\_\_\_\_  
Town of Floral Park  
Village \_\_\_\_\_

Date: September 19, 2017