

**VILLAGE OF FORT EDWARD
COUNTY OF WASHINGTON, STATE OF NEW YORK
LOCAL LAW No. 2 of 2010**

**A LOCAL LAW IMPOSING A MORATORIUM ON TATTOOING, TATTOO
PARLORS AND BODY PIERCING PARLORS WITHIN THE VILLAGE OF FORT
EDWARD**

Be it enacted by the Board of Trustees of the Village of Fort Edward, as follows:

SECTION 1. Authority.

The Local Law is adopted pursuant to the authority vested in the Board of Trustees of the Village of Fort Edward pursuant to Municipal Home Rule Law section 10 of the State of New York.

SECTION 2. Purpose.

The Board of Trustees finds that to better effectuate the purposes and intentions of the Village laws concerning zoning and site plan review and to ensure that residents and visitors of the Village of Fort Edward are protected through an increased supervision of and regulation of tattooing, tattoo studios and body piercing studios, certain amendments to the existing Chapter 100 of the Code of the Village of Fort Edward entitled "Zoning" are necessary and proper to promote the safety, health, protection and general welfare of the persons and property in the Village of Fort Edward.

SECTION 3. Moratorium Imposed; Applicability.

a. For a period of twelve (12) months following the effective date of the adoption of this Local Law, no application for any establishment or activity which would offer tattoo services or which would contain a tattoo parlor or body piercing parlor in the Village of Fort Edward shall be eligible for or receive any approval, whether preliminary, final or otherwise. This includes any application currently pending before the Planning Board or Zoning Board of Appeals.

b. During the period of this moratorium, the Village Board of Trustees shall take reasonable efforts to complete the necessary, review, study, analysis and revisions to Chapter 100 of the Code of Village entitled "Zoning" concerning the subject of tattooing services, tattoo parlors and body piercing parlors.

d. This moratorium may be extended by the Village Board of Trustees upon a finding of the necessity of such extension.

SECTION 4. Early Termination.

In the event that any new local law which addressed the substantive issues set forth in this

Local Law should be enacted by the Village Board of Trustees prior to the date that the moratorium imposed by this Local Law expires, then the moratorium imposed by this Local Law shall expire on the date that such new local law takes effect in accordance with Municipal Home Rule Law section 27 of New York State.

SECTION 5. Waivers.

- a. Should any owner of property affected by this moratorium suffer an unnecessary hardship in the way of carrying out the strict letter of this moratorium, then the owner of said property may apply to the Board of Trustees in writing for relief from strict compliance with this moratorium upon submission of proof of such unnecessary hardship. For the purposes of this moratorium, unnecessary hardship shall not be the mere delay in being permitted to make an application or waiting for a decision on the application for a building permit, subdivision map, land division, variance, special permit, change of zone, or other approval during the period of the moratorium.
- b. Substantive requirements. No relief shall be granted hereunder unless the Board of Trustees shall specifically find and determine and shall set forth in its resolution granting such exemption that:
 1. Failure to grant an exemption to the petitioner will cause the petitioner unnecessary hardship, which hardship is substantially greater than any harm to the general public welfare resulting from the granting of the exemption; and
 2. The grant of the hardship, even if the project or activity for which exemption is sought is approved, will clearly have no adverse effects upon any of the Village's goals or objectives in undertaking the community planning effort or in adopting this moratorium, including but not limited to effects resulting from uses detrimental to the community's resources or character, as officially adopted by the Village; and
 3. The project or activity for which the petitioner seeks an exemption is in harmony and consistent with any interim data or recommendations or conclusions may be drawn from the Village or community-planning effort then in progress
- c. Procedure. Upon submission of a written application to the Village Clerk by the property owner seeking relief from this moratorium, the Board of Trustees shall, within 30 days of receipt of said application, schedule a public hearing on said application upon five days' written notice in the official newspaper of the Village. At said public hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and the Board of Trustees shall, within 30 days of the close of said public hearing, render its decision either granting or denying the application for relief from the strict requirements of this moratorium. If the Board of Trustees determines that a property owner will suffer an unnecessary hardship if this moratorium is strictly applied to a particular property, then the Board of Trustees shall grant relief from the moratorium to the minimum extent necessary to provide the property owner relief from strict compliance with this moratorium. The Board of Trustees may impose any conditions on any such grant that is deemed necessary

SECTION 6. Default Approvals Abolished.

This Local Law specifically supercedes any and all provisions contained in the New York State Village Law and the New York State Environmental Conservation Law, which require action by the Village Planning Board or Zoning Board of Appeals within certain specified time periods. Further, notwithstanding any law, rule or regulation to the contrary, no approval for any service involving tattooing or tattoo parlors or body piercing parlors, which are the subject of this moratorium, shall be deemed granted or dispensed with as a result of the passage of time.

SECTION 7. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

SECTION 8. Effective Date.

This Local Law shall take effect immediately upon filing in the Office of the New York State Secretary of State.



STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

*Mr. Truitt
on tator
parlors*

DAVID A. PATERSON
GOVERNOR

LORRAINE A. CORTÉS-VÁZQUEZ
SECRETARY OF STATE

May 12, 2010

Patricia Ives
Clerk Treasurer
118 Broadway, PO Box 345
Fort Edward NY 12828

RE: Village of Fort Edward, Local Law 2, 2010, filed on May 12, 2010

Dear Sir/Madam:

The above referenced material was received and filed by this office as indicated.
Additional local law filing forms can be obtained from our website, www.dos.state.ny.us.

Sincerely,
State Records and Law Bureau
(518) 474-2755

