

# Local Law Filing

(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 Rockville Centre

Local Law No. 2 of the year 2023

(Insert Title)

**A local law to enact a temporary moratorium on approvals or permits for certain uses of real property in non-residential zoning districts in the Village of Rockville Centre.**

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

County  City  Town  Village  
(Select one:)

of Rockville Centre as follows:

Section one. Intent. The Board of Trustees (“Board”) of the Village of Rockville Centre (“Village”) is considering revisions to the zoning and other regulations of the Village, to be implemented by forthcoming legislation regulating, or prohibiting, certain businesses and uses of property in the Village. The Board of Trustees hereby finds and determines that if not properly regulated, such businesses and uses may be deleterious to the commercial business environment in the Village, create regulatory and law enforcement difficulties, and/or otherwise be inimical to the health, safety and welfare of the Village and its residents. For a reasonable period of time to permit the Board an opportunity to study and enact such legislation and regulations as may be determined to be appropriate and necessary, the Board deems it necessary to prevent any new such businesses or uses from obtaining vested rights to commence or continue operations, and to prevent existing such businesses and use from expanding or extending. It is the intention of this law to prohibit any such businesses or uses from commencing or expanding, and to prohibit any official, board or agency of the Village from issuing any approval or permit for commencement, expansion or extension during the term of this moratorium.

Section two.

(a) During the term of his moratorium, no official, board or agency of the Village shall issue any approval or permit for the commencement, or any alteration or expansion, of any new businesses or uses listed in section three of this law, or for the erection, construction, alteration or expansion of any building or structure used or to be used for any of the businesses or uses listed in section three of this law.

(b) During the term of this moratorium, no business or use of any property, building or structure in any non-residential zoning district of the Village for any of the businesses or uses listed in section three of this law shall commence or be expanded, extended or enlarged.

Section three. The businesses and uses which are the subject of the moratorium enacted by this law are any sole proprietorship, limited liability company, corporation, partnership or other entity or enterprise which is, in whole or in part, one or more of the following:

(a) Vaping business or electronic cigarette business , in which any part of the on premises activity is the sale or use of electronic cigarettes as defined in subdivision thirteen of section thirteen hundred ninety-nine-aa of the Public Health Law.

(b) Pawn shop.

Section four. Exemptions. In cases of hardship caused by the provisions of this law, the Board of Trustees may grant exemptions from the provisions of this law. No such exemption may be granted except (a) upon a public hearing before the Board of Trustees held, and notice given, in the same manner as required for public hearings before the Board of Appeals, and (b) upon a showing by the applicant that the provisions of this law have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Board that without such exemption, (1) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence; (2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood; (3) that the requested exemption, if granted, will not alter the essential character of the neighborhood; and (4) that the alleged hardship has not been self-created. In approving any exemption, the Board may impose reasonable conditions, and shall grant the minimum exemption that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

Section five. This law shall be applicable to any application pending at the effective date of this law for a permit, license, or other approval (including zoning variances or use permits) for any business or use listed in section three of this

law, and to any such business or use which prior to the effective date of this law has not lawfully obtained vested rights to commence or continue.

Section six. This local law and the moratorium enacted herein, shall take effect immediately as provided in the Municipal Home Rule Law, and shall remain in effect for a period of one year from such effective date, at which time it shall expire unless sooner extended. By resolution(s) adopted without a public hearing, the Board of Trustees may, (a) extend such moratorium for no more than two additional periods of six months each, and/or (b) terminate this moratorium at any time prior to its expiration.

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**(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 2023 of the ~~(County)(City)(Town)(Village)~~ of Rockville Centre was duly passed by the Board of Trustees on December 4, 2023, in accordance with the applicable *(Name of Legislative Body)* provisions of law.

**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.

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\* 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,  1  above.

*Nancy Howard*

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

(Seal)

Date:  December 4, 2023

