

Local Law No. E of 2023

**A LOCAL LAW AMENDING THE CITY OF HUDSON
COMMUNITY CHARACTER LAW**

**BE IT ENACTED BY THE COMMON COUNCIL OF THE CITY OF HUDSON AS
FOLLOWS:**

Section 1. Title. This Local Law shall be known as Local Law No. E for the year 2023.

Section 2. Legislative Findings.

The Common Council of the City of Hudson finds it that there has been a question as to the time at which a retail use is determined to be a Formula Retail Use as defined under the City's Community Character Law and that amendment to the law is necessary to ensure that this question is resolved to allow for the purpose of law to promote and preserve the character of the Hudson community while encouraging the development, expansion and/or retention of business organizations seeking to be a local force in the City's economy in a manner that does not harm public health, welfare and safety is effectively implemented.

Section 3. Legislative Intent.

It is the intent of the Common Council to amend Article XIV, Sections 325-43 and 325-46 of the Code for the City of Hudson to provide additional clarification as to when a prospective business use shall be deemed a formula retail use and its obligations to affirmatively disclose same to the City's permitting departments.

Section 4. Statement of Authority.

This local law is authorized by Article 2-A and section eighty-three of the General City Law, Municipal Home Rule Law Article 2, and section 325-40 of the Hudson City Code.

Section 5. Amendment.

A. **Section 325-43 of the City Code of the City of Hudson shall be amended as follows:**

The definition of "Formula Retail Use" is DELETED and REPLACED with

FORMULA RETAIL USE —A type of retail sales or service activity or retail sales or service establishment that has four or more other retail sales establishments in operation, or with pending applications for local land use or permit entitlements, or with local land use or permit entitlements approved for operation, located anywhere in the world. In addition to the four establishments either in operation or with local land use or permit entitlements applications pending or approved for operation the business maintains two or more of the following features: a standardized array of merchandise, a standardized facade, a standardized decor and color scheme, uniform apparel, standardized signage, a trademark or a service mark.

B. Section 325-46 (A) of the City Code of the City of Hudson shall be DELETED and REPLACED with:

A. Identification.

(1) In any written application for an approval, permit, license, variance or like determination or preference from or by the City (each and collectively an "approval"), an applicant therefor that is operating or plans to operate a formula retail use within the City as such use is defined in this chapter shall identify itself as a formula retail use in all correspondence with the City seeking or regarding such approval.

(2) In the event the City determines any such application pending before any agency of the City or the City itself is at the time of the application for a formula retail use and the applicant therefor has failed to identify itself as such on such application as required hereby, then that application shall be deemed to be incomplete as a matter of law and the approval sought thereby shall not issue until such oversight is cured by the applicant.

(3) In the event the City determines an approval issued pursuant to an application from an applicant that failed to identify itself as a formula retail use on such application as required hereby then any and all such approvals issued pursuant to such application shall be a nullity ab initio and subject the applicant to all penalties that may accrue hereunder.

(4) The determination of a use as a Formula Retail use shall be based on the status of applicant at the time of submission of an application to the City for an approval, permit, license, variance or like determination or preference from or by the City.

(5) Once the City has determined that a particular use is a formula retail use pursuant to this section, the burden to prove otherwise shall shift to the applicant or holder of the affected approval.

Section 6. Severability. The provisions of this local law are severable. If any provision of this local law is found invalid, such finding shall not affect the validity of this local law as a whole or any part or provision hereof other than the provision so found to be invalid.

Section 7. Effective Date. This local law shall take effect immediately upon its filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Introduced _____

Seconded _____

Approved _____

By _____

Kamal Johnson, Mayor