

"Emergency Free Air Law" Also Violates Zoning Case Law

19. The "Emergency Free Air Law" does not regulate the use and regulation of land and therefore it is an invalid zoning regulation.
20. All the following references to Rathkopf's The Law of Zoning and Planning are attached hereto as Exhibit 8.
21. "The zoning power, as limited by the statutory grant, must operate in relation to the use of land and not for the accomplishment of purposes extraneous to that relation. If safety factors or health measures require zoning controls, they must involve safety and health characteristics which relate to the land under the regulation." (ref: 1 Rathkopf's The Law of Zoning and Planning § 2.25, 4th ed.).
22. "To be valid, a zoning ordinance, or decision thereunder, must further a legitimate object and utilize a method of achieving it authorized by the state zoning enabling act." (ref. 1 Rathkopf's The Law of Zoning § 2.25, 4th ed.).
23. "Courts recognize that the zoning power is merely one category of the more general police power and, as such, is one specifically concerned and limited to regulation of the use of land within a jurisdiction." (ref: 1 Rathkopf's The Law of Zoning and Planning § 2.25, 4th ed.).