

Local Law No. \_\_\_\_ of 2021

## A Local Law Opting Out of Retail Dispensary and On-site Consumption of Cannabis

[DATE] \_\_\_\_\_, 2021

BE IT ENACTED by the Board of Trustees of the Village of Chatham, as follows:

### Section 1. Legislative Findings and Intent.

The State of New York enacted the New York State Cannabis Law, effective March 31, 2021, which provides for the licensing and establishment of, among other things, the retail sale and on-site consumption of certain cannabis-based products. Section one hundred thirty-one of such law authorizes any town, city, or village to enact a local law requesting that the New York State licensing body, the "Cannabis Control Board," prohibit the licensing of such cannabis establishments and thereby prohibit the establishment of cannabis retail sale dispensaries and on-site consumption establishment within the requesting municipality, provided a local law to such effect is enacted between March 31, 2021, the effective date of the Cannabis Law, and December 31, 2021, and further provided that such local law shall be subject to permissive referendum.

Section one hundred thirty-one of the Cannabis Law further provides that no law opting out of Cannabis licensing may be enacted by a municipality after December 31, 2021, but an "opt-out" law that is enacted prior to December 31, 2021 may later be repealed and rescinded. Therefore, the enactment of this local law is reversible, but a failure to enact this local law prior to December 31, 2021 cannot later be remedied.

The Board of Trustees of the Village of Chatham finds that the uncertainties about the potential effects of the permitting of cannabis retail sale and on-site consumption, as well as the zoning considerations that may be warranted in relation to establishments of such sale and consumption, invite further consideration before an irrevocable decision is made. Therefore, in the interest in prudence and to allow a period of time for careful consideration of the potential effects of cannabis establishments and of appropriate zoning or other permissible regulations as may be allowed under law, the Village Board of Trustees enacts this revocable local law requesting that licenses for cannabis retail and on-site consumption not be issued unless and until this local law is repealed.

### Section 2. Enacting as an unconsolidated local law of the Village of Chatham the "Opt-out" provision of section 131 of the New York State Cannabis Law, to request the cannabis control board to prohibit the establishment of retail dispensary licenses and/or on-site consumption licenses within the Village of Chatham.

As authorized by Section one hundred thirty-one of the New York State Cannabis Law, the Village of Chatham hereby requests the New York State cannabis control board to prohibit the establishment of retail dispensary licenses and/or on-site consumption licenses

contained in article four of the Cannabis Law, within the jurisdiction of the Village of Chatham.

Section 3. Authorization.

This local law is enacted pursuant to the provisions of section 131 of the New York Cannabis Law, the New York Municipal Home Rule Law and section 4-412 of the New York Village Law.

Section 4. Effective Date.

This local law shall take effect December 20, 2021, unless within thirty days after its adoption there be filed with the Village Clerk a petition signed and acknowledged by electors of the village in number equal to at least twenty per centum of such electors in the village, as shown on the register of electors for the previous general village election, protesting against its enactment and requesting that it be submitted to the electors of the Village for their approval or disapproval, in which case it shall take effect upon its approval by the affirmative vote of a majority of the qualified electors of such village voting on such proposition.