

Local Law No. ____ of 2022

A Local Law to Allow Retail Sale of Cannabis within the Village of Chatham

July 11, 2022

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. Pursuant to section one hundred thirty-one of such law, the Village of Chatham timely enacted a local law requesting that the New York State licensing body, the “Cannabis Control Board,” prohibit the licensing of such cannabis establishments, and the Village thereby prohibited the establishment of cannabis retail sale dispensaries and on-site consumption establishment within the Village of Chatham.

Subsequent to the enactment of such prohibition, the Board of Trustees of the Village of Chatham has determined that the presence of establishments for the retail sale of cannabis is not detrimental to, or in conflict with, the interest of the Village, subject to compliance with the Zoning Code of the Village of Chatham or other lawful local regulation, and hereby acts to allow the establishment of retail sales of cannabis within the Village.

Section 2. Repealing a portion of an unconsolidated local law of the Village of Chatham (Local Law No.1 of 2022 enacted November 8, 2021, “A Local Law Opting Out of Retail Dispensary and On-site Consumption of Cannabis”) so as to authorize the cannabis control board to grant retail dispensary licenses within the Village of Chatham.

The Village of Chatham hereby repeals the portion of Local Law No. 1 of 2022 enacted November 8, 2021 (“A Local Law Opting Out of Retail Dispensary and On-site Consumption of Cannabis”) that requested the New York State cannabis control board to prohibit the establishment of retail dispensary licenses. This local law consequently authorizes the New York State cannabis control board to issue licenses for the establishment of retail dispensaries within the Village of Chatham.

The portion of Local Law No. 1 of 2022 enacted November 8, 2021 (“A Local Law Opting Out of Retail Dispensary and On-site Consumption of Cannabis”) that requested the New York State cannabis control board to prohibit the establishment of on-site consumption licenses is expressly not repealed and such prohibition of on-site consumption establishments is to remain in effect and unimpaired by this local law.

Any cannabis retail dispensary to be established or for which a license is applied for shall be subject to the Zoning Code of the Village of Chatham and any other applicable local laws or regulations that may lawfully be enacted or established by 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. Unity of Law.

This local law is to be considered in its entirety and in the event any provision of such local law shall be found by a court of proper jurisdiction to be invalid or without effect, this entire local law shall thereby be made invalid and without effect.

Section 5. Effective Date.

This local law shall take effect August 15, 2022.