

## **PENDING APPROVAL**

### **TOWN OF PENDLETON LOCAL LAW NO. 01 OF THE YEAR, 2021**

#### **A LOCAL LAW ENTITLED: “A LOCAL LAW TO OPT-OUT OF THE LICENSURE AND ESTABLISHMENT OF A RETAIL DISPENSARY LICENSE AND/OR ON-SITE CONSUMPTION LICENSE IN THE TOWN OF PENDLETON”**

##### Section 1. Legislative Intent

It is the intent of this local law to request the Cannabis Control Board of the State of New York (“Cannabis Control Board”), as established pursuant to the New York Cannabis Law, Chapter 7-a of the Consolidated Laws of the State of New York (“Cannabis Law”), to permit the Town of Pendleton (“Town”) to opt out of allowing cannabis retail dispensaries and on-site cannabis consumption sites within the unincorporated areas of the Town of Pendleton, that would otherwise be allowed under Article 4 of the Cannabis Law.

The recently established Cannabis Law, Chapter 7-a provides in Article 6, §131 that the licensure and establishment of a retail dispensary license and/or on-site consumption license under the provisions of Article Four of Chapter 7-a shall not be applicable to a town, which, after the effective date of the Cannabis Law, which was March 31, 2021, and before December 31, 2021, adopts a local law, subject to permissive referendum as governed by §24 of the Municipal Home Rule Law of the State of New York, requesting the Cannabis Control Board to prohibit the establishment of such retail dispensary licenses and/or on-site consumption licenses contained in Article Four of the Cannabis Law, within the jurisdiction of the town.

The Pendleton Town Board finds that, at the current time, it is in the best interests of the residents of the Town of Pendleton to adopt a local law as per Cannabis Law §131 prohibiting and requesting the Cannabis Control Board to prohibit the establishment of retail dispensary licenses and on-site consumption licenses that would otherwise be allowed under Article 4 of the Cannabis Law. The Town Board finds that permitting such establishments without reviewing the unique and novel impact that the establishment of such businesses would have on the health, safety and welfare of the residents of the Town of Pendleton, given, among other things, the relative close proximity of commercial locations within which such establishments might be located to parks, school, churches and residential zones throughout the Town, coupled with as yet unresolved issues addressing enforcement of the new laws and guidelines related to cannabis use, would not be, at the current time, in the interests of Town residents. The Town adopts this local law in accordance with the timeframe and guidelines as set forth in Chapter 7-a, subsequent to March 31, 2021 and prior to December 31, 2021.

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### Section 2. Authority.

This local law is adopted pursuant to Cannabis Law § 131 which expressly authorizes a town board to adopt a local law requesting the Cannabis Control Board to prohibit the establishment of cannabis retail dispensary licenses and/or on-site consumption licenses within the jurisdiction of the town and is subject to a permissive referendum, the procedure of which is governed by Municipal Home Rule Law § 24.

### Section 3. Local Opt-Out

The Town Board of the Town of Pendleton hereby opts out from allowing the establishment of retail cannabis dispensaries and on-site cannabis consumption sites within the unincorporated areas of the Town and requests the Cannabis Control Board prohibit the licensing and establishment of such dispensaries and consumption sites within the unincorporated areas of Town of Pendleton.

### Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

### Section 5. Permissive Referendum

This local law is subject to a referendum on petition in accordance with Cannabis Law § 131 and the procedure outlined in Municipal Home Rule Law § 24.

### Section 6. Effective date.

This local law shall take effect in accordance with Municipal Home Rule Law §24, namely, forty-five days after its adoption and upon filing with the Secretary of State within twenty days after the time period for filing a petition in accordance with Municipal Home Rule §24 has expired. In the event a valid petition protesting against this local law is filed within forty-five days after its adoption, then this local law shall not be effective until approved by the affirmative vote of a majority of the qualified electors of the Town of Pendleton voting on a proposition for its approval in accordance with the requirements of Municipal Home Rule Law §24.

Ayes \_\_\_ Nays\_\_\_

Dated: December 13 , 2021