

LOCAL LAW NO. 3 OF 2021

ESTABLISHING CHAPTER 102 OF THE VILLAGE CODE, RELATING TO THE PROHIBITION OF RETAIL DISPENSARIES AND ON-SITE CONSUMPTION SITES WITHIN THE VILLAGE, AS AUTHORIZED BY N.Y.S. CANNABIS LAW ARTICLES 4 AND 6.

BE IT ENACTED by the Village Board of the Village of Suffern as follows:

Section 1: The Village Board of the Village of Suffern hereby adopts a new Chapter 102 of the Village Code, entitled “Cannabis”, initially for the purpose of requesting that the N.Y.S. Cannabis Control Board prohibit the establishment of retail dispensary licenses and/or on-site consumption licenses contained in Article 4 of Chapter 7-a within the jurisdiction of the Village of Suffern as authorized by Article 6 thereof. As adopted, this Local Law shall read as follows:

CHAPTER 102

CANNABIS

ARTICLE I

Village Opt-out

§ 102-1. Legislative intent.

- A. The newly established N.Y.S. Cannabis Law, Chapter 7-a of the Consolidated Laws of the State of New York, provides at Article 6, § 131, that the licensure and establishment of a retail dispensary license and/or on-site consumption license under the provisions of Article 4 of Chapter 7-a shall not be applicable to a town, city or village which, after the effective date of the chapter and before December 31, 2021, adopts a local law, subject to permissive referendum governed by § 24 of the Municipal Home Rule Law, requesting the cannabis control board to prohibit the establishment of such retail dispensary licenses and/or on-site consumption licenses within the jurisdiction of the town, city or village.
- B. It is the intent of this article that the Village of Suffern opt out from allowing cannabis retail dispensaries and on-site cannabis consumption sites in the Village that otherwise would be allowed under Cannabis Law Article 4.
- C. More specifically, the Village Board finds that permitting such establishments, without careful review of the unique impact of such premises on the health, safety and welfare of the residents of the Village given, among other things, the generally small size of the Village, and the relative close proximity of the commercial locations within which such establishments might be located to parks, schools, religious institutions, and residential zones throughout the Village, coupled with as yet unresolved issues addressing enforcement of the new laws and guidelines related to

cannabis sale and use, would not be, at the current time, in the interests of Village residents.

§ 102-2. Authority.

This article is adopted pursuant to N.Y.S. Cannabis Law § 131, which expressly authorizes the Village 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 Village, subject to a permissive referendum.

§ 102-3. Local opt-out.

The Village Board of the Village of Suffern hereby opts out from allowing the establishment of cannabis retail dispensaries and on-site cannabis consumption sites within the Village and requests that the Cannabis Control Board prohibit such dispensaries and consumption sites within the Village.

§ 102-4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Article I of Chapter 102, 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 article, 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.

§ 102-5. Permissive referendum; referendum on petition.

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

Section 2: Effective date. This local law shall take effect in accordance with Municipal Home Rule Law § 24(1)(b) and Village Law § 9-902, *namely*, thirty days after its adoption and upon filing with the Secretary of State or upon approval by the affirmative vote of a majority of the qualified electors of the Village of Suffern voting on a proposition for its approval if 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 such act or resolution and requesting that it be submitted to the electors of the Village for their approval or disapproval.