

**TOWN BOARD
TOWN OF SOUTHEAST, NEW YORK**

**LOCAL LAW – PROHIBITION OF MARIHUANA
DISPENSARIES & CONSUMPTION ESTABLISHMENTS**

RESOLUTION NO. 30 /2021

DATE: May 6, 2021

INTRODUCED BY: Supervisor Hay

SECONDED BY: Councilman Alvarez

WHEREAS, a resolution having been adopted by the Town Board of the Town of Southeast for a public hearing to be held by said Town Board to hear all interested parties on a proposed local law which would amend the Code of the Town of Southeast to prohibit the establishment of dispensaries for the recreational sales of marihuana / cannabis and/or the establishment of marihuana / cannabis consumption establishments within the boundaries of the Town of Southeast; and

WHEREAS, notice of said public hearing was advertised in an official newspaper of the Town of Southeast in the manner prescribed by law; such public hearing was held on April 22, 2021; and all interested persons were given an opportunity to be heard at that time; and

WHEREAS, it is the sense of this Town Board that the proposed local law will help promote the general health, safety and welfare of the public.

NOW, THEREFORE, BE IT

RESOLVED, the Town Board of the Town of Southeast hereby adopts Local Law No. 1 of 2021 pursuant to the Municipal Home Rule Law amending the Town Code by enacting an unconsolidated chapter entitled “PROHIBITION OF MARIHUANA DISPENSARIES AND CONSUMPTION ESTABLISHMENTS”; and be it further

RESOLVED, that the adoption of this Local Law is subject to PERMISSIVE REFERENDUM; and be it further

RESOLVED, that the Town Clerk be and hereby is authorized and directed to (a) enter said Local Law in the minutes of this meeting; and (b) shall forthwith cause to be published a NOTICE OF ADOPTION OF LOCAL LAW SUBJECT TO PERMISSIVE REFERENDUM in an official newspaper of the Town; and (c) forty-five (45) days having passed with no valid petition for referendum having been filed or after the holding of such referendum and such local law having been upheld, give due notice of the adoption of said local law by filing such with the Secretary of State of New York within the time required by law.

UPON A ROLL CALL VOTE:


Councilman Alvarez	<u>Aye</u>
Councilman Larca	<u>Aye</u>
Councilman Lord	<u>Nay</u>
Councilman O'Connor	<u>Aye</u>
Supervisor Hay	<u>Aye</u>

VOTE: Resolution passed, by a vote of 4, to 1, 0 abstained.

TOWN CLERK'S CERTIFICATION

STATE OF NEW YORK)
 : ss.:
COUNTY OF PUTNAM)

I, MICHELE STANCATI, Town Clerk of the Town of Southeast, do hereby certify that the above is a true and exact copy of a Resolution adopted by the Town Board of the Town of Southeast at a meeting of said board held the 6th day of May 2021.



MICHELE STANCATI
Town Clerk

PROPOSED LOCAL LAW NO. 1 /2021

AN ACT to Prohibit the Establishment of Marihuana Dispensaries and/or On-Site Marihuana Consumption Establishments within the Town of Southeast.

Section 1. Legislative Intent. On March 31, 2021 the Governor of the State of New York signed into law the Marihuana Regulation and Taxation Act (“MRTA”), Chapter 92 of the Laws of 2021, which legalized the adult recreational sales and use of Marijuana and Marihuana products within the State of New York. MRTA allows localities to “opt out” of permitting adult recreational sales of Marihuana products or the establishment of on-site recreational Marihuana consumption premises within their borders provided a local law is adopted on or before December 31, 2021 declaring such are prohibited. It is hereby found and determined by this town board that the detriments to be caused by the legalization of recreational sales of Marihuana products far exceed the benefits presented to Town of Southeast and its residents and, therefore, the establishment of adult recreational marihuana dispensaries and on-site consumption establishments should be prohibited within the municipal boundaries of the Town of Southeast.

Section 2. Marihuana Sales Prohibited. There shall be no establishment of Marihuana Sales Dispensaries and/or on-site marihuana consumption establishments within the municipal boundaries of the Town of Southeast.

Section 3. Permissive Referendum. This local law is subject to Permissive Referendum as provided by law.

Section 4. Severability. If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged 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, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. Effective Date. This local law shall take effect immediately upon filing in the Office of the Secretary of State.