

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
(Select one.)

FILED  
STATE RECORDS

of West Haverstraw

AUG 26 2021

DEPARTMENT OF STATE

Local Law No. 5 of the year 2021

A local law ESTABLISHING CHAPTER 88 OF THE VILLAGE CODE, ENTITLED "CANNABIS",  
(Insert Title)  
SPECIFICALLY 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 BOARD OF TRUSTEES of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of WEST HAVERSTRAW

as follows:

(SEE ATTACHED).

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 5 of 2021 of the ~~(County)(City)(Town)~~(Village) of WEST HAVERSTRAW was duly passed by the BOARD OF TRUSTEES on JULY 21 2021, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted *(Elective Chief Executive Officer\*)* on \_\_\_\_\_ 2021, in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. *(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

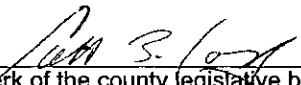
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_ above.

  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 8/23/2021

(Seal)



**LOCAL LAW NO. 5 OF 2021**

**ESTABLISHING CHAPTER 88 OF THE VILLAGE CODE, ENTITLED “CANNABIS”, SPECIFICALLY 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 West Haverstraw as follows:

*Section 1:* The Village Board of the Village of West Haverstraw hereby adopts a new Chapter 88 of the Village Code, entitled “Cannabis”, specifically codifying the Village Board’s intent to opt-out from allowing cannabis retail dispensaries and on-site consumption sites within the Village, and requesting the N.Y.S. Cannabis Control Board to prohibit such retail dispensaries and on-site consumption sites within the Village. As adopted, this Local Law shall read as follows:

**CHAPTER 88**

**CANNABIS**

**ARTICLE I**

**Village opt-out**

**88-1. Legislative intent.**

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 section 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.

It is the intent of this Article to codify that the Village Board of the Village of West Haverstraw opts-out from allowing cannabis retail dispensaries and on-site cannabis consumption sites within the Village that otherwise would be allowed under Cannabis Law Article 4, and requesting the N.Y.S. Cannabis Control Board to prohibit such retail dispensaries and on-site consumption sites within the Village.

More specifically, the Village Board finds that permitting such establishments without careful review of the unique impact of such establishments on the health, safety and welfare of the residents of the Village given, among other things, the generally small size of the Village of West Haverstraw, and the relative close proximity of the various commercial locations within which such establishments might be located to parks, schools, churches 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, at the current time, would not be in the interests of Village residents.

#### **88-2. 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.

#### **88-3. Local Opt-Out**

The Village Board of the Village of West Haverstraw, by this Chapter and Article, hereby declares its decision to opt 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.

#### **88-4. Severability.**

If any clause, sentence, paragraph, subdivision, or part of this Article I of Chapter 88, or the application thereof to any person, firm or corporation, or circumstance, shall be ordered and 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, 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.

#### **88-5. Permissive Referendum/Referendum on Petition**

This Article and the local law by which it is adopted is 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 West Haverstraw 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.