

# 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:)

of HEWLETT BAY PARK

Local Law No. 1 of the year 2022

A local law OPTING OUT OF LICENSING AND/OR ESTABLISHING RETAIL CANNABIS  
(Insert Title)  
DISPENSARIES AND/OR ON-SITE CANNABIS CONSUMPTION ESTABLISHMENTS  
WITHIN THE VILLAGE OF HEWLETT BAY PARK

Be it enacted by the BOARD OF TRUSTEES of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one:)

of HEWLETT BAY PARK as follows:

Section 1. The Code of the Village of Hewlett Bay Park is hereby amended, by adding thereto a new Chapter, to be Chapter 63, to read as follows:

" Chapter 63. Cannabis.

Article 1. Opt Out of State Licensing.

§63-1. Legislative Intent. It is the policy and intent of the Village of Hewlett Bay Park ( " Village " ) to prohibit the licensing and establishment of retail cannabis dispensaries and/or on-site cannabis consumption establishments within the Village. By the enactment of this chapter, the Board of Trustees is exercising its authority to request, and is requesting, the New York State cannabis control board to prohibit the establishment within the Village of such retail dispensary licenses and/or on-site consumption licenses otherwise authorized pursuant to article four of the New York Cannabis Law.

§63-2. Authority. This article is enacted pursuant to New York Cannabis Law § 131, which grants authority to the Village to opt-out, and thereby prohibit, the issuance of licenses for, and the operation of, retail cannabis dispensaries and/or on-site cannabis consumption establishments in the Village. This article is intended to exercise the said authority of the Village to the maximum permissible extent.

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

§63-3. Local Cannabis Retail Dispensary and/or On-Site Consumption Opt-Out and Prohibitions.

- A. To the fullest extent permitted by law, the Village of Hewlett Bay Park hereby opts-out of licensing and establishing cannabis retail dispensaries and/or cannabis on-site consumption establishments within the Village of Hewlett Bay Park.
- B. On and after the effective date of this section, no governmental agency shall approve or issue any license or other authority to permit, establish or operate any cannabis retail dispensary and/or cannabis on-site consumption establishment within the Village of Hewlett Bay Park.
- C. No property or premises in the Village may be operated or used, in whole or in part, for a cannabis retail dispensary and/or cannabis on-site consumption establishment, as those terms are defined in the New York Cannabis Law.”

Section 2. Severability. If any court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, 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 3. Effective date. This local law shall take effect immediately upon filing with the Secretary of State pursuant to the Municipal Home Rule Law. Pursuant to the provisions of Cannabis Law § 131, this local law is subject to a permissive referendum and may not be filed with the Secretary of State until either (a) the applicable time period has elapsed to file a petition for a referendum, and no such petition has been timely filed, or (b) if such a petition has been timely filed, a referendum has been conducted approving this local law.

**(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. 1 of 2022 of the ~~(County)(City)(Town)~~(Village) of HEWLETT BAY PARK was duly passed by the BOARD OF TRUSTEES on DECEMBER 20 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 \_\_\_\_\_ 2022, 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. 1 of 2022 of the ~~(County)(City)(Town)~~(Village) of HEWLETT BAY PARK was duly passed by the BOARD OF TRUSTEES on DECEMBER 20 2021, and was ~~(approved)(not approved)~~ *(Name of Legislative Body)* ~~(repassed after disapproval)~~ by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local *(Elective Chief Executive Officer\*)* law was subject to permissive referendum and no valid petition requesting such referendum was filed as of JANUARY 20 2022, 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.

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

Date: February 8, 2022

(Seal)