

2023-2 Cannabis Marijuana Retail Sales

Section One:

Cannabis/marijuana retail sales and lounges.

Section Two:

- A. Definitions. As used in this section, the following terms shall have the meanings indicated:
1. **MARIJUANA ESTABLISHMENT:** A marijuana retailer or any other type of licensed marijuana-related business, or any combination thereof at a single location.
 2. **MARIJUANA LOUNGE:** An entity or individual licensed for the sale and on-site consumption of marijuana products.
 3. **MARIJUANA PRODUCTS:** Products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.
 4. **MARIJUANA RETAILER:** An entity or individual licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.
- B. Findings. The Town of Potsdam finds that the orderly development of commercial business is essential to maintaining and protecting the health, safety and welfare of the residents of the Town. Businesses which cater to adults should be located and regulated in order to minimize the impact to residents.
- C. Purpose:
1. To provide for the placement of marijuana establishments in appropriate places.
 2. To minimize the adverse impacts of marijuana establishments on residential neighborhoods, schools, and other places where children commonly congregate.
 3. To regulate the siting, design, placement, security, safety, monitoring, and modification of marijuana establishments.
- D. Applicability. These regulations shall apply to all structures and uses of retail sales and/or consumption lounges where marijuana can be purchased or consumed.
1. No marijuana establishment shall be established except in compliance with the provisions of this chapter.
 2. When a marijuana establishment is created in an existing building, regardless of prior site plan (including approval for retail sales on the property), that establishment will apply to the Planning Board for special use permit/site plan review for that use. Final approval of the special use permit/site plan review will be the responsibility of the Potsdam Town Board.

3. Location: No marijuana establishments will be allowed in an R-1 Zone.

E. Special permit approval criteria

1. All marijuana establishments shall be contained within a building or structure.
2. The hours of operation of marijuana establishments are 10 a.m. – 10 p.m.
3. Marijuana establishments shall not be located within a 500-foot radius from:
 - a. Any school pre-k through 12;
 - b. Any day-care center, or any facility where children commonly congregate. A facility is not, however, limited to a building. A "facility where children commonly congregate" includes, but is not limited to, facilities in which children gather for particular purposes in a structured and scheduled manner, or which are dedicated to the use by children, such as playgrounds, park facilities, youth service programs, day-care centers, youth sports facilities, dance schools, and gymnastic schools;
 - c. Any other marijuana establishment;
 - d. Any drug or alcohol rehabilitation facility;
 - e. Any correctional facility, half-way house or similar facility.
 - f. Any building containing a place of worship.
4. No marijuana establishment shall be located inside a building containing residential units, including transient housing such as motels and dormitories.
5. Marijuana establishments shall be located within a permanent building and may not be located in a trailer, cargo container, motor vehicle or other similar nonpermanent enclosure.
6. No outside storage of marijuana, related supplies or promotional materials is permitted.
7. No smoking or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of a marijuana retailer. No burning of any product containing marijuana or marijuana-related products shall be permitted on the premises of a marijuana retailer.

F. Site plan review shall be required along with special use permit and shall include appropriate elements from § 306-29 of this Town of Potsdam Code.

G. Signs

1. Size of sign shall be dictated relative to the zone where the marijuana establishment is located per § 306-9 H of this Town of Potsdam Code.
2. No image depicting any part of a marijuana plant or any product or use of the marijuana plant shall be allowed on the sign.

H. State approval. All marijuana lounges and marijuana retailers approved pursuant to this section must be licensed in accordance with New York State Cannabis Law Article IV, Use Cannabis.

I. Authorization. This section is authorized under New York State Cannabis Law Article VI, § 131.

Section Three:

Severability

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

Section Four:

Effective Date

This Local Law shall be effective immediately upon being filed with the New York State Secretary of State.

ADOPTED: 4/11/2023