

**Resolution #156-21, October 18, 2021**

**Adopt Local Law 1 of 2021, Opting out of Licensing and establishing retail Cannabis dispensaries and on-site Cannabis consumption establishments.**

**By Mr. Bush**

**Seconded by Mr. Allison**

WHEREAS, the Town of Elmira Town Board wishes to adopt a local law to opt out of licensing and establishing retail cannabis dispensaries and on-site cannabis consumption establishments within the Town of Elmira;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Elmira, County of Chemung, State of New York hereby schedules a public hearing for Local Law No. 1 of 2021 as set forth herein on October 18, 2021, at 7:00 p.m., or as soon thereafter can be heard, at the Town of Elmira Town Hall located at 1255 W. Water Street, Elmira, New York 14905 and said Local Law is as follows:

**PROPOSED LOCAL LAW NO. 1 OF 2021, OPTING OUT OF LICENSING AND ESTABLISHING RETAIL CANNABIS DISPENSARIES AND ON-SITE CANNABIS CONSUMPTION ESTABLISHMENTS**

**Section 1. Legislative Intent.**

It is the intent of this local law to opt the Town of Elmira out of hosting retail cannabis dispensaries and on-site cannabis consumption establishments within its boundaries.

**Section 2. Authority.**

This local law is adopted pursuant to Cannabis Law § 131, which expressly authorizes towns to opt out of allowing retail cannabis dispensaries and on-site cannabis consumption establishments to locate and operate within their boundaries, provided, however, that any town law shall apply to the area outside any village within such town.

**Section 3. Local Retail Cannabis Dispensaries and On-Site Cannabis Consumption Opt-Out.**

The Town Board of the Town of Elmira, County of Chemung, State of New York, hereby opts out of licensing and establishing retail cannabis dispensaries and on-site cannabis consumption establishments within its boundaries.

**Section 4. Severability.**

If a 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 5. Effective Date.**

This local law shall take effect immediately upon filing with the Secretary of State. Pursuant to Cannabis Law § 131, this local law is subject to a permissive referendum and thus, may not be filed with the Secretary of State until the applicable time period has elapsed to file a petition or a referendum has been conducted approving this local law.

**BY ORDER OF THE TOWN BOARD OF THE TOWN OF ELMIRA.**

Aye- Bush, Milliken, Lucarelli, Allison, Sullivan

No- None