

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.

FILED
STATE RECORDS

**Village of Holley
County of Orleans**

DEC 21 2021

Local Law No. 2 of the year 2021. DEPARTMENT OF STATE

**A LOCAL LAW OPTING OUT OF ADULT USE CANNABIS RETAIL
DISPENSARIES AND ON-SITE CONSUMPTION SITES**

Be it enacted by the Board of Trustees of the Village of Holley as follows:

Local Law No. 2 of the Laws of 2021 of the Village of Holley

WHEREAS, on March 31, 2021, the NYS Cannabis Law became effective; and,

WHEREAS, one provision of the NYS Cannabis Law involves the prospect of cannabis dispensaries and on-site cannabis consumption sites. However, the State of New York is currently working on guidelines and requirements necessary for certifications to operate dispensaries and consumption sites; and,

WHEREAS, despite the lack of uniform certification requirements, the State of New York has set December 31, 2021 as the deadline for municipalities to opt out of permitting cannabis dispensaries and on-site cannabis consumption sites in their jurisdiction; and,

WHEREAS, in the event a municipality does not opt out of the provisions set forth in the NYS Cannabis Law, it cannot do so after the deadline. However, if a municipality properly opts out, that same municipality can opt back in once at any time in the future; and,

WHEREAS, it is very important for the Village of Holley Board of Trustees to study the pros and cons of permitting cannabis dispensaries and on-site cannabis consumption sites in the Village of Holley, or to consider allowing these business, but to regulate zoning aspects related thereto similar to other businesses in the Village of Holley. It is the Village of Holley Board of Trustees' position those considerations cannot be adequately raised, analyzed and decided by its respective boards, prior to the December 31, 2021 deadline; and,

WHEREAS, it is in the public interest for the Village of Holley to study and consider all aspects of cannabis dispensaries and on-site cannabis consumption sites in the Village of Holley. The only way to adequately do so is to opt out of

Proposed Local Law Opting Out of Adult Use Cannabis Consumption Sites

Local Law No. 3 of the year 2021

A local Law to opt out of allowing on-site consumption sites as authorized under Cannabis Local Law Article 4

Be it enacted by the Town Board of the Town of Gardiner, County of Ulster as follows:

Section 1. Legislative Intent

It is the intent of this local law to opt out of allowing on-site cannabis consumption sites in the Town of Gardiner that would otherwise be allowed under Cannabis Law Article 4.

Section 2. Authority

This local law is adopted pursuant to Cannabis Law § 131 which expressly authorizes the town board to adopt a local law requesting the Cannabis Control Board to prohibit the establishment of cannabis retail dispensary licenses within the jurisdiction of the town and is subject to a permissive referendum, the procedure of which is governed by Municipal Home Rule Law § 24.

Section 3. Local Opt-Out

The Town Board of the Town of Gardiner hereby opts out of allowing on-site cannabis consumption from being established and operated within the town's jurisdiction.

Section 4. Severability

If any clause, paragraph, subdivision or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order of judgement 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 Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgement or order shall be rendered.

Section 5. Permissive Referendum/Referendum on Petition

This local Law is subject to a referendum of petition in accordance with Cannabis Law § 131 and the procedure outlined in Municipal Home Rule Law § 24.

Section 6. This local law shall take effect immediately upon filing with the Secretary of State.

allowing cannabis retail dispensaries, and on-site cannabis consumption sites, in the Village of Holley, and

NOW, THEREFORE be it resolved that the following proposed local law be published for public review in accordance with the NYS Cannabis Law § 131 and the NYS Village Law, and that a public hearing was held thereupon on the 9th day of November, 2021, for the purposes of consideration of adoption of the proposed local law which reads as follows:

I. LEGISLATIVE INTENT: - It is the intent of this local law to opt out of allowing cannabis retail dispensaries, and on-site cannabis consumption sites, in the Village of Holley that would otherwise be allowed under NYS Cannabis Law Article 4.

II. AUTHORITY: This local law is adopted pursuant to Cannabis Law §131 which expressly authorizes a municipality 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 and is subject to a permissive referendum, the procedure of which is governed by NYS Municipal Home Rule § 24.

III. LOCAL OPT-OUT: The Village Board of the Village of Holley, County of Orleans, hereby opts out of allowing cannabis retail dispensaries, and on-site cannabis consumption sites, from being established and operated within the village's jurisdiction.

IV. SEVERABILITY: If any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted 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 Local Law or in its application to the person, individual, firm or corporation or circumstances, directly involved in the controversy in which such judgement or Order shall be rendered.

V. PERMISSIVE REFERENDUM/REFERENDUM ON PETITION: This local law is subject to a referendum on petition in accordance with NYS Cannabis Law § 131 and the procedure outlined in NYS Municipal Home Rule Law § 24.

VI. EFFECTIVE DATE: This Local Law shall take effect immediately upon filing with the Secretary of State.

(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 here, designated as local law No. 2 of 2021 of the Village of Holley was duly passed by the Village Board on December 14, 2021, in accordance with the applicable provisions of law.

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)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption referendum)

I hereby certify that the local law annexed hereto, designated local law No. _____ of 20____ of the County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote 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 local law No. _____ of 20____ of the County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(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.

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

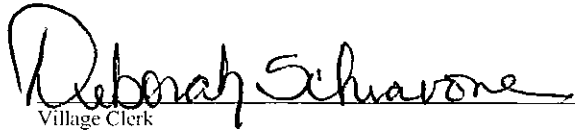
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 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 __6__, above.


Village Clerk

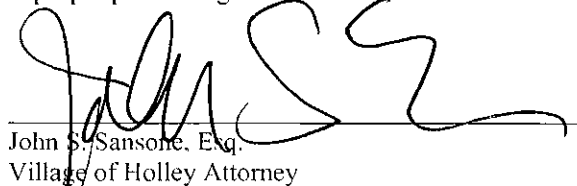
Date: 12/14/21

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK)
)SS:
COUNTY OF NIAGARA)

I, the undersigned, JOHN S. SANSONE, ESQ., Village of Holley Attorney, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been taken for the enactment of the local law annexed hereto.


John S. Sansone, Esq.
Village of Holley Attorney

Date: 12/14/21