

Local Law Filing

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(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 x Village

(Select One)

of Island Park

Local Law No. 2 of the year 2019

A local law amending Zoning Ordinance No. 51, is hereby adopted to read as follows:

LOCAL LAW AMENDING ZONING ORDINANCE No. 51 OF THE VILLAGE CODE ENTITLED
“ZONING”

Section 1. Legislative Intent.

The Village Board has recognized that several states, in addition to permitting the distribution of medical marijuana, have also permitted the distribution of marijuana for recreational purposes. The Village Board also recognizes that the legalization of marijuana in New York is a subject of current discussion and community forums organized by the State, and that the New York State Commissioner of Health has recommended that the recreational use of marijuana be considered for legalization in New York. The Village Board has found that Village residents are greatly concerned about the retail sale of marijuana in the Village if it should become legal in New York. Accordingly, it is the intent of the Village Board to prohibit the retail sale, distribution or offer of consumption of marijuana in all Village use districts.

Section 2. Definitions.

- A. Marijuana: the term “Marijuana” shall have the same definition ascribed to “Marijuana” in §3302 of the New York Public Health Law.

- B. Marijuana Retail Store: A building, structure or premises engaged in the sale, use or distribution of Marijuana and/or Marijuana Products for non-medical use. A building, structure or premises shall be considered a Marijuana Retail Store regardless of whether products in addition to Marijuana Products are offered for sale, use or distribution at the building, structure or premises and regardless of the amount of Marijuana or Marijuana Products available for sale, use or distribution at the building, structure or premises in comparison to other products offered for sale, use or distribution at the building, structure or premises.

- C. Marijuana Product: Marijuana and/or any material, substance or other thing derived (in any manner) from Marijuana or which contains Marijuana as a component part in any amount or concentration.

- D. Medical Marijuana: the term “Medical Marijuana” shall have the same definition ascribed to Medical Marihuana in § 3360 of the New York Public Health Law.

- E. Medical Marijuana Dispensary: A building, structure or premises authorized by the New York State Department of Health to dispense or distribute Medical Marijuana in accordance with Article 33 of the Public Health Law and Part 1004 of Title 10 of the New York Codes, Rules and Regulations.

Section 2. Prohibitions

- A. No building, structure or premises approved or used as a Medical Marijuana Dispensary pursuant to Article 33 of the New York Public Health Law may be used as a Marijuana Retail Store.

- B. No building, structure or premises within any use district in the Village of Island Park may be used for the sale, distribution or offer for consumption of Marijuana or Marijuana Products in a retail setting or environment for non-medical use. The sale, distribution or offer for consumption of Marijuana and/or Marijuana Products as prohibited in this section shall be prohibited regardless of whether products in addition

to Marijuana Products are offered for sale, distribution or consumption at the building, structure or premises and regardless of the amount of Marijuana or Marijuana Products available for sale, distribution or offer for consumption at the building, structure or premises in comparison to other products offered for sale, use or consumption at the building, structure or premises.

Section 3. Enforceability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person or circumstance shall be 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 or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

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

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

County City Town x Village
(Select One)

of Island Park as follows:

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