

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 Marion

FILED
STATE RECORDS

OCT 17 2023

DEPARTMENT OF STATE

Local Law No. 6 of the year 20 23

A local law Amend Code of Marion -
(Insert Title) Add Chapter 130: Cannabis

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of Marion **Town of Marion** as follows:

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

(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. 6 of 20 23 of the (County)(City)(Town)(Village) of Marrion was duly passed by the Marrion Town Board on October 10 20 23, 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) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 20 [] [], 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) (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. _____ 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.

* 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.)

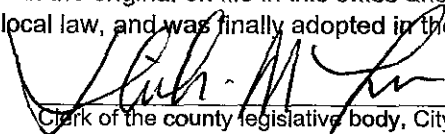
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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



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

Date: 10-13-2023

(Seal)



TOWN OF MARION
3823 North Main Street
PO Box 260
Marion, NY 14505
hlevan@townofmarionny.com

Heidi M. Levan
Town Clerk/Tax Collector/Notary Public/Registrar

Office: 315-926-4271
Fax: 315-926-3502

**Resolution #1008-23 Authorize Local Law #6-2023 Amend Code of Marion
– Add Chapter 130: Cannabis**

On a motion by Councilman Bliet and seconded by Councilman Cramer

ADOPTED: Long Roll:

Councilman Bliet – Aye
Councilman Lonneville - Aye
Councilwoman Herman – Aye
Councilman Cramer – Aye
Supervisor Bender – Aye

Ayes: 5

Abstained: 0

Nays: 0

The following resolution was adopted

WHEREAS, a Public Hearing was held on October 10, 2023 to amend the Code of Marion to add Chapter 130 Cannabis; now

BE IT RESOLVED, Chapter 130: Cannabis

§ 130-1 Authority

The adoption of this chapter is in accordance with Cannabis Law § 131, which expressly provides that the licensure and establishment of adult use cannabis retail dispensaries and on-site consumption sites shall not be applicable where a municipality adopts a local law requesting that the Cannabis Control Board prohibit the establishment of cannabis retail dispensary licenses and/or on-site consumption licenses within the jurisdiction of the Town of Marion

§ 110-2 Title and Purpose

This chapter shall be known as and may be cited as “Local Law No. 6 of 2023 to Opt Out of Cannabis On-Site Consumption Sites”; and it’s purpose is to opt out of allowing on-site consumption sites in the Town of Marion.

§ 110-3 Legislative intent and findings

New York State, through its Cannabis Control Board, has committed to implementing regulations governing the licensure and other related details for adult use cannabis retail dispensaries and on-site consumption sites, which are governed by newly implemented cannabis laws in New York. However,

New York has failed to develop or provide such regulations at this time. Such regulations will provide context and insight into the details of licensure and operation of these establishments. While the regulation and impacts of retail dispensaries may be reasonably anticipated by considering, for example, the similar impacts of liquor/alcohol sales, there are fewer corollaries by which to assess on-site consumption sites, particularly given that they are likely to include on-site smoking of a controlled substance and given that the Clean Indoor Air Act otherwise prohibits indoor smoking in public spaces. The Town of Marion thus feels that it would be premature to permit on-site consumption sites in Town without first observing and understanding the regulations which will govern them. As such, the Marion Town Board hereby finds and hereby determines that, pursuant to Cannabis Law § 131, it shall out out of allowing cannabis on-site consumption sites that would otherwise be allowed pursuant to NY cannabis law at this time.
; and

Article IX

§ 308-46: Special Permits

(14) Cannabis Retail Dispensaries in Marion (See §308-6, the definition of ‘Cannabis Retail Dispensaries’)

Cannabis retail dispensaries are only permitted in the A-C, B-1 and I-1 District upon the issuance of a special use permit. In addition to the special use permit procedures and standards set forth by Article IX herein, the issuance of a special use permit for a cannabis retail dispensary shall also require the following:

A. State approvals. Any approval of a cannabis retail dispensary shall be conditioned upon obtaining any required state or governmental approvals, including but not limited to licensure by the NYS Cannabis Control Board.

B. Increased Buffer. Licensed retail businesses engaging in the Transfer, Distribution, or Sale of Cannabis shall be a permitted use in any A-C, B-1 and I-1 District, provided that:

(1) Said licensed retail business engaging in the Transfer, Distribution, or Sale of Cannabis may not be operated within 500 feet of:

- (a) A church, synagogue or regular place of worship.
- (b) A public or private elementary, secondary school or licensed child day-care center.
- (c) A boundary of any residence or residential zoning district.
- (d) A public park.

(2) Said licensed retail business engaging in the Transfer, Distribution, or Sale of Cannabis may not be operated within 1,000 feet of another subject licensed retail business engaging in the Transfer, Distribution, or Sale of Cannabis or on the same lot or parcel of land as another adult use, as defined in Chapter 96 of the Code of the Town of Marion.

(3) A licensed retail business engaging in the Transfer, Distribution, or Sale of Cannabis may not be operated in the same building, structure or portion thereof containing an adult use, as defined in Chapter 96 of the Code of the Town of Marion, or another retail business engaging in the Transfer, Distribution, or Sale of Cannabis.

B-2. For the purposes of this chapter, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where a retail business engaging in the Transfer, Distribution, or Sale of Cannabis

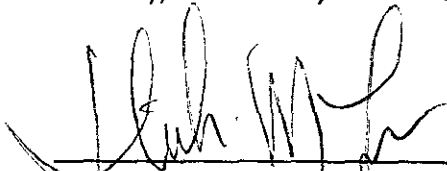
is conducted to the nearest property line of the premises of a church or public or private elementary, secondary school or licensed child day-care center or to the nearest boundary of an affected public park, residential district or residential lot.

B-3. For the purposes of this chapter, the distance between any two subject licensed retail businesses engaging in the Transfer, Distribution, or Sale of Cannabis shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

C. Hours of Operation. No cannabis retail dispensary shall operate outside the hours of 07:00AM (0700 Hours, EST) to 08:00PM (2000 Hours, EST) in the Town of Marion.

BE IT RESOLVED, that the Marion Town Board directs the Clerk of the Board to give a copy of this resolution to Nikki Lawson, Adrienne Compton and the Principal Account Clerk.

I, Heidi M. Levan, Town Clerk/Clerk of the Board do hereby certify that this is a true and exact copy of the resolution presented and adopted at a regular meeting of the Town of Marion Board held on Tuesday, October 10, 2023 in the Marion Municipal Room.



Heidi M. Levan, Town Clerk/Clerk of the Board

Town of Marion is an equal opportunity provider and employer.
Complaints of discrimination should be sent to:
USDA Director, Office of Civil Rights, Washington, DC 20250-9410