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**DEPARTMENT OF STATE**  
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SECRETARY OF STATE

December 27, 2023

Village of Morrisville  
23 Cedar Street  
Po Box 955  
Morrisville, New York 13408-0955

**RE: Village of Morrisville, Local Law 4 2023, filed on 12/21/2023**

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, [www.dos.ny.gov](http://www.dos.ny.gov).

Sincerely,  
State Records and Law Bureau  
(518) 473-2492



Department  
of State

# 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 Morrisville

Local Law No. 4 of the year 2023

A Local Law Creating a Cannabis Overlay District Within the Village of Morrisville

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

County    City    Town    Village  
(Select one:)

of Morrisville as follows:

Section 1. So that a new Section 180-14.1, titled “Cannabis Overlay District,” shall be created, which shall read, in its entirety, as follows:

*“§ 180-14.1 Cannabis Overlay District.*

*A. Purpose.*

The purpose of the Cannabis Overlay District is to implement the provisions of the Marijuana Regulation and Taxation Act with respect to the location of an adult-use cannabis retail dispensary within the Village in order to ensure that such use is located in zones and subject to conditions that serve the public interests by minimizing the potential for adverse impacts on adjacent properties and neighborhoods and to designate specific areas in which adult-use cannabis retail dispensaries are a permitted principal use, in addition to any retail use otherwise allowed by the Village Zoning Law. The Cannabis Overlay District accommodates locating adult-use cannabis retail dispensaries in areas located near or adjacent to main vehicular traffic corridors and is intended to preclude the encroachment of adult-use cannabis retail dispensaries in residential districts.

*B. Cannabis Overlay District requirements.*

This is an overlay district, as such the following requirements shall apply in addition to the requirements of the underlying zoning district, including, but not limited to, supplementary lot regulations and supplementary use regulations. All other requirements of the underlying zoning district remain applicable to the subject property.

1. Authorization to approve or deny permits to establish cannabis retail dispensaries. Site plan approval shall be required before any property may be used as a cannabis retail dispensary. The power to approve, approve with conditions, or deny such application is vested in the Planning Board and subject to site plan approval in accordance with §180-25. Referral to the Village Board of Trustees for review and comment shall be required prior to approval.

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

2. Cannabis retail dispensary standards, requirements and considerations. The following standards, requirements and/or considerations shall be addressed in any application for site plan approval associated with a retail cannabis dispensary:
  - (a) Minimum distances. Consistent with applicable New York State regulations pertaining to adult-use retail dispensaries, the following separation distances shall be required:
    - (i) School grounds. No cannabis retail dispensary shall be located on the same road and within 500 feet of school grounds, as such term is defined in the New York State Education Law.
    - (ii) Religious use. No cannabis retail dispensary shall be located on the same road and within 200 feet of a building occupied exclusively as a religious use.
    - (iii) A cannabis retail dispensary shall not be located within 2,000 feet of any other cannabis retail dispensary.
  - (b) Hours and days of operation. Hours of operation must be provided in the application submission to the Village. Adult-use cannabis retail dispensaries may only be open for retail sales during the following hours and days:
    - (i) Monday through Saturday, 9:00 a.m. through 9:00 p.m.
    - (ii) Closed: Sundays, Easter, Thanksgiving Day, Christmas Day, New Year's Day.
  - (c) Home occupation prohibited. No cannabis retail dispensary shall be permitted as a home occupation.
  - (d) Changes in operator or site. Changes in owner or operator of an existing cannabis retail dispensary or minor building or site modifications of a legally existing cannabis retail dispensary may be reviewed and approved administratively by the Code Enforcement Officer. If it is determined that the change in operator will result in a substantial change to the site plan, the application may be referred to the Planning Board for revised site plan approval, subject to a public hearing if required by law or at the discretion of the Planning Board.
  - (e) The cannabis retail dispensary shall provide for adequate and proper security at the premises to deter and prevent illegal activities from taking place on or near the applicant's premises and avoid conduct that has an adverse effect on the health, safety and/or welfare of the surrounding neighborhood. A security plan shall be provided with the permit and site plan application.
  - (f) No marijuana or marijuana product shall be smoked, eaten, or otherwise consumed or ingested on the premises where sold. All dispensaries permitted under this section shall comply with all state and local laws, rules and regulations governing the smoking of tobacco.
  - (g) No person under the age of 21 shall be allowed to enter an adult-use cannabis retail dispensary.

- (h) No outdoor seating areas shall be permitted at an adult-use cannabis retail dispensary.
- (i) No drive-through service shall be permitted at a cannabis retail dispensary.
- (j) No outside storage of marijuana, marijuana products, or related supplies is permitted.
- (k) Control of emissions and waste. The applicant shall provide an odor and waste control plan that provides for proper and adequate ventilation and demonstrates that any odors and waste associated with the cannabis products stored on site shall be effectively confined to the premises or so treated in order to avoid any negative impacts to neighboring properties or tenant spaces. The facility operator shall properly dispose of all such materials, items and other substances in a safe, sanitary, and secure manner and in accordance with all applicable federal, state and local laws and regulations.
- (l) Any site plan approval issued under this section shall contain a condition that the cannabis retail dispensary shall not operate, and the site plan approval shall not be valid, until the applicant has obtained all required licenses and permits issued by the State of New York and any of its agencies.
- (m) In case of conflict between any of the provisions contained in §180-25 and any other law, rule or regulation, the stricter, more restrictive provision shall govern and apply.
- (n) Subject to applicable law, the application shall include a copy of all information submitted to the State of New York in application for a license to operate under the New York State Cannabis Law, as amended or changed.
- (o) Inspections. Police officers and Code Enforcement Officers may inspect the premises and records of licensed operators as allowed by the law.
- (p) License. Adult-use cannabis retail dispensaries may only be permitted on property located in the Cannabis Overlay District and upon successful application to the Office of Cannabis Management for a license.
- (q) Adult-use cannabis retail dispensaries shall operate in compliance with all state and local laws, rules and regulations including the Marijuana Regulation and Taxation Act and this chapter.
- (r) Signage. All signage shall comply with the Marijuana Regulation and Taxation Act, applicable regulations established by the Office of Cannabis Management, and shall require a Village sign permit in accordance with Chapter 151 (Signs) of the Morrisville Village Code.
- (s) Discontinuation of use and license revocation. If the cannabis retail dispensary ceases to operate in accordance with the applicable State of New York license or if the license issued pursuant to the Marijuana Regulation and Taxation Act is revoked by the State of New York, the facility operator shall immediately notify the Code Enforcement Officer, the applicable site plan approval shall automatically be revoked, and all materials, cannabis products, equipment, and signage shall be removed from the premises and properly secured in accordance with applicable State of New York requirements

**C.** *Cannabis Overlay District designation; boundaries.*

- A. The Cannabis Overlay District shall apply to all properties located within the District as designated below and on the Village of Morrisville Zoning Map and that meet the criteria contained in this chapter.
- B. The boundaries of the Cannabis Overlay District shall be identified on the official Village of Morrisville Zoning Map and are described, in whole or part, as the following Tax Map Parcel Numbers: 111.15-1-48, 111.15-1-49, 111.15-1-50, 111.15-1-52, 111.15-1-53, 111.15-1-55, 111.15-1-57, 111.19-2-1, 111.19-2-2, 111.19-2-3.1, 111.19-2-3.2, 111.19-2-4, 111.19-2-5, 111.19-2-6, 111.19-2-7.2, and 111.19-2-8.

**D.** *Report of violations.*

- A. Aggrieved residents may report any violation of this chapter to the Code Enforcement Officer, which shall maintain records of any reported violations.
- B. The Code Enforcement Officer shall report to the Village Clerk-Treasurer, in writing, all complaints of violations of this chapter, and the Village Clerk-Treasurer shall record the reports of such violations and promptly transmit copies of such reports to the Cannabis Control Board.

**E.** *Cannabis business establishments prohibited.*

It shall be unlawful for any person to locate, operate, own, suffer, allow to be operated or abide, abet, or assist in the operation within the Village of Morrisville of an adult-use cannabis retail dispensary which has not been licensed by the Office of Cannabis Management. Operation of any such establishment within the Village is hereby declared to be a public nuisance and shall be abated pursuant to all available remedies.”

**Section 2.** *Repealer.*

Any local law, ordinance, or resolution of the Village in conflict herewith is hereby repealed to the extent of such conflict or inconsistency, except that this chapter shall not effect or prevent the prosecution or punishment of any person for any act done or committed in violation of any Local Law, ordinance, regulation or resolution hereby repealed prior to the effective date of this Local Law.

**Section 3.** *Severability.*

In the event any clause, sentence, section or other part of this Local Law shall be declared to be invalid, such invalidity shall not effect the remainder of this Local Law.

**Section 4.** *When effective.*

This Local Law shall take effect immediately.”



1. **(Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as **Local Law No. 4 of 2023** of the **Village of Morrisville** was duly passed by the **Board of Trustees of the Village of Morrisville** on **December 14, 2023**, 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 **Town of Sullivan** was duly passed by the **Town Board** on \_\_\_\_\_, 20\_\_, and was (approved/not approved/ repassed after disapproval) by the **Town Board** and was deemed duly adopted 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 **Town of Sullivan** was duly passed by the **Town Board** on \_\_\_\_\_, 20\_\_, and was (approved/not approved/ repassed after disapproval) by the **Town Board** on \_\_\_\_\_, 20\_\_.

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 **Town of Sullivan** was duly passed by the **Town Board** on \_\_\_\_\_, 20\_\_, and was (approved/not approved/ repassed after disapproval) by the **Town Board** 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.)**

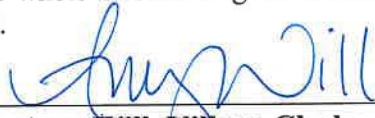
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_ of 20\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36/37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 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 1 above.



Hon. Amy Will, Village Clerk  
Village of Morrisville

Date: 12/15/2023

