

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. 2 of the year 2024

A Local Law Amending Chapter 180 of the Village of Morrisville Code to Regulate Vape Shops 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:

So that Section 180-8, titled "Definitions," of the Village of Morrisville Building Zone Ordinance of 1964, as amended, shall be amended to include the following definition:

"VAPE SHOP

Any establishment which offers, for sale or consideration, electronic cigarettes, electronic pipes, vape pens, vapors, e-liquid, marijuana derivatives, including CBD or other substances, as a substantial or significant portion of its business, merchandise and/or stock-in-trade.

Section 2.

So that Article III titled, titled "General Regulations," of the Village of Morrisville Building Zone Ordinance of 1964, as amended, shall be amended to rename Section 180-34 to be "Smoke shop, tobacco stores and vape shops," which shall read as follows:

"§ 180-34 Smoke shops, tobacco stores and vape shops.

A. The following regulations shall apply to the operation of all smoke shops, tobacco stores and vape shops:

- (1) Smoke shops, tobacco stores and vape shop locations may only operate Monday through Saturday between the hours of 8:00 a.m. and 8:00 p.m.
- (2) Where the use in a zoning district for retail store would require site plan approval by the Planning Board, approval by the Zoning Board of Appeals, a special use permit, or any other approval, such requirement or requirements shall also apply to smoke shops, tobacco stores and vape shops.

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

- (3) It shall be unlawful for a smoke shop, tobacco store or vape shop to knowingly allow or permit a minor, not accompanied by his or her parent or legal guardian, to enter or remain within any smoke shop, tobacco store or vape shop.
- (4) Smoke shops, tobacco stores and vape shops shall post clear signage stating that minors may not enter the premises unless accompanied by a parent or legal guardian. One said sign, measuring approximately 144 square inches, shall be placed in a conspicuous location near each public entrance to the smoke shop or tobacco store. It shall be unlawful for a smoke shop or tobacco store to fail to display and maintain, or fail to cause to be displayed or maintained, such signage.
- (5) Attention-getting devices including, but not limited to, LED signs, flashing lights, flags, and banners which display or reference tobacco, tobacco paraphernalia, or tobacco products shall be prohibited outside of the structure. When such attention-getting device is located inside the structure, it shall not be readily visible from the public right-of-way.
- (6) No smoke shop, tobacco store or vape shops shall include any activity as defined and regulated by the New York State Department of Health, Volume A (Title 10), Part 14 – Food Service Establishments
- (7) No premises shall be used for the recreational sale or use of marijuana and related products, without all applicable licenses, and in strict compliance with any applicable governmental regulations.

B. Smoke shops, tobacco stores and vape shops shall be allowed within the Village subject to the following conditions:

(1) Smoke shops, tobacco stores and vape shops shall be a permitted use, only upon issuance of a special permit by the Zoning Board of Appeals, in, and only in, any zoning district of Chapter 180 of the Code of the Village of Morrisville that allows retail stores, not including home occupations, provided that:

(a) No smoke shop, tobacco store or vape shop shall be permitted within 1,500 feet of another smoke shop or tobacco store, regardless of the zoning district in which such existing use is located.

(b) No smoke shop, tobacco store or vape shop shall be permitted within 500 feet of a school, nursery school, daycare, playground, public library, municipal park, or other similar uses where children regularly gather.

(c) No smoke shop, tobacco store or vape shop shall be permitted within 500 feet of a single-family or two-family dwelling.

(d) No smoke shop, tobacco store or vape shop shall be permitted within 500 feet of a house of worship.

(2) Said distances shall be measured from property line to property line.

Section 3. **EFFECTIVE DATE.**

This Local Law shall take effect upon filing with the New York State Department of State.”

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

I hereby certify that the local law annexed hereto, designated as **Local Law No. 2 of 2024** of the **Village of Morrisville** was duly passed by the **Board of Trustees of the Village of Morrisville** on **May 9, 2024**, 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 Officer².)**~~

~~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.



Amy Will

Hon. Amy Will, Village Clerk
Village of Morrisville

Date: 5/13/24