

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE

162 WASHINGTON AVENUE, ALBANY, NY 12231**(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.

Town of Naples

Local Law 4 of the year 2021

A Local Law To Opt-out of the 2021 New York State Cannabis Law

Be it enacted by the Town Board of the Town of Naples as follows:

Section 1. Short Title

This Local Law shall be known as: “The Town of Naples Cannabis Opting Out Law of 2021.”

Section 2. Legislative Intent

It is the intent of this Local Law to opt the Town of Naples out of hosting retail cannabis dispensaries and on-site cannabis consumption establishments within its geographic boundaries, outside the Village of Naples.

Section 3. Legislative Authority

This Local Law is adopted pursuant to New York State Cannabis Law § 131, which expressly authorizes Towns to opt-out of allowing retail cannabis dispensaries and/or on-site cannabis consumption establishments to locate and operate within its geographic boundaries, as well as the Municipal Home Rule Law (MHRL) of the State of New York, with the procedural provisions of the MHRL controlling.

Section 4. Local Cannabis Retail Dispensary and On-Site Consumption Opt-Out

The Town Board of the Town of Naples, County of Ontario, hereby opts-out of licensing and allowing establishments of cannabis retail dispensaries and cannabis on-site consumption establishments within its geographic boundaries outside the Village of Naples.

Section 5. Severability

In the event that a court of competent jurisdiction determines that any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this Local Law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or

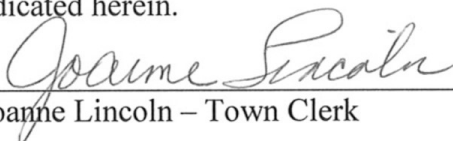
part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 6. Effective date

This Local Law shall take effect immediately upon filing with the Secretary of State. Pursuant to Cannabis Law §131, this Local Law is subject to a permissive referendum and thus may not be filed with the Secretary of State until the applicable time period has elapsed to file a proper petition or a referendum has been conducted as a result of the filing of a proper petition or upon action by the Town Board, approving this Local Law.

I hereby certify that the local law annexed hereto, designated as Local Law No. 4 of the year 2021, of the Town of Naples was duly passed by the Town Board on November 2, 2021, in accordance with the applicable provisions of law. This Local Law was subject to permissive referendum, the requisites of which have been complied with.

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 herein.



 Joanne Lincoln – Town Clerk


(SEAL)

Date: December 9, 2021

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

STATE OF NEW YORK)
 COUNTY OF ONTARIO) ss:

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



 Edward J. Brockman, Legal Counsel
 Town of Naples
 Date: December 9, 2021