

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 SOUTHEAST

Local Law No. 1 of the year 2024

A local law to amend Chapter 138 of the Code of the Town of Southeast ("Zoning") to define and
(Insert Title)
regulate "Smoke Shops"

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

County City Town Village
(Select one.)

of SOUTHEAST as follows:

SECTION 1. TOWN CODE CHAPTER 138, ARTICLE I, GENERAL PROVISIONS; DEFINITIONS
Section 138-4, "Definitions" is hereby amended, in part, to add and amend the following definitions:

SMOKE SHOP

Any premises exclusively or primarily dedicated to the sale, distribution, display, delivery, offering, furnishing, or marketing of Smoke Shop Products. This definition shall exclude any grocery store, supermarket, convenience store, or similar retail use that sells Smoke Shop Products as ancillary sales. Ancillary sales of Smoke Shop Products shall comprise less than 10 percent of the floor area of the retail establishment.

SMOKE SHOP PRODUCTS

Smoke shop products include tobacco; tobacco products; smoking paraphernalia including, without limitation, cigarettes, cigars, pipes, hookahs, bong, rolling papers; electronic tobacco, nicotine, and CBD (cannabidiol) delivery systems including without limitation, e-cigarettes, vape pens, vape cartridges, and similar products; and CBD products.

RETAIL USE

Stores and shops, occupying less than 50,000 square feet of space in one or several buildings, where goods are sold primarily at retail. Such sales are primarily made directly to the ultimate consumer and include goods such as food, beverage and clothing, excluding lumberyards, restaurants, and fast food, and smoke shops. Outside storage of goods for such use permitted only with special permit.

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

SECTION 2. TOWN CODE CHAPTER 138, ARTICLE III, PROVISIONS APPLICABLE TO ALL DISTRICTS

Section § 138-13, Prohibited uses, is hereby amended in part to add the following prohibited use:

No land, building or other structure shall be used for any of the following purposes:

- A. Any use which does not conform to the performance standards specified in § 138-12.
- B. Use of a trailer coach, motor home, motor vehicle or tent as a dwelling; trailer camps.
- C. The placement or use of a trailer or shipping container on any site for any purpose whatsoever, unless such trailer or shipping container is used as a temporary office or storage facility in connection with an ongoing construction project for which a valid building permit has been issued. Said trailer or shipping container shall be removed from the site not more than 30 days after the issuance of a certificate of occupancy for such construction project. This section shall not apply to trailers used to deliver materials or products to a particular location within the town, provided that such trailer does not remain on the site for more than three business days.
- D. Circus, Ferris wheels or similar amusement devices and outdoor games for profit, except those sponsored by local nonprofit organizations and then only for periods of not more than seven days.
- E. The outside storage of inoperative, unlicensed and/or unregistered automotive vehicles and the outside storage of all automotive parts.
- F. Junkyards, auto graveyards and secondhand parts collection areas, except as to those in existence prior to September 21, 1955, and which have a valid operating permit issued pursuant to Chapter 87 hereof, provided that such junkyards, auto graveyards and secondhand parts collection areas in existence prior to September 21, 1955, shall not be enlarged, extended, increased or otherwise modified.
- G. Fabric-covered storage structures, provided that any structure which has received a permit or certificate of occupancy prior to the enactment of this subsection may remain. Fabric-covered storage structures on commercially zoned properties in existence prior to the enactment of this subsection that were not issued a permit or certificate of occupancy shall have until January 1, 2014, to obtain a conditional use permit from the Planning Board as specified in § 138-60.1.
- H. Temporary agricultural structures, except those used to support farm uses as defined in § 138-4 and that are located within a listed agricultural district.
- I. Smoke Shops as defined in § 138-4.

(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. 1 of 2024 of the (County)(City)(Town)(Village) of SOUTHEAST TOWN BOARD was duly passed by the (Name of Legislative Body) on March 7, 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 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 (Name of Legislative Body) 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 (Name of Legislative Body) 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 (Name of Legislative Body) 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 1 above.

Kathleen Chudak

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

Date: 3/13/2024

(Seal)