

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 Village of West Carthage

Local Law No. 3 of the year 2023

A local law Establishing zoning requirements for cannabis retail dispensaries
(Insert Title)

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

County City Town Village
(Select one.)

of Village of West Carthage as follows:

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

Village of West Carthage
Local Law No. 3 of the Year 2023
A Local Law Establishing Zoning Requirements for
Cannabis Retail Dispensaries Within the Village of West Carthage

Be it enacted by the Board of Trustees of the Village of West Carthage (the “Board”) as follows:

Section 1. Legislative Intent

It is the intent of this local law to establish regulations governing the time, place, and manner of the operation of Cannabis Retail Dispensaries in the Village of West Carthage.

Section 2. Authority

This local law is adopted pursuant to the New York Village Law and the New York Municipal Home Rule Law.

Section 3. Purpose

The purpose of this Proposed Local Law is to amend Sections 91-3, 91-11, and 91-25 to the Code of the Village of West Carthage, more commonly known as the Zoning Law of the Village of West Carthage (the “Zoning Law”), related to the regulation of the time, place, and manner of the operation of Cannabis Retail Dispensaries and On-Site Cannabis Consumption Lounges in the Village of West Carthage.

Section 4. Amendments to Code

See the attached proposed amendments to Sections 91-3, 91-11, and 91-25 of the Zoning Law.

Section 5. State Environmental Quality Review Act (SEQRA)

The Board has considered the provisions of Article 8 of the Environmental Conservation Law (“SEQRA”) and the regulations adopted thereunder at 6 NYCRR Part 617 and finds that the proposed amendments to the Zoning Law will not result in any significant adverse environmental impacts. Therefore, no further review is required under SEQRA.

Section 6. Severability

If a court 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 7. Effective date

This Local Law shall take effect upon filing with the Secretary of State.

Proposed Amendments
(Additions are underlined in bold, red type)

Section 91-3(B) (Definitions; word usage.) of the Zoning Law shall be amended as follows:

CANNABIS

All parts of the plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. Cannabis does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. Neither hemp nor cannabinoid hemp are included.

CANNABIS PRODUCTS

Cannabis, concentrated Cannabis, and Cannabis-infused products for use by a consumer.

CANNABIS RETAIL DISPENSARY

Any person or business that is licensed under the provisions of New York State Law to engage in the Retail Sale of Cannabis Products.

CANNABIS CONSUMPTION

The use of a cannabis product in, on, or by the human body for the product's cannabinoid content

RETAIL SALE OF CANNABIS PRODUCTS

To solicit or receive an order for, to keep or expose for sale, and to keep with intent to sell, made by any licensed person, whether principal, proprietor, agent, or employee, of any Cannabis or Cannabis Products.

ON-SITE CANNABIS CONSUMPTION LOUNGE

Any person or business that is licensed under the provisions of New York State Law to permit adult-use on-site consumption of cannabis products at a specified location.

Section 91-11(A) (Central Business Districts.) of the Zoning Law shall be amended as follows:

- A. Central Business Districts indicated on the Zoning Map are, for the most part, those areas of the Village on Bridge Street in the general vicinity of the Main Street intersection. The area east of Bridge Street and north of South Main Street to the Pleasant Lake Creek extension is also zoned Central Business District. Business districts are those areas where certain commercial activities occur which are not adjacent to a main arterial highway. In Business Districts, only the following structures and uses shall be permitted:

- (1) Retail stores, shops, banks, business offices, personal service establishments, mortuaries and undertaking establishments.
- (2) Apartments contained in business structures.
- (3) Other uses subject to a special permit approved by the Planning Board are as following:
 - (a) Restaurants, bars, theaters, and recreational establishments operated for profit.
 - (b) Gas stations.
 - (c) Private clubs.
 - (d) Multiple-family dwellings.
 - (e) Essential services
- (4) **Other uses subject to a special permit approved by the Board of Trustees of the Village of West Carthage are as follows:**
 - (a) **Cannabis Retail Dispensaries and other structures and uses concerning the Retail Sale of Cannabis Products**
 - (b) **On-Site Cannabis Consumption Lounges**

Section 91-12 (Arterial Service Districts.) of the Zoning Law shall be amended as follows:

- A. Arterial Service Districts are indicated on the Zoning Map as, for the most part, those areas of the Village on either side of Broad Street from Bridge Street to Champion Street. Uses of shared driveways will be promoted whenever possible. In Arterial Service Districts only the following structures and uses shall be permitted:
 - (1) Retail stores, shops, banks, business offices, personal service establishments, mortuaries, and undertaking establishments.
 - (2) Pet shops, veterinary establishments.
 - (3) Commercial bus facilities.
 - (4) Hotel/motel.
 - (5) Other uses subject to a special permit approved by the Planning Board are as follows:
 - (a) Restaurants, bars, theaters, and recreational establishments operated for profit.
 - (b) Fast-food establishments, convenience stores, malls, shopping centers.
 - (c) Gasoline stations and automobile-related services.
 - (d) Automobile sales, used-car sales facilities, sales or storage of marine uses, recreational vehicles, trailers, mobile homes, manufactured housing, and agricultural implements sales.
 - (e) Essential services.
 - (f) Adult entertainment. (See § 91-26)
 - (g) Hotel/motel.
 - (6) **Other uses subject to a special permit approved by the Board of Trustees of the Village of West Carthage are as follows:**
 - (a) **Cannabis Retail Dispensaries and other structures and uses concerning the Retail Sale of Cannabis Products**
 - (b) **On-Site Cannabis Consumption Lounges**

Section 91-25 (Specific special permit requirements.) of the Zoning Law shall be amended as follows:

- I. **Cannabis Retail Dispensary.**
 - (1) **No on-site consumption of Cannabis Products shall be permitted at a Cannabis Retail Dispensary**
 - (2) **A Cannabis Retail Dispensary may operate only during the following timeframes: Monday-Saturday 9 a.m. to 9 p.m.; and Sunday 10 a.m. to 6 p.m.**
- J. **On-Site Cannabis Consumption Lounge**
 - (1) **The premises shall not be within five hundred feet of school grounds as such term is defined in the New York Education Law or within two hundred feet from a house of worship.**
 - (2) **There shall not be an opening or means of entrance or passageway for persons or things between the licensed premises and any other room or place in the building containing the licensed premises, or any adjoining or abutting premises, unless ingress and egress is restricted by an employee, agent of the licensee, or other method approved by the Board of controlling access to the facility.**
 - (3) **An On-Site Cannabis Consumption Lounge may operate only during the following timeframes: Monday-Saturday 5 p.m. to 9 p.m.**

(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. 3 of 2023 of the (County)(City)(Town)(Village) of Village of West Carthage was duly passed by the Board of Trustees on August 16th 2023, 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) *(Name of Legislative Body)* (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) *(Name of Legislative Body)* (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) *(Name of Legislative Body)* (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.)

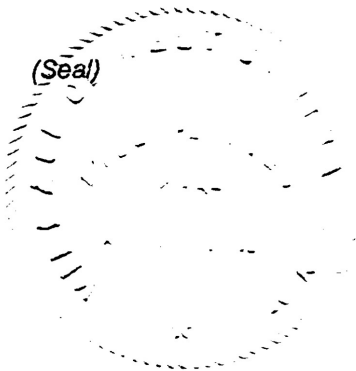
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, 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.

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

Date: 8-16-23



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