

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.

FILED
STATE RECORDS

NOV 03 2021

County

City

of Volney

Town

Village

DEPARTMENT OF STATE

Local Law No. 3 of the year 2021

A local law adopted pursuant to Cannabis Law § 131 opting out of licensing and establishing retail cannabis dispensaries and on-site cannabis consumption establishments within the Town of Volney

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

County

City

of Volney as follows:

Town

Village

SECTION 1 – TITLE:

This local law shall be known as Local Law 3 of 2021, a local law adopted pursuant to Cannabis Law § 131 opting out of licensing and establishing retail cannabis dispensaries and on-site cannabis consumption establishments within the Town of Volney.

SECTION 2 – PURPOSE AND INTENT:

The purpose of this local law to opt the Town of Volney out of hosting retail cannabis dispensaries and on-site cannabis consumption establishments within its boundaries. The Town Board finds that permitting such establishments without reviewing the unique and novel impact that the establishment of such businesses would have on the health, safety and welfare of the residents of the Town of Volney, given, among other things, the relative close proximity of commercial locations within which such establishments might be located to parks, school, churches and residential areas throughout the Town, coupled with as yet unresolved issues addressing enforcement of the new laws and guidelines related to cannabis use, would not be, at the current time, in the interests of Town residents.

SECTION 3 – AUTHORITY:

This local law is adopted pursuant to Article Four of the New York State Cannabis Law (Chapter 7-A of the Consolidated Laws) § 131, which expressly authorizes towns, cities and villages to opt-out of allowing retail cannabis dispensaries and/or on-site cannabis consumption establishments to locate and operate within their boundaries.

SECTION 4 – OPT-OUT OF LOCAL CANNABIS RETAIL DISPENSARY AND SON-SITE CONSUMPTION

The Town Board of the Town of Volney, County of Oswego, hereby opts-out of licensing and establishing cannabis retail dispensaries and cannabis on-site consumption establishments within its boundaries and hereby requests the Cannabis Control Board to prohibit the establishment of retail dispensary licenses and on-site consumption licenses contained in Article Four of the New York State Cannabis Law (Chapter 7-A of the Consolidated Laws) within the jurisdiction of the Town of Volney, Oswego County, New York.

SECTION 5 – SEVERABILITY:

Each separate provision of this Local Law shall be deemed independent of all other provisions herein, and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

SECTION 6- EFFECTIVE DATE:

This Local Law shall take effect immediately upon filing in the Office of the Secretary of State in accordance with the applicable law. 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 petition or a referendum has been conducted approving this local law.

(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, designation as local law No. 3 of 2021 of the ~~(County)(City)~~ (Town) ~~(Village)~~ of Volney was duly passed by the Town Board on September 28, 2021, 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 _____ 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____. Such _____ ~~(Elective Chief Executive Officer*)~~ 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 _____ ~~(Elective Chief Executive Officer*)~~ local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provision 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 of 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.

 (Seal)

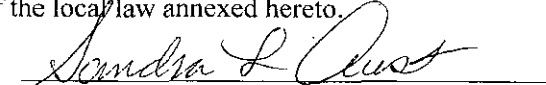
SANDRA AUSTIN, TOWN CLERK

Date: September 28, 2021

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

STATE OF NEW YORK
COUNTY OF OSWEGO

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


Signature Sandra L. Austin
Volney Town Clerk
Title

County _____
City _____
Town _____ of Volney
Village _____

Date: September 28, 2021