

Bill T2021F

A local law opting out of licensing and/or establishing retail cannabis dispensaries and/or on-site cannabis consumption establishments within the Village of Thomaston.

Section 1. The Code of the Village of Thomaston is hereby amended, by adding thereto a new Chapter, to be Chapter 72, to read as follows:

“Chapter 72. Cannabis.

Article 1. Opt Out of State Licensing.

§72-1. Legislative Intent. It is the policy and intent of the Village of Thomaston (“Village”) to prohibit the licensing and establishment of retail cannabis dispensaries and/or on-site cannabis consumption establishments within the Village. By the enactment of this chapter, the Board of Trustees is exercising its authority to request, and is requesting, the New York State cannabis control board to prohibit the establishment within the Village of such retail dispensary licenses and/or on-site consumption licenses otherwise authorized pursuant to article four of the New York Cannabis Law.

§72-2. Authority. This article is enacted pursuant to New York Cannabis Law § 131, which grants authority to the Village to opt-out, and thereby prohibit, the issuance of licenses for, and the operation of, retail cannabis dispensaries and/or on-site cannabis consumption establishments in the Village. This article is intended to exercise the said authority of the Village to the maximum permissible extent.

§72-3. Local Cannabis Retail Dispensary and/or On-Site Consumption Opt-Out and Prohibitions.

A. To the fullest extent permitted by law, the Village of Thomaston hereby opts-out of licensing and establishing

cannabis retail dispensaries and/or cannabis on-site consumption establishments within the Village of Thomaston.

- B. On and after the effective date of this section, no governmental agency shall approve or issue any license or other authority to permit, establish or operate any cannabis retail dispensary and/or cannabis on-site consumption establishment within the Village of Thomaston.
- C. No property or premises in the Village may be operated or used, in whole or in part, for a cannabis retail dispensary and/or cannabis on-site consumption establishment, as those terms are defined in the New York Cannabis Law.”

Section 2. Severability. In the event any 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 3. Effective date. This local law shall take effect immediately upon filing with the Secretary of State pursuant to the Municipal Home Rule Law. Pursuant to the provisions of Cannabis Law § 131, this local law is subject to a permissive referendum and may not be filed with the Secretary of State until either (a) the applicable time period has elapsed to file a petition for a referendum, and no such petition has been timely filed, or (b) if such a petition has been timely filed, a referendum has been conducted approving this local law.