

LOCAL LAW NO. 2 OF 2021
TOWN BOARD TOWN OF ALFRED
PROPOSED LOCAL LAW OPTING OUT OF ON-SITE CANNABIS CONSUMPTION SITES

A LOCAL LAW to opt-out of allowing on-site cannabis consumption sites to locate within the Town of Alfred as authorized under Article 4 of the Marijuana Regulation and Taxation Act.

Section 1. Legislative Intent

It is the intent of the Town of Alfred to opt out of allowing on-site cannabis consumption sites in the Town of Alfred that would otherwise be allowed under the New York State Marijuana Regulation and Taxation Act.

Section 2. Authority

This Local Law is adopted pursuant to New York State Marijuana Regulation and Taxation Act § 131 which expressly authorizes the Town Board to adopt a local law requesting the Cannabis Control Board to prohibit the establishment of on-site consumption licenses within the jurisdiction of the Town. This Local Law is subject to a permissive referendum/referendum on petition pursuant to Municipal Home Rule Law § 24.

Section 3. Local Opt-Out

The Town Board of the Town of Alfred hereby opts out of allowing on-site cannabis consumption sites from being established and operated within the Town's jurisdiction. In accordance with the New York State Marijuana Regulation and Taxation Act § 131(1), the Town requests the Cannabis Control Board to prohibit the establishment of on-site consumption licenses contained in Article four of the New York State Marijuana Regulation and Taxation Act within the jurisdiction of the Town of Alfred.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, 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 5. Permissive Referendum/Referendum on Petition

This Local Law is subject to a referendum on petition in accordance with New York State Marijuana Regulation and Taxation Act § 131 and the procedure outlined in Municipal Home Rule Law § 24.

Section 6. Effective date.

This local law shall take effect in accordance with Municipal Home Rule Law §24, namely, forty-five days after its adoption and upon filing with the Secretary of State within twenty days after the time period for filing a petition in accordance with Municipal Home Rule §24 has expired. In the event a valid petition protesting against this local law is filed with forty-five days after its adoption, then this local law shall not be effective until approved by the affirmative vote by a majority of the qualified electors of the Town of Alfred voting on a proposition for its approval in accordance with the requirements of Municipal Rule Law §24.