

VILLAGE OF BELMONT

LOCAL LAW ~~2~~ / -2021

**A LOCAL LAW OPTING OUT OF ADULT USE CANNABIS RETAIL
DISPENSARIES AND ON-SITE CONSUMPTION SITES**

BE IT ENACTED by the Village Board of the Village of Belmont as follows:

SECTION 1. LEGISLATIVE INTENT:

The recently established Cannabis Law, Chapter 7-a provides in Article 6 § 131 that the licensure and establishment of a retail dispensary license and/or on-site consumption license under the provisions of Article Four of Chapter 7-a shall not be applicable to a village, which, after the effective date of the Cannabis Law, which was March 21, 2021, and before December 31, 2021, adopts a local law, subject to permissive referendum as governed by § 24 of the Municipal Home Rule Law of the State of New York, requesting the Cannabis Control Board to prohibit the establishment of such retail dispensary licenses and/or on-site consumption licenses contained in Article Four of the Cannabis Law, within the jurisdiction of the village.

The Village Board finds that, at the current time, it is in the best interests of the residents of the Village of Belmont to adopt a local law as per Cannabis Law § 131 prohibiting and requesting the Cannabis Control Board to prohibit the establishment of retail dispensary licenses and on-site consumption licenses that would otherwise be allowed under Article 4 of the Cannabis Law. The Village 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 Village of Belmont, given, among other things, the relative close proximity of commercial locations within such establishments might be located to parks, schools, churches and residential zones throughout the Village, 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 Village residents. The Village adopts this local law in accordance with the timeframe and guidelines as set forth in Chapter 7-a, subsequent to March 31, 2021 and prior to December 31, 2021.

SECTION 2. AUTHORITY:

This local law is adopted pursuant to Cannabis Law § 131 which expressly authorizes a village board to adopt a local law requesting the Cannabis Control Board to prohibit the establishment of cannabis retail dispensary licenses and/or on-site consumption licenses within the jurisdiction of the village and is subject to a permissive referendum, the procedure of which is governed by Municipal Home Rule Law § 24.

SECTION 3. LOCAL OPT-OUT:

The Village Board of the Village of Belmont hereby opts out from allowing the establishment of retail cannabis dispensaries and on-site cannabis consumption sites from being established and operated within the village's jurisdiction.

SECTION 4. SEVERABILITY:

If any clause, sentence, phrase, paragraph or any part of this Local Law shall for any reason be finally adjudged by a court of competent jurisdiction to be invalid, such determination shall not affect, impair or invalidate the remainder of this Local Law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this Local Law would have been adopted had any such provisions not been included.

SECTION 5. PERMISSIVE REFERENDUM:

This Local Law is subject to a referendum on petition in accordance with Cannabis Law § 131 and the procedure outlined in Municipal Home Rule Law § 24.

SECTION 6. EFFECTIVE DATE

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