

PROPOSED LOCAL LAW #2 OF THE YEAR 2021

A LOCAL LAW TO AMEND THE CODE OF THE VILLAGE OF BREWSTER TO ADD CHAPTER 90 TO OPT OUT OF ALLOWING CANNABIS RETAIL DISPENSARIES AND ON-SITE CONSUMPTION SITES UNDER NEW YORK STATE CANNABIS LAW ARTICLE 4

SECTION 1 : AUTHORITY

This chapter is adopted pursuant to the authority, of Article 2, §10 of the New York State Municipal Home Rule Law and NY State Cannabis Law §131.

SECTION 2 : ENACTMENT OF CHAPTER 90 OF VILLAGE OF BREWSTER TOWN CODE ENTITLED NYS CANNABIS LAW OPT-OUT LEGISLATION

Chapter 90 of the Code of the Village of Brewster entitled “NYS Cannabis Law Opt-Out Legislation” is hereby enacted as follows:

§90-1 LEGISLATIVE INTENT

It is the intent of this local law for the Village of Brewster to opt out of allowing cannabis retail dispensaries and on-site cannabis consumption site within the Village of Brewster that would be otherwise allowed under New York State Cannabis Law Article 4.

§90-2 AUTHORITY

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

§90-3 LOCAL OPT-OUT

The Board of Trustees of the Village of Brewster hereby opts out of allowing cannabis retail dispensaries and on-site cannabis consumption sites from being established and operated within the Town’s jurisdiction and requests that the Cannabis Control Board prohibit the establishment of such retail dispensary licenses and of on-site consumption licenses within the Village of Brewster.

§90-4 SEVERABILITY

If any part or provision of this Local Law or the application thereof to any person or firm or corporation or circumstance be shall adjudged invalid or unconstitutional by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons, firm corporation or circumstance, and the Town Board of the Village of Brewster hereby declares that it would have passed this

Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

§90-5 PERMISSIVE REFERENDUM/REFERENDUM ON PETITION

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

§90-6 EFFECTIVE DATE

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

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