

Intro LL-1

Councilmember BATCHELOR presented the following and moved its adoption:

**LOCAL LAW AMENDING LOCAL LAW #03-2023 TO EXTEND A MORATORIUM
ON SMOKE SHOPS IN THE CITY OF GLOVERSVILLE**

Part 1: Legislative Intent – The City of Gloversville Common Council established a six (6) month moratorium on smoke shops on August 22, 2023 to protect the health, safety and welfare of the City residents as well as protect the value, use and enjoyment of property in the City by temporarily prohibiting the submission and processing of applications and the issuance of permits by any City agency for smoke shops pending consideration of amendments to the City code. A request for recommendations was sent to both the City and County Planning Boards on October 27, 2023 and the Common Council is still awaiting those results. The City of Gloversville is desirous to extend the moratorium to ensure that any new legislation is decided in an unhurried and thorough manner.

Part 2: Temporary Moratorium - For a period of six (6) months following the adoption of the Local Law, no new applications for building permits or land use approvals shall be accepted or processed by the City, and no permit by any City agency shall be issued for smoke shops.

Part 3: Definition Of “Smoke Shop” – A retail store in which 25% or more of its sales consists of smoking products, including cigarettes, cigars, loose tobacco, vaporizing liquids and vaping supplies, hookahs and pipes, and other similar accessories/paraphernalia, alcohol, and lottery tickets. This definition of “smoke shop” is intended to distinguish “smoke shop” from retail establishments which sell primarily food, household necessities, paper products, dairy and pharmaceutical products. This definition does not encompass any marijuana or marijuana products.

Part 4: Separability – 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.

Part 5: Effectiveness – A public hearing having been held on February 13, 2024 and upon ratification by Common Council by at least three-fourths of the councilmembers in office (6 yes votes), the instant Local Law shall become effective pursuant to C-28 of the Charter of the City of Gloversville, and filed with the Secretary of State.

Seconded by Councilmember: MCNAMARA

Aye: 6

Nay: 0

Dated: 02/13/2024

	Aye	Nay		Aye	Nay
<u>ANADIO</u>	absent		<u>STOVER</u>	X	
<u>BATCHELOR</u>	X		<u>WEISS</u>	X	
<u>MCNAMARA</u>	X		<u>ZARRELLI</u>	X	
<u>PETERS</u>	X				