

**TOWN OF UNION VALE
PROPOSED LOCAL LAW # 3 - 2021**

**A LOCAL LAW TO OPT OUT OF ALLOWING CANNABIS RETAIL DISPENSARIES
AND ON-SITE CONSUMPTION SITES AS AUTHORIZED UNDER NYS CANNABIS
LAW ARTICLE 4**

BE IT ENACTED BY the Town Board of the Town of Union Vale as follows:

Section 1. Legislative Intent

It is the intent of this local law to opt out of allowing cannabis retail dispensaries and on-site cannabis consumption sites in the Town of Union Vale that would otherwise be allowed under Cannabis Law Article 4.

Section 2. Authority

This local law is adopted pursuant to Cannabis Law Section 131 which expressly authorizes the Town 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 town and is subject to permissive referendum, the procedure for which is governed by Municipal Home Rule Law Section 24.

Section 3. Local Opt-Out

The Town Board of the Town of Union Vale hereby opts out of allowing cannabis retail dispensaries and on-site cannabis consumption sites from being established and operated within the Town's jurisdiction.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, individual, firm or corporation, or circumstance, shall be held 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 order or judgment shall be rendered.

Section 5. Permissive Referendum/Referendum on Petition

This local law is subject to permissive referendum on petition in accordance with Cannabis Law Section 131 and the procedure outlined in Municipal Home Rule Law Section 24.

Section 6. Effective Date

This local law shall take effect immediately upon filing with the NYS Secretary of State.

Supervisor Maas advised the Town Board that, pursuant to the Municipal Home Rule Law of the State of New York, it will be necessary to hold a public hearing upon this local law. Councilman Welsh offered the following Resolution which was seconded by Councilman Frazier, who moved its adoption:

WHEREAS, on September 16, 2021, Councilman Welsh has introduced this local law for the Town of Union Vale, to be known as Local Law No. 3 of 2021, entitled A LOCAL LAW TO OPT OUT OF ALLOWING CANNABIS RETAIL DISPENSARIES AND ON-SITE CONSUMPTION SITES AS AUTHORIZED UNDER NYS CANNABIS LAW ARTICLE 4.

BE IT RESOLVED, that a public hearing be held in relation to this proposed local law at which hearing persons in interest shall have an opportunity to be heard, to be held at the Town Hall, 249 Duncan Road, LaGrangeville, New York 12540 on October 21, 2021, at 7:00 p.m., Prevailing Time, and that notice of said meeting shall be published in the official newspaper of general circulation in the Town of Union Vale, by the Town Clerk, at least five (5) days before such hearing and that such notice shall be in the following form:

NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town Board of the Town of Union Vale will hold a public hearing at the Town Hall, 249 Duncan Road, LaGrangeville, New York 12540 on October 21, 2021, at 7:00 o'clock p.m. prevailing time, on Local Law No. 3 of 2021, a local law of the Town of Union Vale, Dutchess County, New York, whereby the Town opts out of allowing cannabis retail dispensaries and on-site cannabis consumption sites from being established and operated within the Town's jurisdiction, as authorized by Cannabis Law Section 131.

TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the office of the Clerk of the Town of Union Vale, at the Town Hall, 249 Duncan Road, LaGrangeville, New York 12540 between the hours of 8:30 a.m. and 4:00 p.m. on all business days between

the date of this notice and the date of the public hearing.

TAKE FURTHER NOTICE, that all persons interested shall have an opportunity to be heard on said proposal at the time and place aforesaid.

The preceding Resolution was offered by Councilman Welsh, who moved its adoption, seconded by Councilman Frazier.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Councilman Durland	Absent
Councilman Frazier	Aye
Councilman McGivney	Aye
Councilman Welsh	Aye
Supervisor Maas	Aye

DATED: Union Vale, New York
September 16, 2021

ANDREA CASEY, TOWN CLERK

