

**LOCAL LAW NO. \_\_\_\_ OF 2019**

**TOWN BOARD  
TOWN OF NEW CASTLE  
PROPOSED LOCAL LAW AMENDING  
CHAPTER 60, SECTION 210 AND CHAPTER 60, SECTION 410 OF THE  
CODE OF THE TOWN OF NEW CASTLE**

A LOCAL LAW to amend Chapter 60 Section 210 and Chapter 60, Section 410 concerning Marijuana Retail Sales.

BE IT ENACTED by the Town Board of the Town of New Castle as follows:

**Section 1.** Legislative intent and purpose.

The Town Board recognizes that legalization of recreational marijuana is a subject of current discussion by the New York State government. The Town Board has found that New Castle residents are greatly concerned about the retail sale, distribution and consumption of marijuana in the Town if it should become legal in New York. Accordingly, it is the intent of the Town Board to limit the location of marijuana retail sale stores.

**Section 2.** Chapter 60, Article II, Section 210 of the Code of the Town of New Castle entitled "Terms defined" is hereby amended to add the following definitions:

§ 60-210 Terms defined.

Whenever used in this chapter, the following terms shall have the respective meanings hereinafter set forth unless the context otherwise requires:

**MARIJUANA**

Shall have the same definition ascribed to "marihuana" in § 3302 of the New York Public Health Law.

**MARIJUANA-INFUSED PRODUCTS**

Products that contain marijuana, or concentrated cannabis and are intended for human use or consumption, such as, but not limited to, edible products, ointments, and tinctures.

**MARIJUANA PRODUCT**

Marijuana, concentrated cannabis, and marijuana-infused products containing concentrated marijuana or cannabis and other ingredients. Marijuana products shall include cannabidoil (CBD) oil products derived from marijuana, but shall not include cannabidiol (CBD) oil products derived from hemp.

**MARIJUANA RETAIL STORE**

A building, structure or premises engaged in the sale, use or distribution of marijuana and/or marijuana products for nonmedical use. A building, structure or premises shall be considered a marijuana retail store regardless of whether products in addition to marijuana products are offered for sale, use or distribution at the building, structure or premises and regardless of the amount of marijuana or marijuana products available for sale, use or distribution at the building, structure or premises in comparison to other products offered for sale, use or distribution at the building, structure or premises.

**MEDICAL MARIJUANA**

Shall have the same definition ascribed to medical marihuana in § 3360 of the New York Public Health Law.

**MEDICAL MARIJUANA DISPENSARY**

A building, structure or premises authorized by the New York State Department of Health to dispense or distribute medical marijuana in accordance with Article 33 of the Public Health Law and Part 1004 of Title 10 of the New York Codes, Rules and Regulations.

**Section 3.** Chapter 60, Article IV, Section 410, of the Code of the Town of New Castle entitled “District Regulations,” Subsection M, is hereby amended as follows:

§ 60-410 District regulations.

...

...

M. Vape shops and marijuana retail stores. Vape shops and marijuana retail stores shall be subject to the following special provisions in regard to their location:

- (1) Vape shops and marijuana retail stores shall not be located within 500 feet of the lot line of any park, playground, library, or religious institution; such distance shall be measured from the closest point of the store front to the nearest point of the lot line of the property with a park, playground, or religious institution.
- (2) Vape shops and marijuana retail stores shall not be located within 2,000 feet of the lot line of any school; such distance shall be measured from the closest point of the storefront to the nearest point of the lot line of the school property.

- (3) Vape shops and marijuana retail stores shall be prohibited in all residence districts as identified in Town Code § 60-300A.
- (4) No more than one vape shop and/or marijuana retail store shall be located on any lot or within 1,000 feet of any other vape shop and/or marijuana retail store.

**Section 4.** Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapter 60 of the Town Code of the Town of New Castle is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

**Section 5.** Numbering for Codification

It is the intention of the Town of New Castle and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Town of New Castle; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word “Local Law” shall be changed to “Chapter,” “Section” or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

**Section 6.** Severability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

**Section 7.** This local law shall take effect immediately upon filing with the Office of the Secretary of State.