

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of SANTA CLARA

Local Law No. 02 of the year 2022

A local law OPTING OUT OF LICENSURE AND ESTABLISHMENT OF
(Insert Title)
CANNABIS RETAIL DISPENSARIES AND/OR CANNABIS ON-SITE CONSUMPTION
ESTABLISHMENTS WITHIN THE TOWN OF SANTA CLARA

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of SANTA CLARA as follows:

SEE ATTACHED

(If additional space is needed, attach pages the same size as this sheet, and number each.)

LOCAL LAW NO. 02 OF 2022

A LOCAL LAW OPTING OUT OF LICENSURE AND ESTABLISHMENT OF CANNABIS RETAIL DISPENSARIES AND/OR CANNABIS ON-SITE CONSUMPTION ESTABLISHMENTS WITHIN THE TOWN OF SANTA CLARA

Section 1. Legislative Intent – On March 31, 2021, Governor Cuomo signed into law the Marihuana Regulation and Taxation Act (MRTA) codified as Chapter 7-A – Cannabis Law. Among other things, the Cannabis Law authorizes the retail sale of adult-use cannabis to consumers pursuant to a retail dispensary license and/or on-site consumption license. However, Section 131 of the Cannabis Law provides that a municipality may opt out of establishment of such retail dispensary licenses and/or on-site consumption licenses within the jurisdiction of the municipality by adopting a Local Law, subject to permissive referendum, no later than December 31, 2021. It is the intent of this Local Law to implement this option in order to prevent the establishment and operation of adult-use cannabis retail dispensaries and/or on-site consumption sites within the Town.

Section 2. Authority – This local law is adopted pursuant to Cannabis Law Section 131 and Municipal Home Rule Law Section 10.

Section 3. Cannabis Retail Dispensary and/or On-Site Consumption Opt-Out – The Santa Clara Town Board hereby opts-out of licensing and establishing cannabis retail dispensaries and/or cannabis on-site consumption establishments within its boundaries and requests the Cannabis Control Board to prohibit the establishment and/or approval of such retail dispensary licenses and/or on-site consumption licenses within the jurisdiction of the Town.

Section 4. Severability – The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part hereof.

Section 5. Repealer – All Local Laws or ordinances or parts of Local Laws or ordinances in conflict with any part of this Local law are hereby repealed.

Section 5. Effective Date – This Local Law is subject to permissive referendum and shall not become effective unless and until 45 days have elapsed after its adoption and no petition protesting against this Local Law has been filed with the Town Clerk or, if such a petition is filed, a proposition for the approval of this Local Law has been submitted and received the affirmative vote required for approval pursuant to Municipal Home Rule Law Section 24. If no petition is timely filed or if a petition is filed and this Local Law is approved, it shall take effect upon being placed on file by the office of the New York Department of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. 02 of 2022 of the ~~(County)(City)(Town)(Village)~~ of Santa Clara was duly passed by the Town Board on December 29 2021, and was (approved)(~~not approved~~) (repassed after disapproval) by the Town Supervisor on December 29 2021. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of February 13 2022, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 4 above.

Karin A. McGee

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 4/18/2022

(Seal)