

**PROPOSED LOCAL LAW NO. 3 OF 2021
TOWN OF RENSSELAERVILLE**

A local law to opt out of the establishment of adult-use retail dispensaries and adult-use on-site consumption sites within the jurisdiction of the Town of Rensselaerville.

Be it enacted by the duly convened Town Board of the Town of Rensselaerville as follows:

Section 1. Title:

This law shall be known as the “Local Law Opting Out of Adult-Use Retail Dispensaries and Adult-Use On-Site Consumption Sites”.

Section 2. Purpose and Intent:

The Town Board has determined that it is in the public interest to request that the Cannabis Control Board prohibit the establishment of adult-use retail dispensaries and adult-use on-site consumption sites within the jurisdiction of the Town of Rensselaerville until suitable local laws and zoning regulations are passed. The Town understands that the Marijuana Regulation and Taxation Act allows municipalities to pass local laws and zoning regulations that govern the time, place and manner of adult-use retail cannabis dispensaries and adult-use on-site consumption sites, provided such laws or regulations do not make the operation of such retail dispensaries or on-site consumption sites unreasonable or impracticable. The Town may pass such local laws and regulations and until that time the Town desires to “opt out,” of permitting such establishments. The Town Board understands that the “opt out” is not permanent and may “opt in” once sufficient local laws and regulations are passed that govern the time, place and manner of adult-use retail cannabis dispensaries and adult-use on-site consumption locations.

Section 3. Authority:

This local law is enacted by the Town Board of the Town of Rensselaerville pursuant to the Marijuana Regulation and Taxation Act Section 131, that expressly authorizes the Town to request the Cannabis Control Board prohibit the establishment of adult-use retail dispensaries and adult-use on-site consumption sites within the jurisdiction of the Town of Rensselaerville. This law is subject to a permissive referendum, the procedure of which is governed by Municipal Home Rule Law Section 24.

Section 4. Local Opt-Out:

The Town Board of the Town of Rensselaerville hereby opts out of allowing adult-use retail dispensaries and adult-use on-site consumption sites from being established and operated within the Town’s jurisdiction.

Section 5. Severability:

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

Section 6. Permissive Referendum:

This local law is subject to a referendum on petition in accordance with Section 131 of the Marijuana Regulation and Taxation Act and Section 24 of the Municipal Home Rule Law.

Section 7. Effective Date:

This local law shall take effect 45 days after its passage unless a valid petition for referendum is filed pursuant to Section 24 of the Municipal Home Rule Law.