

## **Proposed Local Law 2 of 2023**

### **Town of Rensselaerville Local Law Opting-In to Adult-Use Retail Dispensaries and Amending the Town of Rensselaerville Zoning Law**

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

#### **A. Title**

This Local Law shall be entitled “Local Law Opting-In to Adult-Use Retail Dispensaries and Amending the Town of Rensselaerville Zoning Law”.

#### **B. Effective Date**

This Local Law shall take effect upon filing with the Secretary of State as provided by law.

#### **C. Legislative Intent and Purpose**

The Marijuana Regulation and Taxation Act and the New York State Cannabis Law empowered municipalities to “opt-out” of allowing both Adult-Use Retail Dispensaries and Adult On-Site Cannabis Consumption Sites within their jurisdiction.

It is the intent of this Local Law to reverse the Town of Rensselaerville’s Local Law 3 of 2021, only to the extent of Adult-Use Retail Dispensaries. The intent of this Local Law is to allow Adult-Use Retail Dispensaries within the Town of Rensselaerville and amend the Zoning Law to include “Adult-Use Retail Dispensaries”. The Town Board of the Town of Rensselaerville finds that allowing Adult-Use Retail Dispensaries within the Town of Rensselaerville is beneficial to the Town.

#### **D. Authority**

This Local Law is adopted pursuant to Municipal Home Rule Law § 10.

#### **E. Opt-In**

The Town Board of the Town of Rensselaerville hereby opts-in and allows Adult-Use Retail Dispensaries to be established and operated within the Town’s jurisdiction.

#### **F. Zoning Ordinance**

The Town Board of the Town of Rensselaerville hereby amends the Town Zoning Law by adding the following:

### **ARTICLE XIV Adult-Use Retail Dispensaries**

#### **Section 1: Definitions**

Adult-Use Retail Dispensaries: A business operating pursuant to a license under the New York State Cannabis Law and its regulations that authorizes the retail sale of Cannabis and Cannabis products to adults.

## **Section 2: Regulations**

An Adult-Use Retail Dispensary shall comply with the following requirements:

1. Adult-Use Retail Dispensaries shall only be operated within the following Zoning Districts: Resource Conservation 1, Resource Conservation 2, and Resource Conservation 3.
2. No Adult-Use Retail Dispensary shall be located within five hundred (500) feet of a school ground, as such term is defined in the Education Law.
3. No Adult-Use Retail Dispensary shall be located within two hundred (200) feet of a house of worship.
4. No Adult-Use Retail Dispensary shall be located within five hundred (500) feet of the boundary of a Town Park.
5. The daily hours of operation of any Adult-Use Retail Dispensary shall be only between 9:00 a.m. and 9:00 p.m., except on Sunday when the hours of operation shall be only between Noon and 7:00 p.m.
6. A Special Use Permit from the Town of Rensselaerville Planning Board is required to operate an Adult-Use Retail Dispensary.
7. All Adult-Use Retail Dispensaries shall comply with all the applicable laws and regulations of New York State relating to an Adult-Use Retail Dispensary.

### **G. 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 adjudged 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.

### **H. Inconsistency**

All other Local Laws and ordinances of the Town of Rensselaerville that are inconsistent with the provisions of this Local Law are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency and in all other respects this Local Law shall be in addition to such other local laws or ordinances regulating and governing the subject matter covered by this Local Law.