

Local Law No. __ of 2021, entitled:

“Local Law Prohibiting On-Site Cannabis Consumption Sites”

BE IT ENACTED BY, the Town Board of the Town of Clinton as follows:

1. A new Chapter is hereby added to the Town Code which shall read as follows:

Chapter 118. Cannabis – On-Site Consumption Prohibition.

§ 118-1. Purpose. The purpose of this Chapter is to opt out of allowing on-site cannabis consumption sites in the Town that would otherwise be allowed under N.Y. Cannabis Law Article 4.

§ 118.2. Authority. This Chapter is adopted pursuant to N.Y. Cannabis Law § 131 which expressly authorizes the Town Board to adopt a local law requesting the New York State Cannabis Control Board to prohibit the establishment of on-site consumption licenses within the jurisdiction of the Town.

§ 118.3. Opt. Out. The Town hereby opts out of allowing on-site cannabis consumption sites that would otherwise be permitted under the N.Y. Cannabis Law from being established and operated within the Town. This prohibition shall include but not be limited to the on-site locations for the smoking (parlors) or ingestion of cannabis.

2. The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of this Local Law, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase of this Local Law, which shall remain in full force and effect.
3. This Local Law is adopted pursuant to § 131 of the New York Cannabis Law to advance and protect the health, safety, and welfare of the Town.
4. To the extent that any provision of this Local Law is inconsistent with Town Law §§ 263, 274-a, 274-b or any other provision of Article 16 of the Town Law, the provisions of this Local Law are expressly intended to and do hereby supersede any such inconsistent provisions under the

Town's municipal home rule powers, pursuant to Municipal Home Rule Law §10(1)(ii)(d)(3); §10(1)(ii)(a)(14) and §22 to supersede any inconsistent authority.

7. This Local Law is subject to a referendum on petition in accordance with Cannabis Law § 131 and the procedure outlined in Municipal Home Rule Law § 24. If the requisite number of protesting petitions are not filed within forty-five (45) days of adoption by the Town Board, this Local Law shall become effective immediately upon filing with the Secretary of State.