

**TOWN OF OTISCO
LOCAL LAW NO. #2 OF 2021**

**A LOCAL LAW OPTING-OUT OF ALLOWING
ADULT-USE CANNABIS LICENSES FOR RETAIL DISPENSARIES
AND ON-SITE CONSUMPTION IN THE TOWN OF OTISCO**

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

1. **TITLE.** This Local Law shall be known and may be cited as the Town of Otisco “Opting-Out of Allowing Adult-Use Cannabis Licenses for Retail Dispensaries and On-Site Consumption Law” (hereinafter referred to as the “Local Law”).

2. **LEGISLATIVE INTENT.** The Town Board of the Town of Otisco (the “Town Board”) recognizes that New York State’s recently enacted Marijuana Regulation & Taxation Act (MRTA) legalized adult cannabis possession and use by adults at least 21 years of age. Although the Town of Otisco cannot opt-out of adult-use legalization of cannabis, MRTA provides that the Town is able to opt-out of allowing adult-use cannabis retail dispensaries or on-site consumption licenses within its jurisdiction by the enactment of an opting-out local law by December 31, 2021. Pursuant to MRTA, such opting-out local law must be subject to a permissive referendum on petition as governed by Section 24 of the Municipal Home Rule Law. The Town Board intends to timely enact a local law subject to permissive referendum to opt-out of MRTA by requesting that the Cannabis Control Board prohibit the issuance of retail dispensary licenses and on-site consumption licenses within the Town.

It is hereby declared to be the policy of the Town Board to opt-out of allowing cannabis retail dispensaries and on-site consumption licenses within the jurisdiction of the Town so as to preserve, protect and promote the public health, safety and welfare within the Town.

3. **AUTHORITY.** This Local Law is enacted pursuant to MRTA, which provides for New York municipalities to opt-out of allowing adult-use cannabis retail dispensaries and on-site consumption locations within their respective jurisdictions, if done by the adoption of a local law subject to a permissive referendum on or before December 31, 2021.

4. OPTING-OUT OF ALLOWING ADULT-USE CANNABIS RETAIL DISPENSARIES AND ON-SITE CONSUMPTION LICENSES WITHIN THE TOWN.

The Town Board hereby adopts this Local Law subject to a permissive referendum on petition, to opt-out of allowing adult-use cannabis retail dispensaries and on-site consumption licenses within the Town of Otisco, to preserve, protect and promote the public health, safety and welfare within the Town.

5. **CONFLICT WITH OTHER LAWS.** This Local Law is enacted pursuant to the provisions of New York State Town Law, Municipal Home Rule Law, and MRTA. During the

duration of times that this Local Law is in effect, to the extent permitted by law, it shall take precedence over and shall be considered controlling over contrary laws, rules, ordinances, and common law.

6. SEVERABILITY. If any clause, sentence, paragraph, section, article, subdivision, provision, or part of this Local Law shall be adjudged by any Court of competent jurisdiction in the State of New York to be void, unconstitutional, invalid, ineffectual, or unenforceable, such adjudication or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operations and only apply to the clause, sentence, paragraph, section, article, subdivision, provision, or part thereof directly involved in the controversy in which such adjudication or judgment shall have been rendered or so adjudged, and not deemed to affect, impair, or invalidate the remainder of this Local Law shall remain valid and in full force and effect.

7. PRIOR LAW. Upon the effective date of this Local Law, this Local Law shall repeal any prior provision of law, rule, regulation, ordinance, or resolution of the Town of Otisco which is inconsistent with the provisions of this Local Law.

8. EFFECTIVE DATE. This Local Law is subject to a permissive referendum on petition. If a proper petition is timely filed with the Otisco Town Clerk within 45 days of the Town Board's adoption of this Local Law requiring a referendum by the Town's electorate, the Town Clerk shall not file this Local Law with the New York State Secretary of State until after the results of such vote by the electorate at a general or special election, as the case may be under applicable Law, to determine whether Local Law # 2 of 2021 is approved or disapproved by a majority of the Town's electorate.

If, a majority of the Town's electorate approved Local Law # 2 of 2021 at an election, or if no proper petition was filed with the Town Clerk within 45 days of the adoption of this Local Law by the Town Board, as the case may be, then this Local Law shall become effective 20 days after its filing with the New York State Secretary of State in accordance with the provisions of New York State Municipal Home Rule Law §27.

Town Board of the Town of Otisco

August 9, 2021