

## **LOCAL LAW NO. 2 of 2021**

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

**Section 1. Legislative Intent** – On March 31, 2021, Governor Cuomo signed into law the Marijuana 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 Horicon 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 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Local Laws or ordinances or parts of Local Laws or ordinances in conflict with any part of this Local law are hereby repealed.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.