

E-6

**TOWN OF HARRISON
VILLAGE OF HARRISON
ATTORNEY'S OFFICE**

MEMORANDUM

TO: Members of the Town Board

FROM: Ronald Belmont, Supervisor



DATE: November 3, 2021

RE: **Public Notice for Proposed Local Law No. __ of 2021
adding Chapter 178 entitled "NYS Cannabis Law Opt-out Legislation"**

Attached herewith is a Public Notice for a proposed Local Law regarding the above referenced matter.

If acceptable, please schedule this matter for a Public Hearing for the December 2, 2021 Town Board meeting.

If you have any questions or comments, please contact me.

Attachment

PUBLIC NOTICE

Proposed Local Law No. ____ of 2021

**Adding Chapter 178
entitled “NYS Cannabis Law Opt-Out Legislation”
of the Town Code of the Town of Harrison**

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Harrison, at its meeting to be held at 7:00 P.M., on December 2, 2021 will hold a Public Hearing pursuant to Article 2, Section 10 and Article 3, Section 20 of the Municipal Home Rule Law, to add Chapter 178, entitled “NYS Cannabis Law Opt-Out Legislation” in the Town Code of the Town of Harrison as follows:
(new material is underlined and deletions are in brackets []).

Chapter 178-1. Title.

This chapter shall be known as the “NYS Cannabis Law Opt-Out Legislation Law of the Town of Harrison.

Section 178-2. Legislative Intent

It is the intent of this local law for the Town of Harrison to opt out of allowing cannabis retail dispensaries within the Town of Harrison that would otherwise be allowed under New York State Cannabis Law Article 4.

Section 178-3. Authority

This local law is adopted pursuant to New York State Cannabis Law Section 131 which expressly authorizes the Town Board to adopt a local law requesting the Cannabis Control Board to prohibit the establishment of cannabis retail dispensary licenses and/or on-site consumption licenses within the jurisdiction of the Town of Harrison and is subject to a permissive referendum, the procedure of which is governed by New York Municipal Home Rule Law Section 24.

Section 178-4. Local Opt-Out

The Town Board of the Town of Harrison hereby opts out allowing cannabis retail dispensaries from being established and operated with the Town’s jurisdiction and requests that the Cannabis

Control Board prohibit the establishment of such retail dispensary licenses with the Town of Harrison.

Section 178-5. Severability

In any part or provision of this local law or the application thereof to any person or firm or corporation or circumstance be shall adjudged invalid or unconstitutional by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which judgment shall be rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons, firm corporation or circumstance, and the Town Board of the Town of Harrison hereby declares that it would have passed this local law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 178-6. Permissive Referendum/Referendum on Petition

This local law is subject to a referendum on petition in accordance with New York State Cannabis Law Section 131 and the procedure outlined in New York Municipal Home Rule Law Section 24.

Section 178-7. Effective Date

This local law shall take effect immediately upon filing with the Secretary of the State of New York.

ALL PERSONS HAVING AN INTEREST IN THE MATTER ARE INVITED TO
ATTEND AND BE HEARD.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF HARRISON.

Jacqueline Greer
Town Clerk

Dated: Harrison New York
November 4, 2021