

Village of Millbrook

Local Law # 6 of 2021 Opting Out of Retail Sales

[Pursuant to Cannabis Law § 131, a local law opting out of allowing retail cannabis dispensaries and/or on-site cannabis consumption establishments from locating within a municipality is subject to a permissive referendum. Consequently, any local law adopted pursuant to Cannabis Law § 131 may not be filed with the Secretary of State until either the applicable time period for filing a petition to trigger a referendum has elapsed or a referendum has been conducted approving the local law. Note that local governments may opt out of allowing BOTH retail cannabis dispensaries and on-site cannabis consumption establishments OR opt out of allowing EITHER retail cannabis dispensaries OR on-site cannabis consumption establishments.]

Cannabis Law § 131 subjects local opt-out laws to permissive referendum. For cities, the permissive referendum is triggered if a petition is filed with the city clerk signed by qualified city electors in a number equal to at least 10% of the number of votes cast for governor in the city at the last gubernatorial election. For villages, the permissive referendum may be triggered either (a) by a petition being filed with the village clerk signed by qualified village electors in a number equal to at least 20% of the registered electors in the previous general village election, or (b) by the board of trustees adopting a resolution submitting the local law to a referendum of the voters for their approval. If a local government wishes to opt-out of both retail dispensaries and on-site consumptions establishments, local officials may wish to enact a separate local opt-out law for each type of retail business so that the public will be able to vote on opting out of each type of business separately.

Local Law No. 6 of the year 2021

Village of Millbrook, County of Dutchess

A local law adopted pursuant to Cannabis Law § 131 opting out of licensing and establishing retail cannabis dispensaries and on-site cannabis consumption establishments within the Village of Millbrook.

Section 1. Legislative Intent

It is the intent of this local law to opt the Village of Millbrook out of hosting retail cannabis dispensaries and on-site cannabis consumption establishments within its boundaries.

Section 2. Authority

This local law is adopted pursuant to Cannabis Law § 131, which expressly authorizes cities and villages to opt-out of allowing retail cannabis dispensaries and on-site cannabis consumption establishments to locate and operate within their boundaries.

Section 3. Local Cannabis Retail Dispensary and/or On-Site Consumption Opt-Out

The City Council/Board of Trustees of the Village of Millbrook, County of Dutchess, hereby opts-out of allowing retail cannabis dispensaries and on-site cannabis consumption establishments from locating and operating within the boundaries of the Village of Millbrook.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, 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.

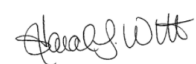
Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State. Pursuant to Cannabis Law § 131, and Article 9 of the New York Village Law, this local law is subject to a permissive referendum and thus may not be filed with the Secretary of State until thirty (30) days after adoption, unless there shall be filed with the Village Clerk a petition signed and acknowledged by the electors of the Village in number equal to at least twenty percent of such electors in the Village, as shown on the register of electors for the previous general village election, protesting against this resolution and requesting that the matter be submitted to the electors of the Village for their approval or disapproval in the manner provided by the Village Law. Within ten (10) days after the adoption of this resolution, the Village Clerk is hereby authorized and directed to cause to be published at least once in the official newspaper of the Village, and to be posted in at least six (6) public places in the Village, a notice which shall set forth the date of adoption of this resolution and contain an abstract thereof, concisely stating its purpose and effect and specifying that this resolution was adopted subject to a permissive referendum.

Moved by:

Seconded by:

Mayor Collopy	_____
Deputy Mayor Herzog	_____
Trustee Contino	_____
Trustee Arbogast	_____
Trustee Anson	_____

VILLAGE OF MILLBROOK BOARD MEETING	
___ Approved	___ Denied
Certified by: 	
Clerk/ Treasurer	