

**RESOLUTION No. 22 of 2021**

**Enacting Local Law No. 6 of 2021 Opting Out Of Licensing And Establishing Retail Cannabis Dispensaries And On-Site Cannabis Consumption Establishments Within The Village Of Millbrook Pursuant To Cannabis Law § 131**

At a meeting of the Village Board of Trustees of the Village of Millbrook (“Village Board”), held at the Village of Millbrook Fire House on the 20<sup>th</sup> day of October, 2021, at 6:00 p.m., Village Mayor, Tim Collopy called the meeting to order, and \_\_\_\_\_, seconded by Trustee \_\_\_\_\_, moved the following resolution, to enact the following local law, to be known as Local Law No. 6 of 2021, entitled “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” as follows:

WHEREAS, the following Local Law was introduced as Proposed Local Law No. 6 of 2021, by Resolution No. 21 of 2021, adopted at a regular meeting of the Village Board held on September 14, 2021; and

WHEREAS, a properly noticed public hearing was held before the Village Board during the meeting on October 20, 2021, on Local Law No. 6 of 2021; and

WHEREAS, the enactment of this Local Law is a Type II Action pursuant to the New York State Environmental Quality Review Act as it involves routine agency administration and management and therefore is exempt from environmental review; and

NOW THEREFORE, BE IT ENACTED by the Board of Trustees of the Village of Millbrook as follows:

**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 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.

The foregoing resolution was duly put to a vote which resulted as follows:

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

DATED: Millbrook, New York  
October 20, 2021

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SARAH J. WITT, VILLAGE CLERK  
Village of Millbrook