

RESOLUTION OF INTRODUCTION

_____, seconded by _____, introduced the following proposed local law, to be known as Local Law #13 of 2021, entitled A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK TO OPT OUT OF ALLOWING CANNABIS RETAIL DISPENSARIES AND ON-SITE CONSUMPTION SITES AS AUTHORIZED UNDER CANNABIS LAW ARTICLE 4.

Be it enacted by the Town Board of the Town of Esopus, County of Ulster, as follows:

SECTION 1. LEGISLATIVE INTENT

It is the intent of this local law to opt out of allowing cannabis retail dispensaries and on-site cannabis consumption sites in the Town of Esopus that would otherwise be allowed under Cannabis Law Article 4.

SECTION 2. AUTHORITY

This local law is adopted pursuant to Cannabis Law § 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 and is subject to a permissive referendum, the procedure of which is governed by Municipal Home Rule Law §24.

SECTION 3. LOCAL OPT-OUT

The Town Board of the Town of Esopus hereby opts out of allowing cannabis retail dispensaries and on-site cannabis consumption sites from being established and operated within the town's jurisdiction.

SECTION 4. SEVERABILITY

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgement shall not affect, impair, or invalidate the remainder thereof, 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. PERMISSIVE REFERENDUM / REFERENDUM ON PETITION

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

SECTION 5. EFFECTIVE DATE

This Local Law shall take effect ten (10) days following publication and posting in accordance with the Town Code Section 123-50(D) and filing of the Local Law with the Secretary of State in Accord with Article 3 of the Municipal Home Rule Law.

WHEREAS, Supervisor Geuss advised the Town Board that, pursuant to the Municipal Home Rule Law of the State of New York, it will be necessary to hold a public hearing upon this law. He offered the following resolution which was seconded by Councilperson _____, who moved its adoption; and therefore, be it

RESOLVED, that a public hearing be held in relation to the proposed local law as set forth in the form of notice, hereinafter provided, at which hearing parties of interest and citizens shall have an opportunity to be heard, to be held at the Town Hall, 1 Town Hall Way, Ulster Park, New York, on Thursday, November 4th, 2021, at 7:00 clock p.m., Prevailing Time, and that notice of said meeting shall be published in the official newspaper of general circulation in the Town of Esopus, by the Town Clerk, at least ten (10) days before such hearing and that notice shall be in the following form:

NOTICE OF PUBLIC HEARING

TAKE NOTICE, that the Town Board of the Town of Esopus will hold a public hearing at the Town Hall, 1 Town Hall Way, Ulster Park, New York on Thursday, November 4th, 2021 at 7:00 p.m., on Local Law No. 13 of 2021, entitled “A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK TO OPT OUT OF ALLOWING CANNABIS RETAIL DISPENSARIES AND ON-SITE CONSUMPTION SITES AS AUTHORIZED UNDER CANNABIS LAW ARTICLE 4.”

TAKE FURTHER NOTICE, that all persons interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the office of the Clerk of the Town of Esopus, at the Town Hall, 1 Town Hall Way, Ulster Park, New York between the hours of 9:00 a.m. and 4:00 p.m. by appointment and online at the Town of Esopus Website: <https://www.esopus.com/> on all business days between the date of this notice and the date of the public hearing.

DATED: Ulster Park, New York
_____, 2021

HOLLY A. NETTER, TOWN CLERK

The foregoing resolution was voted upon with all councilpersons voting as follows:

Supervisor Geuss _____
Councilperson Farrell _____
Councilperson Quick _____
Councilperson Clarke _____
Councilperson Robinson _____

DATED: Ulster Park, New York
September 16, 2021

HOLLY A. NETTER, TOWN CLERK