

## PROPOSED LOCAL LAW H – 2021

A Proposed Local Law to amend the Code of the Village of Mamaroneck  
to add Chapter 143, Cannabis

**BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK  
AS FOLLOWS:**

*(Language in strike-through ~~abcedefghijk~~ to be deleted; language in **bold** is to be added)*

### Section 1.

The Code of the Village of Mamaroneck is amended by adding Chapter 143, as follows:

### **Chapter 143 Cannabis**

#### **§ 318-1 Retail cannabis dispensary licenses and on-site cannabis consumption licenses.**

##### **A. Legislative findings and intent**

(1) Section 131 of the Cannabis Law of the State of New York provides that “[t]he licensure and establishment of a retail dispensary license and/or on-site consumption license under the provisions of article four of this chapter authorizing the retail sale of adult-use cannabis to cannabis consumers shall not be applicable to a town, city or village which, after the effective date of this chapter, and, on or before the later of December thirty-first, two thousand twenty-one or nine months after the effective date of this section, adopts a local law, subject to permissive referendum governed by section twenty-four of the municipal home rule law, requesting the cannabis control board to prohibit the establishment of such retail dispensary licenses and/or on-site consumption licenses contained in article four of this chapter, within the jurisdiction of the town, city or village.”

(2) The Board of Trustees finds and determines that:

(a) there are many unresolved questions and issues regarding the Cannabis Law recently enacted by New York State including, but not limited to, significant community character and quality of life issues, public safety and policing issues, traffic and parking issues, issues related to the safe operation of motor vehicles, zoning and planning issues, financial revenue and associated costs, and the sharing of sales tax revenues with the Towns of Mamaroneck and Rye;

(b) allowing cannabis retail dispensaries and on-site consumption establishments to operate within the Village of Mamaroneck could have the effect of preventing other desirable establishments from locating within the Village in the future due to proximity limitations;

- (c) the Village of Mamaroneck has not yet undertaken, nor could it complete, a comprehensive study of the pros and cons of allowing Cannabis outlets within the Village prior to December 31, 2021;
  - (d) these concerns, as well as unknown potential unintended consequences, must be balanced against potential medicinal benefits, revenue, and other perceived benefits for the entire Village of Mamaroneck
  - (e) New York State law specifically provides that a municipality may revisit these issues at any time after it has requested that the Cannabis Control Board of the State of New York prohibit the establishment of cannabis retail dispensary licenses and on-site consumption licenses from operating within a municipality under article four of the Cannabis Law; and
  - (f) it is prudent and appropriate for the Board of Trustees to take this matter under serious consideration and act in the best interest of the Village of Mamaroneck, knowing that after all the issues are analyzed and addressed the Board of Trustees may vote to allow cannabis retail dispensaries and on-site consumption establishments to operate within the Village of Mamaroneck in the future.
- (3) The Board of Trustees intends by adopting this local law to exercise the rights granted to it under Cannabis Law § 131.

**B. Local cannabis retail dispensary licenses and on-site consumption licenses.**

The Board of Trustees of the Village of Mamaroneck, County of Westchester, requests that the Cannabis Control Board of the State of New York prohibit the establishment of cannabis retail dispensary licenses and on-site consumption licenses under article four of the Cannabis Law within the Village of Mamaroneck.

*Section 2.*

If any section, subsection, clause, phrase or other portion of this local law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, the portion of the law declared to be invalid will be deemed a separate, distinct and independent portion and the declaration will not affect the validity of the remaining portions hereof, which will continue in full force and effect.

This law is adopted pursuant to the authority granted by Cannabis Law § 131 and Municipal Home Rule Law § 10(1)(e)(3) and will supersede the provisions of the Village Law to the extent that they are inconsistent with this local law.

*Section 3.*

This local law will take effect immediately upon its filing in the office of the Secretary of State in accordance with Municipal Home Rule Law § 27. Pursuant to Cannabis Law §

131, this local law is subject to a permissive referendum governed by Municipal Home Rule Law § 24 and thus may not be filed with the Secretary of State until the applicable time period has elapsed to file a petition or, if a petition has been filed, a referendum has been conducted approving this local law.