

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Shawangunk, Ulster County, New York

Local Law No. 1 of the year 2022

A local law Opting Out of Allowing Cannabis Retail Dispensaries and On-Site Consumption
(Insert Title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Shawangunk 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 Shawangunk that would otherwise be allowed under the NYS Cannabis Law Article 4.

The Town Board finds that it would be premature to forego the opportunity to opt out at this time. Per the newly enacted Cannabis Law, a Town cannot opt out after December 31, 2021 but it can opt back in any time after that date. The purpose of this local law is to preserve the right of a future Town Board to opt back in if, in its judgment, the same would promote the welfare of the citizens of the Town.

Section 2. Authority

This local law is adopted pursuant to 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 and is subject to a permissive referendum, the procedure of which is governed by Municipal Home Rule Law Section 24. This local law also is authorized by the New York State Constitution, including Article IX Section 2, the relevant provisions of the New York Municipal Home Rule Law, the Statute of Local Governments, and the general police power vested in the Town Board of the Town of Shawangunk to provide for the health, safety and welfare of the citizens of the Town.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 3. Local Opt-Out

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

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 judgment 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

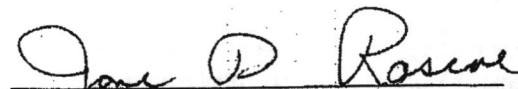
This local law is subject to a referendum on petition in accordance with Cannabis Law Section 131 and the procedure outlined in Municipal Home Rule Law Section 24.

Section 6. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State. Filing shall be pursuant to Municipal Home Rule Law Section 27.

BE IT ENACTED THIS 16th DAY OF December 2021 BY THE TOWN BOARD OF THE TOWN OF SHAWANGUNK, COUNTY OF ULSTER, STATE OF NEW YORK.

JOHN VALK JR., SUPERVISOR
ADRIAN M. DEWITT, COUNCILMAN
ROBERT T. MILLER, COUNCILMAN
BRIAN AMTHOR, COUNCILMAN
MATTHEW WATKINS, COUNCILMAN



JANE P. RASCOE, TOWN CLERK
TOWN OF SHAWANGUNK

ATTEST:

TOWN SEAL:

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2022 of the (County)(City)(Town)(Village) of Shawangunk, NY was duly passed by the Town Board on December 16, 2021, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law. *(Elective Chief Executive Officer*)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

x *Dane P. Rascoe*
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body **DANE P. RASCOE**

Date: February 14 2022

(Seal)