



VILLAGE OF DOBBS FERRY BOARD OF TRUSTEES AGENDA

MEETING DATE: NOVEMBER 9, 2021
AGENDA ITEM SECTION: DISCUSSION ITEMS
AGENDA ITEM NO. : 2
AGENDA ITEM: CONTINUE DISCUSSION OF OPTIONS FOR LOCAL CANNABIS INDUSTRY LICENSING UNDER THE NYS MARIJUANA REGULATION AND TAXATION ACT
ITEM BACKUP DOCUMENTATION: <ul style="list-style-type: none">1. DRAFT PUBLIC HEARING LEGAL NOTICE2. INTRODUCTORY LOCAL LAW ADDING A NEW CHAPTER 141 "CANNABIS LICENSING" AND TAKING ACTION OF OPTION TO OPT OUT OF LOCAL LICENSING OF RETAIL DISPENSARIES AND ON-SITE CONSUMPTION ESTABLISHMENTS WITHING THE VILLAGE PURSUANT TO THE AUTHORITY GRANTED BY SECTION 131 OF NYS CANNABIS LAW3. DRAFT RESOLUTION

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2. INTRODUCTORY LOCAL LAW ADDING A NEW CHAPTER 141 "CANNABIS LICENSING" AND TAKING ACTION OF OPTION TO OPT OUT OF LOCAL LICENSING OF RETAIL DISPENSARIES AND ON-SITE CONSUMPTION ESTABLISHMENTS WITHING THE VILLAGE PURSUANT TO THE AUTHORITY GRANTED BY SECTION 131 OF NYS CANNABIS LAW
3. DRAFT RESOLUTION



VILLAGE OF DOBBS FERRY

112 Main Street
Dobbs Ferry, New York 10522
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PLEASE TAKE NOTICE that the Dobbs Ferry Village Board of Trustees will conduct a public hearing at Village Hall, 112 Main Street on Tuesday, November 23, 2021 at 6:30 p.m., or as soon thereafter as the matter may be heard, to receive public comment on an a draft Introductory Local Law which, after adding a new Chapter 141 “Cannabis Licensing” to the Dobbs Ferry Code, will propose to separately “opt out” of permitting licensing within the Village of (a) retail cannabis dispensaries, and (b) on-site consumption establishments. The Village’s authority to opt out of one or both of these two specified NYS-issued licenses is provided in §131 of NYS Cannabis Law and any opt-out decision will be subject to permissive referendum.

The hearing will be conducted in the Board Room using a hybrid method combining in-person and virtual attendance in keeping with the Village’s goal of protecting public health and in compliance NYS Part E, Chapt. 147 of the Laws of 2021 permitting virtual participation by Board Members. For virtual participation, interested parties may be heard using Zoom, a web-based videoconferencing service which can be accessed by: (i) typing “join.zoom.us” on your web browser and entering the Webinar ID #205 957 953, Passcode: 309361; or (ii) using the direct link [https://zoom.us/j/205957953?pwd=aU5YNHJVVYkxub21WN0RzQUZoVzROUT09](https://zoom.us/j/205957953?pwd=aU5YNHJVVYkxub21WN0RzQUZoVzROUT09;); or (iii) dialing telephone number 929 205 6099. Please note that the use of the “CHAT” function will not be monitored during the hearing. Parties may also provide written comments in advance of the hearing to the Village Clerk, 112 Main Street or by e-mail LDreaper@dobbsferry.com. Further details on the proposed local law and instructions for participation may be found online at the Village of Dobbs Ferry website www.dobbsferry.com

BY ORDER OF THE BOARD OF TRUSTEES

Dated: _____ 2021

Elizabeth Dreaper
Village Clerk

INTRODUCTORY LOCAL LAW

A LOCAL LAW to amend the Dobbs Ferry Village Code by adding a new Chapter 141 "Cannabis Licensing" and taking action on option to opt out of local licensing of retail dispensaries and on-site consumption establishments within the Village pursuant to the authority granted by Section 131 of NYS Cannabis Law:

BE IT ENACTED by the Board of Trustees of the Village of Dobbs Ferry, as follows:

Section 1. The Code of the Village of Dobbs Ferry is hereby amended with the addition of Chapter 141 entitled "Cannabis Licensing" as follows:

CHAPTER 141 CANNABIS LICENSING

141-1 Legislative Intent.

It is the intent of this local law to represent the decision by the Village of Dobbs Ferry in the exercise of its right to opt-out of any licensing by the New York State Cannabis Control Board of retail cannabis dispensaries and/or on-site cannabis consumption establishments and prohibit such enterprises from operating within the boundaries of the Village of Dobbs Ferry.

141-2 Authority

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

141-3 Local Cannabis Retail Dispensary Opt-Out

The Village Board of Trustees of the Village of Dobbs Ferry, County of Westchester, hereby opts-out of allowing retail cannabis dispensaries from locating and operating within the boundaries of the Village of Dobbs Ferry.

141-4 Local Cannabis On-Site Consumption Establishment Opt-Out

The Village Board of Trustees of the Village of Dobbs Ferry, County of Westchester, hereby opts-out of allowing on-site consumption establishments from locating and operating within the boundaries of the Village of Dobbs Ferry.

141-5 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.

141-6 Effective date

This Local Law shall take effect immediately upon filing with Secretary of State. Pursuant to NYS Cannabis Law §131, this local law is subject to a permissive referendum under Municipal Home Rule Law §24 to be conducted in the Village of Dobbs Ferry in accordance with Article 9 of NYS Village Law and thus may not be filed with the Secretary of State until the applicable time period has elapsed to file a petition, or a referendum has been conducted approving this local law.

Section 2. Except as otherwise provided herein, all other provisions of the Dobbs Ferry Code shall remain the same.

Section 3. This Local Law shall take effect immediately upon filing with Secretary of State. Pursuant to NYS Cannabis Law §131, actions taken to opt out of licensing are subject to a permissive referendum under Municipal Home Rule Law §24 and may not be filed with the Secretary of State until the applicable time period has elapsed to file a petition, or a referendum has been conducted approving this local law. In accordance with the procedural requirements in Article 9 of NYS Village Law, within 10 days after adoption, the Village Clerk shall post and publish, in the same manner as provided for the notice of a general village election, a notice setting forth the adoption date and an abstract of the local law which states its purpose and indicates that the local law is subject to a permissive referendum. If more than one referendum is to be voted upon, each must be separately and consecutively numbered.

**RESOLUTION SETTING PUBLIC HEARING ON LOCAL LAW ADDING NEW
CHAPTER 141 “CANNABIS LOCAL LICENSING” AND PROPOSING THAT THE
VILLAGE OPTS-OUT OF ONE OR BOTH OF LOCAL LICENSES FOR RETAIL
DISPENSARIES AND ON-SITE CONSUMPTION ESTABLISHMENTS**

WHEREAS, pursuant to the authority granted in NYS Cannabis Law §131, the Board of Trustees of the Village of Dobbs Ferry is considering an Introductory Local Law which adds Chapter 141 to the Village Code entitled “Cannabis Local Licensing” and thereafter proposes that the Village opt-out of the local licensing of (a) retail cannabis dispensaries, and (b) on-site cannabis consumption establishments; and

WHEREAS, any action by the Village to opt-out of one or both of the licenses under NYS Cannabis Law will be subject to permissive referendum which will necessitate consideration of and proceeding on each license component separately.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees will conduct the public hearing to receive comments on both proposed opt-out actions contained in the above-referenced Introductory Local Law in the board room at Village Hall, 112 Main Street on Tuesday, November 23, 2021 at 6:30 p.m., or as soon thereafter as the matter may be heard, with such hearing to be conducted using a hybrid method combining in-person and virtual attendance in keeping with the Village’s goal of protecting public health and in compliance NYS Part E, Chapt. 147 of the Laws of 2021 permitting virtual participation by Board Members.