

LOCAL LAW NO. __ of 2021
Town of Ossining, County of Westchester

A Local Law known and cited as Opt out of Allowing On-site Cannabis Consumption Sites in
the Unincorporated Town of Ossining

Be it enacted by the Town Board of the Town of Ossining as follows:

SECTION 1. Purpose and Intent. It is the intent of this local law to opt-out of allowing on-site cannabis consumption sites in the unincorporated Town of Ossining that would otherwise be allowed to be licensed under New York Cannabis Law, Article 4. The Town Board is considering this local law because New York Cannabis Law only gives municipalities the option to opt-out before December 31, 2021 and if municipalities do not do so, they no longer have the option to do so. This does not preclude the Town Board from deciding to allow on-site cannabis consumption sites in the future. This local law does not opt the Town out of allowing cannabis retail dispensaries within the unincorporated Town of Ossining.

SECTION 2. A new chapter, Chapter 72, shall be added to the Town Code entitled “Cannabis” and shall read as follows:

Section 72-1. Legislative Intent.

It is the intent of this local law to opt-out of allowing on-site cannabis consumption sites in the unincorporated Town of Ossining that would otherwise be allowed to be licensed under New York Cannabis Law, Article 4.

Section 72-2. 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 on-site cannabis consumption licenses within the jurisdiction of the Town and is subject to permissive referendum, the procedure of which is governed by New York Municipal Home Rule Law § 24.

Section 72-3. Local Opt-Out.

The Town Board of the Town of Ossining hereby opts out of allowing on-site cannabis consumption sites from being established and operating within the unincorporated Town of Ossining. The Town Board requests that the Cannabis Control Board prohibit the establishment of such on-site cannabis consumption licenses provided in New York Cannabis Law, Article 4 within the unincorporated Town of Ossining.

Section 72-4. Severability.

If any clause, sentence, paragraph, subdivision or part of this Local Law or the application thereof to any person, firm or corporation, or circumstances, 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 72-5. 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 72-6. Effective date.

This local law shall take effect immediately upon filing with the Secretary of State.

BY ORDER OF THE TOWN BOARD OF
THE TOWN OF OSSINING