

LOCAL LAW NO. 4 OF 2021

A Local Law Adding Chapter 68a To The Town Code Of The Town Of Chester To Opt Out Of Allowing Cannabis Retail Dispensaries And On-Site Consumption Sites, As Authorized Under New York Cannabis Law Article 4

Be it enacted by the Town of Chester in the County of Orange, as follows:

Section 1. Title

This Local Law shall be referred to as, “A Local Law Adding Chapter 68A, Entitled, “Opt-Out of Cannabis Retail Dispensaries and On-Site Cannabis Consumption Sites”, to the Town Code of the Town of Chester.

Section 2. Purpose and Legislative Intent

It is the intent and purpose of this Local Law to permit the Town of Chester to opt-out of allowing cannabis retail dispensaries and on-site cannabis consumption sites in the Town of Chester, that would otherwise be allowed under New York Cannabis Law Article 4. The Town Board of the Town of Chester has determined that opting-out of allowing cannabis retail dispensaries and on-site cannabis consumption sites in the Town of Chester shall further secure and promote the public health, comfort, welfare, safety and peace for residents of the Town of Chester.

Section 3. Authority

This Local Law is adopted pursuant to New York 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 of Chester and is subject to a permissive referendum, the procedure of which is governed by New York Municipal Home Rule Law §24.

Section 4. Local Opt-Out

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

Section 5. 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 6. Permissive Referendum/Referendum on Petition.

This Local Law is subject to a referendum on petition in accordance with New York Cannabis Law §131 and the procedures outlined in New York Municipal Home Rule Law §24.

Section 7. Effective Date.

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