



TOWN OF AMENIA
TOWN BOARD

4988 Route 22, AMENIA, NY 12501
(845) 373-8860 www.ameniany.gov

Resolution No. 50 of 2021

RE: RESOLUTION INTRODUCING LOCAL LAW NO. _____ of 2021 OPTING OUT OF THE LICENSING AND ESTABLISHMENT OF CANNABIS RETAIL DISPENSARIES AND ON-SITE CONSUMPTION SITES WITHIN THE TOWN OF AMENIA

WHEREAS, on March 31, 2021, Governor Andrew Cuomo signed the Marijuana Regulation and Taxation Act (MRTA) legalizing adult use cannabis in New York State; and

WHEREAS, MRTA created a new area of law, the Cannabis Law, which authorizes municipalities to adopt local laws opting out of the licensing and establishment of retail dispensaries and on-site consumption sites within the Town's Jurisdiction which would otherwise be permitted under the Cannabis Law; and

WHEREAS, the Town Board of the Town of Amenia has determined, after examination of the MRTA, to adopt a local law opting out of the State statute authorizing towns to permit the licensing and establishment of on-site cannabis consumption sites, thereby prohibiting such establishments within the Town of Amenia; and

WHEREAS, the Town Board of the Town of Amenia has considered the provisions of Article 8 of the Environmental Conservation Law ("SEQRA") and the regulations adopted thereunder at 6 NYCRR Part 617 and finds this Local Law to be a Type II Action as defined therein, and therefore, no further review is required under SEQRA.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The recitations set forth above are incorporated in this Resolution as if fully set forth and adopted herein.

2. The Town Board hereby introduces for adoption Local Law No. ____ of 2021
“Opting Out of the Licensing and Establishment of Retail Cannabis Dispensaries and
On-site Consumption Sites Within the Town of Amenia” in the form annexed hereto.
3. The Town Board hereby schedules the public hearing on the proposed adoption of
Local Law No. ____ of the year 2021 “Opting Out of the Licensing and
Establishment of Retail Cannabis Dispensaries and On-site Consumption Sites Within
the Town of Amenia” to be held at Town Hall, 4988 Route 22, Amenia, New York
12501 on the 4th day of November, 2021 at 7:00 p.m. and the Town Clerk is hereby
directed to post and publish notice of the public hearing in the form annexed hereto.

Motioned By: Perotti

Seconded By: Somogyi

The foregoing resolution was voted upon with all councilwomen/councilmen voting as follows:

Supervisor Perotti	Aye
Councilwoman Doyle	Aye
Councilman Gutierrez	Nay
Councilman Morris	Aye
Councilwoman Somogyi	Aye

Dated: Amenia, New York
October 7, 2021



DAWN MARIE KLINGNER, TOWN CLERK



TOWN OF AMENIA TOWN BOARD

4988 Route 22, AMENIA, NY 12501
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TOWN OF AMENIA **Local Law No. of 2021**

A Local Law entitled “Opting Out of the Licensing and Establishment of Cannabis Retail Dispensaries and On-Site Consumption Sites within the Town of Amenia” as authorized under Article 4 of the Cannabis Law.

BE IT ENACTED by the Town Board of the Town of Amenia, County of Dutchess as follows:

Section-I: LEGISLATIVE INTENT

It is the intent of this Local Law to opt out of allowing the licensing and establishment of cannabis retail dispensaries and on-site cannabis consumption sites in the Town of Amenia that would otherwise be allowed under Cannabis Law Article 4. The Town Board, after careful examination of the law, has determined that it is in the best interest of the citizens of the Town of Amenia to opt out of the licensing and establishment of cannabis retail dispensaries and on-site consumption sites within the Town of Amenia.

Section II: 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 cannabis retail dispensary licenses and/or on-site consumption licenses within the jurisdiction of the Town.

Section III: LOCAL OPT-OUT

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

Section IV: 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 adjudicated 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 V: 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 VI: EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State, provided that such filing occurs no sooner than 45 days after the adoption of this Local Law by the Town Board. Pursuant to Cannabis Law §131, this Local Law is subject to a permissive referendum 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.

**NOTICE OF PUBLIC HEARING
TOWN OF AMENIA**

PLEASE TAKE NOTICE that a Public Hearing will be held by the Town Board of the Town of Amenia on November 4, 2021 at 7:00 p.m. at Amenia Town Hall, 4988 Route 22, Amenia New York, at which time all parties and interested citizens shall have an opportunity to be heard as to whether the Town Board of the Town of Amenia shall adopt a proposed Local Law, known as Local Law No. _____ of 2021 entitled “Local Law Opting Out of the Licensing and Establishment of Cannabis Retail Dispensaries and On-Site Consumption Sites within the Town of Amenia” as authorized under Article 4 of the Cannabis Law

PLEASE TAKE FURTHER NOTICE that the purpose of this proposed Local Law is to opt out of the State Law authorizing retail dispensary and on-site consumption sites within the Town of Amenia.

PLEASE TAKE FURTHER NOTICE that a copy of the proposed Local Law will be available for review and inspection at the Office of the Town Clerk during regular office hours at Amenia Town Hall, 4988 Route 22, Amenia, New York and on the Town’s website at www.ameniany.gov.

PLEASE TAKE FURTHER NOTICE that the adoption of this Local Law is subject to a Permissive Referendum.

Dated: Amenia, New York
October 7, 2021

BY ORDER OF THE TOWN BOARD



DAWN MARIE KLINGNER, TOWN CLERK