

Town of Andes

Local Law No. 3 of the year 2021

A Local Law to opt out of allowing cannabis retail dispensaries and on-site consumption sites as authorized under Cannabis Law Article 4

BE IT ENACTED by the Town of Andes, County of Delaware as follows:

Section 1: Legislative Intent

It is the intent of this local law to opt out of allowing cannabis retail dispensaries and any on-site cannabis consumption site in the Town of Andes that would otherwise be allowed under Article 4 of the Cannabis Law of the State of New York.

Section 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 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 § 24.

Section 3: Local Opt-Out

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

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 § 131 and the procedure outline in Municipal Home Rule Law § 24.

Section 6: Effective Date

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