

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one:)

of St. Johnsville

COPY

Local Law No. 1 of the year 2024

A local law to Regulate Cannabis Businesses and Amend the Zoning Law
(Insert Title)

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of St. Johnsville as follows:

AS ATTACHED

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2024 of the ~~(County)(City)(Town)~~(Village) of St. Johnsville was duly passed by the Board of Trustees on March 12 2024, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

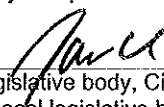
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph, _____¹ above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: March 14, 2024

(Seal)

LOCAL LAW NO. 1 OF 2024

A Local Law to Regulate Cannabis Businesses and Amend the Zoning Law

I. **FINDINGS.** The New York State Marihuana Regulation and Taxation Act (MRTA) and New York State Office of Cannabis Management (NYSCOM) are the sole legal authorities authorized for the consideration and issuing of licenses to Cannabis businesses. Businesses must obtain a license issued by NYSCOM and comply with all NYSCOM rules, regulations and requirements, as well as County laws and local laws by operating or continuing to operate a Cannabis business in the Village of St. Johnsville.

II. **INTENT.** It is the intent of this enactment, by amendments to the Zoning Law, to prohibit any (a) activity which does not strictly conform to the requirements herein regarding authorized Cannabis business operations, and/or, (b) uses which are not allowable for the Cannabis plant, as herein defined, and/or, (c) business operations in violation of location and time requirements *excepting* as may otherwise be permitted by superseding law.

III. **DEFINITIONS.** The following definitions shall apply for the purposes of this local law, to wit:

A. **Cannabis.** All parts of the plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin *excluding* the mature stalks of the plant; fiber produced from the stalks; oil or cake made from the seeds of the plant; any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom); fiber, oil, or cake, or the sterilized seed of the plant

which is incapable of germination; hemp or hemp extract as defined by the New York 'Cannabis Law', Section 3; or, any drug products approved by the Federal Food and Drug Administration.

B. **Cannabis Business, Industrial.** A Cannabis related business licensed by NYSCOM to operate one of the following, i.e., adult use cultivator, adult use nursery, adult use processor, adult use distributor, adult use cooperative, or adult use microbusiness.

C. **Cannabis Business, On Site Consumption.** A Cannabis related business licensed by NYSCOM to operate an adult use on site consumption facility which only includes the acquisition, possession, and sale of Cannabis from the licensed premises of the licensee to a Cannabis consumer for use at the on site location.

D. **Cannabis Business, Retail.** A Cannabis retail business licensed by NYSCOM to operate one of the following business types, i.e., adult use dispensary or adult use delivery.

IV. **ZONING AND OTHER REQUIREMENTS.** The following location and time requirements are applicable to the various Cannabis business operations, as defined, to wit:

A. No Cannabis related business shall be allowed to operate in any residentially zoned district.

B. The allowable locations for Cannabis related businesses shall be only as follows, i.e., Industrial, M-1; On Site Consumption, M-1; and, Retail Sale, C-1 and M-1.

C. The following minimum distance location requirements shall apply to all Cannabis businesses.

1. Not within five hundred (500) feet of a school grounds as defined

by the New York State Education Law.

2. Not within two hundred (200) feet of a House of Worship or a building used by groups for religious services.

3. Not within five hundred (500) feet of a community facility including, but not limited to, a facility that provides day care to children, a public park, a playground, a library, a youth center, or a facility where the primary purpose of which is to provide recreational or services to children or adolescents.

4. Not within two thousand (2000) feet of another Cannabis business.

5. All other Zoning Law site requirements shall remain applicable to the Cannabis operated businesses defined herein except as may be grandfathered.

D. Cannabis On Site Consumption and Retail Sales businesses shall be allowed to operate only between 10:00 AM and 8:00 PM unless given express written permission by the Village Board. Cannabis Industrial businesses, before operating, shall submit all proposed hours of business operations and all necessary information with an application/site survey for both Planning Board and Village Board approval.

E. All Cannabis businesses must comply, and be consistent, with the New York State Public Health Law, Article 13-E, and New York State Clean Indoor Act regarding the control of odor.

F. All Cannabis businesses must ensure adequate parking in accordance with local Zoning requirements.

G. All Cannabis businesses exterior appearances must be compatible with

surrounding businesses or properties and all such businesses shall provide sufficient lighting for safety and security without causing excessive glare, in addition to complying with any applicable zoning requirements not specifically mentioned herein.

H. No drive through or mobile facility is allowed for any Cannabis business operation.

I. No Cannabis business shall be permitted as a home occupation.

J. All Cannabis businesses must adhere to local building codes, rules, regulations, and guidelines.

V. VIOLATIONS. Violations of this local law shall be prosecuted as now, or hereafter provided, in Section 275-32A. of the Zoning Law.

VI. ENFORCEMENT. This local law shall be administered and enforced in accordance with Section 275-29 of the Zoning Law.

VII. EFFECTIVE DATE. This local law shall become effective upon its filing with the Secretary of State.