
**IN THE MATTER
Of**

**LOCAL LAW 2021-6, A LOCAL LAW TO
OPT OUT OF ALLOWING MARIJUANA
DISPENSORIES AND ON-SITE
CONSUMPTION BUSINESSES IN THE
TOWN OF ELBRIDGE**

The **TOWN BOARD OF THE TOWN OF ELBRIDGE (the “Board”)**, in the County of Onondaga, State of New York, met in regular session at the Town Hall in the Town of Elbridge, located at 5 Rt. 31, Village of Jordan, County of Onondaga, State of New York, on the 9th day of December, 2021, at 7:00 p.m. The following resolution was moved, seconded and adopted:

WHEREAS, the Town Board has held informational meetings regarding the State’s Marijuana Regulation and Taxation Act (the “MRTA”), which was signed into law on March 31, 2021;

WHEREAS, the MRTA provides the Town with the authority to “opt-out” of allowing marijuana dispensaries and/or on-site consumption businesses in the Town;

WHEREAS, the State of New York has not developed any rules or regulations or other guidance related to the MRTA, thus leaving the Town with several questions about how the licensing process would be administered and how it would function in the Town;

WHEREAS, if the Town does not opt out by December 31, 2021, it will not be able to opt out in the future;

WHEREAS, if the Town does opt out by December 31, 2021, it will be able to monitor how the sale and on-site businesses are operating throughout other parts of the State and will be able to opt back in, in the future to allow the sale and on-site consumption of cannabis;

WHEREAS, at this time, the Town Board believes it is in the best interest of the Town of Elbridge to opt out of allowing cannabis retail dispensaries and onsite cannabis consumption sites from being established and operated within the Town’s jurisdiction for the reasons state herein;

WHEREAS, Local Law 2021-6 has been introduced before the Town Board as set forth below:

**LOCAL LAW 2021-6, A LOCAL LAW CREATING
CHAPTER 170 OF THE TOWN OF ELBRIDGE CODE
ENTITLED “MARIJUANA OPT-OUT”:**

Be it enacted by the Town Board of the Town of Elbridge, Onondaga County, New York as follows:

Section 1. That a new Chapter 170 be created as follows:

CHAPTER 170
MARIJUANA OPT-OUT

Section 1. Legislative Intent

It is the intent of this local law to opt out of allowing cannabis retail dispensaries and on-site cannabis consumption sites in the Town of Elbridge that would otherwise be allowed under the Marijuana Regulation and Taxation Act (the “Cannabis Law”).

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 Elbridge hereby opts out of allowing cannabis retail dispensaries and onsite cannabis 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 outlined in Municipal Home Rule Law § 24.

Section 6. Effective date.

This local law shall take effect on December 31, 2021.

WHEREAS, the Town Board desires to hold a public hearing to hear those who support or oppose Local Law 2021-6;

I, DANIELLE KARLIK, Town Clerk of the Town of Elbridge, **DO HEREBY CERTIFY** that the preceding Resolution was duly adopted by the Town Board of the Town of Elbridge at a regular meeting of the Board duly called and held on the 10th day of November 2021; that said Resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office; and that the same is a true and correct transcript of said Resolution and of the whole thereof.

I HEREBY CERTIFY that all members of said Board had due notice of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Elbridge, this 10th day of November, 2021.

Dated: November 12, 2021
Elbridge, New York

Danielle Karlik
Town Clerk of the Town of Elbridge
Onondaga County, New York