

**VILLAGE OF BUCHANAN RESOLUTION
AUTHORIZING ADOPTION OF LOCAL LAW NO. 9-2021
ADDING A NEW CHAPTER 70 ENTITLED “CANNABIS DISPENSARY AND ON-SITE
CONSUMPTION OPT-OUT” TO THE CODE OF THE VILLAGE OF BUCHANAN**

Introduced by: _____
Seconded by: _____
Dated: _____

WHEREAS, a resolution was duly adopted by the Board of Trustees of the Village of Buchanan for a public hearing to be held by said Village Board at the Municipal Building, 236 Tate Avenue, Buchanan, and conducted virtually in accordance with current NYS legislation to hear all interested parties on a proposed Local Law adding Chapter 70 entitled “Cannabis Dispensary and On-Site Consumption Opt-Out” to the Code of the Village of Buchanan; and

WHEREAS, notice of said public hearing was duly advertised in the official local newspaper; and

WHEREAS, said public hearing was duly held at a regularly scheduled meeting of the Village Board on December 7, 2021 7:30 p.m. at the Municipal Building, 236 Tate Avenue, Buchanan, New York, and conducted virtually in accordance with legislation (S.50001/A.40001) signed by Governor Hochul, to receive public comment with respect to the retail sale, dispensaries, and/or on-site consumption of cannabis in the Village of Buchanan. All parties were permitted an opportunity to speak on behalf or in opposition to the proposed Local Law, or any part thereof; and

WHEREAS, the Board of Trustees of the Village of Buchanan, after due deliberation, finds it in the best interest of the Village of Buchanan to adopt said Local Law.

NOW BE IT THEREFORE RESOLVED that the Board of Trustees of the Village of Buchanan hereby adopts said Local Law No.9-2021 adding Chapter 70 entitled “Cannabis Dispensary and On-Site Consumption Opt-Out” to the Code of the Village of Buchanan, a copy of which is attached hereto and made a part of this resolution; and

BE IT FURTHER RESOLVED Pursuant to New York State Cannabis Law § 131, this local law is subject to a permissive referendum and thus 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.

Upon Roll Call Vote:

Mayor Theresa Knickerbocker _____

Trustee Anthony Capicotti _____

Trustee Richard Funchion _____

Trustee Sean Murray _____

Trustee Nicolas Zachary _____

Vote: Resolution carried by a vote of ____ to ____ .

STATE OF NEW YORK)
)ss.:
COUNTY OF WESTCHESTER)

I, CYNTHIA KEMPTER, Village Clerk of the Village of Buchanan, do hereby certify that the above is a true and exact copy of a Resolution adopted by the Village Board of the Village of Buchanan at a meeting of said Board held December 7, 2021.

Cynthia Kempter, Village Clerk

**VILLAGE OF BUCHANAN
LOCAL LAW INTRODUCTORY NO. 9 OF THE YEAR 2021**

**A LOCAL LAW TO AMEND THE CODE OF THE VILLAGE OF BUCHANAN BY
ADDING A NEW CHAPTER 70 OPTING OUT OF THE LICENSING AND
ESTABLISHING OF RETAIL CANNABIS DISPENSARIES AND ON-SITE CANNABIS
CONSUMPTION ESTABLISHMENTS WITHIN THE VILLAGE OF BUCHANAN**

**Chapter 70. CANNABIS DISPENSARY AND ON-SITE CONSUMPTION
OPT-OUT**

Section One:

§ 70-1 Legislative Intent

It is the intent of this local law that the Village of Buchanan opt out of having retail cannabis dispensaries and on-site cannabis consumption establishments licensed to operate or established within the Village of Buchanan.

§ 70-2 Authority

This local law is adopted pursuant to New York Cannabis Law § 131, which expressly authorizes villages to opt-out of allowing retail cannabis dispensaries and on-site cannabis consumption establishments to be licensed or established within their boundaries.

§ 70-3 Local Cannabis Retail Dispensary and On-Site Consumption Opt-Out

A. The Board of Trustees of the Village of Buchanan, County of Westchester, hereby opts out of having retail cannabis dispensaries and on-site cannabis consumption establishments licensed or established within the boundaries of the Village of Buchanan, Westchester County, New York.

B. Pursuant to the New York Cannabis Law § 131, the Village of Buchanan hereby requests the Cannabis Control Board to prohibit the establishment of retail dispensary licenses and on-site consumption licenses contained in Article Four of the New York State Cannabis Law (Chapter 7-A of the Consolidated Laws) within the jurisdiction of the Village of Buchanan, Westchester County, New York.

Section 2: Severability

If any section, subsection, clause, phrase, or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate distinct and independent portion. Such declaration shall not affect the

validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section 3: Effective Date

This local law shall take effect immediately upon filing with the Secretary of State. Pursuant to New York State Cannabis Law § 131, this local law is subject to a permissive referendum and thus 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.