

VILLAGE OF WARWICK
LOCAL LAW NO. 4 OF THE YEAR 2021

A Local Law entitled "A Local Law To Opt Out Of The New York State Cannabis Law (Chapter 7-A of the Consolidated Laws of the State of New York) In Regard To Retail Sales And In Regard To Establishments For On-Site Consumption".

Be it enacted by the Village Board of the Village of Warwick as follows:

Section 1. Purpose:

The purpose of this Local Law is to promote the public health, safety and welfare by opting out of the New York State cannabis legalization legislation in regard to retail sales and in regard to establishments for on-site consumption.

Section 2. Municipal Home Rule Law:

This law is adopted pursuant to Municipal Home Rule Law § 10(1)(ii)(a)(1) that grants local governments the authority to enact local laws regarding the public health, safety and welfare. To the extent the provisions of this Local Law are in conflict with the State Cannabis Law, the Village Board hereby asserts its intention to supersede same pursuant to the Municipal Home Rule Law.

Section 3. Determination To Opt-Out of State Cannabis Law:

As is permitted by the State Cannabis Law (Chapter 7-A of the Consolidated Laws of the State of New York), the Village of Warwick hereby opts out of the State Cannabis Law, and requests the State Cannabis Control Board to prohibit licenses for cannabis retail dispensaries and licenses for on-site consumption of cannabis within the Village.

Section 4. Referendum.

This Local Law shall, in accordance with New York State Cannabis Law (Chapter 7-A of the Consolidated Laws of the State of New York) be subject to referendum on petition as provided in section twenty-four of the Municipal Home Rule Law.

Section 5. Severability.

If any clause, sentence, paragraph, word, section or part of this local law shall be judged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which judgment shall have been rendered.

Section 6. Effective Date.

This Local Law shall take effect no earlier than forty-five (45) days after its adoption and subsequent filing with the Secretary of State, or upon approval of a majority of the qualified electors voting, if a petition for permissive referendum is filed pursuant to the provisions of with New York State Cannabis Law (Chapter 7-A of the Consolidated Laws of the State of New York) and section twenty-four of the Municipal Home Rule Law, and subsequent filing with the Secretary of State.