

Proposed Local Law Number 03-2020

Section 1. Legislative Intent.

The Town Board has recognized that several states, in addition to permitting the distribution of medical marijuana, have also permitted the distribution of marijuana for recreational purposes. The Town Board also recognizes that the legalization of marijuana in New York is a subject of current discussion and community forums organized by the State, and that the New York State Commissioner of Health has recommended that the recreational use of marijuana be considered for legalization in New York. A public hearing having been held before the Town Board, and the Town Board has found that Town residents are greatly concerned about the retail sale of marijuana in the Town if it should become legal in New York. Accordingly, it is the intent of the Town Board to prohibit the use of any building, structure or premises for the sale or distribution of marijuana in all zoning districts.

Section 2.

A new Section 165-65.1 shall be added to the Town Code stating as follows:

§ 165-65.1 Prohibitions

- A. No building, structure or premises approved and licensed as a Medical Marijuana Facility pursuant to Article 33 of the New York Public Health Law may be used for the sale of any product containing Tetrahydrocannabinol (THC) other than lawfully prescribed and dispensed Medical Marijuana for medical conditions.

- B. Except for duly registered marijuana dispensing facilities dispensing duly prescribed Medical Marijuana, no building, structure or premises within any use district in the Town of Putnam Valley may be used for the sale or distribution of Marijuana and/or substances containing THC, including but not limited to Marijuana, cannabis vaporizers, cannabis tea, Cannabis edibles, cannabis capsules, oils, and creams (Marijuana Products).

Section 3.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person or circumstance shall be adjudged 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 article or in its application to the person or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 4.

This Local Law shall take effect upon filing with the Secretary of State.