

**LOCAL LAW NO. 5 OF 2021**

**VILLAGE BOARD OF TRUSTEES  
VILLAGE OF PELHAM**

**PROPOSED LOCAL LAW PURSUANT TO NEW YORK STATE CANNABIS LAW §  
131 OPTING OUT OF LICENSING AND ESTABLISHING ADULT-USE ON-SITE  
CANNABIS CONSUMPTION ESTABLISHMENTS WITHIN THE VILLAGE OF  
PELHAM**

**Section 1. Legislative Intent**

It is the intent of this Local Law to opt the Village of Pelham out of having adult-use on-site cannabis consumption establishments licensed to operate or established within the Village of Pelham.

**Section 2. Authority**

This Local Law is adopted pursuant to New York State Cannabis Law § 131 which expressly authorizes villages to adopt a local law requesting the Cannabis Control Board to prohibit the establishment of retail dispensary licenses and/or on-site consumption licenses within the jurisdiction of the Village. This Local Law is subject to a permissive referendum/referendum on petition pursuant to Municipal Home Rule Law § 24 and Article 9 of the New York State Village Law.

**Section 3. Adult-Use On-Site Consumption Establishment Opt-Out**

- A. The Board of Trustees of the Village of Pelham, County of Westchester hereby opts out of having adult-use on-site cannabis consumption establishments licensed or established within the Village of Pelham.
- B. In accordance with the New York State Cannabis Law § 131(1), the Village of Pelham hereby requests the Cannabis Control Board to prohibit the establishment of adult-use on-site consumption licenses contained in Article 4 of the New York State Cannabis Law (Chapter 7-A of the Consolidated Laws) within the jurisdiction of the Village of Pelham, Westchester County, New York.

**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 New York State Cannabis Law § 131 and the procedures outlined in Municipal Home Rule Law § 24 and Article Nine of Village Law 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.

## **Section 6. Effective date.**

This local law shall take effect immediately upon its filing in the office of the Secretary of State in accordance with Municipal Home Rule Law § 27.