

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Oneonta

Local Law No. 1 of the year 20²³

A local law Town of Oneonta Cannabis Dispensary Law
(Insert Title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Oneonta as follows:

Definitions.

As used in this chapter, the following terms, phrases, words, and their derivatives shall have the meanings given:

CANNIBIS

“Cannabis” means all parts of the plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin.

CANNABIS PRODUCTS OR CANNABIS-INFUSED PRODUCTS

“Cannabis Products” or “Cannabis-Infused Products” means manufactured products that contain either cannabis or concentrated cannabis which are intended either for consumption via inhalation or ingestion, principally for recreational or medicinal use.

CANNABIS RETAIL DISPENSARY

“Cannabis Retail Dispensary” means any commercial operation which exists in a fixed location, and which sells to the public Cannabis Products or Cannabis-Infused Products. Cannabis Retail Dispensaries may not sell tobacco products, to include Electronic Cigarettes, absent authorization by state and local law and requisite permitting.
(continued next page)

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 1. Title

This local law shall be known as the “Cannabis Retail Dispensary Law of the Town of Oneonta.”

Section 2. Legislative Intent and Purpose

It is the intent and purpose of this local law to provide a comprehensive zoning plan to govern, regulate, and control Cannabis Retail Dispensary establishments within the Town of Oneonta in accordance with the zoning ordinance amendments hereinafter set forth.

Section 3. Cannabis Dispensary

A. Purpose

The purpose of this Section is to provide zoning district locations and regulations governing cannabis retail dispensary establishments in accordance with New York State’s Cannabis Law, as amended or changed. It is the express purpose and intent of this section to minimize the adverse impacts that cannabis retail dispensaries may have on adjacent properties and to provide standards for the placement, design, siting, safety, security, monitoring, modification, and discontinuance of cannabis retail dispensaries. This section outlines reasonable conditions that will protect the public health, safety, and welfare of the Town of Oneonta community. This section is intended to encourage appropriate land use and reasonable safeguards to govern the time, place, and manner of cannabis retail dispensary operations.

B. Approved Products

A cannabis retail dispensary shall only dispense approved products in accordance with the applicable laws of New York State.

C. Buffer and Landscaping

A landscaping plan, which includes sizes and types of vegetation, shall be submitted for review and approval. This plan shall include a buffer located adjacent to all contiguous lots of record containing a residential and/or retail use. No recreational activities, parking, and/or structures shall be allowed within this buffer.

D. Building Requirements

1. A cannabis retail dispensary shall operate within a permanently constructed, fixed structure. It is prohibited to operate from a vehicle or within a nonpermanent structure.
2. A cannabis retail dispensary shall have its means of egress independent from any other use and shall directly discharge to a public way. For the purposes of this section, “means of egress” and “public way” are defined by the Uniform Code.

3. A cannabis retail dispensary shall only dispense approved cannabis products in an indoor, enclosed, secure facility.

E. Licenses and/or Permits

A cannabis retail dispensary shall submit evidence that all necessary licenses and/or permits have been obtained from the State of New York and the Town of Oneonta. Said licenses and/or permits shall be posted in a conspicuous place, to wit, near the main exit or exit access doorway.

F. Location Restriction(s).

A cannabis retail establishment may be permitted only in the overlay district as defined as the Highway Development District (HDD) beginning at the intersection of Route 28 and Main Street/Hwy 7B heading east to Route 23 and the Town line (i.e., “Southside Drive”).

G. Changes in Operator or Site.

Changes in owner or operator of an existing cannabis retail dispensary or minor building or site modifications of a legally existing cannabis retail dispensary must be reviewed by the Building and Zoning Department, which may administratively approve and issue a revised conditional use permit as appropriate. However, if it is determined that the change in operator will result in a substantial change in operation or site plan, the application must be referred to the board having jurisdiction for a revised conditional use permit and/or revised site plan approval, subject to a public hearing as required by law or at the discretion of the board having jurisdiction.

H. Cannabis Retail Dispensary Standards, Requirements, and Considerations.

In addition to the standards set forth, the following standards, requirements, and considerations shall be addressed in any application for conditional use permit and/or site plan approval associated with a retail cannabis dispensary:

1. Minimum Distances. For the purposes of this law, distance shall be measured on a straight line from the nearest boundary line(s) of the specified use or zoning district to the nearest point of the building footprint or tenant space footprint of the proposed cannabis retail dispensary.
 - a. A cannabis retail dispensary shall not be located within 500 feet of any residential zoning district.
 - b. A cannabis retail dispensary shall not be located within 1,000 feet of any recreational facility, school, place of worship, park, public playground, child-care facility, children’s camp, or similar use(s), as determined by the Code Enforcement Officer.

- c. A cannabis retail dispensary shall not be located within 1,500 feet of any other Cannabis retail dispensary.
2. Hours of Operation. Cannabis retail dispensaries may set their own hours of operation. The hours of operation must be within the parameters of 8:00 AM and 10:00 PM Monday through Saturday and between the hours of 12:00 PM and 8:00 PM on Sunday. Hours of operation must be provided in the application submission to the Town.
3. The cannabis retail dispensary shall provide for adequate and proper security at the premises to deter and prevent illegal activities from taking place on or near the applicant's premises and avoid conduct that has an adverse effect on the health, safety, and welfare of the surrounding neighborhood. Additionally, a cannabis retail dispensary shall utilize a security system to prevent and detect diversion, theft, or loss of products, using commercial grade equipment.
4. All dispensaries permitted under this section shall comply with all state and local laws, rules and regulations governing the smoking of tobacco.
5. No drive-through service shall be permitted at a cannabis retail dispensary.
6. No outside storage of marijuana, marijuana products, or related supplies is permitted.
7. The applicant must provide an odor control plan that provides for proper and adequate ventilation and demonstrates that any odors associated with cannabis products stored on site shall be confined to the premises or so treated in order to avoid any negative impacts to neighboring properties or tenant spaces.
8. Any conditional use permit issued under this Section shall contain a condition that the cannabis retail dispensary shall not operate, and the conditional use permit shall not be valid, until the applicant has obtained all required licenses and permits issued by the State of New York and any of its agencies.
9. In case of conflict between any of the provisions contained within and any other law, rule or regulation, the stricter, more restrictive provision shall govern and apply.
10. Subject to applicable law, the conditional use permit application to the board having jurisdiction must include a copy of all information submitted to the State of New York in application for a license to operate under the New York State Cannabis Law, as amended or changed.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2023 of the ~~(County)(City)(Town)(Village)~~ of Oneonta was duly passed by the Town Board on January 11 2023, in accordance with the applicable *(Name of Legislative Body)* provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local *(Elective Chief Executive Officer*)* law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: _____