

# 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 NEWCOMB

FILED  
STATE RECORDS  
DEC 31 2021

DEPARTMENT OF STATE

Local Law No. 1 of the year 2021

A local law opting out of allowing cannabis retail dispensaries and on-site cannabis consumption  
*(Insert Title)*  
sites in the Town of Newcomb, New York - Essex County

Be it enacted by the TOWN BOARD of the  
*(Name of Legislative Body)*

County  City  Town  Village  
(Select one:)

of NEWCOMB

as follows:

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

(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. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable 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) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted 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) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.

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. \_\_\_\_\_ 1 \_\_\_\_\_ of 20<sup>21</sup> of the (County)(City)(Town)(Village) of \_\_\_\_\_ NEWCOMB was duly passed by the \_\_\_\_\_ TOWN BOARD on November 15, 2021 and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on Dec. 30 20 21. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of December 30 20 21, 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 4 above.

*Mary Bond*

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

Date: December 30, 2021

(Seal)

# A LOCAL LAW OPTING OUT OF ADULT USE OF CANNABIS RETAIL DISPENSARIES AND ON-SITE CONSUMPTION SITES

## Local Law No. 1 of the year 2021

A LOCAL LAW TO OPT OUT OF ALLOWING CANNABIS RETAIL DISPENSARIES AND ON-SITE CONSUMPTION SITE AS AUTHORIZED UNDER CANNABIS LAW ARTICLE 44.

Be it enacted by the Town of NEWCOMB, County of ESSEX as follows:

### Section 1. Legislative Intent

It is the intent of this local law to opt out of allowing cannabis retail dispensaries and on-site cannabis consumption sites in the Town of Newcomb that would otherwise be allowed under Cannabis Law Article 4.

### Section 2. Authority

This local law is adopted pursuant to Cannabis Law § 131 which expressly authorizes the town board to adopt a local law requesting the Cannabis Control Board to prohibit the establishment of cannabis retail dispensary licenses and/or on-site consumption licenses within the jurisdiction of the town and is subject to a permissive referendum, the procedure of which is governed by Municipal Home Rule Law § 24.

### Section 3. Local Opt-Out

The Town Board of the Town of Newcomb hereby opts out of allowing cannabis retail dispensaries and on-site cannabis consumption sites from being established and operated within the town's jurisdiction.

### 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 Cannabis Law § 131 and the procedure outlined in Municipal Home Rule Law § 24.

### Section 5. Effective date.

This local law shall take effect immediately upon filing with the Secretary of State.

**PUBLIC NOTICE OF ADOPTION OF LOCAL LAW  
SUBJECT TO PERMISSIVE REFERENDUM**

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Newcomb, Essex County, New York, at a regularly scheduled meeting held on the 15th day of November 2021 duly adopted the following Local Law subject to permissive referendum:

**A LOCAL LAW OPTING OUT OF ALLOWING CANNABIS RETAIL DISPENSARIES AND ON-SITE CONSUMPTION SITES AS AUTHORIZED UNDER CANNABIS LAW ARTICLE 44**

Be it enacted by the Town of NEWCOMB, County of ESSEX as follows:

**Section 1. Legislative Intent**

It is the intent of this local law to opt out of allowing cannabis retail dispensaries and on-site cannabis consumption sites in the Town of Newcomb that would otherwise be allowed under Cannabis Law Article 4.

**Section 2. Authority**

This local law is adopted pursuant to Cannabis Law § 131 which expressly authorizes the town board to adopt a local law requesting the Cannabis Control Board to prohibit the establishment of cannabis retail dispensary licenses and/or on-site consumption licenses within the jurisdiction of the town and is subject to a permissive referendum, the procedure of which is governed by Municipal Home Rule Law § 24.

**Section 3. Local Opt-Out**

The Town Board of the Town of Newcomb hereby opts out of allowing cannabis retail dispensaries and on-site cannabis consumption sites from being established and operated within the town's jurisdiction.

**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 Cannabis Law § 131 and the procedure outlined in Municipal Home Rule Law § 24.

Section 6. Effective date.

This local law shall take effect immediately upon filing with the Secretary of State. A petition, to be valid, must be submitted within 45 days of the date of adoption of this Local Law.

By Order of the Town Board of  
the Town of Newcomb

I hereby certify that the Local Law No. 1 of 2021 of the Town of Newcomb was duly passed by the Town Board on November 15, 2021, accordance with the applicable provisions of the law. 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 there from and of the whole of such original local law and was finally adopted in the manner indicated in Section 1 above.



Mary Pound, Town Clerk  
December 30, 2021

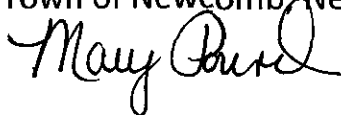
**NOTICE OF PUBLIC HEARING BY THE TOWN BOARD OF THE TOWN OF  
NEWCOMB TO CONSIDER A PROPOSED LOCAL LAW TO OPT OUT OF ALLOWING  
CANNABIS RETAIL DISPENSARIES AND ON-SITE CONSUMPTION SITES AS  
AUTHORIZED UNDER CANNABIS LAW § 131**

**PLEASE TAKE NOTICE** that the Town Board of the Town of Newcomb, New York shall conduct a Public Hearing at the Town Hall on November 15, 2021, at 6:30 P.M. to discuss a proposed Local Law to opt out of allowing cannabis retail dispensaries and on-site consumption sites within the Town of Newcomb under Cannabis Law § 131.

**PLEASE TAKE FURTHER NOTICE**, the proposed Local Law is available for review in the Town Clerk's Office.

**PLEASE TAKE FURTHER NOTICE** that at the public hearing upon said proposed Local Law an opportunity to be heard in regards thereto will then and there be given to those favoring passage of such proposed local law and also those opposed thereto.

Mary Pound, Town Clerk  
Town of Newcomb, New York

A handwritten signature in black ink, appearing to read "Mary Pound", written in a cursive style.

\*\*\* Proof of Publication \*\*\*

WARREN COUNTY AFFIDAVIT

STATE OF NEW YORK:

County of Warren, ss:

Donna M. Marchese being duly sworn,

says that (s)he is an authorized designee for Lee Enterprises, publishers of THE POST-STAR, a daily newspaper published in Glens Falls, Warren County, State of New York, and that the printed notice attached hereto was cut from the said POST-STAR, and that the said notice was published therein, namely

Town of Newcomb - Local Law No. 1  
November 16, 2021

**NOTICE OF ADOPTION OF LOCAL LAW SUBJECT TO PERMISSIVE REFERENDUM**

NOTICE IS HEREBY GIVEN that at a special meeting held on November 15, 2021, the Town Board of the Town of Newcomb, Essex County, New York, adopted a Local Law which is subject to a permissive referendum pursuant to Section 131 of the New York Cannabis Law and Section 24 of the Municipal Home Rule Law. An abstract of the Local Law is as follows: Local Law No. 1 triggers the opt-out provision of New York Cannabis Law Section 131 and prevents retail cannabis dispensaries and on-site cannabis consumption sites from being established and operated within the Town of Newcomb.

A full copy of the Local Law is on file in the Town Clerk's Office at the Newcomb Town Hall, 5639 Route NY-28N, Newcomb, New York, and can be examined by any Town elector during normal business hours.

Dated: Nov. 15, 2021  
Mary Pound  
Town Clerk, Town of Newcomb  
PUB: NOVEMBER 16, 2021

TOWN OF NEWCOMB - LEGALS

PO BOX 405  
NEWCOMB NY 12852

ORDER NUMBER 115838

Signed this 22<sup>nd</sup> day of November, 2021  
[Signature]

Sworn to before me this 22 day of Nov, 2021  
[Signature]

**BRIAN J. CORCORAN**  
Notary Public - State of New York  
No. 01CO6133976  
Qualified in Saratoga County  
My Commission Expires September 19, 2025

Section: Legals  
Category: 001 Legal Notices - Warren County  
PUBLISHED ON: 11/16/2021

TOTAL AD COST: 39.85  
FILED ON: 11/22/2021