

TOWN OF DAY
COUNTY OF SARATOGA, STATE OF NEW YORK
Local Law No. 04 of the Year 2021

**A LOCAL LAW REQUESTING THAT THE CANNABIS CONTROL BOARD OF THE
STATE OF NEW YORK PROHIBIT THE ESTABLISHMENT OF RETAIL
DISPENSARY LICENSES AND ON-SITE CONSUMPTION LICENSES IN THE TOWN
OF DAY, COUNTY OF SARATOGA, STATE OF NEW YORK**

Be it Enacted by the Town Board of the Town of Day, as follows:

Section 1. Declaration of legislative findings

The Town Board of the Town of Day, pursuant to Cannabis Law §131, has the authority to request that the Cannabis Control Board of the State of New York, prohibit cannabis retail dispensary license and/or on-site consumption license in the Town of Day. After due deliberation, the Town Board finds that it is in the best interests of the residents, taxpayers and visitors of the Town of Day to request that the Cannabis Control Board prohibit any cannabis retail dispensary license and any on-site consumption licenses in the Town of Day.

Section 2. Title and Authority

This Local Law shall be known as “Cannabis Retail Dispensary and On-Site Consumption Local Law”. It is adopted pursuant to Section 131 of the New York Cannabis Law and Section 10 of New York Municipal Home Rule Law.

Section 3. Opt-out and Request to Prohibit

Pursuant to and in accordance with Cannabis Law Section 131, the Town Board of the Town of Day hereby requests that the Cannabis Control Board of the State of New York prohibit any cannabis retail dispensary license and any on-site consumption license in the Town of Day, County of Saratoga, State of New York. Retail dispensary license and on-site consumption license shall be as defined in the Cannabis Law of the State of New York.

Section 4. Severability

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

Section 5. Effective Date.

This Local Law shall take effect upon filing with the New York State Secretary of State, which filing shall take place upon the expiration of forty five (45) days from the adoption hereof unless within such forty-five (45) days there be filed with the Town Clerk of the Town of Day a petition for referendum pursuant to Municipal Home Rule Law Section 24, in which case this Local Law shall not take effect until approved by the affirmative vote of a majority vote of the qualified electors of the Town of Day as provided for in Municipal Home Rule Law Section 24.

Supervisor Preston Allen

Councilman Curt Schreiner

Councilwoman April Schmick

Councilwoman Lorraine Newton

Councilman Jeff Gray