

**TOWN OF WESTMORELAND**  
**LOCAL LAW NO. 1 of the year 2022**  
**A Local Law To Opt-Out Of Allowing Cannabis Retail**  
**Dispensaries And On-Site Consumption Sites As Authorized**  
**Under Cannabis Law Article 4.**

**Section I. Authority**

Be it enacted by the Town of Westmoreland Town Board as follows: pursuant to section 131 of Cannabis Law which expressly authorizes a 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 which is subject to a permissive referendum, the procedure of which is governed by Municipal Home Rule Law Sec. 24.

**Section II. Purpose**

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

**Section III. Local Opt-Out**

The Town Board of the Town of Westmoreland hereby opts out of allowing cannabis retail dispensaries and on-site cannabis consumption sites from being established and operated within the Town of Westmoreland'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**

This local law is subject to a referendum on petition in accordance with Cannabis Law Section 131 and the procedure outlined in Municipal Home Rule Law Sec. 24.

**Section IX. Effective Date:**

This local law will become effective when filed with the New York Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

A public hearing regarding this local law was held on December 28, 2021 at 5:15 pm, immediately followed by the Year End/Special Meeting of the Westmoreland Town Board, wherein it was motioned by Councilperson Hebbard and seconded by Councilperson Seymour to approve the legislation, after which it was a unanimous vote in favor of said motion, with all board members being present.

Sworn to and certified by the Town Clerk, this \_\_\_\_\_ day of December 2021.

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Jody Burdick, Town Clerk