

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
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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 underling to indicate new matter.

~~County~~

~~City~~ of

Town POMFRET

~~Village~~

Local Law No. 4 of the year 2022, ENTITLED

CANNABIS RULES AND REGULATIONS

Be it enacted by the Town Board of the

~~County~~

~~City~~

Town of POMFRET

~~Village~~

Section One – Authority:

This Local Law of the Town of Pomfret, Chautauqua County, New York, is enacted by the Town Board exercising its authority under the Constitution of the State of New York, and the Town Law, General Municipal Law, and the Marijuana Regulation and Taxation Act for the Protection and Preservation of public safety and property in the Town of Pomfret.

Section Two – Purpose:

It is the intention of the Town Board in enacting this Local Law to promulgate rules and regulations pertaining to retail dispensaries and on-site consumption licenses under the Cannabis Law of the State of New York.

Section Three – Licensing:

All cannabis or marijuana establishments located within the Town of Pomfret shall be licensed under the State of New York Marijuana Regulation and Taxation Act and/or the Cannabis Control Board established thereunder. No facility shall be permitted in the Town of Pomfret unless licensed under New York State Law.

Section Four – Location:

A. No Cannabis or Marijuana facility, licensed or permitted under New York State Law, shall be located in the Town of Pomfret, except in the Town of Pomfret Industrial District or Highway Business District.

B. Adult use retail dispensaries and on-site consumption establishments, licensed by the State of New York, shall also be required to obtain a special use permit from the Town of Pomfret. A special use application shall be submitted to the Town of Pomfret Zoning Board of Appeals, which shall conduct a Public Hearing and determine.

Section Five – Regulations:

A. A separate special use permit is required for each premise in which a cannabis establishment is to be operated. No two or more different cannabis establishments may be treated as one premise, nor may more than one such establishment be co-located on a single premise or property.

B. All cannabis establishments shall be contained within a secure building or structure. All structures used for cannabis establishments shall be set back from the front, side, and rear property lines in accordance with the Town of Pomfret Zoning Laws for the district. No cannabis establishment shall have a gross floor area in excess of Two Thousand, Five Hundred (2,500) square feet.

C. All aspects of the cannabis establishment relating to possession, processing, sales, distribution, dispensing, or administration of cannabis or marijuana products, related supplies, and materials shall not be visible from the exterior of the business. No outside storage of any sort shall be permitted, including product or product waste associated with the licensed establishment.

D. No on-site consumption premise or dispensary shall be located within a building that contains residential units, including transient housing, hotel, motel, dormitories; nor shall they be located inside a movable or mobile structure such as a car, van, truck, bus, trailer, or cargo container.

E. No licensed cannabis premise or premises in the Town of Pomfret shall be located within five hundred (500) yards of any residence, school, licensed childcare center, playground, park, athletic field, or any other facility where children commonly congregate, church, place of worship, or any other licensed cannabis/marijuana dispensary or on-site consumption premise. The distance shall be measured in a straight line from the nearest point from the property boundary line of the licensed premise to the nearest point of

the boundary line of the property on which the use or uses just recited is located.

F. No licensed cannabis/marijuana establishment shall be located within the same premises as any medical office or any other professional practitioner authorized or licensed to prescribe the use of medical marijuana.

G. The hours of operation of all licensed cannabis/marijuana establishments in the Town of Pomfret shall be limited to Monday through Saturday, from 10:00 a.m. to 9:00 p.m.; and Sunday from 12:00 p.m./noon to 6:00 p.m.

H. No cannabis or marijuana establishment may operate a drive-thru or drive-in service.

I. Any and all signs related to the licensed cannabis/marijuana establishment must be located on the same premises or building where the licensed establishment is located; and further must be in compliance with all sign regulations under the Town of Pomfret Code. No sign, advertisement, display, or other promotional material which utilizes graphics related to marijuana or marijuana paraphernalia, or symbols related to marijuana shall be visible to the public from any public right-of-way, including, but not limited to highways, streets, sidewalks, pedestrian walkways.

J. Every licensed cannabis/marijuana establishment in the Town of Pomfret shall be ventilated in such a manner;

i) That no pesticides, insecticides, or other chemicals or products used in the cultivation or processing are disbursed into the outside atmosphere or ground.

ii) No odor from any licensed cannabis/marijuana establishment can be detected by a person with a normal sense of smell at the exterior of the building wherein the licensed cannabis/marijuana establishment is located, or at any adjoining use or property.

iii) All licensed cannabis premises in the Town of Pomfret shall be designed, constructed, and operated so that no odor from the premises emanates from the building hosting the licensed premises.

Section Six – Violations:

Any violation of this Local Law shall be treated as a violation under the Penal Law of the State of New York, with penalties prescribed under the Penal Law of the State of New York and the Criminal Procedure Law of the State of New York.

Section Seven – Validity:

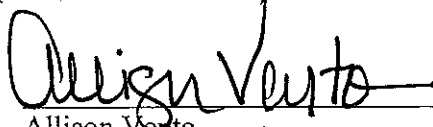
If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

Section Eight – Effective Date:

This Local Law shall be effective immediately upon filing with the Secretary of State.

1. I hereby certify that the local law annexed hereto, designated as Local Law No. 4 of 2022 of the Town of Pomfret was duly passed by the Town Board of the Town of Pomfret on Oct. 12, 2022, in accordance with the applicable provisions of law.

(Seal)


Allison Vento
Town Clerk of the Town of Pomfret

Date: Oct. 13. 2022