

**VILLAGE OF OCEAN BEACH, NEW YORK  
BOARD OF TRUSTEES**

Local Law No. 4 of 2021

**A LOCAL LAW TO ADOPT  
CHAPTER 70 OF THE VILLAGE  
CODE CONCERNING CANNABIS  
PROHIBITION**

**WHEREAS**, the New York State Legislature has recently adopted the New York State “Cannabis Law” which legalizes the retail sale and consumption of cannabis under certain circumstances; and

**WHEREAS**, such Act prohibits such retail sale and/or consumption of cannabis without a license from the State; and

**WHEREAS**, such Act further provides that no license may be issued for such retail sale and/or consumption within a village that adopts a local law, subject to permissive referendum governed by section twenty-four of the municipal home rule law, requesting the State not to grant such a license;

**NOW, THEREFORE,**

**BE IT ENACTED**, by the Board of Trustees of the Village of Ocean Beach, as follows:

**Section 1.** Chapter 70, entitled “Cannabis Prohibition,” shall hereby be replaced as follows:

§70-1 – Legislative Intent. It is the intent of this local law to opt the Village of Ocean Beach out of hosting retail cannabis dispensaries and/or on-site cannabis consumption establishments within its boundaries.

§70-2 – Authority. This local law is adopted pursuant to Cannabis Law § 131, which expressly authorizes villages to opt-out of allowing retail cannabis dispensaries and/or on-site cannabis consumption establishments to locate and operate within their boundaries.

§70-3 – Local Cannabis Retail Dispensary and/or On-Site Consumption Opt-Out. The Board of Trustees of the Village of Ocean Beach hereby opts-out of licensing and establishing cannabis retail dispensaries and/or cannabis on-site consumption establishments within its boundaries. Furthermore, the Village of Ocean Beach hereby requests that the State of New York (and/or the NYS Cannabis Control Board and/or any other governmental agency authorized to issue such license) prohibit the establishment of any retail dispensary and/or on-site consumption by refusing to grant any such license (which would otherwise permit the sale and/or consumption of cannabis) within the Village of Ocean Beach.

§70-4 – Severability. If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, 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.

§70-5 – Effective Date. This local law shall take effect immediately upon filing with the Secretary of State, subject to the citizens’ right to seek a permissive referendum pursuant to the provisions of General Municipal Law § 24.

**Section 2.** This local law is determined to be a TYPE II action under the NY State Environmental Quality Review Act (“SEQRA”).

**Section 3.** This local law shall take effect immediately upon filing with the Office of the Secretary of State.