

New York State Department of State Division of Corporations,
State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Ave
Albany, New York 12231-0001

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 a new matter.

Town of Wayland

Local Law No. 5 of the year 2022

“A Local Law To Adopt Time, Place and Manner Requirements for Cannabis Facilities”

Be it enacted by the Town Board of the Town of Wayland as follows:

*See attached for the complete text of the local law

(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. 5 of 2022** of the **Town of Wayland** was duly passed by the Town Board on **December 14, 2022** 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

_____, (Name of Legislative body) on _____ 20 _____, and was (approved)(not approved) (repassed after disapproval) by the (Elective Chief Executive Officer*) _____ 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

_____, (Name of Legislative body) on _____ 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) _____ 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. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the

_____, (Name of Legislative body) on _____ 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) _____ on _____ 20 _____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 _____, 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.

1. (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 1, above.

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

(Seal)

Date: December 14, 2022

LOCAL LAW NO. 5 of 2022
TO ADOPT TIME, PLACE AND MANNER
REQUIREMENTS FOR CANNABIS FACILITIES

Be it enacted by the Town Board of the Town of Wayland as follows:

Section 1. Legislative Purpose and Intent. The State of New York recently established the New York Cannabis Law which authorizes adult use of Cannabis and a State procedure to license Cannabis Retail Dispensaries and On-Site Cannabis Consumption Facilities. The New York Cannabis Law enables municipalities to adopt local laws governing the time, place, and manner of such facilities so long as such local laws do not make the operation of such facilities unreasonably impracticable. The Town Board of the Town of Wayland determines that it is in the interest of the public health, safety, and welfare to place certain time, place, and manner restrictions of Cannabis Facilities within the Town.

Section 2. Authority. This local law is adopted pursuant to Section 10 of the New York Municipal Home Rule Law and Section 131 of the New York Cannabis Law.

Section 3. Title. This Local Law shall be referred to as “Local Law 3 of 2022 to Adopt Time, Place and Manner Requirements for Cannabis Facilities.”

Section 3. Definitions. As used in this Local Law, the following terms shall have the meanings indicated: CANNABIS FACILITY - a Cannabis Retail Dispensary or On-Site Cannabis Consumption Facility as those terms are defined in this Local Law.

CANNABIS RETAIL DISPENSARY - a retail facility for the sale of cannabis products that requires an “adult-use retail dispensary license” pursuant to the New York Cannabis Law.

ON-SITE CANNABIS CONSUMPTION FACILITY - a facility for the on-site consumption of cannabis products that requires an “adult-use on-site consumption license” pursuant to the New York Cannabis Law.

Section 4. Standards and Conditions applicable to Cannabis Facilities.

A. License Required. Cannabis Facilities must have a valid license issued by the New York State Office of Cannabis Management.

B. Location Restrictions.

(1) Cannabis Facilities shall only be permitted on parcels abutting Route 15 along the stretch between the north-bound ramp of U.S. Interstate 390 running north to the boundary of the Village of Wayland.

(2) No Cannabis Facility shall be located within:

i. [500] feet of another Cannabis Facility in the Town of Wayland.

ii. [1,000] feet of any school or Town-owned park or playground, or within [500] feet of any place of worship.

(3) Separation distances shall be measured in a straight line from the nearest point of each property line.

(4) No Cannabis Facility shall be located inside a building containing residential units.

C. Hours of Operation. Hours of operation may be determined by the Planning Board but in no event shall a Cannabis Facility be open to the public before 9 AM or after 11 PM.

D. Special Use Permit Required. Cannabis Facilities shall be allowed by special permit in the locations established in Section 4(B) of this Local Law pursuant to the procedures outlined in Section 4 of the Town of Wayland Local Law 1 of 1998 (Town of Wayland Protection, Conservation, and Development Law), as amended.

Section 5. Severability. The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

Section 6. Effective Date. This Local Law shall take effect immediately upon filing with the Secretary of State.