



Office of the West Seneca Town Supervisor  
Hon. Gary A. Dickson

**Memorandum**

To: Honorable Town Board  
From: Gary Dickson, Town Supervisor  
Date: August 31, 2021  
Subject: Cannabis

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Dear Colleagues,

The time is fast approaching when we should make a decision as to whether to allow cannabis retail dispensaries or on-site consumption licenses in West Seneca. As you know, if we decide to opt-out of either of those provisions, we must pass a local law before the end of the year. If we do decide to opt-out, we or a future town board may decide to reverse that decision at any time. If we do not decide to opt-out, no future town board can every change that decision.

You may recall that the result of our unscientific survey was overwhelmingly in favor of cannabis dispensaries and a smaller majority was in favor of on-site consumption licenses. For me personally, most of the people I talk to are not in favor of either. Recently I saw press reports that it may be another 18 months until marijuana retail sales might begin because of the complexities in approving regulations to implement the law by the state.

Attached is a draft local law that was provided by the Association of Towns.

**Sample Local Opting out of Adult Use Cannabis Retail Dispensaries and On-Site Consumption Sites**

Local Law No \_\_\_\_\_ of the year 2021  
Town of \_\_\_\_\_, County of \_\_\_\_\_

**A local law to opt out of allowing cannabis retail dispensaries and on-site consumption sites as authorized under Cannabis Law Article 4**

**Section 1. Legislative Intent**

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

[add more justifications if you like]

**Section 2. Authority**

This local law is adopted pursuant to Cannabis Law § 131 which expressly authorizes the 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 is subject to a permissive referendum, the procedure of which is governed by Municipal Home Rule Law § 24.

**Section 3. Local Opt-Out**

The Town Board of the Town of \_\_\_\_\_ hereby opts out of allowing cannabis retail dispensaries and on-site cannabis consumption sites from being established and operated within the town'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/Referendum on Petition**

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

**Section 5. Effective date.**

This local law shall take effect immediately upon filing with the Secretary of State.