

**TOWN OF NORTH HEMPSTEAD
LOCAL LAW NO. __ OF 2019**

**A LOCAL LAW AMENDING CHAPTER 70 OF
THE TOWN CODE ENTITLED “ZONING”**

Section 1. Legislative Intent

The Town Board has recognized that several states, in addition to permitting the distribution of medical marijuana, have also permitted the distribution of marijuana for recreational purposes. The Town Board also recognizes that the legalization of marijuana in New York is a subject of current discussion and community forums organized by the State, and that the New York State Commissioner of Health has recommended that the recreational use of marijuana be considered for legalization in New York. Having heard testimony before the Town Board, the Town Board has found that Town residents are greatly concerned about the retail sale of marijuana in the Town if it should become legal in New York. Accordingly, it is the intent of the Town Board to prohibit the retail sale, distribution or offer of consumption of marijuana in all Town use districts.

Section 2.

Section 70-201.11 of Chapter 70 of the Town Code shall be amended to read as follows:

§ 70-201.11 Prohibitions

- A.** No building, structure or premises approved or used as a Medical Marijuana Dispensary pursuant to Article 33 of the New York Public Health Law may be used as a Marijuana Retail Store.
- B.** **No building, structure or premises within any use district in the Town of North Hempstead may be used for the sale, distribution or offer for consumption of Marijuana or Marijuana Products in a retail setting or environment for non-medical use. The sale, distribution or offer for consumption of Marijuana and/or Marijuana Products as prohibited in this section shall be prohibited regardless of whether products in addition to Marijuana Products are offered for sale, distribution or consumption at the building, structure or premises and regardless of the amount of Marijuana or Marijuana Products available for sale, distribution or offer for consumption at the building, structure or premises in comparison to other products offered for sale, use or consumption at the building, structure or premises.**

Section 3.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person or circumstance shall be adjudged 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 article or in its application to the person or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 4.

This Local Law shall take effect upon filing with the Secretary of State