

Cannabis Retail Business Activity.

[Local Law XXX-XXX]

[1] Findings; legislative intent. The Town of Pound Ridge seeks to mitigate any potential nuisances/adverse impacts to other public youth facilities, residences and to protect the overall community character, while also allowing for small business development that provides outlets for hookah or vaping, and for the retail sale of associated products and cannabis for at-home consumption. Notwithstanding the foregoing, all persons who choose, against health adversaries, to be involved with tobacco or non-tobacco materials do so entirely at their own risk.

[2]Definitions. As used in this subsection, the following terms shall have the meanings indicated:

Cannabis

All parts of the plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. It does not include hemp, cannabinoid hemp or hemp extract as defined by this section or any drug products approved by the Federal Food and Drug Administration.

Cannabis Retail Business

Any business, collective, establishment association or any other organization or any person engaged in the licensed activities of an adult-use cannabis retail dispensary and/or on-site consumption.

Delivery

A delivery license authorizes the delivery of cannabis and cannabis products by licensees, independent of another adult-use cannabis license, to cannabis consumers.

Microbusiness

A licensee that may act as a cannabis producer for the cultivation of cannabis, a cannabis processor, a cannabis distributor and a cannabis retail business under this article; provided such licensee complies with all requirements imposed by the State of New York for licensed producers, processors, distributors, and retailers to the extent the licensee engages in such activities.

Public Youth Facilities

Public youth facility means a location or structure owned by a government or government subdivision or agency, that is accessible to the public, where the primary purpose is to provide recreational opportunities or services to children or adolescents of whom the primary population is reasonably expected to be seventeen (17) years of age or younger.

School Grounds

As such term is defined in the New York State Education Law.

On-Site Consumption

The consumption of cannabis in an area licensed by the Cannabis Control Board. An on-site consumption license authorizes the acquisition, possession, and sale of cannabis from the licensed premises of the on-site consumption licensee to cannabis consumers for use at the on-site consumption location or another location.

Retail Sale

To solicit or receive an order for, to keep or expose for sale, and to keep with intent to sell, made by any licensed person, whether principal, proprietor, agent, or employee, of any cannabis, cannabis product, cannabinoid hemp or hemp extract product to a cannabis consumer for any purpose other than resale.

Smoking

Refers to both:

[a] The burning of a lighted cigar, cigarette, pipe or any other matter or substance which contains cannabis, including the use of an electronic smoking device that creates an aerosol or vapor; or

[b] The inhalation of the smoke/liquid nicotine/vapors/water pipe tobacco and other substances encased in electronic cigarettes, vape pens, and pipes commonly known as "hookah," "water pipe," "sbisha," and "nargile" or any similar device.

Vape Shop

Any establishment which offers for sale or consideration electronic cigarettes, pipes, vape pens, vapors, e-liquids, or other like substances as a substantial or significant portion of its business, merchandise and/or stock-in-trade.

(3) Registration required. No cannabis, hookah, vaping, or vape shop business shall operate in the Town of Pound Ridge unless and until it has first filed a registration application in accordance with the provisions of this chapter, has paid all fees required by this chapter, received a special use permit, and has received necessary licensing from the state.

[a] State license. An adult-use cannabis license or provisional from the NYS Office of Cannabis Management shall be required for any cannabis retail business or cannabis activity in which it is engaged. A business intending to sell vapor products shall be required to have a certificate of registration from the Department of Taxation and Finance.

[b] Special use permit. Any proposal to place, construct or modify a cannabis, hookah, vaping, or vape shop business in the Town of Pound Ridge requires the issuance and approval of a special use permit. All applications, plans, and documentation shall be submitted to the Town of Pound Ridge Planning Board and Building Inspector with site plan approval and special use permit review undertaken by the Planning Board and special use permit approval by the Town of Pound Ridge Town Board.

[c] Registration application. Any applicant for a cannabis, hookah, vaping, or vape shop business shall provide no less than the following when submitting a registration application:

[i] Completed special use permit application and checklist;

[ii] Copy of NYSOCM Provisional or Operating License or NYS Department of Taxation and Finance certificate, if applicable;

[iii] Business plan and written description of day-to-day operations and hours of operation;

[iv] Complete site plan showing any alterations to the property;

[v] Floor plans certified by a licensed professional engineer or architect detailing ventilation as well as interior and exterior security plans in compliance with New York State law;

[vi] Sign application with all proposed building-mounted and freestanding signs: and

[vii] Any additional materials requested by the Planning Board during the review process.

[d] Registration null and void. A registration shall become null and void upon any of the following:

[i] Relocation of the cannabis, hookah, vaping, or vape shop business to a different location or premises;

[ii] One year after the issuance of the special use permit (SUP) unless renewed upon site inspection, at which time the SUP shall be valid for a period of two years;

[iii] Any attempt to assign, transfer or sell a registration without approval from the Town; or

[iv] Any violations of the terms or requirements of this chapter.

[4] Operating regulations and conditions. A cannabis, hookah, vaping, or vape shop business shall not create a nuisance to abutters or to the surrounding area, or create any hazard, including, but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent, or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.

[a] Proximity to public youth facilities, schools, and houses of worship. At a minimum, no cannabis, hookah, vaping, or vape shop retail business shall be located within 500 feet of any public youth facility or school and shall not be located within 200 feet of any house of worship.

[i] The Planning Board shall also consider distance from other uses involving children when permitting the siting of cannabis retail businesses, including, without limitation, libraries, playgrounds, parks, martial arts and dance studios, houses of worship, pediatric medical offices, toy stores, government buildings for youth, and youth clubs.

[ii] The Planning Board may deviate from the proximity restrictions as necessary on good cause shown by the applicant balancing the need to foster and develop new businesses and of protecting the community and aforementioned locations.

[iii] In the event of a conflict between this Law and the New York State Marijuana and Regulation and Taxation Act the law of the State of New York will control.

[b] Hours of operation. Any business operating under this chapter may open no earlier than 109:00 a.m. and shall close no later than 5:00 p.m. on the same day, unless modified by the Planning Board and specified in the special use permit.

[c] Alcohol. The sale or consumption of alcohol on licensed premises is prohibited, except for the sale of tinctures, which is permitted provided all products sold on site comply with applicable state rules and regulations.

[d] Odor. Each business operating under this chapter shall prevent the odor of tobacco or non-tobacco products from emanating beyond the walls of the premises by utilizing appropriate air purification systems and air scrubbers.

[e] Outdoor smoking. There shall be no cannabis smoking outside the premises of the business.

[f] Facade treatments. Design of the cannabis, hookah, vaping, or vape shop business shall not detract from the sense of activity with opaque, unwelcoming facades at the ground floor. Where interior activities must be screened from public view, such areas should be screened by transparent, publicly accessible active business uses where possible. Opaque facades should be minimized, and where they are necessary, they should include changing public art displays or other measures to provide visual interest to the public.

[g] Signage. The Planning Board shall be responsible for approval of all signage for businesses operating under this chapter, pursuant to Village Code § ~~XXX-XXX~~ "Sign regulations," balancing the need for a well-maintained, safe and attractive community and the need for effective business identification, advertising and communication.

[h] Security barriers. All installations of any security gate or barrier must be preceded by the issuance of a building permit from the Building Department and must be in accordance with the standards set forth by the New York State Uniform Fire Prevention and Building Code and Town of Pound Ridge Planning Board, which shall be permitted to consider aesthetics of the exterior.

[i] Security. An application for a cannabis retail business must include written and graphic documentation showing the proposed facility will meet state standards, including but not limited to secure premises, secure room, secure entry, security lighting, security alarm systems, and video surveillance.

[j] Buffer. For any cannabis, hookah, vaping, or vape shop business that shall abut upon a residential-zoned parcel or any parcel used for residential purposes, there shall be a buffer strip ten feet wide erected, planted and thereafter maintained on the plot pursuant to Planning Board requirements, unless the Planning Board shall require a greater or larger buffer strip. The Planning Board may deviate from the buffer restrictions as necessary on good cause shown by the applicant balancing the need to foster and develop new businesses and of protecting the community and aforementioned locations.

[k] Fire hazards. Smoking paraphernalia shall comply with such safety measures as may be prescribed to minimize the risk of fire associated with the use of such paraphernalia. Where smoking paraphernalia requires the use of lighted charcoal or any other solid or Liquid flammable or combustible material such material shall be stored, handled, and disposed in a manner approved by the Town of Pound Ridge Code Enforcement and Town of Pound Ridge Fire Department.

[l] Drive-through. No drive-through services or sales shall be permitted by any businesses operating under this chapter.

[m] Storage, security, and management. Cannabis, tobacco, and similar waste shall be stored, secured, and managed in accordance with applicable New York State laws.

[5] Inspections and compliance. The Town of Pound Ridge shall have the right to request entrance into any business operating under this chapter, during reasonable hours, for the purpose of conducting a physical inspection of the premises to determine if the premises complies with the requirements herein. Any cannabis, hookah, vaping, or vape shop business shall at all times strictly comply with all the provisions of this chapter.

[6] Pre-Existing. Any hookah, vaping, vape shop business, or cannabis retail business possessing NYSOCM Provisional or Operating License or NYS Department of Taxation and Finance certificate existing and actually conducting retail business prior to the effective date of this local law shall be considered pre-existing (or "Grandfathered") and permitted to remain in place without regard to the provisions of this section. Upon expiration of a 6 (six) month pre-existing duration the applicant will be required to apply for a special use permit pursuant to this section. The Planning Board may, in its sole discretion, waive any proximity requirements for any business which has existed pursuant to this section when considering the special use permit.

