

***DRAFT for INTRODUCTION***

**TOWN OF COPAKE  
Local Law No. \_\_ of 2022**

**A Local Law to Amend the Copake Zoning Code  
in Relation to Cannabis Retail Businesses**

**BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF COPAKE AS FOLLOWS:**

Section 1. Purpose and legislative intent.

The State of New York has recently enacted the New York Cannabis Law, which allows the sale of cannabis and cannabis products and provides for the licensing of, among other things, Cannabis Dispensaries. The Cannabis Law also provides that “towns, cities and villages may pass local laws and regulations governing the time, place and manner of the operation of licensed adult-use cannabis retail dispensaries, provided such law or regulation does not make the operation of such licensed retail dispensaries unreasonably impracticable.” Pursuant to this authority, and in accordance with subdivisions C.(3) and C.(5) of section 232-1 of the Copake Zoning Code, which enumerate as purposes of the Copake Zoning Code: “To provide adequate and suitably located commercial facilities” and “To encourage agriculture to continue as a land use activity in the Town because of its importance to the local economy and the preservation of open space,” this local law is enacted to allow the establishment of Cannabis Dispensaries, in locations and manners consistent with the zoning and land use goals of the Town of Copake.

§ 2. Enacting authority.

This local law is enacted pursuant to the New York Municipal Home Rule Law, section 131 of the New York Cannabis Law, and chapter 232 of the Code of the Town of Copake, as authorized by the New York State Constitution, the New York Municipal Home Rule Law, Article 16 and other relevant provisions of the Town Law of the State of New York, and the Code of the Town of Copake.

§ 3. The following definition is added to section 232-3 of the Code of the Town of Copake:

**CANNABIS DISPENSARY:** A commercial retail establishment operating under license of the New York State Cannabis Control Board, authorized to engage in the retail sale of cannabis products for off-site consumption, but in no case permitted or authorized to allow the on-site consumption of cannabis or cannabis products.

§ 4. Table 2 of Chapter 232 of the Code of the Town of Copake (“Table of Use Regulations”) is amended as follows:

The use entitled “Cannabis Dispensary” is added to Table 2 of Chapter 232 of the Code of the Town of Copake (“Table of Use Regulations”) as Business Uses permitted in the HB

(Hamlet Business), HW-B (Highway Business), and MU (Mixed Use) zoning districts contingent upon securing a special use permit and site plan review approval.

§ 5. A new section 232-16.2.1, entitled “Cannabis Businesses” is added to Chapter 232 of the Code of the Town of Copake, as follows:

- A. The hours of operation of a Cannabis Dispensary during which the establishment may be open to the public and retail sales may be carried out shall be limited to the hours between 9:00 AM and 9:00 PM.

§ 6. Effective Date.

This law shall become effective immediately upon filing with the Secretary of State.

**END.**