

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

**RESOLUTION NO. 1 -2019**

**A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 70 OF THE TOWN CODE ENTITLED "ZONING."**

**WHEREAS**, the Town Board, as the legislative body of the Town of North Hempstead, is empowered to enact local laws pursuant to the provisions of Article 9 of the New York State Constitution, the Town Law, and the Municipal Home Rule Law; and

**WHEREAS**, a proposed Local Law has been prepared, pursuant to enabling legislation, to amend Chapter 70 of the Town Code entitled “Zoning” to ban the retail sale of recreational marijuana in the Town of North Hempstead; and

**WHEREAS**, the proposed Local Law, in final form, has been on the desks or tables of all the members of the Town Board for seven calendar days, exclusive of Sunday; and

**WHEREAS**, due notice has been heretofore given of a public hearing to be held on the 8th day of January, 2019, concerning the adoption of the proposed Local Law, which Local Law was available for viewing by the public on the Town’s website and during regular business hours in the Office of the Town Clerk; and

**WHEREAS**, the Town Board has carefully considered the proposed Local Law during the seven-day period, conducted a public hearing on January 8, 2019, with respect to the Local Law, and has afforded all interested persons an opportunity to be heard at the public hearing; and

**WHEREAS**, this Board deems it in the public interest to adopt the proposed Local Law, to be effective immediately upon filing with the Secretary of State of the State of New York (the “Secretary of State”).

**NOW, THEREFORE, BE IT**

**RESOLVED** that Local Law No. 1 of 2019 be and it hereby is adopted, which Local Law reads as follows:

**TOWN OF NORTH HEMPSTEAD  
LOCAL LAW NO. 1 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.

**RESOLVED** that the Town Clerk be and hereby is authorized and directed, in the manner required by law, to file a copy of the Local Law with the Secretary of State, and to publish a notice of adoption of the Local Law, which notice shall be in substantially the following form:

**NOTICE OF ADOPTION**

**PLEASE TAKE NOTICE** that pursuant to the provisions of Article 9 of the New York State Constitution, the Municipal Home Rule Law, and the Town Law, at a meeting of the Town Board duly held on January 8, 2019 at Town Hall, 220 Plandome Road, Manhasset, New York, Local Law No. 1 of 2019 was adopted. The local law amends Chapter 70 of the Town Code entitled “Zoning” to ban the retail sale of recreational marijuana in the Town of North Hempstead.

Dated: Manhasset, New York  
January 8, 2019

**BY ORDER OF THE TOWN BOARD OF  
THE TOWN OF NORTH HEMPSTEAD  
WAYNE H. WINK, JR.  
TOWN CLERK**

Dated: Manhasset, New York  
January 8, 2019

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilwoman De Giorgio, Councilman Ferrara, Councilwoman Russell,  
Councilwoman Seeman, Councilman Zuckerman, Supervisor Bosworth

Nays: None

cc: Town Attorney