

Local Law No. __ of 2025

A local law establishing a moratorium on Commercial and Industrial Cannabis Warehousing, Processing, and Cultivation in Clifton Park. Regulation approved January 21, 2025 for a period of 180 days from the effective date hereof

SECTION I. SHORT TITLE.

This local law shall be cited as Local Law # _____ of 2025 or the Clifton Park moratorium on Commercial and Industrial Cannabis Warehousing, Processing, and Cultivation.

SECTION II. LEGISLATIVE FINDINGS AND INTENT.

On March 31, 2021, the New York State Legislature passed the Marijuana Regulation and Taxation Act (MRTA). In 2021, pursuant to MRTA, the Town of Clifton Park by Local Law No. 9-2021, opted out of permitting cannabis dispensaries and facilities for consumption of marijuana products within the Town of Clifton Park.

The Town of Clifton Park is committed to ensuring the health, safety, and welfare of its residents, and to the proper regulation of land uses within the Town of Clifton Park.

The Town Board of the Town of Clifton Park recognizes the interest in cannabis warehousing, processing, and cultivation operations, as well as their potential impacts on the Town’s infrastructure, environment, and community character. Accordingly, the Town Board has determined that it would be prudent to temporarily pause the consideration, approval, and/or establishment of commercial and industrial cannabis warehousing, processing and cultivation operations within the Town of Clifton Park. Such a pause will provide sufficient time to study and address any concerns, including, but not

limited to, zoning, environmental impacts, public safety, and economic implications resulting from commercial and industrial cannabis warehousing, processing, and cultivation.

SECTION III SCOPE OF CONTROL

- (a) For a period of 180 days from the effective date of this ordinance, no applications for warehousing, processing, or cultivation of cannabis, shall be accepted by any board with appropriate authority in the Town, including the Town Board, Planning Board, and Zoning Board of Appeals.
- (b) Effective Date: This local Law applies to all applications for warehousing, processing, or cultivation of cannabis filed with the Town Planning Department.
- (c). Each and every time period regulation and all default provisions otherwise applicable to the development, permits and/or approvals is hereby suspended and temporarily superseded by this Local law including but not limited to Section 276 of the New York State Town Law, during its period of effectiveness.
- (d) The jurisdiction of the Zoning Board of Appeals to act pursuant to Section 267-b of the New York State Town Law relative to relief from this Local Law is hereby suspended and temporarily superseded by this Local law for the purposes of any application for relief from this enactment during its period of effectiveness.

SECTION IV APPEAL PROVISIONS

The Town Board retains the power to vary or modify the application of any provision of this local law upon its determination, in its legislative discretion, after public hearing on notice, that this local law would impose extraordinary hardship upon a landowner, and that a variance from this act will not adversely affect the health, safety and general welfare of the town. Any request for an exception or variance shall be filed with Town Board, through the Town Clerk, and shall include a fee of one hundred dollars (\$100.00) for the processing of such application. All such applications shall be reviewed by the Town Board after a public hearing and final decision on the appeal for relief. Any relief shall be granted through amendments to this local law.

SECTION V PENALTIES

Any person, firm, entity or corporation that shall violate the terms and provisions of this Local Law shall be subject to a penalty in the amount of one thousand dollars (\$1000.00) for each day such violation shall exist.

SECTION VI VALIDITY

The invalidity of a word, section, clause, paragraph, sentence, or part of provision of this local law shall not affect the validity of any other part of this local law that can be given effect without such invalid part or parts.

SECTION VII SUSPENSION OF OTHER LAWS

All state statutes and local ordinances or laws in conflict with the provisions of this local law are hereby superseded and suspended during the effective period of this local law as necessary to give this local law full force and effect during its effective period.

SECTION VIII EFFECTIVE DATE

This law shall take effect immediately as provided by the law, upon filing with the Secretary of State and shall remain in force and effect for a period of 180 days from its effective date, until July 21, 2025.