

LEGAL NOTICE

Please take notice that the Albion Town Board will hold a Public Hearing to hear all persons for or against the adoption of Local Law #5 of 2021, opting out of adult use cannabis retail dispensaries and on-site consumption sites on November 8, 2021 at 5:00 p.m. at the Albion Town Hall, 3665 Clarendon Road, Albion, New York, 14411.

Please take further notice that the Albion Town Board will hold another public hearing to hear all persons for or against the adoption of Local Law #6 of 2021, Tax Cap Override and will commence following the close of the first public hearing on Local Law #5.

Be it further resolved that the said proposed Local Law #5, Cannabis Law and Local Law #6, Tax Cap Override, may be viewed at the Town of Albion website, www.townofalbion.com or at the Office of the Town Clerk during normal business hours.

Please take further notice the Albion Town Board will commence their regular meeting immediately following the close of the public hearing.

F. Richard Remley
Supervisor

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Albion, Orleans County, New York

Local Law No. 5 of the year 2021

A local law Adding Chapter 107 to the Albion Town Code
(Insert Title)
Opting out of Adult use cannabis retail dispensaries and on-site consumption sites

Be it enacted by the Albion Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Albion as follows:

See attached Local Law #5 of 2021

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 5 of 2021 of the ~~(County)(City)(Town)(Village)~~ of Albion, Orleans County, New York was duly passed by the Albion Town Board on November 8 2021, in accordance with the applicable *(Name of Legislative Body)* provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local *(Elective Chief Executive Officer*)* law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: _____

(Seal)

LOCAL LAW # 5 OF 2021 ADDING
CHAPTER 107 TO THE ALBION TOWN CODE
OPTING OUT OF ADULT USE CANNABIS RETAIL
DISPENSARIES AND ON-SITE CONSUMPTION SITES

Be it enacted by the Albion Town Board, County of Orleans, State of New York
(hereinafter referred to as the Board), as follows:

SECTION 1. TITLE (§107-1)

This Local law shall be referred to as "Local Law # 5 of 2021 Adding Chapter 107 to the Albion Town Code Opting Out of Adult Use Cannabis Retail Dispensaries and On-Site Consumption Sites".

SECTION 2. AUTHORIZATION (§107-2)

This Local Law is adopted pursuant to the legislative authority in Municipal Home Rule Law §10, Town Law §261-§264, General Municipal Law §96a and §119-dd, Public Service Law Article 10 and Cannabis Law Article 4. More specifically, Cannabis Law §131 expressly authorizes the Board to adopt this Local Law requesting the Cannabis Control Board prohibit the establishment of cannabis retail dispensary licenses and/or on-site consumption licenses within the jurisdiction of the Town of Albion (hereinafter referred to as Albion), the procedure of which is governed by Municipal Home Rule Law §24.

SECTION 3. PURPOSE AND INTENT (§107-3)

Albion, as an exercise of the statutory authorities referenced hereinabove, finds it to be in the best interests of Albion residences, businesses and/or commercial entities to enact the immediate legislation.

SECTION 4. LOCAL OPT – OUT (§107-4)

The Board hereby opts out of allowing cannabis retail dispensaries and on-site cannabis consumption sites from being established, maintained and/or operated within the jurisdiction of Albion.

SECTION 5. PERMISSIVE REFERENDUM/
REFERENDUM ON PETITION (§107-5)

This Local Law is subject to a referendum on petition in accordance with Cannabis Law §131 and the procedure outlined in Municipal Home Rule Law §24.

SECTION 6. SEVERABILITY AND/OR VALIDITY (§107-6)

If any clause, sentence, paragraph, subdivision, section or part of this Local Law, or the application thereof to any person, individual, firm or corporation, or circumstance, shall be adjudged by a 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, section or part of this Local Law, or in

RESOLUTION CALLING FOR A PUBLIC HEARING ON LOCAL LAW #5 OF 2021
ADDING CHAPTER 107 TO THE ALBION TOWN CODE -
OPTING OUT OF ADULT USE CANNABIS RETAIL
DISPENSARIES AND ON-SITE CONSUMPTION SITES.

WHEREAS the Albion Town Board has determined it to be the best interests of the the Town of Albion for the addition of Chapter 107 to the Albion Town Code concerning the subject of opting out of adult use cannabis retail dispensaries and on-site consumption sites, and

WHEREAS a proposed Local Law has been drafted in relationship to adding this Chapter 107 to the Albion Town Code, and

WHEREAS the Albion Town Board is required to hold a Public Hearing on the matter Before passage of this Local Law.

NOW THEREFORE BE IT RESOLVED:

Section 1. The Albion Town Board calls a Public Hearing to hear all persons for or Against the adoption of adding Chapter 107 to the Albion Town Code concerning the subject of opting out of adult use cannabis retain dispensaries and on-site consumption sites on 2021 at p.m. at the Albion Town Hall, 3665 Clarendon Road, Albion, New York, 14411.

Section 2. The Albion Town Clerk is authorized and directed to cause an appropriate Notice of this hearing to be published in the official newspaper of the Town And in accordance with the Town Law §265.

Section 3. This Resolution shall take effect immediately.

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Albion, Orleans County, New York

Local Law No. 6 of the year 20²¹

A local law Overriding the Tax Cap
(Insert Title)

Be it enacted by the Albion Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Albion as follows:

See attached Local Law #6 of 2021

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 6 of 2021 of the ~~(County)(City)(Town)(Village)~~ of Albion, Orleans County, New York was duly passed by the Albion Town Board on November 8 2021, in accordance with the applicable *(Name of Legislative Body)* provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local *(Elective Chief Executive Officer*)* law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

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5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: _____

(Seal)

LOCAL LAW #6 OF 2021 TOWN OF ALBION
COUNTY OF ORLEANS, AUTHORIZING A
PROPERTY TAX LEVY IN EXCESS OF THE LIMIT
ESTABLISHED IN GENERAL MUNICIPAL LAW §3-c

Be it enacted by the Albion Town Board, County of Orleans, State of New York
(hereinafter referred to as the Board), as follows:

SECTION 1. TITLE

This Local law shall be referred to as "Local Law #6 of 2021 Town of Albion, County of Orleans, Authorizing a Property Tax Levy in Excess of the Limit Established in General Municipal Law §3-c".

SECTION 2. AUTHORIZATION

This Local Law is adopted pursuant to the General Municipal Law §3-c which expressly authorizes the governing body of a local municipality to override the property tax cap for the coming fiscal year by adoption of such a Local Law that is approved by a vote of 60% of said governing body. The intent of this Local Law is to allow the Town of Albion to adopt a budget for the fiscal year commencing January 1, 2022 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

