

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 Port Jervis

FILED
STATE RECORDS

JUL 08 2024

DEPARTMENT OF STATE

Local Law No. 4 of the year 2024

A LOCAL LAW AMENDING CHAPTER 535, SECTION 535-4 AND SECTION 535-37.1 OF THE CITY CODE OF THE CITY OF PORT JERVIS, NEW YORK TO SET FORTH PERMISSIBLE LOCATIONS AND UPDATED REGULATIONS FOR CANNABIS RETAIL DISPENSARIES AND AMENDING THE CITY OF PORT JERVIS TABLE OF USE AND BULK REQUIREMENTS

Be it enacted by the Common Council of the City of Port Jervis as follows:

See attached.

(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. _____ of 20____ of the (County)(City)(Village)(Village) of _____ was duly passed by the _____ on _____, 20____, in accordance with the applicable 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. 4 of 2024 of the (County)(City)(Village)(Village) of Port Jervis was duly passed by the Common Council on June 24, 2024, and was (approved) (not approved) (Name of Legislative body) (repassed after disapproval) by the Mayor and was deemed duly adopted (Elective Chief Executive Officer*) On June 24, 2024 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)(Village)(Village) of _____ was duly passed by the _____ on _____, 20____, and was (approved)(not approved) (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)(Village)(Village) of _____ was duly passed by the _____ on _____, 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____, 20____. (Elective Chief Executive Officer*) Such local 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 Village 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 _____ 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 Villages of said county considered as a unit voting at said general election, became operative.

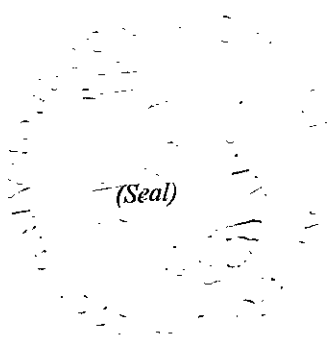
(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

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.

Bobbie Jo Muller

Bobbie Jo Muller, Deputy Clerk-Treasurer,
City of Port Jervis,
Clerk of the county legislative body, City, Village or Village
Clerk or officer designated by local legislative body

Date: July 2, 2024



CITY OF PORT JERVIS

INTRODUCTORY LOCAL LAW NO. 4 OF 2024

A LOCAL LAW AMENDING CHAPTER 535, SECTION 535-4 AND SECTION 535-37.1 OF THE CITY CODE OF THE CITY OF PORT JERVIS, NEW YORK TO SET FORTH PERMISSIBLE LOCATIONS AND UPDATED REGULATIONS FOR CANNABIS RETAIL DISPENSARIES AND AMENDING THE CITY OF PORT JERVIS TABLE OF USE AND BULK REQUIREMENTS

Be it enacted by the Common Council of the City of Port Jervis, County of Orange, State of New York, as follows:

Section 1. Statement of Intent

The State of New York recently enacted the Marijuana Regulation and Taxation Act (hereinafter the “Cannabis Law”), which, among other things, allows the retail sale of cannabis and cannabis products and provides for the licensing of 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 Section 535-2 of the City of Port Jervis Zoning Code, which enumerates as a purpose of the City of Port Jervis Zoning Code: “to serve the purpose of protecting and promoting the general welfare, which is intended to include the following ... the protection of the environment of the City as a whole.” The Common Council previously enacted City Code Section 535-37.1 entitled: “Supplementary regulations applying to cannabis retail dispensaries and tobacco retailers.” After due consideration, this local law is enacted to amend said regulations to clarify the permissibility of cannabis retail dispensaries in certain locations and manners consistent with the zoning and land use goals of the City of Port Jervis and to eliminate tobacco retailers from these regulations as well as to add a definition of the term “Public Youth Facility”.

Section 2. Purpose.

The City of Port Jervis Common Council hereby finds that the purpose of this Local Law shall be as follows:

- a. To provide for the placement of cannabis retail dispensaries in appropriate places.
- b. To minimize the adverse impacts of cannabis retail dispensaries on schools, and other places where the youth or other vulnerable populations commonly congregate.
- c. To regulate the siting, design, placement, security, safety, monitoring, and modification of cannabis retail dispensaries.

Section 3. Amendment to Chapter 535

The City of Port Jervis Code, Chapter 535, Article II, Section 535-4(B) is hereby amended to include the following definition:

PUBLIC YOUTH FACILITY

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.

Section 4. Amendments to Section 535.37.1

Current Section 535.37.1 entitled “Supplementary Regulations Applying to Cannabis Retail Dispensaries and Tobacco Retailers” shall be replaced with the following:

“§ 535-37.1 Supplementary regulations applying to cannabis retail dispensaries.

A. Applicability.

(1) These regulations shall apply to all structures and/or uses related to cannabis retail dispensaries. No cannabis retail dispensary shall be established in the City of Port Jervis except in compliance with the provisions of this chapter.

(2) Every cannabis retail dispensary shall apply to the City of Port Jervis Planning Board for a special use permit and site plan approval for that use prior to commencing any work on the site related to the development of such a use. All such reviews shall be governed by all applicable sections of the City of Port Jervis Zoning Code, including, but not limited to §535-80 and other applicable provisions of the City of Port Jervis Code and City Charter.

B. Zoning districts for cannabis retail dispensaries. Cannabis retail dispensaries shall only be allowed in the following locations within the City’s Neighborhood Mixed Use and Waterfront Mixed Use Districts, subject to site plan review and issuance of a special use permit by the City of Port Jervis Planning Board and further subject to the regulations set forth in this section.

Tri-States from the Bridge through East Main Street:

20-7-13	255-257 East Main Street
20-7-1	257 ½ East Main Street

20-7-14.2 259-267 East Main Street
20-7-2.21 273-279 East Main Street
20-7-2.1 281-283 East Main Street
20-7-3 285 East Main Street
20-7-4 287-289 East Main Street
20-7-5 291 East Main Street
20-7-6 295 East Main Street
20-7-7.12 297 East Main Street
20-2-9.1 254 East Main Street
20-6-1.2 260 East Main Street
20-6-2.-1 262 East Main Street
20-6-12.22 270 East Main Street
20-6-11.22 290 East Main Street
20-6-10 298 East Main Street
20-1-6.12 8 North Maple Avenue

Jersey Avenue Corridor:

Jersey Avenue from Church Street to Seward Avenue:

13-15-14.1 74 Jersey Avenue
13-15-13.2 76 Jersey Avenue
13-15-12 78 Jersey Avenue
13-15-11 80 Jersey Avenue
13-15-10 82 Jersey Avenue
13-15-9 84 Jersey Avenue
13-15-8 92 Jersey Avenue
13-24-25 96 Jersey Avenue
18-3-7 71-73 Jersey Avenue
18-3-8 75-77 Jersey Avenue
18-3-9 85-89 Jersey Avenue
18-3-10 91-93 Jersey Avenue
18-3-11 95-101 Jersey Avenue

Jersey Avenue from Seward Avenue to Pennsylvania Avenue:

13-24-24 100 Jersey Avenue
13-24-23 102-104 Jersey Avenue
13-24-22 106-108 Jersey Avenue
13-24-21 110-112 Jersey Avenue
13-24-20 114-116 Jersey Avenue
13-24-19 118 Jersey Avenue

13-24-21 120 Jersey Avenue
13-24-17 122 Jersey Avenue
13-24-15 124 Jersey Avenue
13-24-14 128 Jersey Avenue
13-24-13 130 Jersey Avenue
18-3-12.1 103-129 Jersey Avenue
18-3-12.2 131-135 Jersey Avenue

Pike Street From Underpass to Bridge:

18-14-12 13 Pike Street
18-14-13 15-17 Pike Street
18-14-14.1 21 Pike Street
18-14-1 27 Pike Street
18-5-10 31 Pike Street
18-5-12 37 Pike Street
18-5-13 39 Pike Street
18-5-2 41-49 Pike Street
18-17-6.2 30 King Street
18-14-9.11 1-9 Pike Street
18-16-3 12-14 Pike Street
18-16-2 16-26 Pike Street
18-16-1 28 Pike Street

Fowler Street from Barcelow Street/Ridge Avenue to East Main Street:

9-12-13 61 Fowler Street
9-12-14 63 Fowler Street
9-12-15.2 9 Orchard Street
9-13-16 69 Fowler Street
9-13-17 71 Fowler Street
9-13-1 73-75 Fowler Street
9-14-23 77 Fowler Street
9-14-22 93 Fowler Street
9-14-21 95 Fowler Street
9-14-20 101 Fowler Street
9-14-19 103 Fowler Street
9-14-18 105 Fowler Street
8-10-21 74 Fowler Street
8-10-20 76-78 Fowler Street

8-10-19 80 Fowler Street
8-10-17.1 82-88 Fowler Street

C. Other location restrictions for cannabis retail dispensaries.

(1) The distance requirements between a Cannabis Retail Dispensary and the following restrictions shall be measured in a straight line from the center of the nearest entrance of any buildings located on the properties involved.

(2) No adult-use cannabis retail dispensary shall be located:

(a) Within 500 feet and on the same road of a building and its grounds occupied exclusively as a School and School Grounds, as such term is defined in the New York State Education Law;

(b) Within 200 feet and on the same road of a building occupied exclusively as a House of Worship;

(c) Within 500 feet of a building or property occupied as a Public Youth Facility, including Libraries and Playgrounds;

(d) Within 500 feet of Child Day Care, Pre-K or Nursery Facilities;

(e) Within 200 feet of Drug or Alcohol Recovery or Rehabilitation Facilities;

(f) Within 2000 feet of another Cannabis Retail Dispensary:

D. Special use criteria for cannabis retail dispensaries. As part of any review by the Planning Board under this subsection, the following shall be submitted and/or considered by the Planning Board as part of its review of any special use permits for cannabis retail dispensaries:

(1) Cannabis retail dispensaries must be fully enclosed and shall be located within a permanent building and may not be located in a trailer, cargo container, motor vehicle or other similar nonpermanent enclosure.

(2) No outside storage of marijuana, related supplies or promotional materials is permitted.

(3) No smoking or consumption of any product containing cannabis or cannabis-related products shall be permitted on the premises of a cannabis retail dispensary. No burning of any product

containing cannabis or cannabis-related products shall be permitted on the premises of a cannabis retail dispensary.

(4) Each special permit use shall not include the display of signs, noise, fumes, or lights that will hinder normal development of the zoning district or impair the use, enjoyment, and character of adjacent land and buildings.

(5) The application shall include a site plan and fully dimensioned diagram or floor plan showing planned occupancy or use of all areas, including exits, fire prevention measures, windows, ventilation, and doors as well as any other factors determined to be necessary and appropriate by the Planning Board.

(6) Security measures shall be implemented which are sufficient to ensure that no unauthorized persons can gain access to the building and outdoor activity areas. Such measures shall be described in detail in the special permit application.

(7) Subject to applicable law, as a part of any special use permit application to the Planning Board, applicant must have a valid Adult-Use Cannabis Retail Dispensary license issued by the State of New York.

(8) A special use permit granted under this subsection shall have a term limited to the duration of the applicant's use of the premises as a licensed operator. A special use permit may be transferred only with the approval of the Planning Board in the form of an amendment to the special use permit.

(9) Any violation of this section shall be grounds for revocation of a special use permit issued under this section.

(10) A revocation of the respective license by the state shall be grounds for revocation of the special use permit.

(11) Hours of operation for the permitted use(s) shall be set by the Planning Board in its complete and total discretion.

(12) Posting of signs:

(a) In addition to other applicable sign regulations, it shall be a special use permit condition that no person or entity shall sell or continue to sell or distribute tobacco or tobacco-related products and/or cannabis or cannabis-related products in the City of Port Jervis unless a sign is posted at the point of sale in a conspicuous place that warns of the

dangers of such products, including, at a minimum, the following statement:
"WARNING: THE PRODUCTS YOU ARE ABOUT TO PURCHASE MAY CONTAIN
NICOTINE, WHICH IS AN ADDICTIVE CHEMICAL."

(b) No image depicting any part of a marijuana plant or any product or use of the marijuana plant shall be allowed on the sign."

Section 5. Amendment of Bulk Tables

The City of Port Jervis Table of Use and Bulk Regulations is hereby amended to include "Cannabis retail dispensaries" as a Principal Use "at the specific locations within the Neighborhood Mixed Use and Waterfront Mixed Use Districts as set forth in City Code §535-37.1" with the bulk requirements being the same as any retail establishment with the notation as follows "Pursuant to Special Use Permit by the City of Port Jervis Planning Board and in accordance with Section 535-37.1 of the Zoning Code and the NYS Marijuana Regulation and Taxation Act, as applicable.

Cannabis retail dispensaries shall be removed from the Central Business District Bulk Table.

Section 6. Separability

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Common Council of the City of Port Jervis hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 7. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 8. Effective Date

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.