



Department of State
Corporations, State Records & UCC

New York State
Department of State
DIVISION OF CORPORATIONS,
STATE RECORDS AND
UNIFORM COMMERCIAL CODE
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Albany, NY 12231-0001
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Local Law Filing

Pursuant to Municipal Home Rule Law §27

Local Law Number ascribed by the legislative body of the local government listed below:

Local Law 2 of the year 20 26

Local Law Title: LL2-26 Cannabis Uses
(see Attachment A)

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

☐ County ☐ City ☒ Town ☐ Village
(Select one)

of Town of Porter, N.Y. as follows on the attached pages:
(Name of Local Government)

For Office Use Only

Department of State Local Law Index Number: _____ of the year 20 ____

(The local law number assigned by the Department of State for indexing purposes may be different from the local law number ascribed by the legislative body of the local government.)

Local Law Filing

(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 ascribed as local law number 1 (one) of 2026 of the ~~(County)(City)(Town)(Village)~~ of Porter was duly passed by the Board of the Town of Porter on March 9, 2026 in accordance with the applicable provisions of law.

(Name of Legislative Body)

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, ascribed as local law number _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____ and was (approved)(not approved)(repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ 20____ in accordance with the applicable provisions of law.

(Name of Legislative Body)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____ and was (approved)(not approved)(repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ 20____. 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.

(Name of Legislative Body)

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, ascribed as local law number _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____ and was (approved)(not approved)(repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ 20____. 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.

(Name of Legislative Body)

* 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.

Local Law Filing

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

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20 _____ of the City of _____ having 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.

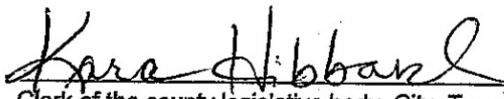
6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed thereto, ascribed as local law number _____ 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 the paragraph _____ above.

(Seal)


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

(Date)

3-18-26

Attachment A, Cannabis Uses

Local Law #2 of 2026 (LL2-26)

Be it enacted by the Town Board of the Town of Porter, in the county of Niagara, as follows:

The code of the Town of Porter shall be amended as follows:

[Amend section 200-7 Permitted Use Tabel – Add into the chart the following:]

Use	RA	LDR	WR	MDR	CMU	RC	M-1	M-2	M-3
Cannabis Cultivator	SU2 ⁶	SU2 ⁶							
Cannabis Cooperative	SU2 ⁶	SU2 ⁶					SU2 ⁶	SU2 ⁶	SU2 ⁶
Cannabis Processor							SU2	SU2	SU2
Cannabis Distributor							SU2	SU2	SU2
Cannabis Microbusiness	SU2 ⁶	SU2 ⁶					SU2 ⁶	SU2 ⁶	SU2 ⁶
Cannabis Nursery	SU2 ⁶	SU2 ⁶					SU2 ⁶	SU2 ⁶	SU2 ⁶
Cannabis On-Site consumption								SU2	SU2
Cannabis Retail Dispensary Retailer					SU2		SU2	SU2	SU2

[Further, amend section 200-7 Permitted Use Tabel's "Figure II-1 Permitted Uses," preface to the chart as follows:]

- P Permitted subject to building permit only
- SP Subject to site plan approval
- SU1 Subject to special use permit following Planning Board recommendation/approval
- SU2 Subject to special use permit following site plan approval (w/Public Hearing for both).

[remove the following from the preface because these are footnotes]

- ~~*~~ Subject to building permit only when part of a legitimate farm operation in a certified Agriculture District or an existing farm protected by Niagara County Right Farm Law. The Planning Board may, for new and significant projects, request a streamlined site plan review according to and as outlined in Ag and Markets Guidance Document for Zoning.
- ~~+~~ See specific yard/location requirements in succeeding regulations.

[Further, amend section 200-7 Permitted Use Tabel's footnotes "Figure II-1 Permitted Uses," – revise all footnotes to the following:]

Key: (A BLANK IN THE SCHEDULE MEANS IT IS NOT PERMITTED)

- * Subject to building permit only when part of a legitimate farm operation in a certified agriculture district or an existing farm protected by Niagara County Right to Farm Law. The Planning Board may, for new and significant projects, request a streamlined site plan review according to and as outlined in NYS Ag. and Markets Guidance Document for Zoning.
- 1 See specific yard/location requirements in succeeding regulations.
- 2 Timbering operations that are part of a legal farm operation, located in an agricultural district, and comply with NYS AML regulations may operate on said legal farm.
- 3 Subject to minimum lot size of 5 acres and not located in a major subdivision with single primary access routes (i.e., Youngstown Estates, Collingwood, Runaway Boy, etc.).
- 4 District exception: if the farm market use is locations in certified agriculture district or on a parcel that is part of an existing farm protected by Niagara County Right to Farm Law, and/or deemed unreasonably restrictive to a legitimate farm/farm operation, then the farm market may be permitted, subject to a streamlined site plan approval.
- 5 Farmers' markets are both subject Special Use Permit (SU2) and allowed on existing public use parcels outside of the CMU and RC Districts (i.e., school, church, fire hall, etc.).
- 6 Licensed Cannabis Operations that are part of a legal farm operation, located in an agricultural district, and comply with NYS AML regulations may operate on said legal farm shall be subject to a Site Plan Approval.

[Further, amend section 200-7 Permitted Use Tabel's "Figure II-1 Permitted Uses," preface to the chart as follows:]

- P Permitted subject to building permit only
- SP Subject to site plan approval
- SU1 Subject to special use permit following Planning Board recommendation/approval
- SU2 Subject to special use permit following site plan approval (w/Public Hearing for both).

[remove the following from the preface because these are in the footnotes]

- ~~*~~ ~~Subject to building permit only when part of a legitimate farm operation in a certified Agriculture District or an existing farm protected by Niagara County Right Farm Law. The Planning Board may, for new and significant projects, request a streamlined site plan review according to and as outlined in Ag and Markets Guidance Document for Zoning.~~
- ~~1~~ ~~See specific yard/location requirements in succeeding regulations.~~

[FURTHER, change "The code of the Town of Porter" by adding a new section 200-62 to chapter 200, Article IV]

§ 200-62. Cannabis Uses

This section is adopted to ensure that the Health Safety and Welfare of the entire community is promoted through regulating the Operations of NYS Licensed Cannabis entities.

A. Applicability

The requirements of this section shall apply to all Cannabis Facilities/Operations in the Town of Porter. Section 131 of the NYS Cannabis laws authorizes municipalities to pass Local Laws and **regulations governing time, place, and manner** of licensed Adult-Use Cannabis operations in compliance with NYS - Office of Cannabis Management.

B. Purpose

Adult-Use Cannabis regulations are to provide Time Place and Manner laws which are intended to protect public health, safety, and to mitigate adverse impacts on adjacent properties, neighborhoods, and the Town (e.g., odor, noise, traffic, aesthetics. Etc.).

C. Definitions

As used in this section, the following terms shall have the meanings indicated:

- (1) **Cannabis** – the term Cannabis shall have the meaning as defined in section 3 of the NYS Cannabis law. (Means all parts of the plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. It does not include hemp, cannabinoid hemp or hemp extract as defined by this section or any drug products approved by the federal Food and Drug Administration.)
- (2) **Cannabis Canopy or Cultivation Canopy or Canopy Area** -- An area used for adult-use cultivation to be calculated in square feet and measured using clearly identifiable boundaries of all areas(s) that will contain cannabis, including the space(s) within the boundaries. Canopy may be noncontiguous, but each unique area included in the total canopy calculations shall be separated by an identifiable boundary, including, but not limited to fencing, hedgerows, building walls, greenhouse walls, hoop house walls, greenhouse walls, garden benches, garden beds, or garden plots.
- (3) **Cannabis Control Board** – The NYS Cannabis Control board created pursuant to article 2 of the NYS Cannabis Law.
- (4) **Cannabis Cooperative** – A NYS cooperative license authorizes the acquisition, possession, cultivation, processing and sale from the licensed premises of the adult-use cooperative by such licensee to duly licensed distributors, on-site consumption sites, registered organization and/or retail dispensaries, but not directly to cannabis

consumers. A cooperative license must be organized under cooperative principles, including but not limited to being democratically controlled by the members themselves, based on one vote per member.

- (5) **Cannabis Cultivator** – means any person who grows, clones, harvests, dries, cures, grades, and trims cannabis plants for the purpose of resale as defined and licensed by NYS laws and/or NYSOCM (New York State Office of Cannabis Management).
- (6) **Cannabis Delivery License** - A NYS delivery license *authorizes the delivery of cannabis and cannabis products* by licensees, independent of another adult-use cannabis license, *to cannabis consumers*. Delivery licenses may not have a total of more than twenty-five individuals, or the equivalent thereof, providing fulltime paid delivery services to cannabis consumers per week under one license.
- (7) **Cannabis Distributor** – A NYS licensed Distributor means any person who sells at wholesale cannabis and cannabis products for the purpose of resale. A NYS Distributor's license authorizes the acquisition, possession, distribution, and sale of cannabis products from the licensed premises of a licensed adult-use cultivators, adult-use processor, adult-use cooperative, microbusiness, authorized to sell adult-use cannabis to licensed retail dispensaries and on-site consumption sites.
- (8) **Cannabis Establishment** – a cannabis cultivator, a cannabis manufacture, a cannabis wholesaler, a cannabis retailer, a cannabis consumption facility, a cannabis microbusiness, and or any NYS Office of Cannabis Management licensee/entity.
- (9) **Cannabis Microbusiness** – A NYS licensed Microbusiness operator means any person who may act as a cannabis producer for the cultivation of cannabis, adult-use processor, distributor, and retailer. A NYS Microbusiness license authorizes the limited cultivation, processing, distribution, delivery, and sale of their own adult-use cannabis products and cannabis.
- (10) **Cannabis Nursery** - means a NYS licensee that *produces only clones*, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis by licensed adult use cannabis cultivators, microbusinesses, cooperatives and registered organizations. A nursery license authorizes the production, sale and distribution of clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis by licensed adult-use cultivators, cooperatives, microbusinesses, registered organizations, or for personal home cultivation.
- (11) **Cannabis Processor** – A NYS licensed Processor means any person authorized to extract concentrated cannabis and/or compounds, blends, infuses, extracts, or otherwise manufactures concentrated cannabis or cannabis products for the purpose of resale. A NYS Cannabis Processor license authorizes acquisition, possession, processing, and sale of cannabis from the licensed premises of adult-use cultivators to licensed distributors.
- (12) **Cannabis Retail Dispensary/ Retailer** – NYS licensed Dispensary operator means any person authorized to acquire, possess, sell, and deliver cannabis products (including medical marijuana) from the NYS licensed retail dispensary premises to cannabis consumers.

(13) **Cannabis On-Site Consumption** – On-site consumption' means the consumption of cannabis in an area licensed by the NYS Cannabis Control Board. An on-site consumption license authorizes the acquisition, possession, and sale of cannabis from the licensed premises of the on-site consumption licensee to cannabis consumers for use at the on-site consumption location. On-Site Consumption license only allows adults 21 years of age and older, for the purchase and consumption of the products on the licensed premises.

(14) **NYSOCM** – New York State Office of Cannabis Management

(15) **NYSAML** – New York State Agriculture and Markets Laws

D. Location

Cannabis Facilities/Operations, including structures repurposed for Cannabis Facilities/Operations, may only be located, where specifically designated, in zoning districts as directed in **Chapter 200, section 200-7 Permitted Use Table**. All Cannabis entities shall follow NYS location requirements and Town of Porter local Laws, if both laws establish like location requirements, the more stringent regulation shall apply.

(1) **Cannabis Dispensaries, Cannabis Cooperative Dispensaries, and Cannabis On-site Consumption sites** shall not be permitted in the following locations:

- a) Within 100 feet of any road right-of-way (front yard setback).
- b) Within 200 feet of any Residential Occupancy Classification building
- c) Within ½ mile (2640 feet) of any other parcel containing another NYS licensed Cannabis Dispensaries and Cannabis Consumption sites; measured property line to property line.
- d) Within ½ mile (2640 feet) of any other parcel containing a Community Purpose Building, Place of Worship, or School grounds (as such term(s) are defined in the NYS Education law); measured property line to property line.
- e) The distance limitation in this subsection shall be measured in a straight line, without regard for intervening structures, from nearest point of any lot line described herein.

(2) **Cannabis Outdoor Canopies, Cannabis Indoor and Indoor Mixed Light Cultivator, Cannabis Indoor and Indoor Mixed Light Nursery, Cannabis Cooperative, Cannabis Processor, Cannabis Distributor, and Cannabis Microbusiness** shall not be permitted:

- a) Within 400 feet of any road right-of-way (front yard setback);
- b) Within 500 ft. of any residence on adjacent lots.
- c) Within ½ mile (2640 feet) of any other parcel containing another NYS licensed Cannabis Dispensaries and or Cannabis Consumption sites; measured property line to property line.
- d) Within ½ mile (2640 feet) of any other parcel containing a Community Purpose Building, Place of Worship, or School grounds (as such term(s) are defined in the NYS Education law); measured property line to property line.
- e) The distance limitation in this subsection shall be measured in a straight line, without regard for intervening structures, from nearest point of any Lot Line

and/or Structure as described subsection E.1. – E.5. (herein).

E. Conditions

- (1) All applications (Site Plan and or Special Use Permits) shall specifically include a complete copy of (in addition to elements cited in Town of Porter Code):
 - a) NYS Office of Cannabis Management's issued License,
 - b) NYS Office of Cannabis Management's license application documentation, including but not limited to prescribed documents in **N.Y. Comp. Codes R. & Regs. tit. 9 Section 125.2 - Site, Operating, and Environmental Plans.**
- (2) All storage associated with cannabis establishments, including refuse and other solid wastes, shall be stored in a building/structure in a secure manner.
- (3) Refuse and Solid Waste shall be collected and properly disposed of off the property by a private entity authorized for said handling of refuse and or solid Waste. Private onsite treatment of both Refuse and Solid Waste shall be prohibited.
- (4) Signage shall comply with the signage requirements established in the Zoning regulations.
 - a) Except for cannabis establishments protected by NYSAML shall be governed by said standards.
 - b) Except any signage relating to Cannabis Dispensaries and or consumption establishments shall only contain letters or numbers and shall be prohibited from including any images.
 - c) No sign shall be within or readily observed within 500 ft. of the property line of school grounds (as such term is defined in NYS Education law), Day care centers, Youth Services, playgrounds, public parks, libraries, or Community Purpose Buildings.
- (5) Shall not include any indoor or outdoor seating or assembly areas for customers or the public, except for seating that may otherwise be required for health, safety, or accessibility for people with disabilities.
- (6) Premises for all licensed Cannabis establishments must be in a building with a principal entrance at the street level and located on a public thoroughfare.
- (7) No drive-through or walk-up window sales to the public shall be permitted.
- (8) Cannabis establishments shall not be operated in any manner that causes the odor of cannabis products to extend to the exterior of the premises to create a nuisance or annoyance to the public.
- (9) Marijuana or cannabis consumption shall be prohibited on the premises, except as preemptively prescribed by NYSOCM licensing.
- (10) No retail cannabis or cannabis paraphernalia shall be displayed in any storefront window/door.
- (11) Bulk, Height, and Lot coverage requirements shall be consistent with the respective zoning district's requirements.

- (12) All applicants shall comply with all conditions herein and local laws, whether a proposal is for a new structure/site and or a repurposed structure/site, including but not limited to minimum lot size(s), maximum lot coverage, setbacks, and height requirements.
- (13) All Cannabis operations shall have the following noise limitations: Noise generated on a parcel shall be below 55 dBA day-night average sound level (DNL) at the property line and below 45 dBA DNL inside for neighboring dwellings. Measurements shall be conducted according to the most recent HUD standards.
- a) All Cannabis operations shall have odor control following "**Title 9 of New York Codes, Rules and Regulations (9NYCRR), §125.1(a)**", under Energy and Environmental Standards.
- (i) **Exception:** Cannabis operations otherwise subject to the odor control requirements of this section shall be exempt if the operator demonstrates that the operations odor emitting practices constitute a "sound agricultural practice" as determined by a formal opinion, issued by the Commissioner of the NYS Department of Agriculture and Markets, pursuant to Agriculture and Markets Law §308. To qualify for this exception, the operator must submit a copy of said formal opinion, along with any supporting documentation, to the Town of Porter Code Enforcement Officer.

F. Enforcement; penalties for offenses

Any violation of this section shall be subject to the same enforcement requirements, including the civil and criminal penalties provided for in the Zoning regulations of the Town.

G. Severability

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phase, which shall remain in full force and effect.

