

STATE OF NEW YORK  
**DEPARTMENT OF STATE**

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KATHY HOCHUL  
GOVERNOR

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SECRETARY OF STATE

October 5, 2023

Edward J Spencer  
Mackenzie Hughes Tower  
440 S. Warren St, Suite 400  
Syracuse NY 13202

**RE: Village of Fayetteville, Local Law 4 2023, filed on September 27 2023**

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, [www.dos.ny.gov](http://www.dos.ny.gov).

Sincerely,  
State Records and Law Bureau  
(518) 473-2492

September 22, 2023

NYS Department of State  
State Records and Law Bureau  
Suite 600  
99 Washington Avenue (1 Commerce Plaza)  
Albany, NY 12231

Re: Local Law 4, 2023 amending Chapter 187 (Zoning) to add provisions related to  
Cannabis retail facilities and their operations

Dear Sir/Madam:

I am enclosing for filing purposes Village of Fayetteville Local Law No. 4 2023.

Very truly yours,

MACKENZIE HUGHES LLP

Edward J. Spencer III

EJS/eg  
Enc.

cc: Lorie Corsette

*our letter to DOS*

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(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.

Village of Fayetteville Local Law No. 4 of the year 2023.

A local law to amend Chapter 187 (Zoning) of the Village Code to add provisions related to cannabis retail facilities and their operations.

Be it enacted by the Board of Trustees of the Village of Fayetteville as follows:

**Section One.** The purpose of this Local Law is to amend Chapter 187 of the Code of the Village of Fayetteville related to the regulation of the time, place and manner of the operation of Cannabis Retail Dispensaries in the Village of Fayetteville.

**Section Two.** Section 187-7 F. (L. Districts) is amended to add Section 187-7F.(2)(e) to permitted uses upon issuance of a special permit by the Planning Board as follows:

187.7 F.(2)(e) Cannabis Retail Dispensaries

**Section Three.** Section 187-7 G. (TB Districts) is amended to add Section 187-7 G(2)(h) to permitted uses upon issuance of a special permit by the Planning Board as follows:

187-7 G(2)(h) Cannabis Retail Dispensaries

**Section Four.** Section 187-7 H. (CB Districts) is amended to add Section 187-7 H(2)(e) to permitted uses upon issuance of a special permit by the Planning Board as follows:

187-7 H(2)(e) Cannabis Retail Dispensaries

**Section Five.** Chapter 187, Article V (Supplemental Regulations) is amended to add Section 187-17.3 (Cannabis Dispensaries) as follows:

Section 187-17.3 Cannabis Retail Dispensaries

- A. The New York Marijuana Regulation and Taxation Act (MRTA) in its entirety is hereby adopted and incorporated herein by reference for the purposes and regulations set forth therein and as it may be amended from time to time.
- B. All requirements of the MRTA must be satisfied as set forth in the MRTA including, but not limited to, the notice requirement to the Village Clerk at least 30 days prior to the submission of an adult-use retail dispensary license pursuant to MRTA §76 and thereby allowing the Village to submit an opinion for or against the granting of the license.

- C. All activities associated with a cannabis retail dispensary as defined shall be conducted indoors.
- D. The lot on which a cannabis retail dispensary is located shall not be located within 500 feet of the lot line of any schools or 200 feet of the lot line of any houses of worship, as defined in this chapter, or within 300 feet of any residentially zoned areas or public recreation areas.
- E. The Planning Board shall issue site plan approval in accordance with Chapter 139 (Site Plan Review) of the Code of the Village of Fayetteville as a condition of the issuance of any special permit issued for a Cannabis Retail Dispensary.
- F. Cannabis retail dispensaries shall not open before 9AM nor remain open after 9PM Mondays through Saturdays and shall not open before 12PM nor remain open after 6PM on Sundays.
- G. A Cannabis retail dispensary shall not be located within 1, 500 feet from any other Cannabis retail dispensary, such distance measured on a straight line from the nearest property line of any other existing Cannabis retail dispensary to the nearest property line of the lot to be occupied by the proposed Cannabis retail dispensary.
- H. Subject to state law and regulations, the display of product or advertisements in exterior windows is prohibited.
- I. Subject to applicable law, a Cannabis retail dispensary shall include, as part of any special, use permit application to the Planning Board, copies of all information submitted to the State of New York in application for a license to operate under the Marijuana Regulation and Taxation Act.
- J. A special use permit granted under this Subsection shall have a term limited to the duration of the applicant’s ownership and use of the premises as a Cannabis retail dispensary. 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.
- K. Any violation of this Subsection shall be grounds for revocation of a special use permit issued under this Subsection.
- L. A revocation of the Adult-use Cannabis Retail Dispensary license by the State shall be grounds for revocation of the special use permit.

**Section Four.** Chapter 187 (Zoning), Article II (Terminology), Section 187-2 (Word usage and definitions) shall be amended by adding a new definition for “Cannabis Retail Dispensaries” as follows:

CANNABIS RETAIL ESTABLISHMENT – A retail facility that sells at retail any cannabis product, the sale of which requires a license for an adult cannabis retail dispensary under the provisions of the New York State Marijuana Regulation and Taxation Act. The terms “cannabis retail establishment” and “cannabis retail dispensary” are interchangeable, being one and the same.

2. This local law is effective immediately upon filing with the Secretary of State.

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

I hereby certify that the local law annexed hereto, designated as Local Law No. \_\_\_\_\_ of 2023 of the Village of Fayetteville was duly passed by the Board of Trustees on \_\_\_\_\_, in accordance with the applicable provisions of law.

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 above paragraph.

\_\_\_\_\_  
Lorie Corsette, Village Clerk

Date: \_\_\_\_\_

STATE OF NEW YORK  
COUNTY OF ONONDAGA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

\_\_\_\_\_  
Village Attorney