

LOCAL LAW FILING

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001

(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 of Gorham
Village

Local Law No. ____ of the year **2022**

A Local Law to Schedule a Special Election for Qualified Electors to Vote on Whether or Not to Approve Local Law 2 of 2021, Adopted by the Town Board of the Town of Gorham on December 22, 2021 and Entitled “A Local Law to Opt Out of Allowing Cannabis Retail Dispensaries and On-Site Consumption Sites as Authorized under Cannabis Law Article 4

(Insert Title)

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

County
City
Town of Gorham
Village

as follows:

Section 1. Legislative Intent

It is the intent of this local law to schedule a special election for qualified electors to vote on whether or not to approve Local Law 2 of 2021, adopted by the Town Board of the Town of Gorham on December 22, 2021 and entitled “A Local Law to Opt Out of Allowing Cannabis Retail Dispensaries and On-Site Consumption Sites as Authorized under Cannabis Law Article 4” due to said local law being subject to a permissive referendum and a petition, calling for a referendum to held at a special election on the question of whether or not said local law shall be approved, having been filed in the Town Clerk’s office on February 5, 2022 and found by the Town Clerk to be in compliance with all requirements of law.

Section 2. Authority

Municipal Home Rule Law § 24 requires the question of whether or not to approve a local law that is the subject of a permissive referendum to be held at a special election if a petition calling for a referendum be filed with the Town Clerk in the manner and within the time period called for in Municipal Home Rule Law § 24 and provided said petition request and the legislative body adopt

a local law submitting such proposition at a special election held not less than sixty days after the adoption of the local law providing for such special election. The aforesaid petition did request that this question be submitted at a special election.

Section 3. Special Election

A. A Special Election of the qualified electors of the Town of Gorham is hereby authorized and directed to be held on the 9th day of August, 2022 between the hours of 12:00 p.m. (noon) and 8:00 p.m. for the purpose of voting by ballot on the proposition hereinafter set forth.

B. The Notice of such Special Election shall be substantially by the following form.

**LEGAL NOTICE OF SPECIAL TOWN ELECTION
ON PROPOSITION OF WHETHER TO APPROVE
LOCAL LAW 2 OF 2021 ENTITLED
“A LOCAL LAW TO OPT OUT OF ALLOWING CANNABIS RETAIL DISPENSARIES
AND ON-SITE CONSUMPTION SITES AS AUTHORIZED UNDER CANNABIS LAW
ARTICLE 4”**

NOTICE OF SPECIAL ELECTION

NOTICE IS HEREBY GIVEN, that a Special Election of the qualified electors of the Town of Gorham (County of Ontario, State of New York) will be held on the 9th day of August, 2022 at the Gorham Town Hall, 4736 South Street, Town of Gorham, New York. Said polling place will be kept open between the hours of 12:00 p.m. (noon) and 8:00 p.m. for the purposes of voting by ballot upon the following proposition:

PROPOSITION NO. 1

“Shall the action of the Town Board of the Town of Gorham in approving Local Law 2 of 2021 entitled “A Local Law to Opt Out of Allowing Cannabis Retail Dispensaries and On-Site Consumption Sites as Authorized under Cannabis Law Article 4” be approved?”

C. All of the qualified electors of the Town of Gorham shall be qualified to vote at such special election.

D. The Town Clerk is hereby ordered and directed to give notice of such election by publication thereof in the Town’s official newspaper, such publication to be at least 10 days prior to the date of such Special Election, and by posting on the Town’s official sign board a copy of such notice at least ten (10) days before such special election.

E. The following individuals, who have been previously designated as election inspectors and ballot clerks for general election purposes, are hereby designed to act for this special election as election inspectors and ballot clerks as indicated below:

F. The Town Clerk is hereby ordered and directed to prepare printed ballots including absentee ballots in sufficient quantity for use at said Special Election, and also to prepare for the use of the election officials the necessary oaths and certificates of election, and also to procure and deliver to such election office any and all necessary paraphernalia for the proper conduct of such election.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any 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, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date.

This local law shall take effect immediately upon filing with the Secretary of State.

(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 2022 of the **Town of Gorham** was duly passed by the Gorham Town Board on _____, 2022, 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 Officer¹.)

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)(repassed after disapproval) by the _____ and was deemed duly adopted 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 2022 of the Town of Gorham was duly passed by the Town Board on _____, 2022, ~~and was (approved)(not approved)(repassed after disapproval) by the _____ 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.

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 2022 of the Town of Gorham was duly passed by the Town Board on _____, 2022, ~~and was (approved)(not approved)(repassed after disapproval) by the _____ on _____, 20__.~~ Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 2022, in accordance with the applicable provisions of law.

¹ 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 2005 of the City of _____ 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.

Town Clerk

(Seal)

Date: _____