

Reasonable Time, Place and Manner Restrictions

- The hours of operation for adult-use retail dispensary;
- Business operations within historical districts;
- Parking;
- Traffic control including, but not limited to, pedestrian and vehicular traffic;
- Odor, consistent with the Public Health Law Article 13-E and the Clean Indoor Air Act;
- Noise; and
- Distance requirements between a licensed premises and a community facility, provided however, that such distance requirement is no greater than 500 feet from the licensed premises and the community facility.

Municipality Rulemaking –Preemptions and Prohibitions

A municipality cannot adopt local laws that:

Impose a special fee that is specific to cannabis businesses on the approved licensee that intends to operate within their jurisdiction.

Impose a fee on adult-use retail dispensary or on-site consumption licenses, except where the fees are also applicable to off-premises liquor establishments licensed under the State Liquor Authority prior to March 31, 2021, and such law does not conflict with the Cannabis Law or Part 119 of the regulations.

Impose a tax or a fee on the cultivation, processing, manufacturing, distribution or sale of cannabis or cannabis product in NYS other than any usual and customary fees associated with similarly situated businesses.

Prohibit a premises from being located: At least 1,000 feet from another premises for which a license of the same type has been issued in a city, town or village having a population of 20,000 or more; and

At least 2,000 feet from another premises for which a license of the same type has been issued in a city, town or village having a population of 20,000 or less.

Receive any additional benefit outside the general operation from or impose any duty or obligation on any applicant or licensee.

Deny any right, privilege, permit, variances, approvals to any licensed adult-use retail dispensary premises that has been in existence continuously from a date prior to the date when a building on the same road or street within:

- 500 feet of said licensed adult-use retail dispensary premises has been occupied exclusively as school grounds;

- 200 feet of said licensed adult-use retail dispensary premises has been occupied exclusively as a house of worship; or

- 500 feet of said licensed adult-use retail dispensary premises has been occupied as a community facility, if the municipality has passed such ordinance.

Relevant provisions as follows. You may need some help on applying some of the how to measure stuff.

(21) Community facility means a facility that may include, but not be limited to, a facility that provides day care to children; a public park; a playground; a public swimming pool; a library; or a center or facility where the primary purpose of which is to provide recreational opportunities or services to children or adolescents. A municipality may issue a local law regarding community facilities that are not unreasonably impracticable.

(44) House of Worship means a whole building owned or leased by a religious corporation as described by New York State Religious Corporation Law or used by a religious corporation or association of any denomination pursuant to the written permission of the owner thereof, which is used by members exclusively as a meeting place for divine worship or other religious observances presided over by a member of the clergy.

(75) School grounds means any building, structure and surrounding outdoor grounds, including entrances or exits, contained within a public or private pre-school, nursery school, elementary or secondary school's legally defined property boundaries as registered in a county clerk's office as defined by Section 409 of the Education Law.

Under what a municipality may do –

(8) distance requirements between a licensed premises and a community facility, provided however, that such distance requirement is no greater than 500 feet from the licensed premises and the community facility.

How you measure –

§ 119.4 Measurement of Distance from School Grounds, Houses of Worship, Community Facilities and Between Adult-Use Retail Dispensaries and On-Site Consumption Premises (a) No adult-use retail dispensary or on-site consumption license shall be granted for any premises which shall be:

- (1) on the same road and within 200 feet of a building occupied exclusively as a house of worship;
- (2) on the same road and within 500 feet of school grounds;
- (3) on the same road of a community facility if the municipality has enacted an ordinance in accordance with section 119.2 of this Part;

(7) The measurements in paragraph (a) of this subdivision are to be taken in a straight line from the center of the nearest entrance of such house of worship or the nearest point of school grounds to the center of the nearest entrance of each such premises licensed and operating pursuant to this Section 72 and Section 77 of the Cannabis Law; except, however that no renewal license shall be denied to any premises at which a license under this Chapter has been in existence continuously from a date prior to the date when a building on the same road and within 200 feet of said premises has been occupied exclusively as a house or worship or 500 feet of said premises has been occupied by schoolgrounds.

- (i) Within the content of this subdivision, the "entrance" shall mean a main door of a house of worship, or of premises licensed and operating pursuant to this Section, regularly used to give ingress to the students of the school, to the general public attending the house of worship, and to patrons or guests of the premises licensed and operating pursuant to

this Section or of the premises sought to be licensed, except that where a school or house of worship or premises licensed and operating pursuant to this Section or the premises sought to be licensed is set back from a public thoroughfare, the walkway or stairs leading to any such door shall be deemed an entrance; and the measurement shall be taken to the center of the walkway or stairs at the point where it meets the building line or public thoroughfare. Such definition shall not include cellars, back and side doors, delivery entrances, or emergency exits.

- (ii) If the school or house of worship or premises licensed and operating pursuant to this Section or the premises sought to be licensed is located in a multi-story building, the building "entrance" at the road level is used.
- (iii) If the school or house of worship or premises licensed and operating pursuant to this Section or the premises sought to be licensed is situated on a corner lot, such establishment is considered to be on both roads of the intersection, whether or not there is an entrance to the building on both roads.
- (iv) A door which has no exterior hardware, or which is used solely as an emergency or fire exit, or for maintenance purposes, or which leads directly to a part of a building not regularly used by the general public or patrons, is not deemed an "entrance."