

(Use this form to file a local law with the Secretary of

~~County~~
~~City~~ of Bethlehem
Town
~~Village~~
Local Law No. of 1 2019

A local law Establishing a six (6) month moratorium on the submission and processing of applications for building permits, certificates of occupancy, and land use approvals for "Vape Shops, Smoke Shops and the sale of marijuana or marijuana products, or the dispensing or distribution of medical marijuana" within the Town of Bethlehem.

Be it enacted by the Town Board of the

~~County~~
~~City~~ of Bethlehem as follows:
Town
~~Village~~

BE IT ENACTED BY, the Town Board of the Town of Bethlehem as follows:

Section 1. PURPOSE

- A. The Code of the Town of Bethlehem, Chapter 128, Zoning, allows retail business in six different zoning districts within the Town. A vape shop or smoke shop is not currently defined in the Zoning Law but has been considered retail business. There is currently one vape or smoke shop located within an existing retail space, and two vape or smoke shops proposed for space in the districts that allow retail business.
- B. The Town Board further recognizes the New York State Legislature's potential enacting of legislation that will legalize the recreational use of marijuana within the State. The Board further recognizes that the current state of such proposed legislation is undecided and may include the creation of a state regulatory authority controlling businesses that will engage in the sale of recreational marijuana and further that it may include a provision under which certain counties within the State may opt in or out of such legalization. Given the high level of uncertainty surrounding such proposed legislation and the form which it may take, the Board finds that the most sensible course of action is to review and consider proposed amendments to the Town Zoning Law and Codes regarding placement and operation of the same.

C. It is the purpose of this Local Law to fulfill the Town's constitutional, statutory, and legal obligations to protect and preserve the public health, welfare, and safety of the citizens of the Town, as well as to

(If additional space is needed, attach Pages the same size as this sheet, and number each.)

protect the value, use and enjoyment of property in the Town by temporality prohibiting the submission and processing of applications for Building Permits, Certificates of Occupancy, and Land Use approvals for vape shops, smoke shops and the sale of marijuana or marijuana products, or the dispensing or distribution of medical marijuana within the Town pending consideration of the said amendments to the Town Code.

- D. The Town Board finds that the following concerns must be considered with respect to the present land use regulations of the Town and the possible adoption of regulations with respect thereto:
1. The widespread sale and use of vaporizing products has increased in the region with a target towards the youth population. Recently Albany County is considering Local Law E, which would prohibit the sale of flavored tobacco products. The County Legislature includes the following finding in the draft local law "Flavored tobacco products promote youth initiation of tobacco use and help young occasional smokers to become daily smokers by reducing or masking the natural harshness and taste of tobacco smoke and thereby increasing the appeal of tobacco products."
 2. Communication with the Bethlehem Central School District Superintendent indicates vaping is a serious problem in the High School and a growing problem in the Middle School.
 3. The Town Board desires to protect the aesthetic and economic vitality of the business districts as well as real estate values within the Town by considering the appropriate zoning and other regulation of vape and smoke shops and sale of marijuana or marijuana products, or the dispensing or distribution of medical marijuana uses under the Town Code.
 4. The Town is in the process of updating the Comprehensive Plan which will include the opportunity to evaluate permitted uses in the commercial districts and to determine whether the permitted uses should be statutorily amended, altered, modified, expanded or repealed. This moratorium will provide an opportunity for the Town Board to evaluate the changes needed without the possibility of new businesses opening that might conflict with the plan being developed.
- E. That the submission and processing of applications for Building Permits, Certificates of Occupancy, and Land Use Approvals for vape and smoke shops and sale of marijuana or marijuana products, or the dispensing or distribution of medical marijuana uses within the Town without first addressing the above factors may have a permanent, significant negative impact on the nature and quality of life in the Town and on the health, safety, general welfare, and comfort of its residents.
- F. That to preserve the resources and character of the Town, to consider further the concerns of the residents and property owners of the Town and to address further needs of those residents and property owners, the Town finds that time is needed to study the impacts, effects, and regulations of development of vape and smoke shops and sale of marijuana or marijuana products, or the dispensing or distribution of medical marijuana uses within the Town.

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