Local Law No. 4 of 2026, entitled:

"Local Law Regulating Cannabis Retail Dispensaries"

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

1. Article V (Supplementary Regulations) of Chapter 250 (Zoning) of the Town Code is hereby amended by adding a new Section 38.1 which shall read as follows:

§ 250-38.1 **Cannabis Retail Dispensaries.**

A. Purpose. The purpose of this Section is to provide regulations permitting the establishment of licensed, authorized Cannabis Retail Dispensaries within the Town.

B. Required approvals.

(1) A Cannabis Retail Dispensary must be duly licensed by the New York State Office of Cannabis Management. No person or entity shall sell or distribute Cannabis Products, or hold itself out as an organization licensed by New York State for the sale or distribution of Cannabis Products, unless it has complied with Article 3 and if applicable Article 4 of the New York Cannabis Law.

(2) A Cannabis Retail Dispensary must comply with the requirements of Chapter 250 of the Town Code (Zoning).

(2) A Cannabis Retail Dispensary that is duly licensed and authorized to operate must receive both a Special Use Permit and Site Plan approval from the Planning Board.

(3) A Special Use Permit authorizing only a licensed Medical Cannabis Retail Dispensary or an Adult-Use Cannabis Real Dispensary shall not be deemed to include the other use.

C. Licenses and permits. A Special Use Permit issued pursuant to this Section shall be conditioned on the applicant obtaining and maintaining all required state and local licenses and permits and complying with all applicable state and local public health regulations and all other applicable laws, rules, and regulations at all times. No Building Permit or Certificate of Occupancy shall be issued for a Cannabis Retail Dispensary that is not properly licensed.

D. Limitation of approval.

(1) A Special Use Permit authorizing the establishment of a Cannabis Retail Dispensary shall be valid only for the Lot on which the Cannabis Retail Dispensary has been authorized by such Special Use Permit. Relocation of a Cannabis Retail Dispensary to a different Lot shall require a new Special Use Permit. A separate Special Use Permit shall be required for each premises from which a licensed Cannabis Retail Dispensary is operated.

(2) In the event that a New York State license or registration necessary for the operation of a Cannabis Retail Dispensary expires or is revoked, the Special Use Permit shall terminate and a new Special Use Permit shall be required in order to operate a Cannabis Retail Dispensary or receive a Certificate of Occupancy. A Special Use Permit shall not be reissued to a Cannabis Retail Dispensary until its New York State Cannabis license has been reinstated.

E. Application requirements. In addition to any other application requirements for uses that require a Special Use Permit or Site Plan approval, an application for a Cannabis Retail Dispensary shall contain, at a minimum, the following information:

(1) Description of activities. A narrative detailing the type and scale of all activities that will take place on the site.

(2) Site Plan. A Site Plan in conformance with Section 250-96 of this Chapter. The Site Plan shall show Buffer zones as required by subsection G below.

(3) Building elevations and signage. Architectural drawings of all exterior Building facades and all proposed Signs, specifying materials and colors to be used. The Planning Board may require perspective drawings and illustrations of the site from public Roadways and abutting Lots.

F. Location standards. A Cannabis Retail Dispensary shall be allowed only in the Hamlet (H) and Office-Light Industry (I) Zoning Districts, subject to any limitations set forth in the regulations of the applicable Zoning District. A Cannabis Retail Dispensary shall have frontage on and Access to a State or County Road. A Cannabis Retail Dispensary located on a Corner Lot shall be considered to be on both of the Roads which abut the Corner Lot.

G. Buffer zones. No Cannabis Retail Dispensary shall be located within the following Buffer zones; provided, however, that if any applicable statute or regulation requires a greater distance, the greater distance shall control.

(1) Within two hundred (200) feet of any entrance to a Building occupied exclusively as a Place of Religious Worship.

(2) Within five hundred (500) feet of any entrance to a Building occupied exclusively as a school.

(3) Within five hundred (500) feet of any entrance to a Building occupied exclusively as a public youth facility, or if no Building exists, within five hundred (500) feet of the nearest structure of such public youth facility, or if no structures exists, within five hundred (500) feet of the nearest boundary of the public youth facility's Lot Line. Public youth facilities shall include but not be limited to parks, playgrounds, playing fields, or places of business which cater to minors.

(4) Within five hundred (500) feet of any entrance to a Building occupied as a child day-care center, a school-age child Day-Care Facility, a small day-care center, or nursery school.

(5) Within two thousand (2,000) feet of any entrance to a Building occupied as an existing Cannabis Retail Dispensary.

(6) Distances required by this subsection shall be measured in a straight line from the center of the

nearest entrance of the Cannabis Retail Dispensary to the center of the nearest entrance of the Place of Religious Worship, school, public youth facility, child day-care center, school-age child Day-Care Facility, small day-care center, nursery school or existing Cannabis Retail Dispensary, regardless of whether such use is located within the Town.

H. Specific standards.

(1) A Cannabis Retail Dispensary shall comply with all aspects of the New York Cannabis Law.

(2) A Cannabis Retail Dispensary shall be located only in a secure, permanent Building and not within any mobile Facility, and all dispensing and Storage of Cannabis Products shall be conducted within the Building.

(3) A Cannabis Retail Dispensary must provide an odor control plan to ensure compliance with the requirements of Section 250-28(J) of this Chapter.

(4) Signs identifying the Cannabis Retail Dispensary must be affixed to the Building in which the Cannabis Retail Dispensary is located. Signs shall not depict Cannabis Products or the imagery or action of smoking or vaping. Notwithstanding the foregoing, Signs may include the word "Cannabis." In all other respects, Signs shall conform to the requirements specified in Section 250-70 of this Chapter and the requirements of any state laws and regulations governing such Facilities.

(5) Parking shall be provided at a rate of a minimum of four (4) off-street Parking Spaces for each one thousand (1,000) square feet of Building Coverage.

(6) All lighting, including security lighting, shall comply with the requirements specified in Section 250-28(C) of this Chapter.

(7) Hours of operation shall be established by the Planning Board. However, Cannabis Retail Dispensaries (i) shall not operate from 2:00 a.m. to 8:00 a.m. and (ii) shall not be restricted to hours of operation of less than seventy (70) hours per week, unless the applicant agrees to do so.

(8) No smoking, burning, vaping, or consumption of any Cannabis Products shall be permitted on the Lot where the Cannabis Retail Dispensary is located.

(9) A Cannabis Retail Dispensary shall not have drive-through service.

(10) No outside displays or Storage of Cannabis Products, related supplies, or promotional materials, other than a Sign pursuant to paragraph 4 of this subsection, shall be permitted.

I. Enforcement.

(1) A violation of this Section is hereby declared to be a Violation Zoning, punishable as set forth in Chapter 137, Fines and Penalties.

(2) Upon the discovery of any violation of this Section, the Zoning Administrator or Municipal

Code Enforcement Inspector is authorized to issue an Order to Remedy and/or Stop Order in accordance with Sections 250-89(E) and (F) of this Chapter. The Zoning Administrator or Municipal Code Enforcement Inspector is also authorized to issue an appearance ticket for violations of this Section in accordance with Section 250-89(G) of this Chapter.

(3) Any violation of this Section shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for in Section 250-102. Enforcement proceedings may be commenced in Town of Clinton Justice Court by the Zoning Administrator, Municipal Code Enforcement Inspector, Town Attorney, or Attorney for the Town. Any enforcement action must be authorized pursuant to a Town Board Resolution. Additionally, upon the approval of the Town Board, the Zoning Administrator, Municipal Code Enforcement Inspector, Town Attorney, or Attorney for the Town are also authorized to commence a suit in any court of competent jurisdiction to compel compliance with, or to restrain by injunction the violation of, this Section, as well as seek monetary damages, fines, and penalties.

2. Section 105 (Definitions) of Chapter 250 (Zoning) of the Town Code is hereby amended by adding the following definitions which shall read as follows:

CANNABIS. 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 and 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, hemp extract, or any drug products approved by the federal Food and Drug Administration. Cannabis also may be referred to as "marijuana" or "marihuana."

CANNABIS-INFUSED PRODUCTS. Products that have been manufactured and contain either Cannabis or Concentrated Cannabis and other ingredients that are intended for use or consumption.

CANNABIS PARAPHERNALIA. Any equipment, product, or material which is intended or designed for use in manufacturing, compounding, converting, producing, processing, preparing, ingesting, inhaling, or otherwise introducing Cannabis, THC, or Cannabis-Infused Products into the human body.

CANNABIS PRODUCTS. Cannabis, Concentrated Cannabis, Cannabis Paraphernalia, and Cannabis-Infused Products, and includes made or manufactured products that contain either Cannabis or Concentrated Cannabis and other ingredients and are intended for use or consumption.

CANNABIS RETAIL DISPENSARY. An establishment that is licensed by the New York State Office of Cannabis Management to sell or otherwise distribute Cannabis Products directly to consumers for use off the premises. A Cannabis Retail Dispensary may be licensed to operate as an Adult-Use Cannabis Retail Dispensary, a Medical Cannabis Retail Dispensary, or both. A Cannabis Retail Dispensary shall not include an on-site Cannabis consumption establishment.

CANNABIS RETAIL DISPENSARY, ADULT-USE. A Cannabis Retail Dispensary that sells or otherwise distributes Cannabis Products and related supplies to consumers for nonmedical use in accordance with Article 4 of the New York Cannabis Law.

CANNABIS RETAIL DISPENSARY, MEDICAL. A Cannabis Retail Dispensary that sells or otherwise distributes Cannabis Products and related supplies to registered practitioners, certified patients, or designated caregivers for medical use in accordance with Title 5-A of Article 33 of the New York Public Health Law and Article 3 of the New York Cannabis Law.

CONCENTRATED CANNABIS. The separated resin, whether crude or purified, obtained from Cannabis; or a material, preparation, mixture, compound, or other substance which contains more than three (3) percent by weight or by volume of total THC.

THC. Delta-9-tetrahydrocannabinol, Delta-8-tetrahydrocannabinol, Delta-10-tetrahydrocannabinol, and the optical isomer of such substances.

3. Attachment 1 – Schedule of Use Regulations to Chapter 250 (Zoning) of the Town Code is amended to add Cannabis Retail Dispensary as a permitted use subject to Special Use Permit and Site Plan approval in the Hamlet (H) and Office Light-Industry (I) Zoning Districts under the Business and Commercial Uses heading. An updated version of the Schedule of Use Regulations is annexed hereto and made a part hereof.

4. The invalidity or unenforceability of any Section, subsection, paragraph, sentence, clause, provision, or phrase of this Local Law, 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 phrase of this Local Law, which shall remain in full force and effect.

5. This Local Law is adopted pursuant to Sections 261-263 of the New York Town Law and Section 20 of the New York Municipal Home Rule Law, which authorize the Town to adopt zoning provisions that advance and protect the health, safety, and welfare of the community.

6. To the extent that any provision of this Chapter is inconsistent with Town Law Sections 263, 274-a, 274-b, or any other provision of Article 16 of the Town Law, the provisions of this Chapter are expressly intended to and do hereby supersede any such inconsistent provisions under the Town's municipal home rule powers, pursuant to Municipal Home Rule Law Sections 10(1)(ii)(a)(14), 10(1)(ii)(a)(22), and 10(1)(ii)(d)(3) to supersede any inconsistent authority.

7. This Local Law shall take effect immediately upon filing with the Secretary of State.

Town of
Clinton NY
email

Carol Mackin <townclerk@clintondcny.gov>

post legal ad

1 message

Carol Mackin <townclerk@clintondcny.gov> Fri, May 15, 2026 at 1:50 PM
Reply-To: townclerk@clintondcny.gov
To: Poughkeepsie Journal Legals <pjlegals@poughkeepsiejournal.com>, Carol Mackin <Townclerk@clintondcny.gov>

Please publish on May 20, 2026

Thank You!

Town Board

Notice of Public Hearing

PLEASE TAKE NOTICE that the Town of Clinton will hold a Public Hearing on June 9, 2026 at the Town of Clinton Town Hall, 1215 Centre Rd, Rhinebeck (Town of Clinton), New York at 6:25 p.m. Prevailing Time, or as soon thereafter as the matter is reached on the agenda, concerning proposed Local Law No. __ of 2026, entitled, "Local Law Regulating Cannabis Retail Dispensaries".

This Local Law will take effect immediately upon filing with the Secretary of State. Complete copies of the proposed Local Law are available at the Town of Clinton Clerk's Office for inspection during regular business hours.

All interested persons and citizens shall have an opportunity to be heard on said proposals at the date, time and place aforesaid.

Carol Mackin, Town Clerk

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