Bill VSC 22--

A local law to amend Chapter 138 of the Code of the Village of Sea Cliff, to provide for the prohibition of certain types of businesses in the Village.

Section one. Section 138-1208 of Chapter 138 is hereby added, to read:

#### §138-1208. Prohibitions applicable to all districts.

A. The following types of businesses shall be prohibited in all zoning districts within the Village of Sea Cliff: Cannabinoid Hemp Shops, Drug Paraphernalia Shops, Vape Shops, and Vape Lounges

1. Purposes and considerations.

a. In the execution of this chapter it is recognized that there are some uses which, due to their very nature, have serious objectionable characteristics. The objectionable characteristics of these uses are further heightened by their concentration in any one area, thereby having deleterious effects on adjacent areas. Prohibition of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhoods or land uses.

b. It is further declared that the location of these uses in regard to areas where our youth may regularly assemble and the general atmosphere encompassing their operation is of great concern to the Village of Sea Cliff.

c. These special regulations are itemized in this section to accomplish the primary purposes of preventing the establishment of these uses in any area and restricting their accessibility to minors.

2. Definitions. As used in this section, the following terms shall have the meanings indicated:

#### [CANNABINOID HEMP](https://ecode360.com/print/37993418#37993418)

Any product processed or derived from hemp, that is used for human consumption, including for topical application, for its cannabinoid content, that contains more than 0.3% THC. Cannabidiol or "CBD" products are an example of cannabinoid hemp products and can come in a variety of different forms, including, but not limited to, tinctures (CBD oil), pills, capsules, balms, lotions and food or beverage products. Other hemp-derived products such as hemp seeds or hemp seed oil, which do not contain cannabinoids, are regulated as foods and not under the scope of this program. Cannabinoid hemp product does not include cosmetics.

#### [CANNABINOID HEMP SHOP](https://ecode360.com/print/37993419#37993419)

An establishment that sells cannabinoid hemp products in their final form, to consumers to be used for human consumption or topical application.

#### DRUG PARERPHANALIA SHOP

An establishment that sells accessories, tools, and equipment used for taking, consuming, or selling non FDA approved drugs, including but not limited to glass pipes, hookahs, water pipes, bongs, one-hitter pipes, rolling papers, pipe screens, roach clips, vaporizers, rolling machines, and small weighing scales.

#### [VAPE LOUNGE](https://ecode360.com/print/31148388#31148388)

Any facility or location whose business operation includes the on-site smoking of electronic cigarettes, vape pens, vapors, and pipes, e-liquids, as defined herein, or other substances. "Smoking" includes the inhalation of the smoke/e-liquid nicotine/vapors water pipe tobacco and other substances encased in electronic cigarettes, vape pens, vapors, and pipes commonly known as a "hookah," "waterpipe," "shisha" and "narghile" or any similar device.

#### [VAPE SHOP](https://ecode360.com/print/31148389#31148389)

Any establishment which offers for sale or consideration electronic cigarettes, electronic pipes, vape pens and products, vapors, e- liquid, or other substances, but not tetrahydrocannabinol (THC), as a substantial or significant portion of its business, merchandise and/or stock-in-trade.

3. The right to maintain an existing prohibited use set forth in this section shall terminate within one year of adopting this code section.

4. Notwithstanding anything set forth herein, any establishment that offers for sale or consideration cannabinoid hemp products must be duly licensed by New York State and comply with all applicable federal, state and local regulations.

Section two. Any local law, ordinance, or resolution of the Village of Sea Cliff in conflict with this local law is hereby repealed to the extent of such conflict, except that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of such local law, ordinance or resolution prior to the effective date of this local law.

Section three. If any clause, sentence, paragraph, section, article, or part of this local law shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate any other part of this local law, or the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section four. This local law shall take effect immediately upon adoption and filing of such law pursuant to the Municipal Home Rule Law.