

AN ORDINANCE PROHIBITING CANNABIS ESTABLISHMENTS AS LAND USE

1. Authority

This ordinance is adopted pursuant to General Statutes Sections 7-148(c)(7)(A)(ii), 7-148(c)(7)(H), and 7-148(c)(10)(A), as amended by Public Act 21-1, Section 148 (June 2021 Special Session), which allows municipalities to regulate activities deemed harmful to public health. Said law permits municipalities to prohibit cannabis establishments within their jurisdictions by identifying such uses as a "Prohibited Use" in their respective local zoning regulations or land use ordinances. Section 148(b) of such law provides, in relevant part: "[a]ny municipality may, by amendment to such municipality's zoning regulations or by local ordinance, prohibit the establishment of a cannabis establishment.

2. Definitions

The following definitions shall apply to this Article:

Cannabis Establishment - A producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer (i.e., licensed to sell both recreational cannabis and medical marijuana) of products containing cannabis; or a manufacturer, packager, delivery service, or transporter of products containing cannabis, including cannabis-infused food and beverage products.

Cannabis Producer - An individual or business that possesses a state or municipal license to grow, harvest, dry, trim, cure, and package cannabis.

Cannabis Cultivator - An individual or business producing cannabis flowers.

Cannabis Micro-Cultivator - An individual or business that produces cannabis flowers in a limited-sized grow space.

Cannabis Food and Beverage Manufacturer - An individual or business that produces cannabis- infused foods and beverages.

Cannabis Product Manufacturer - An individual or business that participates in any aspect of the cannabis extraction and infusion processes, including processing, preparing, holding, storing, packaging, or labeling of cannabis products. Cannabis manufacturing also includes any processing, preparing, holding, or storing of components and ingredients.

Cannabis Product Packager - An individual or business that focuses on assisting the proper and accurate packaging of cannabis products into pre-weighed containers and pre-rolled joints.

Cannabis Dispensary Facility - Regulated locations in which a person can purchase cannabis and cannabis related items for medical or recreational use.

Cannabis Retailer - An individual or business that sells, supplies, or offers recreational cannabis products for sale directly to consumers.

Cannabis Hybrid Retailer - An individual or business that sells, supplies, or offers cannabis recreational and medical products for sale directly to consumers.

Cannabis Delivery Service or Transporter - Any number of companies or individuals that are involved in the distribution of cannabis by way of delivery. This could be either mail-order delivery, or hand delivery.

3. Cannabis-Related Land Use Prohibition

- A. It shall be unlawful for any building, structure, or land anywhere within the Town of Clinton to be used as a cannabis establishment, cannabis producer, cannabis dispensary facility, cannabis cultivator, cannabis micro-cultivator, cannabis retailer, cannabis hybrid retailer, cannabis food and beverage manufacturer, cannabis product manufacturer, or cannabis product packager. Violation of this section shall be punishable by a fine of \$250.00 per offense. Each day in operation or each sale, whichever is greater, shall constitute a separate offense.
- B. The prohibition and fine in Section shall not apply to any fully lawful cultivation, processing, manufacturing, or sale of hemp and hemp products by an individual or entity, including as applicable, licensure and authorization to engage in such activity by the Connecticut Department of Agriculture or the Connecticut Department of Consumer Protection. Such cultivation, processing, or manufacturing must comply with state law. Failure to comply with any state law regulating the cultivation, processing, and manufacturing of hemp or hemp products shall void the application of this exception to such person or entity in violation.

4. Enforcement

The Town of Clinton Town Manager, Planning and Zoning Commission and/or the Zoning Enforcement Officer shall have authority to enforce this ordinance. In addition to fines, this Article II may be enforced by injunction, action for abatement, or other appropriate civil remedy.

5. Severability

Should any provision of this Article be declared invalid for any reason, such declaration shall not affect the validity of other provisions of this Chapter as a whole, it being the legislative intent that the provisions of this Ordinance shall be severable and that the remainder shall be valid.

6. Notice of Adoption

Pursuant to Section 148 of Public Act 21-1 (June 2021 Special Session), the Town Manager

shall report the land use changes made by this Ordinance, in writing, to the Secretary of the Office of Policy and Management and to the Connecticut Department of Consumer Protection not later than fourteen (14) days after the adoption of this Ordinance.