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Members of the public can use a telephone to call in, attend, listen and comment during the meeting. However, they will not be able to see any of the meeting participants. Each meeting will use a unique Meeting/Webinar ID. For the current meeting, the **meeting ID is 828 7379 8981**, the **passcode is 377930** and the **call in number is 646-558-8656**. The information can also be found using the link above.



Upon written request not less than 24 hours prior to the meeting, a member of the public can request a physical location to attend this virtual meeting at City Hall. Such a member of the public will be provided access to a telephone so that they can attend the meeting in real time. The member of the public can call in, attend, listen and comment during the meeting. However, they will not be able to see any of the meeting participants. Each meeting will use a unique Meeting/Webinar ID. For the current meeting, the **meeting ID is 828 7379 8981**, the **passcode is 377930** and the **call in number is 646-558-8656**. The information can also be found using the link above. A set of instructions will be left with the telephone for the member of the public to use in order to access the meeting.



Members of the public who wish to “view the meeting live” and/or “provide live comments” can use the Zoom meeting platform by going to www.norwalkct.org/meetings and clicking on the “View/Participate Live on Zoom” link that is on the line with the meeting date and time. All participants will be muted upon entering the meeting. To speak, click the “raise your hand indicator” and you will be called on by the host of the meeting during the public comment section.



Members of the public who wish to view the meeting, but are not participating, can view a live stream on the City of Norwalk YouTube channel. This stream is delayed by approximately 20 seconds. Please find the information using the link above. The meeting recording and minutes will be posted on the City of Norwalk website within seven (7) days after the meeting.



Members of the public who wish to provide public comment are encouraged to submit those via email in advance of the meeting. For these comments to be read into the record, they should be submitted at least three hours in advance of the meeting start time. Please email Brian Candela at bcandela@norwalkct.org to provide written public comment prior to the meeting.

COMMON COUNCIL ORDINANCE COMMITTEE

REGULAR MEETING

September 20, 2022
7:00 p.m. – By Videoconference and Teleconference

AGENDA

- 1. ROLL CALL:**
- 2. PUBLIC HEARING (possible action on):**
 - Discuss and vote on Cannabis ordinance.
- 3. PUBLIC HEARING DISCUSSION:**
- 4. PUBLIC COMMENT:**
- 5. ACCEPTANCE OF MINUTES:**
 - July 19, 2022 – regular meeting of the ordinance committee.
- 6. OLD BUSINESS:**
- 7. NEW BUSINESS:**
- 8. DISCUSSION ITEM:**
- 9. ADJOURNMENT:**

Legal Notice of Public Hearing

Notice is hereby given that the Common Council Ordinance Committee will hold a Public Hearing on Tuesday, September 20, 2022 at 7:00 p.m. by way of videoconference/teleconference for the purpose of discussing and voting on the Regulation of Cannabis. Please check the Ordinance Committee agenda for additional details and instructions about how to attend this Public Hearing by way of videoconference/teleconference. The Ordinance Committee agenda will be posted on the City website by September 16, 2022.

REGULATION OF CANNABIS

§ 1-1. Purpose.

The purpose and intent of this chapter is as follows: (1) to revoke the temporary prohibition of all cannabis establishments, thereby permitting the operation of retail cannabis establishments in the City of Norwalk (the "City"); (2) to impose limitations upon the consumption of cannabis and cannabis products in public and quasi-public places; (3) to create the "Norwalk Cannabis Account," a special fund account funded by municipal tax revenues due to retail sales of cannabis; and (4) to establish the policies and procedures of the Norwalk Cannabis Account.

§ 1-2. Definitions.

For purposes of this Chapter, the following terms have the meanings indicated:

CANNABIS

Marijuana, as defined in section 21a-240 of the Connecticut General Statutes, as the same may be amended.

CANNABIS ESTABLISHMENT

A Producer, Dispensary Facility, Cultivator, Micro-cultivator, Retailer, Hybrid Retailer, Food and Beverage Manufacturer, Product Manufacturer, Product Packager, Delivery Service, or Transporter.

CANNABIS PRODUCT

Cannabis that is in the form of a Cannabis concentrate or a product that contains Cannabis, which may be combined with other ingredients, and is intended for use or consumption. "Cannabis Product" does not include the raw Cannabis plant.

CULTIVATION

Includes planting, propagating, cultivating, growing, and harvesting.

CULTIVATOR

A Person that is licensed to engage in the Cultivation, growing, and propagation of the Cannabis plant at an establishment with not less than fifteen thousand square feet of grow space.

DELIVERY SERVICE

A Person that is licensed by the State of Connecticut to deliver Cannabis from (1) Micro-Cultivators, Retailers, and Hybrid Retailers to consumers and research program subjects, and (2) Hybrid Retailers and Dispensary Facilities to qualifying patients, caregivers, and research program subjects.

DISPENSARY FACILITY

A place of business where Cannabis may be dispensed, sold, or distributed to qualifying patients and caregivers, and to which the Connecticut Department of Consumer Protection has issued a dispensary facility license.

FOOD AND BEVERAGE MANUFACTURER

A Person that is licensed to own and operate a place of business that acquires Cannabis and creates food and beverages.

HYBRID RETAILER

A Person that is licensed to purchase Cannabis and sell Cannabis and medical marijuana products.

MICRO-CULTIVATOR

A Person licensed to engage in the Cultivation, growing and propagation of the Cannabis plant at an establishment containing not less than two thousand square feet and not more than ten thousand square feet of grow space.

PERSON

An individual, partnership, limited liability company, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee or any other legal entity and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination thereof.

PRODUCER

A Person that is licensed as a producer by the State of Connecticut.

PRODUCT MANUFACTURER

A Person that is licensed by the State of Connecticut to obtain Cannabis, extract and manufacture products exclusive to such license type.

PRODUCT PACKAGER

A Person that is licensed by the State of Connecticut to package and label Cannabis.

RETAILER

A Person, excluding a Dispensary Facility and Hybrid Retailer, that is licensed by the State of Connecticut to purchase Cannabis from Producers, Cultivators, Micro-cultivators, Product Manufacturers, and Food and Beverage Manufacturers and to sell Cannabis to consumers and research programs.

TRANSPORTER

A Person licensed by the State of Connecticut to transport Cannabis between Cannabis Establishments, laboratories and research programs.

§ 1-3. Revocation of Temporary Prohibition of Cannabis Establishments.

The Temporary Prohibition of all Cannabis Establishments in the City enacted on February 22, 2022 is hereby revoked.

§ 1-4. Cannabis Establishments.

- A. There shall be no more than three Retailers in the City.
- B. For up to thirty days after the opening of a Cannabis Establishment in the City, the City may charge such Cannabis Establishment for any necessary and reasonable costs incurred by the City for the provision of public safety services in relation to such opening, including, but not limited to, public safety costs incurred to direct traffic, in an aggregate amount not to exceed fifty thousand dollars.

§ 1-5. Cannabis Consumption Restrictions.

- A. Except as otherwise set forth in this Chapter, the consumption of Cannabis and Cannabis Products shall not occur in any form on land owned or controlled by the City, including, but not limited to, all sidewalks, parks, beaches, and municipal-owned land or buildings.
- B. The consumption of Cannabis and Cannabis Products shall not occur at any outdoor dining establishment, as defined in § 45-29 of the Norwalk City Code.
- C. The Mayor shall, no later than the effective date of this Chapter, designate a place or places within the City wherein public consumption of Cannabis and Cannabis Products through smoking, vaping, or the consumption of edibles is permitted. The designated place or places shall contain visible multilingual signage that clearly delineates the hours during which such consumption is permitted. Such place or places may be re-designated from time to time at the Mayor's discretion.

§ 1-6. Enforcement; Fines/Citation; Hearing; Appeals.

- A. Any Person violating any provision of this Chapter may be subject to the following penalties:
 - (1) If it is determined that an individual has consumed Cannabis and/or Cannabis Products outdoors where consumption is not permitted by this Chapter, such individual shall be subject to a fine/citation of \$50 for each violation.
 - (2) If it is determined that a Person permits the outdoor consumption of Cannabis and/or Cannabis Products in violation of this Chapter, such Person shall be subject to a fine/citation of \$250 for each violation.
 - (3) Any aggrieved Person may file an appeal to the Superior Court for the Judicial District of Stamford/Norwalk in accordance with Connecticut law.
- B. The Chief of Police or their designee shall, on an annual basis or as otherwise requested by the Common Council or the Mayor, prepare and deliver a written report to the Common Council and the Mayor concerning the number of violations issued pursuant to this Chapter. This written report shall include, but not be limited to, information concerning the geography and demographics of the violations issued and such other information as requested by the Common Council or the Mayor.

§ 1-7. Establishment of the Norwalk Cannabis Account.

- A. The City does hereby create the Norwalk Cannabis Account, a special fund account to be used exclusively for the purposes as delineated in C.G.S. § 12-330mm(b)(5), as the same may be amended, which as of the effective date of this Chapter consist of the following: streetscape improvements and other neighborhood developments in communities where Cannabis Retailers, Hybrid Retailers or Micro-cultivators are located; education programs or youth employment and training programs in the City; services for individuals living in the City who were released from Department of Corrections custody, probation, or parole; mental health or addiction services; youth service bureaus and municipal juvenile review boards; and community civic engagement efforts.
- B. The continuation of the Norwalk Cannabis Account shall be perpetual notwithstanding that from time to time said account may be unfunded. Funds in the Norwalk Cannabis Account shall not lapse at the end of the City's fiscal year.

§ 1-8. Norwalk Cannabis Account Collection; Sources of Funding; Investments; Limitations on use of Funds.

- A. The City's Chief Financial Officer or their designee shall be designated as the City official who shall receive notifications from the Connecticut Department of Revenue Services ("DRS") Commissioner regarding the municipal tax amount reported due from each Cannabis Retailer, Hybrid Retailer and Micro-cultivator located in the City from the sale of Cannabis and/or Cannabis Products.
- B. The Chief Financial Officer or their designee shall submit or resubmit their name and contact information to the DRS as required by law.
- C. The Chief Financial Officer or their designee shall act in accordance with C.G.S. § 12-330mm(b)(4), as the same may be amended, and is the individual responsible with regards to the invoicing and receipt of sums owed to the City from each Cannabis Retailer, Hybrid Retailer, and Micro-cultivator located in the City from the sale of Cannabis and/or Cannabis Products.
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- E. All or any part of the monies in the Norwalk Cannabis Account may be invested in any manner in which public funds may be lawfully invested.
- F. All of the monies in the Norwalk Cannabis Account shall at all times be subject to withdrawal for use as provided in this Chapter. No sums contained in the Norwalk Cannabis Account, including interest and dividends earned, shall be transferred to any other account within the City budget or used for any purpose not provided for in this Chapter.

§ 1-9. Expenditures from Norwalk Cannabis Account; Administration.

- A. The Chief of Community Services or their designee shall prepare, adopt, and publish on the City's website the Norwalk Cannabis Account Expenditure Guidelines ("Guidelines"), establishing the process, procedures, guidelines, rules, and requirements for application submission pursuant to this Section 1-9, and the mode, manner and means by which Norwalk Cannabis Account funds may be used by any applicant. The Guidelines shall be approved by the Common Council from time to time and, in any event, no less frequently than once every 24 months. No application for Norwalk Cannabis Account funds shall be accepted or funds held in the Norwalk Cannabis Account designated for a particular use or expenditure until the Guidelines have been approved by the Common Council and published on the City's website.
- B. Pursuant to the Guidelines, the Chief of Community Services shall, subject to the approval of the Common Council and the availability of funds in the Norwalk Cannabis Account, periodically, and at least annually, solicit applications for such funds from interested Persons. Provided the applications received in connection with such solicitation conform with the Guidelines and this Chapter, the Chief of Community Services shall forward a summary of such applications to the Common Council, originating in the Community Services Committee thereof or its successor, along with a recommendation for final action. The Common Council shall have the discretion to deny, in whole but not in part, such recommendation.
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§ 1-10. Norwalk Cannabis Account Reporting.

The Chief of Community Services or their designee shall, on an annual basis or as otherwise requested by the Common Council, prepare and deliver a written report to the Common Council of the amount in the Norwalk Cannabis Account and deposits and expenditures therefrom.

§ 1-11. Effective Date.

This Chapter shall be effective as of the effective date of the amendments to the City's zoning regulations to allow retail sales of recreational Cannabis.

Dated at Norwalk, Connecticut this _____ day of July 2022.

ATTEST:
Irene Dixon, City Clerk

THE HOUR: Please publish once on Friday, September 9, 2022

REGULATION OF CANNABIS

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§ 1-11. Effective Date.

This Chapter shall be effective as of the effective date of the amendments to the City's zoning regulations to allow retail sales of recreational Cannabis.

**CITY OF NORWALK
ORDINANCE COMMITTEE
JULY 19, 2022**

ATTENDANCE: Lisa Shanahan, Chair; David Heuvelman; Dominique Johnson;
Joshua Goldstein; Thomas Livingston; Brian Meek; Nora
Niedzielski Eichner

STAFF: Brian Candela, Corporation Counsel

ROLL CALL

Ms. Shanahan called the meeting to order at 7:03 p.m. and called the roll as indicated above.

PUBLIC HEARING – possible action on

Public participation comments are not verbatim and represent a summarization of statements unless otherwise noted.

Discuss and vote on Chapter 17 (Aquifer Protection Agency), Section 1 (Designation; membership; technical training)

There was no public comment and Ms. Shanahan closed the public hearing.

PUBLIC HEARING DISCUSSION

**** MR. LIVINGSTON MOVED TO SEND CHAPTER 17 (AQUIFER PROTECTION AGENCY), SECTION 1 (DESIGNATION; MEMBERSHIP; TECHNICAL TRAINING) TO COMMON COUNCIL FOR A VOTE**

**** MOTION PASSED UNANIMOUSLY**

PUBLIC COMMENT

Public participation comments are not verbatim and represent a summarization of statements unless otherwise noted.

Margaret Watt, Norwalk Partnership

Ms. Watt said she was addressing the amended ordinance on cannabis. She said she

City of Norwalk Ordinance Committee

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was interested in seeing the changes.

She said that she'd been attending national conferences on marijuana, and there was a lot of data coming from cities where it had been legalized. She noted that places like Colorado were trying to dial back their laws

She addressed the idea of consumption spaces, noting that it was dangers, and it would be hard to manage. She said she hoped they'd start with something small and manageable.

She also noted that it made sense for the city Community Services Department to manage marijuana funds. She noted that perhaps some of the monies could be used to fund awareness campaigns about the dangers of cannabis use.

ACCEPTANCE OF MINUTES

June 21, 2022 – regular meeting

****Page 5, second paragraph of new business to read, “Mr. Livingston said he did not hear from any other commission and that this was just a technical change”.**

**** Page 5, Resolution to read “to approve the change to Chapter 17, Section 1 and refer it public hearing”.**

****Page 2, Paragraph 2, Sentence 3 change to “Ms. Johnson noted it is important for the city adopt this ordinance because they can’t expect homeowners to restrict their pesticide use if the city is not doing it”**

**** MR. HEUVELMAN MOVED TO APPROVE THE MINUTES AS AMENDED**

**** MOTION PASSED 5-0 WITH TWO ABSTENTIONS (SHANAHAN, MEEKS)**

OLD BUSINESS

Discuss and vote on Cannabis ordinance

Mr. Goldstein reviewed changes in the ordinance. He noted that definitions were based on state definitions. He said that definitions of terms that weren't referred to in the ordinance were omitted.

On Section 1-4, he said that there was a new sentence that “there will be no more than three retailers in the city”, because the state had changed its requirements. He said that excluded dispensaries.

On Section 1-5 C He noted that the word “consumption” wasn't defined in the state statute

City of Norwalk Ordinance Committee

July 19, 2022

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or the city code, so the definition of the term prevailed. He said that was consumption in any form.

He said that also in that section, he wanted to change the sentence to read: “multilingual visible signage”. There was discussion of what languages should be on there. Ms. Shanahan said that they should keep it at multilingual so it can be changed as the population changed.

On section 1-9 Mr. Goldstein said section B had been rewritten about the annual solicitation of application for funds from account. He said the change was that the Chief of Community Services would send a summary of all conforming applications to the Community Services Committee with recommendations to vote on as a whole. He noted there would be no line-item veto. He said that made for a streamlined and non-partisan process.

There was discussion of the summary, Mr. Heuvelman asked why they had to see all the conforming applications, when the Community Services experts were recommending certain approvals. Ms. Shanahan said that for transparency, the committee should see all the applications.

Ms. Johnson said that it felt like the community services committee would leave itself open to people demanding changes. Ms. Johnson said the function of the vote was that you had to approve all or none. He said the hope was that for groups that didn’t get it this year would reapply. Ms. Johnson suggested that they get the information in executive session, so non-profits didn’t lose out on funding publicly. Mr. Goldstein said it was a FOIA issue. Mr. Livingston noted that it was a “summary” and didn’t necessarily need names. Ms. Shanahan said that with government transparency they should expect to use names, she noted that there was no shame in not getting a grant.

Mr. Goldstein said that they were working on a list of sites around the city for public consumption that would conform with the map rules. He said they had 20 sites that would be feasible. He said that the forthcoming amendments to the zoning regulations would deal with the maps of eligible locations for retail sites and for public consumption of cannabis. He said the wanted to ensure that they didn’t designate the whole city, but a few sites at the mayor’s discretion.

Mr. Goldstein said they were required by state law if allow retail sale to designate a public spot. He said that if no spot was designated, people would be able to smoke wherever except in places specifically named. He noted that Milford had recently dedicated a portion of a street, but that Norwalk was approaching it differently based on the size of the city.

Mr. Candela said that section 1-5 covered this, he said that if they didn’t specify, they could consume anywhere except the places where it was specifically prohibited. Mr. Goldstein said that it was required by the state. Mr. Heuvelman said there was no language that made the public space conform to the same specifications as the retail space.

Mr. Goldstein said analysis had begun of maps to make recommendations. Mr. Candela said it would be helpful to have the maps for the public.

City of Norwalk Ordinance Committee

July 19, 2022

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Ms. Johnson said that she wanted to be clear that they would be open to amending the ordinance as needed, because this was not an exact science. Ms. Shanahan said that they'd used the designation 'at the mayor's discretion' so they weren't codifying something that didn't work.

Ms. Johnson asked about a section which Ms. Shanahan said they'd intended to delete.

Mr. Candela said the ordinance was the skeleton to allow retail establishment and parameters, he said the meat and bones would likely come from zoning regulations. Mr. Goldstein added that it would also regulate the funds.

Mr. Heuvelman asked if they were locking the mayor into a decision with the map and asked why they were looking at it in a public meeting. Ms. Shanahan said they specifically said it was the mayor's discretion so things could move. Mr. Goldstein noted that the ordinance and the zoning rule would go into effect simultaneously. He said the map was guidance, not part of the ordinance. Mr. Heuvelman said the map was confusing and he didn't want to confuse people.

Ms. Niedzielski- Eichner said it was important that they only talk about the ordinance in the committee, noting that it didn't talk about the specifics of the map or the retail locations. She noted that whoever had authority over the maps should share them publicly. She said that the specifics of the sensitive sites could be added.

She addressed an equity issue, noting that she had some concern about the \$50 violations fee noting that it could be considered too expensive to low-income people. She said it wasn't important to ensure that people, particularly those who live in apartments, have a space where they could consume without bothering their neighbors.

Mr. Meek said that he would rather have other cities make mistakes and have successes and learn from them. He noted that San Francisco and Seattle were good examples. He said he had an issue with public safety in general. HE said they had a shortage of safety officers, and this ordinance could affect retention. He said he did not support this ordinance. Mr. Goldstein said he hoped as they moved forward, they could work collaboratively. Ms. Shanahan said it was a lot of money for the city, and not to take care of it and make sure the funds were dispersed would be a dereliction of her duty as a council person.

Ms. Niedzielski- Eichner proposed the that they add language to 1-6B. Mr. Candela said it would read: "chief of police or designee prepare and deliver a repot to the common council concerning the number of violations issued pursuant to this chapter. This report shall include City of Norwalk Ordinance Committee

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information concerning geography and demographics of the violations issued.” Ms. Niedzielski- Eichner said that tracking repeat offenders could be a signal that they don’t have a safe space. She said if they perceived a problem, they could change the ordinance. Mr. Candela read the new language “and such other information requested by council”.

The committee agreed on this language: “The chief of police or their designee shall on an annual basis or as requested by the common council prepare and deliver a written report to the Common Council and the mayor concerning the number of violations issued pursuant to this chapter. This report shall include but not be limited to information concerning the geography and demographics of violations issued and such other information as requested by the Common Council or Mayor.”

Ms. Shanahan reviewed the changes:

1.5C “designated place or places visible multilingual signage...” and the last sentence would read, “such places are subject to change from time to time at the mayor’s discretion.”
1-6B adding the change above about the report from the Chief of Police.

The committee reviewed again the ‘Mayor’s discretion’ and decided to keep the language streamlined.

**** MR. GOLDSTEIN MOTIONED TO MOVE THE CANNABIS ORDINANCE TO PUBLIC HEARING ON SEPTEMBER 20, 2022**

**** MOTION PASSED 6-1 (MEEK)**

NEW BUSINESS

There was no new business.

DISCUSSION ITEM

There was no action on this item.

ADJOURNMENT

**** MR. GOLDSTEIN MOVED TO ADJOURN**
**** MOTION PASSED UNANIMOUSLY**

There was no further business, and the meeting was unanimously adjourned at 8:15 p.m.

Respectfully submitted,
Lora Grassilli
Telesco Secretarial Services