

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 ~~or by action of the Common Council.~~

§ 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.

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§ 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.
- D. The Norwalk Cannabis Account shall consist of the following: (1) all sums received by the City from municipal taxes owed by each Cannabis Retailer, Hybrid Retailer, and Micro-cultivator from the sale of Cannabis and/or Cannabis Products; (2) all gifts and grants from any source, public or private, made to the City and designated for this account; and (3) all investment income earned by this account.
- 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 or but not in part, any application made pursuant to this Chapter such recommendation.

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- C. No expenditure of funds from the Norwalk Cannabis Account shall be approved except in accordance with the Guidelines or made except in accordance with the provisions of this Chapter.
- D. No expenditure of funds from the Norwalk Cannabis Account shall be in excess of the available balance in the fund.
- E. No officer or employee of the City, or any member of their immediate family, may receive a financial benefit from or have a direct or indirect personal or financial conflict of interest in any Person that receives funds from the Norwalk Cannabis Account. Terms used in this subparagraph not otherwise defined in this Chapter shall have the meanings given in § 32-3 of the Norwalk City Code, as the same may be amended.

§ 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 20th day of July 2022.

ATTEST: Irene 7. Dixon

Irene Dixon, City Clerk

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