

Legal Notice of Public Hearing

Notice is hereby given that the Common Council Ordinance Committee will hold a Public Hearing on Tuesday, February 15, 2022 at 7:00 p.m. by way of videoconference/teleconference for the purpose of discussing and voting on the Temporary Prohibition of all Cannabis Establishments. 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 February 11, 2022.

Temporary Prohibition of all Cannabis Establishments

Purpose

The purpose of this regulation, in accordance with the authority granted under Section 148 of Public Act No. 21-1 of the June 2021 Special Session, "An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis," is to temporarily prohibit adult-use cannabis establishments in the City of Norwalk.

Definitions

"Cannabis" means marijuana, as defined in section 21a-240 of the general statutes;

"Cannabis Establishment" means a producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager, delivery service or transporter, as those terms are defined in Section 1 of Public Act 21-1; and

"Connecticut State Regulation of Cannabis" means Section 148 of Public Act No. 21-1 of the June 2021 Special Session, An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis.

Prohibition

In accordance with the authority granted under Connecticut State Regulation of Cannabis, all Cannabis Establishments are prohibited in all zoning districts in the City of Norwalk for a period of 9 months.

Effective Date

~~§-This Chapter~~ shall be effective 10 days following approval by the City of Norwalk's Common Council.

Dated at Norwalk, Connecticut this 19th day of January 2022.

ATTEST: 
Irene Dixon, City Clerk

THE HOUR: Please publish once on Friday, February 4, 2022

Legal Notice of Public Hearing

Notice is hereby given that the Common Council Ordinance Committee will hold a Public Hearing on Tuesday, February 15, 2022 at 7:00 p.m. by way of videoconference/teleconference for the purpose of discussing and voting on revisions to Chapter 45, Sections 45-29, 45-30, 45-31, 45-32, 45-33 and 45-34. 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 February 11, 2022.

§ 45-29. Definitions.

As used in this article, the following terms shall have the meanings indicated:

OUTDOOR DINING — Any ~~outdoor cafe, sidewalk~~ cafe, eating area or ~~any food service accessory to a Food Service Establishment.~~

~~PERSON – Any natural person, individual, company, corporation, limited liability company, partnership, association, syndicate, trust, joint venture, business, or other legal entity of any kind.~~

~~FOOD SERVICE ESTABLISHMENT – Any Person that prepares, offers, serves, or sells food and beverage directly to the consumer at a fixed location. It does not include mobile restaurants, food trucks, vending machines, a private residential dwelling in which food or beverage are prepared, or a food manufacturing establishment. This definition shall include any Person that holds a restaurant liquor license or a café liquor license from the State of Connecticut.~~

§ 45-30. Location restricted; permit and guidelines.

~~A. A Food Service Establishment may be permitted to offer Outdoor Dining on private or public property in the City of Norwalk in accordance with the provisions of this chapter and the Outdoor Dining Guidelines and Standards, as amended from time to time. A copy of such Outdoor Dining Guidelines and Standards shall be made available on the City of Norwalk website or in the Office of Economic and Community Development.~~

~~A.B. Outdoor Dining may be permitted with approval of the City.~~

Outdoor Dining may be permitted ~~on real property, store fronts, and/or zoning lots~~ in the following locations: (1) ~~directly adjacent to the Food Service Establishment, provided that if the Food Service Establishment does not own such real property it must obtain written permission from the owner of such property, and (2) City owned property, including but not limited to public parking spaces, provided that the Food Service Establishment has the written permission of the City.~~

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B.C. Permit; Outdoor Dining Guidelines and Standards.

- (1) Any Food Service Establishment proposing to operate Outdoor Dining on private or public property in the City of Norwalk shall first obtain a permit from the Director of Planning and Zoning or his, her, or their designee pursuant to the Norwalk Zoning Regulations. Such permit shall be renewed on an annual basis.

~~(2) In addition to the permit required in subsection C(1) above, any Sponsoring Restaurant proposing to operate Outdoor Dining on private or public property in the City of Norwalk shall meet the provisions of this chapter and the requirements set forth in the Outdoor Dining Guidelines and Standards, as amended from time to time. A copy of such Outdoor Dining Guidelines and Standards shall be made available on the City of Norwalk website or in the Office of Economic and Community Development.~~

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- ~~(2)~~ Outdoor Dining permits shall be issued for an annual operation period from April 1 ~~to through~~ November 30.
- (3) For purpose of this Chapter, Outdoor Dining shall be permitted to operate during regular business hours of the Food Service Establishment, but must end no later than 11:00 p.m.
- (4) The Director of Planning and Zoning or his, her, their designee, may deny a permit, ~~or~~ decline to renew a permit or revoke a permit to operate Outdoor Dining if the proposed Food Service Establishment has a history of violations (1) violates ~~of~~ any of the requirements governing Outdoor Dining set forth in this chapter, the Outdoor Dining Guidelines and Standards, or the terms of any permit issued pursuant thereto, (2) fails to correct any such violations when duly noticed, ~~violates~~

~~the terms of the permit or Outdoor Dining Guidelines or Standards, (3) is delinquent in taxes owed to the City, and/or (4) has had two or more violations of any provision of the Norwalk City Code, including without limitation, Chapter 68 (Noise), within the two years immediately preceding the filing of the permit.~~

§ 45-31. Operation.

A. A Food Service Establishment operating Outdoor Dining shall meet all applicable local and state laws and regulations, including, but not limited to, applicable health, building, and zoning laws and regulations.

~~B.~~ A Food Service Establishment shall be responsible for keeping the Outdoor Dining premises, including City property, clean at all times.

~~B.C.~~ The cost, design, construction, and maintenance of Outdoor Dining facilities shall be the sole responsibility of the Food Service Establishment.

~~C.D.~~ Any damage done to the public right-of-way, sidewalk, curbing, or any other City property by the Food Service Establishment or its patrons shall be repaired promptly by the Food Service Establishment at its expense. Such repairs shall meet the applicable standards established by the Department of Public Works. No hooks, fasteners, or holes shall be made or affixed to the public right-of-way, sidewalk, curbing, or any other City property by the Food Service Establishment.

~~D.E.~~ Outdoor Dining shall extend no further than the actual street frontage of the Food Service Establishment or the real property directly adjacent to the Food Service Establishment.

~~E.F.~~ The Food Service Establishment shall provide not less than four contiguous feet of sidewalk clear of obstructions between the Food Service Establishment and the Outdoor Dining to allow unimpeded pedestrian traffic, provided, however, that at street corner intersections, there shall be a minimum of eight feet of unobstructed sidewalk.

~~F.G.~~ Outdoor Dining shall not be located in front of, or otherwise obstruct, police, fire department, or other first responder access to, any building or property, or to any fire protection feature, including, but not limited to, any and all fire hydrants.

~~G.H.~~ Outdoor dining shall not be located in front of, or obstruct, ADA access or an active driveway, manhole, or active utility access point, nor shall it impede surface drainage, as determined by the Department of Public Works.

~~H.I.~~ Access for all roadway users and pedestrians shall be maintained during the set-up and removal of Outdoor Dining appurtenances.

§ 45-32. Fines and Revocation

Any person violating any provision of this ordinance shall be subject to the following penalties:

- A. First offense: Upon the initial violation, a written warning that a violation has occurred shall be issued. No fine shall be imposed for the initial violation.
- B. Second offense and subsequent offenses: Any subsequent violation of the requirements of this ordinance shall be subject to a fine of \$250.00 for each violation. Each day that a violation exists shall constitute a separate violation of this ordinance. No more than one fine shall be imposed in any one twenty-four-hour period.
- C. The Director of Planning and Zoning or his, her, their designee, reserves the right to revoke a permit for failing to adhere to this chapter and/or the —Outdoor Dining Guidelines or Standards.
- D. Any aggrieved person may file an appeal to the Superior Court for the Judicial District of Stamford/Norwalk.

§ 45-33. Temporary suspension of Outdoor Dining permit

The Director of Planning and Zoning or his, her, their designee, reserves the right to order the temporary suspension of the operation

of Outdoor Dining at any time because of anticipated or actual problems or conflicts in the use of the sidewalk area. These situations include, but are not limited to, festivals, parades, marches, road races, severe weather events, repairs to the street or sidewalk, or any other emergencies occurring in the area.- In such event and if deemed necessary for the health, safety, or welfare of the City and its residents, the Food Service Establishment shall, at its cost, remove and store all Outdoor Dining appurtenances for the duration of such suspension. To the extent possible, the Food Service Establishment shall be given prior notice of the time period during which the operation of Outdoor Dining will not be permitted by the City, but failure to give such notice shall not affect the right of the City to prohibit Outdoor Dining operation at any particular time.

§ 45-34. Operations and service requirements. (Reserved)

Repealed

Dated at Norwalk, Connecticut this 19th day of January 2022.

ATTEST: Irene J. Dixon
Irene Dixon, City Clerk

THE HOUR: Please publish once on Friday, February 4, 2022