

**TOWN OF SIMSBURY  
AN ORDINANCE PROHIBITING  
CANNABIS RETAIL ESTABLISHMENTS - DRAFT**

**1. Authority**

This ordinance is adopted pursuant to general Statutes Section 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:

Authorized Enforcement Agency. Any employees or designees of the town as designated by the Town Manager to enforce this ordinance.

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 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 soring 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: Retail Sales**

A. It shall be unlawful for any building, structure, or land anywhere within the Town of Simsbury to be used as a cannabis retailer or cannabis hybrid retailer. 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 A 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. Violations and Penalties**

Whenever the authorized enforcement agency determines that a person has violated this ordinance, the authorized enforcement agency is authorized to issue a fine to the violator in the amount of two hundred and fifty dollars (\$250.00) for each offense. Any violation continued more than one (1) day shall constitute a separate offense for each day such violation continues.

After two or more violations of this ordinance have been cited to any person, the town may initiate a civil action in Superior Court for injunctive relief to prohibit and prevent such violation or violations and the court may proceed in the action in a summary matter.

### **5. Appeals**

Any person receiving a fine may appeal the determination of the authorized enforcement agency. The notice of appeal must be received in writing and filed with the Town Clerk's Office within ten (10) business days from receipt of the notice of the fine. The appeal shall be deemed received by the Town on the first business day following the day it is filed with and received by the Town Clerk's Office. Hearing on the appeal before the Hearing Officer shall take place

within thirty (30) business days from the date of receipt of the notice of appeal. The decision of the Hearing Officer may be appealed to Superior Court.

**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. Sunset Provision**

This ordinance shall expire eighteen (18) months from its adoption, unless extended by action of the Board of Selectmen.

**7. 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.