

# Article I Cannabis Establishments

## § \_\_\_\_\_-1 Authority.

This ordinance is adopted pursuant to Connecticut General Statutes §§ 7-148(c)(7)(A)(ii), 7-148(c)(7)(H), and 7-148(c)(10)(A), as amended by Public Act No. 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 Purpose.

The purpose of this ordinance is to prohibit the production or direct retail sale of recreational cannabis within the Town of Madison.

## § \_\_\_\_\_-3. Definitions.

The following definitions shall apply to this article and shall collectively be referred to and meant to be included in the definition of all Cannabis Establishments:

### **CANNABIS CULTIVATOR**

An individual or business producing cannabis flowers.

### **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.

### **CANNABIS DISPENSARY FACILITY**

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

### **CANNABIS ESTABLISHMENT**

A producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer of products containing cannabis; or a manufacturer, packager, delivery service, or transporter of products containing cannabis, including cannabis-infused food and beverage products.

### **CANNABIS FOOD AND BEVERAGE MANUFACTURER**

An individual or business that produces cannabis-infused foods and beverages.

**CANNABIS HYBRID RETAILER**

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

**CANNABIS MICRO-CULTIVATOR**

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

**CANNABIS PRODUCER**

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

**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 preweighed containers and prerolled joints.

**CANNABIS RETAILER**

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

**§ \_\_\_\_\_-4 Cannabis-related land use prohibition.**

**A. Recreational Cannabis Production and Retail Sales Prohibited**

It shall be unlawful for any building, structure, or land anywhere within the Town of Madison 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 for the sale or production of recreational cannabis. Violation of this section shall be punishable by a fine of \$250 per offense. Each day in operation or each sale, whichever is greater, shall constitute a separate offense.

## **B. Medicinal Cannabis Exemption**

The prohibition and fine in this section shall not apply to any fully lawful and licensed cultivation, processing, manufacturing, or sale of Cannabis for medical purposes only. Such cultivation, processing, dispensing or manufacturing of medicinal cannabis must comply with state law and the Town of Madison Zoning Regulations.

## **C. Hemp Exemption**

The prohibition and fine in this 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.

### **§ \_\_\_\_\_-5 Enforcement.**

The Town of Madison First Selectperson, Madison Law Enforcement Personnel, Planning and Zoning Commission and/or the Zoning Enforcement Officer shall have authority to enforce this article in accordance with the Town's citation ordinance. In addition to fines, this Article I also may be enforced by injunction, action for abatement, or other appropriate civil remedy.

### **§ \_\_\_\_\_-6 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 article as a whole, it being the legislative intent that the provisions of this article shall be severable and that the remainder shall be valid.