

**TOWN OF THOMASTON**  
**SPECIAL TOWN MEETING**  
**AUGUST 31, 2022**

**ORDINANCE REGULATING CANNABIS ESTABLISHMENTS**

**Section 1. Preamble**

WHEREAS, General Statutes, Chapter 420h, legalized possession, use, and consumption of cannabis by individuals aged twenty-one years and older in Connecticut; and

WHEREAS, General Statutes, Section 21a-422f permits municipalities to pass zoning regulations and ordinances regulating “cannabis establishments” as a land use; and

WHEREAS, the Thomaston Planning and Zoning Commission adopted zoning regulations for “cannabis establishments” as a land use; and

WHEREAS, General Statutes, Sections 21a-422f and 7-148(c)(7)(H) permit municipalities to safeguard the health and safety of the public by limiting the number of cannabis establishments such municipalities;

NOW, THEREFORE, THE TOWN OF THOMASTON HEREBY ENACTS THE FOLLOWING ORDINANCE.

**Section 2. Authority**

- (a) This ordinance is adopted pursuant to General Statutes Section 21a-422f(b), which provides, “any municipality may, by amendment to such municipality's zoning regulations or by local ordinance, (1) prohibit the establishment of a cannabis establishment, (2) establish reasonable restrictions regarding the hours and signage within the limits of such municipality, or (3) establish restrictions on the proximity of cannabis establishments to any of the establishments listed in subdivision (1) of subsection (a) of section 30-46....”.
- (b) Furthermore, this ordinance is adopted pursuant to General Statutes Section 7-148(c)(7)(H), which authorizes any municipality to, “provide for the health of the inhabitants of the municipality and do all things necessary or desirable to secure and promote the public health”, and to, “regulate and prohibit the carrying on within the municipality of any trade, manufacture, business or profession which is, or may be, so carried on as to become prejudicial to public health, conducive to fraud and cheating, or dangerous to, or constituting an unreasonable annoyance to, those living or owning property in the vicinity.”
- (c) This ordinance is adopted concurrently with amendments to the Thomaston Zoning Regulations adopted by the Thomaston Planning and Zoning Commission pursuant to Connecticut General Statutes Sections 8-2(a), 8-3, and 21a-422f(b) (also known as P.A. 21-

1, Section 148 (June 2021 Special Session)) and is to be applied and construed consistent with said regulations.

### **Section 3. Amendment to the Code of Ordinances**

Commencing September 1, 2022, the Code of the Town of Thomaston, “Part II: General Legislation”, is hereby amended to add a new chapter: “Chapter 115 Cannabis Establishments”, which shall read as follows:

#### **“Article I. Definitions**

##### **§115-1 Definitions**

For purposes of this Chapter, the Town of Thomaston adopts the definitions used in General Statutes Section 21a-420. Pursuant to General Statutes Section 21a-420, “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.

##### **§115-2 Cap on Number of Certain Cannabis Establishments**

No officer, employee, agent, board, or commission of the Town of Thomaston shall approve any application, permit application, special permit application, or site plan that would result in more cannabis retailers than would equal one (1) cannabis retailer with one (1) retail location per twenty-five thousand (25,000) residents of Thomaston.

##### **§115-3 Approval and Enforcement**

- A. If any permit or special permit is granted by the Planning and Zoning Commission for a cannabis retailer, a cannabis retailer permit application shall then be submitted to the Board of Selectmen with a non-refundable fee set by the Board of Selectmen. The Board of Selectmen may, in its sole discretion, order an investigation by the Thomaston Police Department and request additional information be supplied by the applicant. The application shall be sworn to be true and correct by the applicant. Pursuant to Section 115-2 of this Code, the Board of Selectmen shall not approve any cannabis retailer permit application that would result in more cannabis retailer location per twenty-five thousand (25,000) residents of Thomaston. The Board of Selectmen shall be guided by the Planning and Zoning Commission’s regulations and recommendations

when reviewing a cannabis retailer permit application. Applications shall be taken up by the Board of Selectmen in the order in which they are received in complete form and approved by the Planning and Zoning Commission.

- B. If a cannabis retailer permit is granted by the Board of Selectmen, the information furnished in the application shall be updated by the permit holder within thirty (30) days of any material changes.
- C. It shall be unlawful for any cannabis retailer to operate in Thomaston without obtaining both the applicable permit/special permit from the Planning and Zoning Commission and the applicable permit from the Board of Selectmen. This ordinance shall be enforced by the Board of Selectmen and Chief of Police.

#### **§115-4 Penalties**

- A. Any cannabis retailer who violates any of the provisions of this article shall be subject to a fine of \$250.00 as provided in the town fee schedule for each such violation. Each violation of this article shall be considered a separate offense, with each transaction being a separate offense.
- B. In addition to any fines or penalties imposed in this section, this article may be enforced by injunctive procedure in the Superior Court. The town may further recover from any violator any and all costs and fees, including reasonable attorney's fees, expended by the town in enforcing the provisions of this article.
- C. This article shall not preclude any additional enforcement action taken by any appropriate town, state or federal official conducted pursuant to any applicable ordinance, regulation or law of the town or state or the United States of America.
- D. All remedies and penalties provided for in this section shall be cumulative and independently available to the town, and the town shall be authorized to pursue any and all remedies set forth in this section to the fullest extent allowed by law.”

#### **Section 4. Severability**

It is hereby declared to be the intention of the town that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinances shall be held void or unlawful by valid judgment or decree of a court of

competent jurisdiction, such judgment shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

**Section 5. Effective**

This ordinance shall take effect after publication of a summary of its provisions pursuant to Connecticut General Statutes, Section 7-157(b).

Adopted by town meeting on August 31, 2022.

Published in the \_\_\_\_\_, on \_\_\_\_\_, \_\_\_\_\_, 2022.

Effective date: \_\_\_\_\_, \_\_\_\_\_, 2022.

Recorded in the Thomaston Town Records: Vol. \_\_\_\_\_, Pg. \_\_\_\_\_.