

**CHAPTER 356
CANNABIS ESTABLISHMENTS AND CULTIVATION**

**AN ORDINANCE ESTABLISHING CHAPTER 356 OF THE RIDGEFIELD CODE OF
ORDINANCES, “CANNABIS ESTABLISHMENTS AND CULTIVATION.”**

BE IT ORDAINED AND ENACTED by the Board of Selectmen of the Town of Ridgefield that Chapter 356 of the Ridgefield Code of Ordinances is hereby enacted as follows:

§ 356-1 Authority

This Chapter is adopted pursuant to Connecticut General Statutes § 7-148(c)(7)(A)(ii), § 7-148(c)(7)(H)(ii), and § 7-148(c)(10)(A), as amended from time to time, which allow municipalities to regulate and/or prohibit buildings, trades, manufacture, businesses, professions, and activities that are deemed detrimental to the safety, health, morals, and general welfare of the inhabitants of the municipality. Furthermore, “[a]ny municipality may, by amendment to such municipality’s zoning regulations or by local ordinance . . . prohibit the establishment of a cannabis establishment,” as provided in Connecticut General Statutes § 21a-422f(b) and any regulation adopted thereunder, as amended from time to time. Under said provisions, the Town of Ridgefield may prohibit Cannabis Establishments and commercial Cultivation, as defined in § 356-3 herein, by enacting this Chapter.

§ 356-2 Purpose

The intent of this Chapter is to prohibit the establishment, installation, creation, operation, or use of Cannabis Establishments in the Town of Ridgefield. It is also intended to prohibit commercial Cultivation, whether associated with Recreational Use, Palliative Use, or any other use associated therewith, in the Town of Ridgefield. The primary purpose of this Chapter is to secure and promote the health, safety, morals, and general welfare of the Town of Ridgefield by restricting the adverse impacts of the cannabis industry and preserving the Town of Ridgefield’s quality of life.

§ 356-3 Definitions

CANNABIS

Shall mean all parts of any plant, or species of the genus cannabis or any infra specific taxon thereof, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin. This term shall not include the mature stalks of such plant, fiber produced from such stalks, oil, or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks, except the resin extracted therefrom, fiber, oil, or cake, the sterilized seed of such plant which is incapable of germination, or Hemp, as defined in 7 U.S.C. § 1639o(1), as amended from time to time. Included are cannabimon, cannabimol, or cannabidiol and chemical compounds which are similar to cannabimon, cannabimol, or cannabidiol in chemical structure or which are similar thereto in physiological effect, and which show a like potential for abuse, which are controlled substances under this chapter unless derived from Hemp.

CANNABIS ESTABLISHMENT

Shall mean any Producer, Dispensary Facility, Cultivator, Micro-Cultivator, Retailer, Hybrid Retailer, Food and Beverage Manufacturer, Product Manufacturer, Product Packager, Delivery Service, or Transporter, as defined herein.

CONSUMER

Shall mean an individual who is twenty-one (21) years of age or older.

CULTIVATION

Shall mean the planting, propagating, cultivating, growing, or harvesting of Cannabis.

CULTIVATOR

Shall mean a person that is licensed to engage in Cultivation at a Cannabis Establishment of not less than fifteen thousand square feet of grow space.

DELIVERY SERVICE

Shall mean a person that is licensed to deliver Cannabis from: (i) Micro-Cultivators, Retailers, and Hybrid Retailers to Consumers and research program subjects; (ii) Hybrid Retailers and Dispensary Facilities to qualifying patients, caregivers and research program subjects, as defined in § 21a-408 of the Connecticut General Statutes and any regulations adopted thereunder, as amended from time to time, or to hospices or other inpatient care facilities licensed by the Department of Public Health pursuant to Chapter 368v of the Connecticut General Statutes that have a protocol for the handling and distribution of Cannabis that has been approved by the Department of Consumer Protection, or a combination thereof.

DISPENSARY FACILITY

Shall mean a place of business where Cannabis may be dispensed, sold, or distributed in accordance with Connecticut General Statutes Chapter 420f and any regulations adopted thereunder, as amended from time to time, to qualifying patients and caregivers, and to which the Department of Consumer Protection has issued a dispensary facility license under Connecticut General Statutes Chapter 420f and any regulations adopted thereunder, as amended from time to time.

FOOD AND BEVERAGE MANUFACTURER

Shall mean a person that is licensed to own and operate a place of business that acquires Cannabis and creates food and beverages therefrom.

HEMP

Shall have the same meaning as provided in 7 United States Code § 1639o(1), as amended from time to time.

HYBRID RETAILER

Shall mean a person that is licensed to purchase Cannabis and sell Cannabis and Medical Marijuana Products for Recreational Use and Palliative Use.

MEDICAL MARIJUANA PRODUCTS

Shall mean Cannabis that may be exclusively sold to qualifying patients and caregivers by Dispensary Facilities and Hybrid Retailers and which are designated by the Commissioner of Consumer Protection, or any designee thereof, as reserved for sale to qualifying patients and caregivers and published on the Department of Consumer Protection's web site.

MICRO-CULTIVATOR

Shall mean a person licensed to engage in Cultivation at a Cannabis Establishment not containing less than two thousand square feet and not more than ten thousand square feet of grow space, prior to any expansion authorized by the Commissioner of Consumer Protection.

PALLIATIVE USE

Shall mean the acquisition, distribution, transfer, possession, use or transportation of Cannabis or paraphernalia relating to Cannabis, including the transfer of Cannabis and paraphernalia relating to Cannabis from the patient's primary caregiver to the qualifying patient, to alleviate a qualifying patient's symptoms of a debilitating medical condition or the effects of such symptoms, but does not include any such use of Cannabis by any person other than the qualifying patient.

PRODUCER

Shall mean a person that is licensed as a Producer pursuant to Connecticut General Statutes § 21a-408i and any regulations adopted thereunder, as amended from time to time.

PRODUCT MANUFACTURER

Shall mean a person that is licensed to obtain Cannabis, extract, and manufacture products exclusive to such license types.

PRODUCT PACKAGER

Shall mean a person that is licensed to package and label Cannabis.

RECREATIONAL USE

Shall mean any use that is not Palliative Use.

RETAILER

Shall mean a person, excluding a Dispensary Facility and Hybrid Retailer, that is licensed 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

Shall mean a person licensed to transport Cannabis between Cannabis Establishments, laboratories, and research programs.

§ 356-4 Prohibition on Cannabis Establishments

It shall be unlawful for any building, structure, or land anywhere within the Town of Ridgefield to be established, installed, created, operated, or otherwise used as a Cannabis Establishment, unless expressly excepted in § 356-7 herein. This prohibition shall apply to all Cannabis

Establishments, whether established, installed, created, operated, or otherwise used for Recreational Use, Palliative Use, or any other use associated therewith.

§ 356-5 Prohibition on Commercial Cultivation

It shall be unlawful to commercially Cultivate or dispense Cannabis in any building, structure, or land anywhere within the Town of Ridgefield, unless expressly excepted in § 356-7 herein.

§ 356-6 Applications for Cannabis Establishments

No application for any Cannabis Establishment shall be permitted in any zone within the Town of Ridgefield, unless expressly excepted in § 356-7 herein.

§ 356-7 Exceptions

a) Delivery

Pursuant to Connecticut General Statutes § 21a-422g(b) and any regulations adopted thereunder, as amended from time to time, the Town of Ridgefield shall not prohibit the delivery of Cannabis to a Consumer, qualifying patient, or caregiver when the delivery is made by a Retailer, Hybrid Retailer, Dispensary Facility, Delivery Service, Micro-Cultivator, or any other person authorized to make such delivery under the Connecticut General Statutes.

b) Hemp

Nothing in this Chapter shall prohibit any entirely lawful cultivation, processing, manufacturing, or retail of Hemp or products thereof, by any 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, manufacturing, or retail must comply with state law. Failure to comply with any state law concerning the cultivation, processing, manufacturing, or retail of Hemp or products thereof shall void the application of this exception to such person or entity in violation.

c) Cultivation for Personal Use

Pursuant to Section 162 of Public Act No. 21-1 (June 2021 Special Session), as amended from time to time, any Consumer may Cultivate up to three (3) mature Cannabis plants and three (3) immature Cannabis plants in the Consumer’s primary residence, provided such plants are secure from access by any individual other than the Consumer and no more than twelve (12) Cannabis plants may be grown at any given time per household.

§ 356-8 Enforcement

The First Selectman, Planning and Zoning Commission, and/or the Zoning Enforcement Officer shall have authority to enforce this Chapter. This Chapter may be enforced through injunction, action for abatement, or any other appropriate civil remedy.

§ 356-9 Severability

Any provision of this Chapter held to be invalid for any reason shall not serve to invalidate the remaining unaffected provisions hereof. No provision of this Chapter shall serve to validate any activity otherwise prohibited by state or local law or lawfully-enacted zoning regulation.

§ 356-10 Effective Date

This Chapter shall become effective upon affirmative vote by the Board of Selectmen.