

**NOTICE OF ADOPTION
TOWN OF EAST GRANBY**

Notice is hereby given that at a Special Town Meeting of the Town of East Granby, Connecticut held on Tuesday, December 7, 2021 at 7:30 pm the following ordinances were created, adopted or amended:

The following ordinances were created, amended or adopted as follows:

Chapter 255 Article IX, Tax and Business Incentive Program

255-24. Tax and Business Incentive Program; Authority.

Subject to Connecticut General Statutes (“CGS”) Sec. 12-65b and Sec. 12-65h, the Town of East Granby (sometimes referred to herein as the “Town”) may, by affirmative vote of its Board of Selectmen (BOS), enter into a written agreement with any party owning or proposing to acquire an interest in real property in the Town or with any party who is the lessee of, or proposes to be the lessee of real property in the Town, or an interest in real property upon which is located as defined in subdivision (72) of CGS Sec. 12-81, fixing the assessment of the real property and all improvements to be constructed thereon, which is the subject of the agreement in accordance with provisions of this Ordinance.

255-25. Purpose

The purpose of the Tax and Business Incentive Program (the “Program”) is to attract new businesses to the Town, promote expansion of existing businesses (including home based businesses relocating into commercial and industrial zones), and to encourage rehabilitation and reuse of vacant commercial and industrial buildings. It is the intent of the Town: (1) to assist in the creation of jobs for local area residents, (2) to create long term tax base growth through the replacement, reconstruction, expansion and remodeling of existing business facilities where appropriate and not injurious to the surrounding environment , (3) to encourage construction of new commercial and industrial facilities, and (4) to encourage substantial investment in new machinery, equipment and other personal property subject to taxation within the Town.

255-26. Economic Development Commission.

The East Granby Economic Development Commission (EDC) acting through the Director of Community Development, shall provide any property owner or lessee with general information concerning the Program, prepare and supply interested parties with a fact sheet about the Town, an application to participate in the Program and any other information that may be reasonably requested by an interested party.

A. For purposes of this ordinance, an “interested party” is one who owns or proposes to acquire an interest in real property in East Granby or otherwise meets the definition of an owner or lessee of real property as defined in CGS Sec. 12-65b and who is considering replacement, reconstruction, expansion, or remodeling of existing business facilities located or to be relocated in East Granby.

B. The EDC, or its designee, may perform research about any party applying to participate in the Program and may request of such party any relevant information that in the opinion of the EDC or the Board of Selectman (BOS) bears upon consideration of the application. The EDC, or its designee, shall obtain from the Tax Assessor an opinion of the impact of any proposed abatement of taxes on the applicable Grand List and on future Grand Lists.

255-27. Qualifying Businesses.

All business uses enumerated in subdivision (b) of CGS Sec. 12-65b, provided that the business use is consistent with Town ordinances, regulations, rules, and codes and with the East Granby Plan of Conservation and Development, may apply under the provisions of this ordinance. However, applicant applying for Tax and Business Incentive Program will not be eligible if they have already been approved for the Brandley Development Zone tax abatement program and receiving both incentives at any time for same project is strictly prohibited.

All applicants should have no fines or violations assessed against the applicant or its subsidiaries by state or federal agencies regarding environmental or health codes and be able to demonstrate adequate documentation on the proposed capital investment being proposed for the improvements and expansions to the real property that would be the subject of the agreement. Applicants shall apply for New Business Development or Expansion Abatement, or Commercial Lease Vacancy Abatement as set forth in this ordinance.

255-28 General Requirements.

- A. Applications filed with the Town will be granted provided:
- a. The applicant is seeking either a New Business Development or a Business Expansion Abatement or Commercial Lease Vacancy Abatement, as defined herein.
 - b. The proposed use is located in an appropriate zone as defined in East Granby's Zoning Regulations.
 - c. The proposed use receives all necessary approvals, licenses, and permits from the East Granby Planning and Zoning Commission and any other Town, State of Connecticut and federal agencies, boards, commissions, and officials having jurisdiction with respect to the project, if such approvals, licenses, or permits are required under applicable laws, regulations, rules, and codes.
 - d. No real estate property tax or other tax or fee or municipal charge due East Granby is unpaid at the time the Application is submitted or at any time thereafter.
 - e. If the applicant is relocating its business to East Granby, the applicant shall provide a maximum of five-year history of tax assessments and payments to the municipality or municipalities and/or other political subdivisions in which its business was operated, as is available, and as determined by the Town. The project should have a clear economic benefit to East Granby.
- B. The applicant shall submit in writing with the Application a list of benefits, such as new jobs and growth of the Town grand list, to be realized by East Granby if the applicant

receives tax incentives under the Program. Applicants are encouraged to provide East Granby residents with the opportunity to apply for open positions and businesses the opportunity to bid for construction jobs and projects and be accorded priority provided such applicants meet all of the criteria of established job requirements or are competitive and qualified bidders.

255-29. Application Procedures.

- A. All tax incentive requests shall be made in writing on a form referred to as Tax and Business Incentive Application (the "Application") published and provided by the EDC and approved by the BOS as it may be amended from time to time. The Application shall have a processing fee of One Thousand Dollars (\$1,000.00).
- B. The Application, fee and all accompanying documentation required hereunder or voluntarily provided shall be submitted in duplicate at the Office of the First Selectman. Upon receipt by the BOS, one copy of the Application shall be provided to the EDC for preliminary review.
- C. For purposes of this ordinance, "receipt by the BOS" means an Application and all accompanying documentation required in accordance with all applicable provisions of this Ordinance is submitted. The following time periods for review of the Application and action are not mandatory, nonetheless, the EDC and the BOS shall try to meet the time limits stated hereafter: From date of receipt by the BOS of the Application the EDC and the Director of Community Development will review the Application for completeness, request additional information and meet with the property owner and/or lessee or the property owner and/or lessee's representatives. Provided the property owner and/or lessee has provided all information required in the Application, by this Ordinance and by the EDC, or its designee, the Director of Community of Development will approve the application thereafter report its findings to the BOS. The BOS will place the application on the agenda of the next regularly scheduled BOS meeting for discussion and will take action on the application within thirty (30) days. If the BOS approves the application, the First Selectman and the property owner/lessee shall enter into a written agreement.
- D. The approval of this ordinance by Town Meeting shall provide the Board of Selectman with authority to enter into such agreements as set forth by Connecticut General Statutes Sec. 12-65b and Sec. 12-65h.

255-30. Assessment of the Property Subject to the Agreement.

The East Granby Assessor shall determine the assessment of the real property and any and all improvements constructed or to be constructed on or in the real property which is the subject of the agreement and report those findings to the Board of Selectmen before any final approval is voted on by the Board of Selectmen.

255-31. Specific Requirements of the Tax Incentive Agreement.

Pursuant to CGS Sec. 12-65b(a) the assessment of real property and all improvements in or on or to be constructed in or on said real property may be abated for a period of not more than five years. The level of abatement shall be dependent upon the value of the applicant's investment into the property as defined below.

- a. **New Business Development or Expansion Abatement:** For commercial real property investments, expansions, and new construction. New Business Development shall be defined as an eligible project involving real property, new construction, or renovation, or tenant buildout, for either a new to town business, or the relocation of town business to new project site. Business Expansion shall be defined as an eligible project involving an addition or renovation, or tenant buildout of the applicant's existing property and/or facilities.
 - i. Applicants making an investment of \$500,000 shall receive an abatement of 50% of their increased tax assessment.
 - ii. Applicants making an investment of \$1,500,000 shall receive an abatement of 55% of their increased tax assessment.
 - iii. Applicants making an investment of \$3,000,000 shall receive an abatement of 60% of their increased tax assessment. Additionally, such applicants shall also receive a 15% discount on all required Building Permits.
 - iv. Applicants making an investment of \$6,000,000 shall receive an abatement of 65% of their increased tax assessment. Additionally, such applicants shall also receive a 25% discount on all Building Permits.

- b. **Commercial Lease Vacancy Abatement:** If the applicant is a tenant operating under a written lease, the term of the lease must be for no less than five years. Additionally, the lessee must lease from the lessor a minimum of 15,000 sq ft of commercial space. The agreement and the tax incentives must be clearly recited in said lease and be for a period no less than the applicable term of the tax abatement period. A copy of said lease shall be submitted at the same time as the Application to enter the Program.
 - i. Applicants leasing space that has been previously vacant for a period of at least a year shall receive an abatement of 50% of their total tax assessment for the space applies to the lease, for a period of three years, provided that the real property taxes are the responsibility of the applicant pursuant to lease.
 - ii. Applicants leasing space that has been previously vacant for a period of three years or more shall receive an abatement of 100% of their total tax assessment for the space as it applies to the lease, for a period of five years, provided that the real property taxes are the responsibility of the applicant pursuant to lease. The fixed assessment period shall commence the first fiscal year for which a tax list is prepared on the October 1st immediately following the issuance of a Certificate of Occupancy for construction of the buildings, additions, and all improvements in or on the real property which is the subject of the agreement.

- c. In the case of new construction or improvements to an existing facility, such construction shall commence within six months of approval of the Agreement by the Town Meeting and shall be completed no later than twenty-four months from date of approval by the Town Meeting. The times for commencement and completion of the construction are mandatory except owner or lessee's performance may be excused when the owner or lessee is prevented from performing by causes beyond owner's or lessee's control including natural disasters, fires, or other calamities or a state or national declared state of emergency.

255-32. Default by the Owner or Lessee.

- A. Under the Terms of the Agreement In the event the owner or lessee of the real property:
 - a. Fails to pay real estate and/or personal property taxes when such taxes are due and payable; or
 - b. Fails to commence or complete on time the construction of all improvements upon the property which is the subject of the agreement; or
 - c. Becomes insolvent or bankrupt or files any debtor proceedings or others file such debtor proceedings against the owner or lessee, in any court, in any jurisdiction, state or federal, and does not withdraw such filing within ninety (90) days or such other proceedings have not been dismissed or withdrawn by such other parties within ninety (90) days or makes an assignment for the benefit of creditors or if the property or lease is taken under any writ of execution or becomes the subject of foreclosure proceedings; or
 - d. Abandons the real property or, in the case of the lessee, purports to assign its lease without the express consent of the Town as set forth in Section J of this Ordinance; or,
 - e. Fails to perform any obligation of owner or lessee under the terms of the agreement.
- B. Then such event shall constitute a material default of the agreement and the Town may terminate the agreement on the giving of written notice whereupon (i) the right of the owner and/or lessee to receive tax abatements and any other considerations granted to the property owner and/or lessee under the terms of the agreement shall cease and come to an end; and, (II) the property owner and/or lessee shall be obligated to repay the Town the amounts of all tax abatements retroactive to the due date of the first abated tax payment plus interest at the rate set and payable pursuant to provisions of CGS Sec. 12-146, all waived fees, if any, and all actual costs of the Town in providing in kind considerations to the property owner and/or the lessee.
- C. In the event of failure to pay a tax when due and if such delinquency continues for six months and one day, the Town shall terminate the agreement whereupon (i) the right of the owner and/or lessee to receive the tax abatement and any other considerations granted to the property owner or lessee under the terms of the agreement shall cease and come to an end; and, (ii) the property owner and/or lessee shall be obligated to repay the Town the amounts of all tax abatements retroactive to the due date of the first

abated tax payment plus interest at the rate set and payable pursuant to provisions of CGS Sec. 12-146, all waived fees, if any, and all actual costs of the Town in providing in kind considerations to the property owner and/or the lessee.

255-33. Assignment of the Agreement.

The agreement between the Town and the owner and/or lessee of real property shall not be assigned by the owner or lessee to any person(s) or business organization or entity or estate or trust without the express consent of the BOS. A conveyance of the real property or a transfer of ownership of the business or substantially all of the assets of the business, which is the subject of the agreement, to a person or business organization or entity that is not owned or controlled by the owner of the real property and/or the owner of the business who are parties to the agreement with the Town, shall not constitute a valid assignment of the agreement or vest any rights under the agreement in the grantee of the real property or transferee of the business or of the assets of the business or allow for enforcement of any obligations of the Town against the Town by the grantee of the real property or transferee of the business or of the assets of the business including but not limited to any remaining tax abatements under terms of the agreement. For purposes of this section a "controlled entity" means a business which is eighty or more percent owned by the grantor or transferor, as the case may be.

255-34. Amendments to Applicable Statutes.

All references to CGS Sec. 12-65b or Sec. 12-65h or Sec. 12-81 or any other section of CGS made herein shall include all amendments to such statutes enacted and signed into law subsequent to the effective date of this ordinance.

Chapter 153 Article III, Outside Consultants: Hiring and Fees

153-4. Purpose.

The purpose of this article is to establish the authority of certain land use boards and commissions, pursuant to C.G.S. 8-1c, to pass through the cost of engaging outside engineering and consulting services in connection with a technically complex application and beyond the expertise of the town resources.

153-5. Additional Costs for Certain Applications.

Upon the filing of an application to Planning and Zoning or Wetlands Commission, the Director of Community Development, or his/her designee, shall make a determination whether one or more outside consultant(s) are needed to analyze, review and report on areas requiring technical review in order to assist the Commission. Such consultant(s) may include, but shall not be limited to, engineers, surveyors, soil scientists, traffic consultants and information technologists. If such determination is made, the Director shall assess the reasonable costs for such consultant(s) to the applicant based upon a preliminary estimate from the consultant(s). The Director shall collect 150 percent of the estimate from the applicant, which amount shall be held in escrow until the technical review(s) are completed. Any excess amount collected over the actual cost(s) shall be refunded to the applicant. This payment shall be considered as an integral component of the application. The failure by the applicant to make this payment shall render the application incomplete.

153-6. Fee in Addition to Other Charges.

Any fees or charges imposed pursuant to this article will be in addition to any other application fee imposed under any other ordinance or local regulation.

Chapter 198 Cannabis, Article I, Prohibition of Use on Town Property

198-1. Authority.

This ordinance is adopted pursuant to General Statutes Sections 7-148(c)(7)(H), as amended by Public Act 21-1 (June 2021 Special Session), Section 84, which allows municipalities to regulate activities deemed harmful to public health, including smoking, on municipally-owned or controlled property. Said law further allows a municipality to control smoking of tobacco or cannabis, including cannabis e-cigarette use (i.e., electronic delivery systems and vapor products), as well as and other types of cannabis use or consumption.

198-2. Definitions.

For purposes of this Chapter, the Town of East Granby adopts the definitions used in Public Act 21-1 (June 2021 Special Session), Section 1.

198-3. Cannabis Product Use Prohibited on Town Property.

It shall be unlawful for any person to use cannabis or cannabis-derived products, regardless of form or manner of ingestion, on any property owned or controlled by the Town of East Granby. This prohibition includes but is not limited to: the lighting or carrying of a lighted cannabis or marijuana cigarette or cigar or pipe, use of a vaping device producing vapor of any cannabis product, or carrying or ingestion of a cannabis edible substance. Violation of this section shall be punishable by a fine of \$50.00 per offense.

198-4. Sale, Gift, or Transfer of Cannabis Products on Town Property Prohibited.

It shall be unlawful for any person, organization, entity, or any other party to sell, give, trade, or in any other way transfer cannabis products of any sort to another person, organization, entity, or other party on property owned or controlled by the Town of East Granby. Such products include but are not limited to: cannabis or marijuana cigarettes or cigars or pipes, vaping devices and vaping substances, and edible substances. Violation of this section shall be punishable by a fine of \$50.00 per offense.

These ordinances will become effective 15 days after publication.

Dated at East Granby Connecticut this 8th day of December, 2021.
Christine Gallagher, Town Clerk