



# CITY OF NEW BEDFORD

In the Year Two Thousand and Seventeen

## AN ORDINANCE

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### Amending Chapter 9, Zoning

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31- 509

Be it ordained by the City Council of the City of New Bedford as follows:—

**SECTION 1.** Chapter 9, section 5700 is hereby amended by inserting the following new section after subsection 5710:

#### **Section 5720 Temporary Moratorium on Recreational Marijuana Establishments**

**Section 5721 Purpose.** On November 8, 2016 the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (new G.L. c 94 G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law took effect on December 15, 2016 and allows certain personal use and possession of marijuana and requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018 and to begin accepting applications for licenses on April 1, 2018. Currently under the Zoning Bylaw, a non-medical Marijuana Establishment (hereinafter, a “Recreational Marijuana Establishment”), as defined in G.L. 94 G, §1, is not specifically addressed in the Zoning Bylaw. Regulations to be promulgated by the Cannabis Control Commission may provide guidance on certain aspects of local regulation of Recreational Marijuana Establishments. The regulation of recreational marijuana introduces new legal, planning and public safety issues and the City need time to study and consider the regulation of Recreational Marijuana Establishments and address such issues, as well as to address the potential impact of State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments. The City intends to adopt a temporary moratorium on

the use of land and structures in the City for Recreational Marijuana Establishments so as to allow sufficient time to address the effects of such structures and uses in the City and to enact bylaws in a consistent manner.

**Section 5722 Definition.** “Recreational Marijuana Establishment” shall mean a “marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.”

**Section 5723 Temporary Moratorium.**

For the reasons set forth above, and notwithstanding any other provision of the Zoning Bylaw to the contrary, the City hereby adopts a temporary moratorium on the use of land or structures for a Recreational Marijuana Establishment and other uses related to recreational marijuana. The moratorium shall be in effect through September 30, 2018 or until such time as the City adopts Zoning Bylaw amendments that regulate Recreational Marijuana Establishments, whichever occurs earlier. During the moratorium period, the City shall undertake a planning process to address the potential impacts of recreational marijuana in the City, and to consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments, and shall consider adopting new Zoning Bylaws in response to these new issues.