

CANNABIS REGULATION AND HOST COMMUNITY AGREEMENTS - June 20, 2019
MEETING AT 7:00 PM, City Hall, 133 William Street, New Bedford, MA City Council Chambers -
Room 214
AGENDA

1. COMMUNICATION, Councillor Abreu, Chairman of the Committee on Cannabis Regulations and Host Community Agreements Review submitting a copy of memo regarding the first upcoming meeting on March 13, 2019. (Ref'd 2/14/19) (3/13/19-tabled 30 days) (5/14/19-tabled)

INVITEES: Damon Chaplin, Director, Health Department; David Gerwatowski, Legal Counsel Attorney; Mikaela McDermott, City Solicitor; Nicholas Nanopoulos, Director, Licensing Department

In accordance with the Americans with Disabilities Act (ADA), if any accommodations are needed, please contact the Clerk of Committees Office at 508-979-1482. Requests should be made as soon as possible but at least 48 hours prior to the scheduled meeting.



Item Title:

COMM re First Upcoming Meeting

Item Detail:

1. COMMUNICATION, Councillor Abreu, Chairman of the Committee on Cannabis Regulations and Host Community Agreements Review submitting a copy of memo regarding the first upcoming meeting on March 13, 2019. (Ref'd 2/14/19) (3/13/19-tabled 30 days) (5/14/19-tabled)

Additional Information:

ATTACHMENTS:

Description	Type
COMM re First Committee Meeting of the Year	Cover Memo
Cannabis Ordinance & Permitting Info - Newbury	Cover Memo
Cannabis Ordinance & Permitting Info - Somerville	Cover Memo
MARIJUANA_License ordinance_ DRAFT	Cover Memo



City of New Bedford

#1

Office of City Council

133 William Street • New Bedford, Massachusetts 02740

TEL: 508-979-1455 • FAX: 508-979-1451

Ian Abreu

Councillor at Large

MEMO

TO: All Councillors; Damon Chaplin, Director, Health Department; Joseph C. Cordeiro, Chief of Police; Nicholas Nanopoulos, Director, Licensing Department; Danny Romanowicz, Commissioner, Department of Inspectional Services; Ari J. Sky, Chief Financial Officer; Patrick J. Sullivan, Planning and Community Development Director; Mayor's Office

FROM: Councillor Ian Abreu, Chairman
Committee on Cannabis Regulation and
Host Community Agreements Review

DATE: February 5, 2019

SUBJECT: ***FIRST MEETING OF THE COMMITTEE***

As most of you are aware, Council President Morad has again entrusted me to spearhead the consideration of certain issues related to cannabis through the City Council's special committee structure. The name of the committee has changed and the duties of the committee going forward will be much more specific in nature to deal narrowly with local regulations and consideration of HCA's that are submitted to the City Council by the Mayor. In addition, the President has restructured the committee to be comprised of all members of the City Council.

Last summer during the various discussions on zoning for Marijuana Establishments, there was much concern with regard to the health, safety and welfare of our citizens that possibly could result due to the operation of these establishments. Although some of those concerns seeped into the zoning law, everyone seemed to agree that further discussion should occur for the possible implementation of a municipal license that would address the various concerns that were raised during those discussions.

It is my intention to waste no time bringing various interests to the table to begin crafting local licensing regulations where necessary. In seeking expediency however, it seems prudent to attempt to make any meetings of the committee as productive and efficient as possible. With that in mind, I am asking all of you receiving this memo to begin thinking about the specific approach you would like to bring to the table and the specific concerns you may have that you would like to see incorporated into a local regulatory scheme.

Things we need to discuss are the licensing process; which department would be charged with handling the licensing; and procedural and operational requirements of the licensee that would be imposed by the City to assure that the public health, safety and welfare is adequately protected in all aspects.

I have scheduled a meeting for Wednesday, March 13th at 7 p.m. inside of the City Council Chambers. In addition to participation of the members of the committee, all others receiving this memo will be invited to participate as well. It is my hope that you will have opportunity to consider some specific items in advance of March 13th and bring your ideas to the committee meeting. Anyone who wishes to submit or distribute your thoughts or concerns in writing in advance of the meeting is welcome to do so, as it may be helpful for everyone.

Feel free to contact me should you have any questions.

I look forward to working with everyone to craft appropriate regulations where necessary to bring proper protections to our City and its citizens.

Sincerely,



Ian Abreu, Chairman
Committee on Cannabis Regulation and Host Community Agreements Review

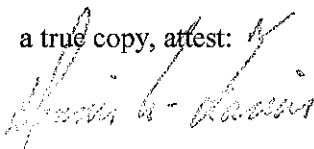
IA/at

IN CITY COUNCIL, February 14, 2019

Referred to the Committee on Cannabis Regulations and Host Community Agreements Review.

Dennis W. Farias, City Clerk

a true copy, attest:



City Clerk

Nicholas Nanopoulos

From: Planning Board [planningboard@townofnewbury.org]
Sent: Monday, March 18, 2019 1:11 PM
To: Nicholas Nanopoulos
Cc: Administrative Assistant
Subject: RE: CANNABIS OVERSIGHT

FROM:
NICK N
LICENSING
BOARD
5/14/19

Hi Nick,

In Newbury, Marijuana Establishments must obtain a Special Permit from the Planning Board and a license from the Board of Selectmen. Please see links below to the relevant sections of our By-Law.

<https://www.ecode360.com/33292868> and <https://www.ecode360.com/15570458> , Section H. Marijuana Establishments.

At spring Town Meeting in April, we will be proposing revisions to the provisions of our Marijuana Establishments By-Law regarding zoning districts in which they can be located and regarding buffer zones – we found that the parameters we set when the by-law was drafted and adopted last year were actually more restrictive than we intended.

If you have any questions, please don't hesitate to call or email.

Best,

Martha

Martha L. Taylor, AIA
Town Planner
Town of Newbury
12 Kent Way
Byfield, MA 01922
T 978-465-0862, ext. 312
planningboard@townofnewbury.org



From: Nicholas Nanopoulos [<mailto:NNanopoulos@newbedford-ma.gov>]
Sent: Thursday, March 14, 2019 12:06 PM
To: Nicholas Nanopoulos
Cc: Mikaela A. McDermott
Subject: RE: CANNABIS OVERSIGHT
Importance: High

All-

If I could have a moment of your time to consider the following request, It would be greatly appreciated.

The New Bedford City Council is considering an ordinance that would vest the authority for licensing marijuana establishments in the Licensing Board. I am wondering whether any other cities or towns have ordinances or bylaws giving the Licensing Board the authority to license marijuana establishments, and if so, whether they would be willing to share them with New Bedford.

Chapter 78 Marijuana

HISTORY: Adopted by the Annual Town Meeting of the Town of Newbury 4-24-2018 by Art. 18. Amendments noted where applicable.]

§ 78-1 Marijuana license required.

- a. No person shall carry on the business cultivate,^[1] process, package, deliver, obtain, manufacture, process, package, brand, sell or otherwise transfer, or test marijuana or marijuana products, or otherwise operate a Marijuana Establishment as defined by Massachusetts General Laws Chapter 94G within the Town unless first duly licensed thereof by the Board of Selectmen, which license must be reviewed and renewed on an annual basis.

[1] Editor's Note: So in original.

§ 78-2 Limitation on number of licenses issued.

- a. The number of Marijuana Retail Licenses issued in the Town of Newbury shall be limited to twenty (20%) percent of licenses issued in the Town of Newbury for retail sale of alcoholic beverages not to be drunk on the premises where sold, which shall be calculated by rounding up to the next whole number.

§ 78-3 Regulations.

- a. The Board may adopt reasonable rules and regulations related to the issuance of such licenses, including the fees to be paid therefor^[1] and the conditions to be satisfied by any applicant for such a license.

[1] Editor's Note: So in original.

§ 78-4 Applications.

Applicants for a license shall file an application on a form by the Board of Selectmen, signed under the penalties of perjury by the applicant containing such information as the Board of Selectmen may reasonably require from time to time. Each applicant shall pay an application fee as may be reasonably determined from time to time by the Board of Selectmen.

§ 78-5 Hearing.

- a. The Board of Selectmen must act upon the application at one of their next two regularly scheduled meetings with due written notice provided to the applicant of the time, date and location where such appeal will be heard.

§ 78-6 Decision.

- a. The Board of Selectmen may approve, deny or approve the application with conditions. Such decision shall be based on the evidence taken at the public hearing, consistent with the protection of the health, safety and welfare of the public, and consistent with the regulations promulgated by such board.

§ 78-7 Enforcement.

The Board of Selectmen may issue orders as appropriate to aid in the enforcement of this regulation and may enforce these provisions in equity, including the request for injunctive relief, in a court of competent jurisdiction. Any failure to comply with any Order issued hereunder shall result in the issuance of a formal warning. Any failure to comply with such a warning shall result in a fine of not more than \$100.00. Any failure to comply after the issuance of said initial fine may be punishable by a subsequent fine of up to \$300.00. Each day of continued non-compliance shall constitute a separate violation. Further, the Board of Selectmen may hold a hearing, with notice to the licensee, to determine if such license should be modified, suspended or revoked.

§ 78-8 Nonpayment of taxes.

a.

The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers, of any party or agent thereof whose name appears on said list furnished to the licensing authority from the Town Collector of individuals delinquent on their taxes and/or water bills. Written notice must be given to the party by the Tax Collector, as required by applicable provision of law, and the party must be given the opportunity for a hearing not earlier than 14 days after said notice.

- b. See Chapter 76 of this Code for specific language on the effect of nonpayment of taxes.

§ 78-9 Authority.

- a. Home Rule Amendment [Art. 89 of the Amendments to the Massachusetts Constitution]; Massachusetts General Laws, Chapter 94G § 3, 935 CMR 500.000.

Prohibition against Nuisances: The RMD shall not create a nuisance to abutters or to the surrounding area, or create any hazard, including, but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent, or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.

- (10) **Conflicts with State Law and Regulations:** If any provision, paragraph, sentence, or clause of this By-Law shall be determined to be in conflict with applicable State Law or Regulations, the provisions of said State Law or Regulations shall prevail.
- (11) **Severability:** The provisions of this By-Law are severable. If any provision, paragraph, sentence, or clause of this By-Law or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this By-Law.

H. Marijuana Establishments:

[Added 4-24-2018 ATM, Art. 19]

(1) Purpose:

- (a) To provide a permitting process for the placement of Marijuana Establishments, in accordance with the Regulation and Taxation of Marijuana Act, as amended, and as codified in G.L. c.94G, § 1, et seq. (hereinafter G.L. c. 94G), and the Cannabis Control Commission (hereinafter CCC) Regulations promulgated thereunder, 935 CMR 500.000, as the same may be amended from time-to-time, in locations suitable for lawful Marijuana Establishments;
- (b) To minimize and mitigate adverse impacts of Marijuana Establishments on adjacent properties, public ways, residential neighborhoods, historic districts, schools, playgrounds and other locations where minors congregate, and other land uses potentially incompatible with said facilities, by regulating the siting, design, and placement of Marijuana Establishments.

(2) Definitions:

(a) Definition of Marijuana and Marijuana Establishments:

Craft Marijuana Cultivator Cooperative is a marijuana cultivator comprised of residents of the Commonwealth organized as a limited liability company or limited liability partnership under the laws of the Commonwealth, or an appropriate business structure as determined by the CCC, and that is licensed to cultivate, obtain, manufacture, process, package, and brand marijuana and marijuana products to deliver marijuana to Marijuana Establishments, but not to consumers, as defined in G.L. c. 94G.

Marijuana or Marihuana is all parts of any plant of the genus *Cannabis*, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in section 1 of chapter 94C of the General Laws; provided that "Marijuana" shall not include:

- 01) The mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;
- 02) Hemp; or
- 03) The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.

Marijuana Cultivator is an entity licensed to cultivate, process, and package marijuana, to deliver marijuana to Marijuana Establishments and to transfer marijuana to other Marijuana Establishments, but not to consumers, as defined in G.L. c. 94G.

Marijuana Establishment is considered a cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business, all as defined in G.L. c. 94G. Said Marijuana Establishment shall be deemed independent of any other definition in this by-law and not a subset or subcategory of any other category. Said Marijuana Establishment may never be considered an accessory use.

Marijuana Product Manufacturer is an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to Marijuana Establishments and to transfer marijuana and marijuana products to other Marijuana Establishments, but not to consumers, as defined in G.L. c. 94G.

Marijuana Products are products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils, and tinctures, as defined in G.L. c. 94G.

Marijuana Retailer is an entity licensed to purchase and deliver marijuana and marijuana products from Marijuana Establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to Marijuana Establishments and to consumers, as defined in G.L. c. 94G, further provided that a Marijuana Retailer may not be considered a Retail Business in any other context.

Marijuana Testing Facility is an entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants, as defined in G.L. c. 94G.

- (b) Definition of other terms used in this section: Where not expressly defined in the Code of the Town of Newbury, Chapter 97, Zoning, terms used in this Section shall be interpreted as defined in The Regulation and Taxation Of Marijuana Act, as amended, and as codified in G.L. c.94G, and the CCC Regulations promulgated thereunder, 935 CMR 500.000, et seq., as the same may be amended from time-to-time, and otherwise by their plain language.

(3) General Requirements:

- (a) A Special Permit shall be required for the establishment of a Marijuana Establishment. For the purposes of this Section, the Special Permit Granting Authority (SPGA) shall be the Planning Board.
- (b) All permitted Marijuana Establishments shall have received a provisional license from the CCC and shall comply with all applicable state and local public health regulations and all other applicable state and local laws, rules and regulations at all times. Failure to obtain a final license from the CCC shall result in automatic rescission of the special permit as more fully described in 7(e) below. No Building Permit or Certificate of Occupancy shall be issued for a Marijuana Establishment that has not received a provisional license from the CCC.
- (c) The Special Permit shall be valid only for the Applicant(s) (hereinafter Applicant), shall become invalid if the Applicant ceases operating the licensed Marijuana Establishment, and shall not transfer with a change in ownership of the business and/or property.
- (d) The Special Permit shall become invalid if the Applicant fails to obtain a final license from the CCC or upon the expiration or termination of the Marijuana Establishment's CCC license.
- (e) Parking and loading for a Marijuana Establishment shall be in accordance with § 97-7. Off Street Parking, Access, and Loading of Newbury's Zoning By-Law. However, the SPGA may require a greater number of parking spaces and/or loading bays if it finds, based on the application materials submitted to the SPGA regarding operation of the Marijuana Establishment, that the minimum requirements are not sufficient.
- (f) All signage shall conform to the requirements of § 97-8. Sign Regulations of Newbury's Zoning By-Law. Any exterior sign may identify the Establishment, but shall not contain any other advertisement. The SPGA may impose additional restrictions on signage as appropriate for the site, provided such regulations and restrictions do not conflict with state law or any CCC regulation.
- (g) All Marijuana Establishments shall operate within a fully enclosed building that is monitored by surveillance cameras, alarm systems, and all other security measures in accordance with CCC Regulations deemed appropriate to ensure patron and community safety and deter unauthorized access to the premises.
- (h) No products shall be displayed in the Marijuana Establishment's windows or visible from any street or parking lot.
- (i) Industry Best Management Practices shall be utilized to control odors inside and outside all types of Marijuana Establishments. No odors from marijuana or its processing shall be detectable by a person with an unimpaired and otherwise normal sense of smell at the exterior of the Marijuana Establishment or at any adjoining property or use.
- (j) Waste disposal shall be in accordance with the CCC Regulations and State and local regulations. No composting of waste materials may occur at the Marijuana Establishment. Outside storage of general solid waste not containing any usable marijuana shall be screened with a locked fence. Solid waste containing any usable marijuana shall be stored inside a

designated locked, limited-access area located inside the main structure. Liquid waste from processing or disposal of marijuana shall not be discharged to surface waters or groundwater or septic systems. Liquid waste must be stored pending disposal in an industrial wastewater holding tank in accordance with 314 CMR 18.00: Industrial Wastewater Holding Tanks and Containers.

(4) Location:

- (a)** The Zoning Districts in which Craft Marijuana Cultivator Cooperatives, Marijuana Cultivators, Marijuana Product Manufacturers, and Marijuana Testing Facilities may be located are the Business & Light Industrial District and the Commercial Highway District, excluding that area of the Commercial Highway District at the Northwestern Junction of the right-of-way of I-95 and Central Street.
- (b)** The Zoning District in which Marijuana Retailers may be located is the Business & Light Industrial District.
- (c)** No Marijuana Retailer may be located within 1,000 feet of the real property comprising any of the following:
 - 01)** A public or private school;
 - 02)** Daycare center; or
 - 03)** A similar facility in which minors commonly congregate (e.g. library, playground, etc.).
- (d)** No Craft Marijuana Cultivator Cooperatives, Marijuana Cultivators, Marijuana Product Manufacturers, and Marijuana Testing Facilities may be located within 500 feet of the real property comprising any of the following:
 - 01)** A public or private school;
 - 02)** Daycare center; or
 - 03)** A similar facility in which minors commonly congregate (e.g. library, playground, etc.).
- (e)** No Marijuana Establishment may be located within 300 feet of the real property comprising a residence.
- (f)** The distance under this section is measured in a straight line from the nearest point of the property line of the protected uses identified in Section (4)(c), (4)(d), or (4)(e) above to the nearest point of the property line of the proposed Marijuana Establishment.

(5) Application Process and Requirements:

- (a)** Application Procedures: The application for a Special Permit for a Marijuana Establishment shall be filed at a regularly scheduled Planning Board meeting and with the Town Clerk in accordance with § 97-11.C.(1) of Newbury's Zoning By- Law and with G.L. c. 40A § 9. The application shall be signed by a duly authorized officer of the Applicant.
- (b)** Required Documents: The Applicant shall provide the SPGA with 15 copies of the application and the required fees. All plans and maps shall be prepared, stamped, and signed by a professional engineer or architect licensed to practice in Massachusetts. An application to the SPGA shall include, at a minimum, the following information:
 - 01)** The Applicant's name, address, telephone number, and email address;
 - 02)** Evidence that the Applicant has site control and the right to use the site for a facility in the form of a deed or valid purchase and sale agreement, or, in the case of a lease, a notarized statement from the property owner and a copy of the lease agreement;
 - 03)** A certified copy of the provisional license issued by the CCC to the Applicant, along with copies of all other materials issued by the CCC to the Applicant, except for those materials that are deemed by the CCC to be confidential and therefore subject to the public records exemption;
 - 04)** A narrative providing information about the type and scale of all activities that will take place on the proposed site, including but not limited to, cultivating and processing of marijuana or marijuana products as defined in G.L. c. 94G, § 1, on-site sales, off-site deliveries, distribution of educational materials, and other programs or activities;

- 05) A map depicting all properties and land uses within a one thousand-foot (1,000') radius (minimum) of the project site, whether such uses are located in Newbury or within surrounding communities, including, but not limited to, all educational uses, daycare, preschool and afterschool programs, playgrounds, libraries, public parks, houses of worship, and housing facilities owned by a public housing authority;
 - 06) A plan or plans depicting all proposed development on the property, including the dimensions of the building, the layout of parking, the location of pedestrian and vehicular points of access and egress, the location and design of all loading, refuse and service facilities, the location, type, and direction of all outdoor lighting on the site, and any landscape design;
 - 07) A plan or plans showing any proposed stormwater management system, which plan(s) shall meet the submission requirements of Newbury's Stormwater Management Rules and Regulations;
 - 08) Architectural drawings of all exterior building facades and all proposed signage, specifying materials and colors to be used. Perspective drawings and illustrations of the site from public ways and abutting properties are strongly recommended, but not required;
 - 09) A written Energy Use/Environmental Plan demonstrating best practices for energy conservation to ensure that there are no undue impacts on the natural environment; the plan shall include proposed energy and water conservation measures, including use of energy efficient lighting where appropriate, measures for controlling odors and effluent, and measures for disposal of solid waste.
 - 10) Traffic Impact Report;
 - 11) A Security Plan, to be submitted to the Newbury Police Department only, including all security measures for the site and for transportation of marijuana and marijuana products to and from off-site premises. The Security Plan shall include a site plan showing all exterior proposed security measures for the premises, including lighting, fencing, gates and alarms, etc., which seek to ensure the safety of employees and patrons and to protect the premises from theft or other criminal activity;
 - 12) A description of waivers, if any, from the CCC Regulations issued for the Marijuana Establishment.
- (c) Within five business days of the receipt of the application, the SPGA shall refer copies of the application to the Building Commissioner, the Conservation Commission, the Board of Health, the Fire Department, and the Police Department. These boards/departments shall review the application and shall submit their written recommendations. Failure to make recommendations within 30 days of referral of the application shall be deemed lack of opposition.
 - (d) After notice and public hearing and consideration of application materials, public comments, and the recommendations of other Town boards and departments, the SPGA shall act upon the application.
- (6) Decision Criteria: The SPGA shall issue a special permit for a Marijuana Establishment only if it finds that the Applicant has submitted sufficient information from which it can conclude that:
 - (a) The Marijuana Establishment has received a provisional license CCC as required in (3)(b) above and complies with all applicable state and local laws, regulations, and requirements, including, but not limited to, health and safety regulations, and construction and environmental requirements;
 - (b) The building and site have been designed to be reasonably compatible with other buildings in the area;
 - (c) The siting of the Marijuana Establishment will be accomplished so as to minimize any adverse impacts on abutters and other parties in interest, as defined in G.L. c. 40A, § 11, including but not limited to compliance with the following:
 - 01) proper location in accordance with the distance and location requirements in § 97-5.H (4) above
 - 02) design which ensures sufficient buffering, except to the extent that any part of such buffering is contrary to state law and the CCC Regulations;
 - 03) design which minimizes visual impacts, noise, odors, and light pollution or other undue nuisance;
 - 04) design which creates no hazard or congestion;

- 05) design which shields loading and service areas;
- 06) design which ensures adequate waste disposal of products containing usable marijuana that does not adversely impact the environment or water resources.
- (d) The Marijuana Establishment will create no substantial harm to the established or future character of the neighborhood or town.
- (e) With due consideration to aesthetics, the Marijuana Establishment is designed to ensure convenient, safe and secure access as follows:
 - 01) personal safety of those working at or utilizing the facility;
 - 02) personal safety for clients and invitees; and
 - 03) loading and service areas are designed to be secure;
 - 04) protection of the premises from theft.
- (f) The Applicant has not provided materially false documents or testimony.
- (g) The Applicant has satisfied all of the conditions and requirements of Newbury's Zoning By-Law.
- (7) Special Permit Conditions: The SPGA shall impose conditions reasonably appropriate to improve siting, design, placement, traffic flow, and public safety; protect water quality, air quality, and significant environmental resources; preserve the character of the surrounding area; and otherwise serve the purpose of this By-Law. In addition to any specific conditions applicable to the Marijuana Establishment, the SPGA shall include the following conditions in any special permit granted under this By-Law:
 - (a) Within 24 hours of creating an Incident Report required by the CCC Regulations, the permit holder shall file a copy of said Incident Report with the Board of Selectmen, with copies to the Zoning Enforcement Officer and the SPGA. Such reports may be redacted as necessary to comply with any and all applicable laws and regulations;
 - (b) The permit holder shall file a copy of any summary cease and desist order, cease and desist order, quarantine order, summary suspension order, order limiting sales, notice of a hearing, or final action issued by the CCC or the Division of Administrative Law Appeals, as applicable, regarding the Marijuana Establishment with the Board of Selectmen, with copies to the Zoning Enforcement Officer and the SPGA, within 48 hours of receipt by the Marijuana Establishment;
 - (c) The permit holder shall provide to the Board of Selectmen, the Zoning Enforcement Officer, the SPGA, the Police Chief, and the Fire Chief the name, telephone number and email address of a contact person in the event that such person needs to be contacted after regular business hours to address an urgent issue. Such contact information shall be kept updated by the permit holder;
 - (d) The Special Permit shall be limited to the current Applicant, shall become invalid if the permit holder ceases operating the Marijuana Establishment, and shall not transfer with a change in ownership of the business and/or property;
 - (e) The Special Permit shall become invalid upon the expiration or termination of the Applicant's CCC license or the failure of the Applicant to receive a final license from the CCC;
 - (f) The permit holder shall notify the Board of Selectmen in writing, with copies to the Zoning Enforcement Officer, the Police Department, and the SPGA, within 48 hours of the cessation of operation of the Marijuana Establishment, notice by the CCC of denial of a final license, or the expiration or termination of the permit holder's CCC license;
 - (g) In the event that the CCC revokes, fails or refuses to issue a final license to the Marijuana Establishment, a Special Permit issued by the Town for the Marijuana Establishment shall be deemed null and void;
- (8) Prohibition against Nuisances: The Marijuana Establishment shall not create a nuisance to abutters or to the surrounding area, or create any hazard, including, but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent, or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.

- (9) Conflicts with State Law and Regulations: If any provision, paragraph, sentence, or clause of this By-Law shall be determined to be in conflict with applicable State Law or Regulations, the provisions of said State Law or Regulations shall prevail.
- (10) Severability: The provisions of this By-Law are severable. If any provision, paragraph, sentence, or clause of this By-Law or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this By-Law.

FROM
NICK N.
LICENSING
BOARDS
5/14/18

CITY OF SOMERVILLE
ORDINANCE NO. 2018-18 as amended by 2018-23
In Board of Aldermen: December 13, 2018

**AN ORDINANCE AMENDING CHAPTER 9, SECTION 9-3(b) OF THE
SOMERVILLE CODE OF ORDINANCES AND ADDING SECTION 2-221
TO CHAPTER 2, DIVISION 4 REGARDING ADULT USE
MARIJUANA ESTABLISHMENTS**

WHEREAS, By vote at the State election on November 8, 2016, the voters of the Commonwealth approved legislation regulating commerce in marijuana, marijuana accessories, and marijuana products and for the taxation of proceeds from sales of such products. It also authorized cities and towns to adopt reasonable restrictions on the time, place, and manner of operating marijuana businesses; and,

WHEREAS, Currently, the City of Somerville Code of Ordinance does not specify any license requirements for persons or entities seeking to operate adult use marijuana establishments in the City; and,

WHEREAS, The Legislature of the Commonwealth has determined that cities and towns in Massachusetts should not be permitted to outright prohibit adult-use marijuana facilities without a city-wide referendum vote;

WHEREAS, The Licensing Commission of the City of Somerville may grant local licenses for adult-use marijuana establishments regulated under section 34 of chapter 94C of the General Laws and 935 CMR 500.

THEREFORE, be it adopted by the Board of Aldermen, in session assembled, that the below listed sections of the Somerville Code of Ordinances are hereby amended and created as identified.

Chapter 9. Offenses and Miscellaneous Provisions, Sec. 9-3 (b) of the Code of Ordinances is hereby amended as follows:

(b) No person shall sell or deliver marijuana or tetrahydrocannabinol, unless licensed by the Licensing Commission and the Commonwealth of Massachusetts Cannabis Control Commission and also permitted under Sections SZO 7.15 or 7.16.

**Section 2-221. Adult Use Marijuana Licenses is hereby added under DIVISION 4.
LICENSING COMMISSION:**

Sec. 2-221. Adult Use Marijuana Licenses

A. Definitions.

An adult-use marijuana establishment shall be considered to be one of the following (The following definitions are as defined by 935 CMR 500: Adult Use of Marijuana, as amended.):

Marijuana Establishment means a Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Independent Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, or any other type of licensed marijuana-related business, except a medical marijuana treatment center.

Independent Testing Laboratory means a laboratory that is licensed by the Commission and is:

- (a) accredited to the International Organization for Standardization 17025 (ISO/IEC 17025: 2017) by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Commission;
- (b) independent financially from any Medical Marijuana Treatment Center (Registered Marijuana Dispensary), Marijuana Establishment or licensee for which it conducts a test; and
- (c) qualified to test cannabis or marijuana in compliance with 935 CMR 500.160 and M.G.L. c. 94C, § 34.

Marijuana Cultivator means an entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other Marijuana Establishments, but not to consumers.

Craft Marijuana Cooperative means a Marijuana Cultivator comprised of residents of the Commonwealth and organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the Commonwealth. A cooperative is licensed to cultivate, obtain, manufacture, process, package and brand cannabis or marijuana products to transport marijuana to Marijuana Establishments, but not to consumers.

Marijuana Product Manufacturer means an entity licensed to obtain, manufacture, process and package cannabis or marijuana products and to transfer these products to other Marijuana Establishments, but not to consumers.

Marijuana Research Facility means an entity licensed to engage in research projects by the Commission. A Marijuana Research Facility may cultivate, purchase or otherwise acquire marijuana for the purpose of conducting research regarding marijuana products. A research facility may be an academic institution, nonprofit corporation or domestic corporation or entity authorized to do business in the Commonwealth. Any research involving humans must be authorized by an Institutional Review Board. A research facility may not sell marijuana cultivated under its research license. All research regarding marijuana must be conducted by individuals 21 years of age or older.

Marijuana Retailer means an entity licensed to purchase and transport cannabis or marijuana product from Marijuana Establishments and to sell or otherwise transfer this product to Marijuana Establishments and to consumers. Retailers are prohibited from delivering cannabis or marijuana products to consumers; and from offering cannabis or marijuana products for the purposes of on-site social consumption on the premises of a Marijuana Establishment.

Marijuana Transporter means an entity, not otherwise licensed by the Commission, that is licensed to purchase, obtain, and possess cannabis or marijuana product solely for the purpose of transporting, temporary storage, sale and distribution to Marijuana Establishments, but not to consumers. Marijuana Transporters may be an Existing Licensee Transporter or Third Party Transporter.

Microbusiness means a co-located Marijuana Establishment that can be either a Tier 1 Marijuana Cultivator or Product Manufacturer or both, in compliance with the operating procedures for each license. A Microbusiness that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of marijuana per year from other Marijuana Establishments.

B. Applicability

(a) License Required

Any persons or entity seeking to operate any type of adult-use marijuana establishment, except for a marijuana transporter, shall require a local license from the Licensing Commission. The number of such available licenses for marijuana retailers shall be no less than 20% of the number of liquor licenses issued in the City, pursuant to G.L. c. 138, § 15 (commonly known as package stores). Applicants shall provide any other information required by the Licensing Commission. There shall be a temporary cap of no more than 12 adult marijuana retail establishments, which cap shall expire after 24 months. This cap may be lifted or modified at any time, or extended, through amendment of this ordinance.

(b) Priority Applications

The Licensing Commission shall consider an application for licensure from only a priority applicant within two years from the date of passage of this Ordinance, unless an applicant is seeking a non-retail license. For Marijuana Retailer licenses, there are two groups of priority applicants that are known as Group A and Group B. During the two year priority period, the Licensing Commission shall only issue a license to an applicant in Group B if, after issuance, there will be an equal or greater number of currently active licenses held by entities that were licensed as applicants from Group A. Two years after the date of passage of this Ordinance the Licensing Commission shall continue to prioritize priority applicants, but may consider a Marijuana Retailer application from a non-priority applicant. At no time shall the Licensing Commission issue more Marijuana Retailer licenses to non-priority applicants than are currently valid and issued to priority applicants. In order to be considered a priority applicant in Group A, the persons(s) or entity applying must meet at least one of the following criteria:

- 1) An Economic Empowerment Applicant certified by the Commonwealth of Massachusetts Cannabis Control Commission (CCC), or separately certified by the Somerville Licensing Commission to meet the criteria specified in 935 CMR 500.101(1)(e)2.a-f;
- 2) Owned by a Somerville resident(s) or entities with a majority (at least 50%) of its ownership made up of Somerville residents; or,
- 3) Cooperatively owned entities.

A Registered Marijuana Dispensary currently operating within the City of Somerville that will continue selling medicinal products shall be considered a priority applicant in Group B.

C. Application Requirements

An applicant in any category of Marijuana Establishment shall file, in a form and manner specified by the Licensing Commission, an application for licensure as a Marijuana Establishment. The application shall consist of the same three packets as required by the CCC pursuant to 935 CMR 500.101: an Application of Intent packet; a Background Check packet; and a Management and Operations Profile packet. The applicant may file individual packets separately or as a whole. Particular types of Marijuana Establishments that require additional specific requirements to be submitted to the CCC pursuant to 935 CMR 500.101 shall also be submitted to the Licensing Commission. The application will not be considered to be complete until the Licensing Commission determines that each individual packet is complete and notifies the applicant that each packet is complete.

D. Evaluation Criteria

The Licensing Commission shall grant licenses with the goal of ensuring that the needs of the Commonwealth are met with regard to access, quality, and community safety. Applications shall be evaluated based on the Applicant's:

- 1) Demonstrated compliance with the laws and regulations of the Commonwealth and the City of Somerville;
- 2) Consistency to community values outlined in SomerVision; and,
- 3) Thoroughness of response to the application requirements.

The Licensing Commission shall consider all of the following factors in its evaluation of applicants:

- 4) A commitment to help monitor health impacts to the neighborhood and on the local youth population;
- 5) Inclusion of an inventory of or manufactures locally/regionally grown products;
- 6) Employment of local residents and offers competitive wages and benefits to employees;
- 7) Use of sustainable green/renewable energy practices;
- 8) The criminal records of the persons or owners of entities (except for marijuana-related infractions); and
- 9) Quality of relationship with the community.

The Licensing Commission shall also consider the recommendation of the Economic Development Division of OSPCD and the Health and Human Services Department on each application that is submitted.

E. Fees

The Licensing Commission may establish fees for such licenses.

F. Inspections

The City of Somerville Health and Human Services Department shall conduct inspections to ensure compliance with state and local regulations.

G. Conditions

Licenses for Marijuana Establishments issued by the Licensing Commission shall only be valid so long as each entity signs a Community Host Agreement with the City of Somerville, receives a Final License from the CCC within six months after receiving the license from the Licensing Commission, and the Final License from the CCC remains valid and current. The Licensing Commission may impose additional reasonable restrictions and conditions as to the operation under the license.

H. Transferability of License

Any license granted under this ordinance shall be a personal privilege and shall not be assignable or transferable.

I. Revocation

The Licensing Commission may modify, suspend or revoke any license for just cause, after reasonable notice and a hearing.

J. Enforcement

The provisions of this ordinance may be enforced by the Director of Health and Human Services and Superintendent of Inspectional Services, by noncriminal disposition pursuant to G. L. c. 40, § 21D. Each day on which a violation exists shall be deemed a separate offense. Any person,

firm, corporation, association or other entity violating any provision of this article may be punished in accordance with the provisions of Section 1-11.

K. Expiration of License

Unless otherwise specified by the Licensing Commission, each license shall expire five years after the issuing of such license. A license issued under this ordinance may be renewed by the Licensing Commission.

L. Severability

The provisions of this article are severable, and if any part of this article should be held invalid by a court of competent jurisdiction, such invalidity shall not affect the remainder of the article and the remainder of the article shall stay in full force and effect.

Approved:

President
Board of Aldermen

CITY OF SOMERVILLE
ORDINANCE NO. 2018-21
IN BOARD OF ALDERMEN: December 13, 2018

**AN ORDINANCE AMENDING THE SOMERVILLE ZONING ORDINANCE (SZO) TO
AMEND ARTICLES 2, ARTICLE 6, AND ARTICLE 7 REGARDING ADULT USE
MARIJUANA ESTABLISHMENTS**

WHEREAS, By vote at the State election on November 8, 2016, the voters of the Commonwealth approved legislation regulating commerce in marijuana, marijuana accessories, and marijuana products and for the taxation of proceeds from sales of such products. It also authorized cities and towns to adopt reasonable restrictions on the time, place, and manner of operating marijuana businesses; and,

WHEREAS, Currently, the City of Somerville Zoning Ordinance does not specify if an adult use marijuana facility is permitted in the City; and,

WHEREAS, The Legislature of the Commonwealth has determined that cities and towns in Massachusetts should not be permitted to outright prohibit adult-use marijuana facilities without a city-wide referendum vote;

THEREFORE, be it adopted by the Board of Aldermen, in session assembled, that the below listed sections of the Somerville Zoning Ordinance (SZO) are hereby amended and created as identified.

Article 2, Definitions, Section 2.2.96.2 of the SZO is hereby added.

The following definitions are as defined by 935 CMR 500: Adult Use of Marijuana, as amended.

Marijuana Establishment means a Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Independent Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, or any other type of licensed marijuana-related business, except a medical marijuana treatment center.

Independent Testing Laboratory means a laboratory that is licensed by the Commission and is:

- (a) Accredited to the International Organization for Standardization 17025 (ISO/IEC 17025: 2017) by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Commission;
- (b) Independent financially from any Medical Marijuana Treatment Center (RMD), Marijuana Establishment or licensee for which it conducts a test; and
- (c) Qualified to test cannabis or marijuana in compliance with 935 CMR 500.160 and M.G.L. c. 94C, § 34.

Marijuana Cultivator means an entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other Marijuana Establishments, but not to consumers.

Craft Marijuana Cooperative means a Marijuana Cultivator comprised of residents of the Commonwealth and organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the Commonwealth. A cooperative is licensed to cultivate, obtain, manufacture, process, package and brand cannabis or marijuana products to transport marijuana to Marijuana Establishments, but not to consumers.

Marijuana Product Manufacturer means an entity licensed to obtain, manufacture, process and package cannabis or marijuana products and to transfer these products to other Marijuana Establishments, but not to consumers.

Marijuana Research Facility means an entity licensed to engage in research projects by the Commission.

- (a) A Marijuana Research Facility may cultivate, purchase or otherwise acquire marijuana for the purpose of conducting research regarding marijuana products.
- (b) A research facility may be an academic institution, nonprofit corporation or domestic corporation or entity authorized to do business in the Commonwealth.
- (c) Any research involving humans must be authorized by an Institutional Review Board.
- (d) A research facility may not sell marijuana cultivated under its research license.
- (e) All research regarding marijuana must be conducted by individuals 21 years of age or older.

Marijuana Retailer means an entity licensed to purchase and transport cannabis or marijuana product from Marijuana Establishments and to sell or otherwise transfer this product to Marijuana Establishments and to consumers. Retailers are prohibited from delivering cannabis or marijuana products to consumers; and from offering cannabis or marijuana products for the purposes of on-site social consumption on the premises of a Marijuana Establishment.

Marijuana Transporter means an entity, not otherwise licensed by the Commission, that is licensed to purchase, obtain, and possess cannabis or marijuana product solely for the purpose of transporting, temporary storage, sale and distribution to Marijuana Establishments, but not to consumers. Marijuana Transporters may be an Existing Licensee Transporter or Third Party Transporter.

Medical Marijuana Facility (also known as Registered Marijuana Dispensary), as defined in the SZO 2.2.96.1, means a facility in which a non-profit entity acquires, cultivates, possesses, processes (including development of related products such as edible MIPs, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. The entity may not sell any products at the facility other than marijuana, marijuana-infused products (MIPs), marijuana seeds, and other products such as vaporizers that facilitate the use of marijuana for medical purposes. The entity may, however, conduct a patient education program in compliance with state regulations.

Microbusiness means a co-located Marijuana Establishment that can be either a Tier 1 Marijuana Cultivator or Product Manufacturer or both, in compliance with the operating procedures for each license. A Microbusiness that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of marijuana per year from other Marijuana Establishments.

Article 6 of the SZO, Establishment of Zoning Districts, Section 6.1.24 is hereby amended.

6.1.24 Medical Marijuana Overlay Districts.

Purpose. To establish areas where Medical Marijuana Facilities and Marijuana Retailers may be permitted subject to Section 7.15 and Section 7.16, respectively.

Article 7 of the SZO, Permitted Uses, Section 7.15: Medical Marijuana Facilities, is hereby amended.

7.15.a. A Medical Marijuana Facility shall be permitted by special permit in the Medical Marijuana Overlay Districts.

Article 7 of the SZO, Permitted Uses, Section 7.16: Recreational Marijuana – Study period is hereby deleted and replaced with a new Section 7.16 as follows:

7.16 Adult Use Marijuana Establishments

- a. All Adult Use Marijuana Establishments shall receive a License from the *Licensing Commission* pursuant to Section 2-221 of the Somerville Code of Ordinances prior to a special permit application or a building permit application being considered complete.
- b. *Independent Testing Laboratory* Shall be allowed in the same manner that a “Laboratory engaged in research, experimental and testing activities which may include the development of mockups and prototypes but not the manufacture of finished products” use is allowed under SZO 7.11.12.10.
- c. *Marijuana Cultivator* Shall be allowed in the same manner that a “Commercial farm and/or greenhouse without keeping of honey bees and/or hens: All operations conducted entirely within an enclosed building” use is allowed under SZO 7.11.9.10.1
- d. *Marijuana Product Manufacturer* Shall be allowed in the same manner that “General industrial uses, including manufacturing, assembly, and processing or other industrial operation, such as, but not limited to, the following: food products manufacture, machine or woodworking shop, printing and publishing operation, or metal finishing” are allowed under SZO 7.11.14.B.
- e. *Marijuana Research Facility* Shall be allowed in the same manner that an “Office, other than medical” use is allowed under SZO 7.11.7.1, a “Home occupation (must comply with definition in Article 2)” is allowed under SZO 7.11.4.e, and an “Office, within a primary residence of an architect, engineer, attorney, physician, dentist or other recognized profession, provided that all parking requirements of Article 9 are met” is allowed under SZO 7.11.4.f.
- f. Marijuana Retailers shall only be permitted under the following circumstances:
 1. A Marijuana Retailer shall be permitted by special permit in the Marijuana Overlay Districts.

2. Marijuana Retailers shall comply with the siting requirements in the Marijuana Overlay Districts set forth in the City of Somerville Zoning Map with respect to distance from schools, daycare centers, and facilities in which children commonly congregate. A principal entry door of a Marijuana Retailer, except for those of a Medical Marijuana Facility that is currently in operation within the City as of the adoption of this Ordinance and is seeking to convert to sell adult-use marijuana, may not be located within 300 feet of a principal entry door of a public or private school providing education in kindergarten or any of grades 1 through 12. These siting requirements have been developed to incorporate adequate separation, in a manner that is appropriate for Somerville's urban context, from public or private schools providing education in kindergarten or any of grades one through 12. For this reason, the overlay districts shall serve as a local requirement to supersede the provisions of 935 CMR 500.110(3).
3. Marijuana Retailers must be properly registered with the Massachusetts Cannabis Control Commission (CCC) pursuant to M.G.L. c. 94C, §34 and 935 CMR 500, licensed by the City of Somerville Licensing Commission, and must comply with all applicable state and local public health regulations and all other applicable state and local laws, rules, and regulations.
4. The special permit granting authority shall be the same board that issues special permits for the underlying zoning district.
5. A special permit shall only be approved if the special permit granting authority determines that the use meets the findings of Section 5.1.4 of the Somerville Zoning Ordinance. Additionally, for marijuana retailers with a principal entry door proposed within 500 feet of a principal entry door of a public or private school providing education in kindergarten or any of grades 1 through 12, the special permit granting authority must make a finding that a proposed marijuana retailer is not detrimental to the educational and spiritual activities of that school.
6. A Marijuana Retailer shall be limited to 10,000 square feet in net floor area.
7. A Marijuana Retailer shall be subject to the minimum parking requirements under Article 9 of the ordinance. The number of required parking spaces shall be set based upon the requirement for a Retail Sales/Rental or Retail and Service uses of this ordinance.
8. The applicant shall be required to submit a traffic and parking study to determine any traffic mitigation or additional parking needs.
9. Signage for the establishment must:
 - a. meet the regulations of the underlying zoning district.
 - b. incorporate no internal illumination.
 - c. be subject to review and approval of the SPGA as a part of the special permit application.
 - d. shall also conform to the requirements of 935 CMR 500 and M.G.L. c. 94C, §34.

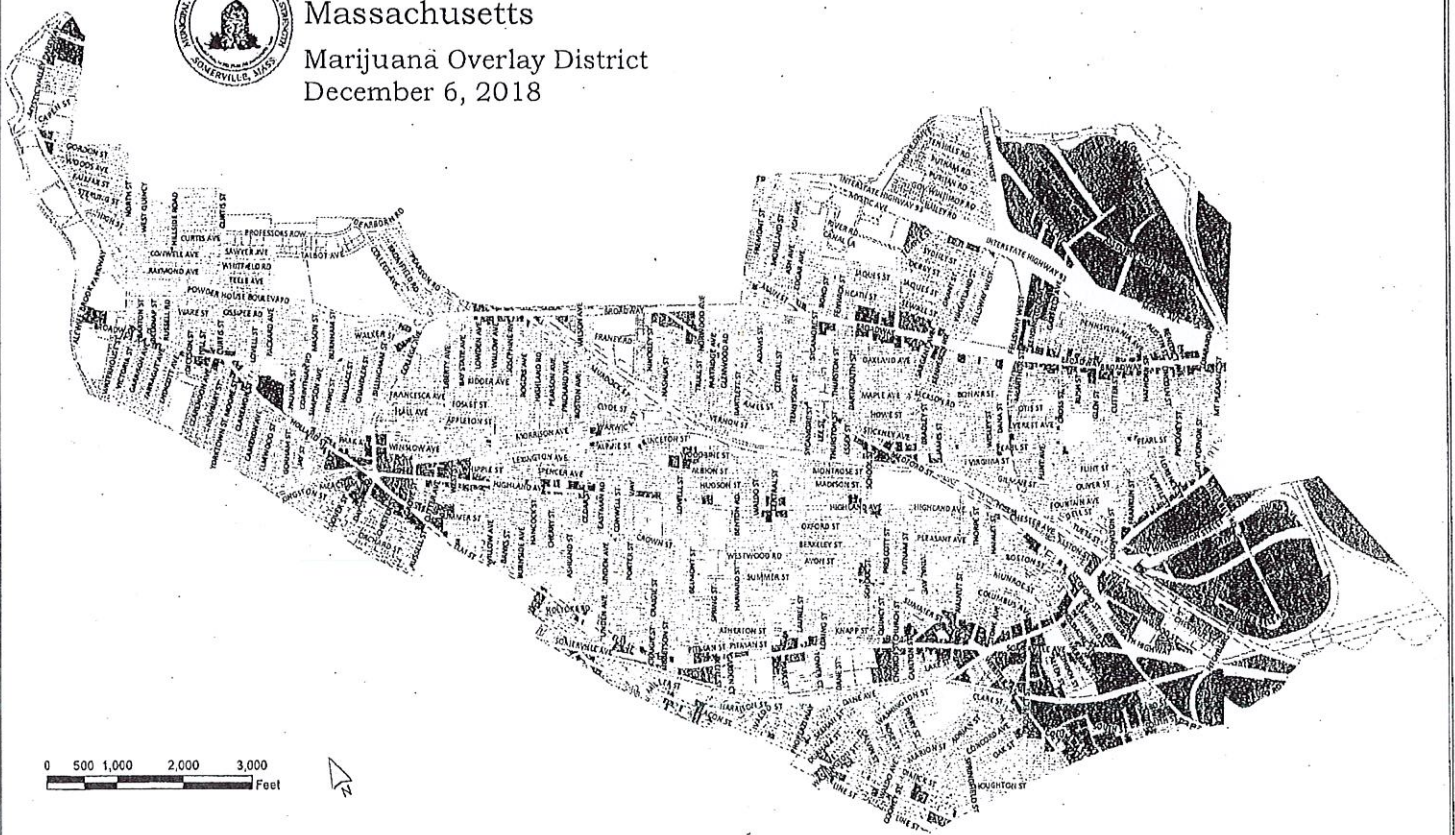
APPROVED:

President
Board of Aldermen



City of Somerville
Massachusetts

Marijuana Overlay District
December 6, 2018



DRAFT

SECTION 1. Chapter 15 of the Code of Ordinances is hereby amended by inserting after Article VII, the following new Article:-

ARTICLE VIII. MARIJUANA ESTABLISHMENTS.

Sec. 15-120. Definitions.

As used in sections 15-120 through 15-131, the words below shall have the following meanings:-

Marijuana Establishment – as defined in section 4120B of Chapter 9.

Licensee – any Marijuana Establishment that obtains a license pursuant to sections this Article.

Licensing authority – the City of New Bedford Licensing Board

Violation – any finding that the licensee is not compliant with any state or local law, regulation, condition or requirement.

Sec.15-121. License Requirement.

A Marijuana Establishment as defined in section 4120B of Chapter 9 shall not operate within the city of New Bedford without first obtaining a license from the licensing authority. A separate license shall be required for each specific Marijuana Establishment and each different location.

Acquiring a license from the licensing authority pursuant to this article does not negate any requirement to obtain any other type of license or permit for the operation of a Marijuana Establishment pursuant to any other local or state law or regulation.

Sec.15-122. Application.

- A. The licensing authority shall establish application procedures and policies not in conflict with any provisions of Article VIII of Chapter 15.
- B. Upon receipt of a properly completed application, the Licensing authority shall submit copies to the following:-
 - 1. City of New Bedford Police Department.
 - 2. Any other department, person or agency which the Licensing authority determines should investigate and comment on the application.
- C. Departments or agencies asked to investigate and comment on the application shall submit comment to the Licensing authority within 30 days of receiving the request.

Sec. 15-123. Fees.

The Licensing authority shall establish the application and license fees not in conflict with any provision of section 15-120 through 15-131 for obtaining or renewing a license pursuant to this section.

Sec. 15-124. Term of License.

Every license issued under this article shall expire on June 30th of each year.

Sec. 15-125. Approval Criteria.

- A. The licensing authority shall approve, deny or conditionally approve the application within 90 days after the licensing authority determines the application complete.
- B. The licensing authority shall approve and issue the license if it determines the following:-
 - 1. The application is complete, signed by the applicant and the applicant has provided any additional information concerning the application requested by the licensing authority.
 - 2. The applicant has paid any applicable fees required by the licensing authority.
 - 3. There are no material misrepresentations contained in the application.
 - 4. The applicant has complied with all applicable state and local laws, ordinances, conditions, regulations, agreements or other requirements.
 - 5. The applicant has obtained all other necessary permits and met all necessary conditions for the operation of a Marijuana Establishment as required by applicable state and local laws, ordinances, conditions, regulations, agreements or other requirements.
- C. If the application is denied, the licensing authority shall clearly set forth, in writing, the grounds for denial.
- D. If the application is approved with conditions, the licensing authority shall clearly set forth, in writing, all the conditions imposed.

Sec. 15-126. Conditions.

The licensing authority may, at any time, impose such reasonable terms and conditions on a license as may be necessary to protect the public health, safety, and welfare, and obtain compliance with the requirements of this Article and all areas where compliance is required.

Sec. 15-127. Duties of licensee.

- A. During the term of a license, the licensee shall at all times be responsible to remain compliant with the following:-
 - 1. State laws and regulations pertaining to the operation of Marijuana Establishments.
 - 2. Zoning laws.

3. Any conditions of the licensee's special permit obtained pursuant to the provisions of section 4140B of Chapter 9.
 4. Terms of host community agreement.
 5. Regulations set forth by the Board of Health.
 6. Legal requirements of any city department.
 7. Any other applicable state or local law, regulation or properly assessed condition or requirement.
- B. Non compliance with any of the requirements shall be considered a violation. Every enforcement agent of the city shall notify the licensing authority whenever it finds that the licensee has committed a violation.

Sec. 15-128. Renewal.

The licensing authority shall establish renewal procedures, policies and fees not in conflict with any provisions of sections 15-120 through 15-131.

Sec. 15-129. Suspension or revocation.

- A. Upon finding of a violation committed by the licensee, the licensing authority shall, at any and all times, have the discretion to suspend or revoke a license for a period of time proportionate to the seriousness of the violation committed or impose reasonable conditions on the licensee to reasonably prevent future violations.
- B. The licensing authority shall conduct a hearing within 60 days of being made aware of any violation committed by the licensee. The licensing authority shall send notice to the licensee describing the allegations of a violation and the date scheduled for a hearing.
- C. After hearing, if the licensing authority finds that the licensee has committed a violation, the licensing authority shall suspend the operation of the licensee's marijuana establishment until such time that the violation is remedied or until such time that the licensee has submitted a viable written plan for remedy to the satisfaction of the licensing authority. The licensing authority may immediately lift the suspension if the violation has been remedied to the satisfaction of the licensing authority.
- D. Whenever the licensing authority chooses not to suspend a license based on the submittal of a viable written plan for remedy, the licensing authority may subsequently suspend the license if the licensee has not followed through on the terms of a written plan for remedy.
- E. If at any time, the licensing authority finds that the licensee repeats a reasonably similar type of violation within a 3 year period, the licensing authority shall additionally suspend the license for a period of not less than 5 days.

Sec. 15-130. Notice.

All decisions of the licensing authority to approve or deny an application or renewal; imposition of conditions; suspension or revocation of license shall be sent in writing to the licensee or applicant and a copy shall be delivered to the mayor, city council, police department, board of health, building commissioner and planning board within 5 business days of the decision being rendered.

Sec. 15-131. Severability.

The invalidity of any section or provision of this article shall not invalidate any other section or provision thereof, nor shall it invalidate any license, approval, valid condition or determination which previously has been issued.



Item Title:
Accessibility Statement

Item Detail:

In accordance with the Americans with Disabilities Act (ADA), if any accommodations are needed, please contact the Clerk of Committees Office at 508-979-1482. Requests should be made as soon as possible but at least 48 hours prior to the scheduled meeting.

Additional Information: