



KK

THE CITY OF LEOMINSTER

Lynn

In the year two thousand and fourteen

had approval
4/2/14

AN ORDINANCE

Amending Chapter 22 of the Revised Ordinances, entitled "Zoning."

Be It ordained by the City Council of the City of Leominster,
as follows:

A TRUE COPY ATTEST

Lynn A. Bourchard
CITY CLERK
CITY OF LEOMINSTER

Chapter 22 of the Revised Ordinances, entitled "Zoning," is hereby amended
by adopting a new Article as follows:

Article XVIII. Medical Marijuana Facilities

22-105 Special Requirements for Medical Marijuana Facilities

105.1 Purposes

105.1.1 To provide for the establishment of Medical Marijuana Facilities in appropriate places and under strict conditions in accordance with the passage of Initiative Petition 11-11 (Question #3 on the November, 2012 state ballot).

105.1.2 To minimize the adverse impacts of Medical Marijuana Facilities on adjacent properties, residential neighborhoods, and other land uses potentially incompatible with said Facilities.

105.1.3 To regulate the siting, design, placement, security, safety, monitoring, modification, and removal of Medical Marijuana Facilities.

105.2 Applicability

105.2.1 No Registered Marijuana Dispensary shall be established except in compliance with the provisions of this Section 22-105.

105.2.2 Nothing in this Ordinance shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs.

105.2.3 If any provision of this Section or the application of any such provision to any person or circumstance shall be held invalid, the remainder of this Section, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and to this end the provisions of this Section are severable.

105.3 *Definitions*

Registered Marijuana Dispensary -- Medical Marijuana Treatment Center, also known as RMD, shall mean an establishment operated by a non-profit entity and properly registered with the Massachusetts Department of Public Health under 105 CMR 725.100 that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana infused products, 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.

Marijuana for Medical Use — Marijuana that is designated and restricted for use by, and for the benefit of, Qualifying Patients in the treatment of Debilitating Medical Conditions as set forth in Citizens Petition 11-11.

Marijuana — The same substance defined as "marijuana" under Chapter 94C of the Massachusetts General Laws.

Cultivation Site -- A Registered Marijuana Dispensary (RMD) that exclusively cultivates marijuana pursuant to 105 CMR 725.105(B)(1)(c) such that all phases of cultivation take place in designated, locked, limited access areas that are monitored by a surveillance system, the specific detailed requirements of such system being as stated in 105 CMR 725.110(D)(1)(d) through (i). It may also process (including development of related products such as edible Marijuana Infused Products, tinctures, aerosols, oils, or ointments), transport and distribute to other RMDs that dispense marijuana. All portions of the RMD shall be non-mobile and shall not have on-site retail sales or make off-site deliveries to registered Qualifying Patients as defined in 105 CMR 725 or their Personal Caregivers from this site. Any accessory retail sales at such locations may only be allowed by special permit issued by the Planning Board pursuant to the provisions of Section XI.01.1.

105.4 *Eligible Locations for Registered Marijuana Dispensaries.*

105.4.1 Registered Marijuana Dispensaries may be allowed by Special Permit from the Leominster City Council in the Industrial Zoning District provided the facility meets the requirements of this Section 105.

105.5 *General Requirements and Conditions for all Registered Marijuana Dispensaries.*

105.5.1 All Registered Marijuana Dispensaries shall be contained within a building or structure.

105.5.2 A *Registered Marijuana Dispensary* shall not be located in buildings that contain any medical doctors' offices or the offices of any other professional practitioner authorized to prescribe the use of medical marijuana.

105.5.3 The hours of operation of Registered Marijuana Dispensaries shall be set by the City Council, but in no event shall said Facilities be open and/or operating between the hours of 8:00 PM and 8:00 AM. unless the Registered Marijuana Dispensary is a cultivation site.

105.5.4 No smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of a Registered Marijuana Dispensary.

105.5.5 No Registered Marijuana Dispensary shall be located inside a building containing residential units, including transient housing such as motels and dormitories, or inside a movable or mobile structure such as a van or truck.

105.5.6 Signage for the Registered Marijuana Dispensary shall include the following language: "Registration card issued by the MA Department of Public Health required." The required text shall be a minimum of two inches in height.

105.5.7 Registered Marijuana Dispensaries shall provide the Leominster Police Department and the Building Commissioner with the names, phone numbers and email addresses of all management staff and key holders to whom one can provide notice if there are operating problems associated with the establishment.

105.5.8 No Registered Marijuana Dispensary may be located within 500 feet of a residential zoning district, church or other religious use. No Registered Marijuana Dispensary may be located within 1000 feet of a school, child care facility, family child care home, park, playground, or other Registered Marijuana Dispensary. Distance shall be measured as the shortest between buildings, or as the shortest distance between the building of the Registered Marijuana Dispensary and the lot line of a church, child care facility, school, park, playground or other recreational area.

105.6 *Special Permit Requirements* Planning

105.6.1 A Registered Marijuana Dispensary shall only be allowed by special permit from the City Council in accordance with G.L. c. 40A, §9, subject to the following statements, regulations, requirements, conditions and limitations.

105.6.2 A special permit for a Registered Marijuana Dispensary shall be limited to one or more of the following uses that shall be prescribed by the Special Permit Granting Authority:

- a) cultivation of Marijuana for Medical Use;
- b) processing and packaging of Marijuana for Medical Use, including Marijuana that is in the form of smoking materials, food products, oils, aerosols, ointments, and other products;
- c) retail sale or distribution of Marijuana for Medical Use to Qualifying Patients;

105.6.3 In addition to the application requirements set forth in Sections 105.5 and 105.6 of this Ordinance, a special permit application for a Registered Marijuana Dispensary shall include the following:

- a) the name and address of each owner of the facility;
- b) copies of all required licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the Facility;
- c) evidence of the Applicant's right to use the site of the Facility for the Facility, such as a deed, or lease;
- d) if the Applicant is a business organization, a statement under oath disclosing all of its owners, shareholders, partners, members, managers, directors, officers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the Applicant must disclose the identity of the owners of such entities until the disclosure contains the names of individuals;
- e) a certified list of all parties in interest entitled to notice of the hearing for the special permit application, taken from the most recent tax list of the City and certified by the City Assessors;
- f) Proposed security measures for the Registered Marijuana Dispensary, including lighting, fencing, gates and alarms, etc., to ensure the safety of persons and to protect the premises from theft.

105.6.4 Mandatory Findings. The City Council shall not issue a special permit for a Registered Marijuana Dispensary unless it finds that:

- a) the Facility is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest, as defined in G.L. c. 40A, §11;
- b) the Facility demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations; and
- c) the applicant has satisfied all of the conditions and requirements of Sections 105.5 and 105.6 herein;

105.6.5 Annual Reporting. Each Registered Marijuana Dispensary permitted under this Ordinance shall as a condition of its special permit file an annual report to and appear before the City Council and the City Clerk no later than January 31st, providing a copy of all current applicable state licenses for the Facility and/or its owners and demonstrate continued compliance with the conditions of the Special Permit.

105.6.6 A special permit granted under this Section shall have a term limited to the duration of the applicant's ownership of the premises as a Registered Marijuana Dispensary. A special permit may be transferred only with the approval of the City Council in the form of an amendment to the special permit with all information required in this Section 105.

105.6.7 The permit holder shall enter into a Host Community Agreement (HCA) with the City of Leominster. The HCA shall address any known and additional impact of the Registered Marijuana

Dispensary on the City's public safety and infrastructure, and any other stipulations as deemed necessary by the Mayor of the City of Leominster, including a Community Impact Fee.

105.6.8 The City Council shall require the applicant to post a bond at the time of construction to cover costs for the removal of the Registered Marijuana Dispensary in the event the City must remove the facility. The value of the bond shall be based upon the ability to completely remove all the items noted in 105.7.2 and properly clean the facility at prevailing wages. The value of the bond shall be developed based upon the applicant providing the City Council with three (3) written bids to meet the noted requirements. An incentive factor of 1.5 shall be applied estimating costs associated with determining the appropriate value of all bonds necessary to ensure compliance and adequate funds for the City to remove the Registered Marijuana Dispensary.

105.7 Abandonment or Discontinuance of Use

105.7.1 A Special Permit shall lapse if not exercised within one year of issuance.

105.7.2 A Registered Marijuana Dispensary shall be required to remove all material, plants equipment and other paraphernalia:

- a) prior to surrendering its state issued licenses or permits; or
- b) within six months of ceasing operations; whichever comes first.

CITY OF LEOMINSTER

CITY COUNCIL

PUBLIC HEARING

In accordance with Chapter 40A, Section 5 of the Massachusetts General Laws, the Leominster City Council will hold a Public Hearing on Monday, March 10, 2014 at 7:00 P.M. in the City Council Chambers, 25 West Street, Leominster, Massachusetts relative to amending Chapter 22 of the Leominster Zoning Ordinance by adding Article XVIII, Section 22-105 "Medical Marijuana Facilities."

Complete petition is available for review in the City Clerks Office, 25 West Street, Leominster, MA 01453.

Per Order John Dombrowski,
Legal Affairs, Chairperson

Lynn A. Bouchard
City Clerk

*2/11/14: Sentinel -adv 2/17+2/24
posted
sent to surrounding towns
sent to applicant - Leom. Pl. Board*

Lynn Bouchard

From: Peter Niall
Sent: Tuesday, February 11, 2014 3:42 PM
To: Lynn Bouchard
Subject: Marijuana

I have read the proposed Article XVIII, Section 22-105 "Medical Marijuana" and I recommend that it be adopted.

Peter Niall
Building Commissioner
City of Leominster
978-534-7517

CITY CLERK'S OFFICE
LEOMINSTER, MA
2014 FEB 11 PM 3:44

CC: CL

2/11/2014

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Legal Affairs, Chairperson

Lynn A. Bouchard
City Clerk

Please Publish: 2/17+ 2/24 ✓
No Seal - Charge City Council 2014
Mail Tear Sheets - Send Proof



CITY OF LEOMINSTER

CITY CLERK'S OFFICE
LEOMINSTER, MA

2014 JAN 24 AM 8 37

To the Honorable City Council:

The undersigned Petition your Honorable Body to

*Amend the Zoning Ordinance by adding
article XVIII, Section 22-105 "Medical
Marijuana Facilities."*

FEB 10 2014 RC-RF Bldg + ZBA + Planning
Hearing 3/10/14 @ 7PM

FEB 24 2014 F.T.

MAR 10 2014 F.T. cont. 5/12/14 @ 6:45

Apr 14, 2014 F.T.

APR 28 2014 F.T.

MAY 12 2014 F.T. cont. 6/19/14 @ 7:00 PM

MAY 27 2014 F.T.

PETITIONER'S NAME:

ADDRESS:

(MAILING ADDRESS, IF DIFFERENT):

CITY/STATE/ZIP:

PHONE:

*John J. Souza
Municipal Clerk
Celia
2014 E. VICTORIOSO ST
Leominster, MA
Sue G. Gaudin*

*Legal Affairs
CC:CC*

40-14