



# THE CITY OF LEOMINSTER

In the year two thousand and eighteen  
Amending Chapter 22 of the Revised Ordinances, entitled "Zoning."

AN ORDINANCE

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

Chapter 22 of the Revised Ordinances, entitled "Zoning," is hereby amended  
by rescinding Article XVIII, "Medical Marijuana Facilities," and inserting in its  
place the following:

**Article XVIII. Marijuana Facilities**

**22-105 Special Requirements for Marijuana Facilities**

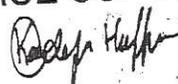
**105.1 Purposes**

105.1.1 To provide for the establishment of Medical and Non-Medical (hereinafter "Recreational")  
Marijuana Facilities in appropriate places and under conditions in accordance with the passage of  
Initiative Petition 11-11 (Question #3 on the November, 2012 state ballot) and Question #4 on the  
November, 2016 state ballot, as amended by Chapter 55 of the Acts of 2017.

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

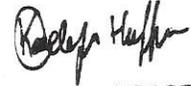
105.1.3 To regulate the siting, design, placement, security, safety, monitoring, modification, and  
removal of Marijuana Facilities.

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

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Chapter 22 of the Revised Ordinances, entitled "Zoning," is hereby amended by rescinding Article XVIII, "Medical Marijuana Facilities," and inserting in its place the following:

**Article XVIII.        Marijuana Facilities**

22-105 Special Requirements for Marijuana Facilities 105.1

*Purposes*

105.1.1 To provide for the establishment of Medical and Non-Medical (hereinafter "Recreational") 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) and Question #4 on the November, 2016 state ballot, as amended by Chapter 55 of the Acts of 2017.

105.1.2 To minimize the adverse impacts of 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 Marijuana Facilities.

105.2 *Applicability*

105.2.1 No Marijuana Facility 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 an entity properly registered with the Massachusetts Department of Public Health under 105 CMR 725.725 and/or Chapter 94I of the Massachusetts General Laws ("Chapter 94I") 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 105 CMR 725 and/or Chapter 94I..

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

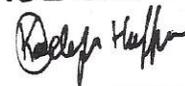
*Cultivation Site* -- A Registered Marijuana Dispensary (RMD) that exclusively cultivates marijuana pursuant to 105 CMR 725.105(B)(1)(c) such that all phases of cultivation take place in designated, locked, limited access areas that are monitored by a surveillance system, the specific detailed requirements 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.

*Recreational Marijuana Establishment* -- a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business for recreational marijuana. The definitions and provisions of Chapter 94G of the Massachusetts General Laws and 935 CMR 500 *et seq.* shall apply to Recreational Marijuana Establishments.

*Marijuana Facility* -- Any registered marijuana dispensary, cultivation site or recreational marijuana establishment.

### 105.4 Eligible Locations for Marijuana Facilities.

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105.4.1 Marijuana Facilities 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 Marijuana Facilities.*

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

105.5.2 A *Marijuana* Facility 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 Marijuana Facilities 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 Marijuana Facility 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 Marijuana Facility 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. Signage for a Registered Marijuana Dispensary and any Recreational Marijuana Establishment shall comply with the applicable General Laws and the regulations of the Cannabis Control Commission.

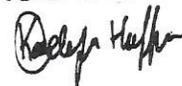
105.5.7 Marijuana Facilities shall provide the Leominster Police Department and the Building Commissioner with the names, phone numbers and email addresses of all management staff and key holders to whom one can provide notice if there are operating problems associated with the establishment.

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

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105.6.1.2 The number of Recreational Marijuana Establishments permissible to be located in Leominster shall be limited to twenty percent (20%) of the number of licenses issued within the City for the retail sale of alcoholic beverages not to be drunk on the premises where sold under MGL c.138 §15 (package store licenses). In the event that 20% of said licenses shall not be a whole number, the limit shall be rounded up to the nearest whole number.

105.6.2 A special permit for a Marijuana Facility 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;
- b) processing and packaging of Marijuana, 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;
- d) retail sale or distribution of Marijuana by licensed Recreational Marijuana Establishments.

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 Marijuana Facility 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 Marijuana Facility, 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 Marijuana Facility 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;

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- 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 Marijuana Facility 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 or right to occupy the premises as a Marijuana Facility. 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 Marijuana Dispensary Facility on the City's public safety and infrastructure, and any other stipulations as deemed necessary by the Mayor of the City of Leominster, which may include a Community Impact Fee in accordance with Chapter 94G, §3(d). The Host Agreement shall be for an initial term of not more than five (5) years and will be renegotiated at the conclusion of the initial term.

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 Marijuana Facility 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 Marijuana Facility.

#### 105.7 *Abandonment or Discontinuance of Use*

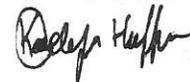
105.7.1 A Special Permit shall lapse if not exercised within one year of issuance.

105.7.2 A Marijuana Facility 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.

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