



**CITY OF AMESBURY
IN THE YEAR TWO THOUSAND SEVENTEEN**

BILL No. 2017-062

SPONSORED BY: Councilors Lavoie, McMilleon, and Scorzoni

**An Ordinance to Amend Section XI of the Amesbury Zoning Bylaw
by enacting a Temporary Moratorium on the use of land or
structures for Recreational Marijuana Establishments and
Marijuana Retailers**

Summary: This ordinance seeks to amend the City’s Zoning Bylaw by enacting a Temporary Moratorium on the use of land or structures for Recreational Marijuana Establishments and Marijuana Retailers in order to provide restrictions that will allow the City adequate time to undertake a comprehensive planning process to address the potential impacts to the city of the retail sale of recreational marijuana as approved by the Commonwealth Of Massachusetts on November 8, 2016 in a law entitled “Regulation and Taxation of Marijuana Act”. This moratorium would be in effect through December 1, 2018

Be it Ordered by the City Council of the City of Amesbury assembled, and by the authority of the same as follows:

That Section XI of the Amesbury Zoning Bylaw is hereby amended by adding the following new Section XI.02 Temporary Moratorium on Marijuana Establishments, Marijuana Retailers and Other Sale or Distribution of Marijuana and Marijuana Products Which Are Not Included in the Definition of Medical Marijuana Treatment Centers, and further to amend the Table of Contents to add Section XI.02 “Temporary Moratoria” and the ensuing parts as proposed herein as follows:

“XI.02.1 TEMPORARY MORATORIUM.”

“XI.02.1. Temporary Moratorium on the Sale and Distribution of Recreational Marijuana

1.1 Purpose: By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for recreational purposes. The law provides that it is effective on December 15, 2016 and the Cannabis Advisory Board is required to issue regulations regarding implementation by September 15, 2017.

Currently under the Zoning Bylaw, Recreational Marijuana Establishments and Marijuana Retailers are not a permitted use in the City and any regulations promulgated by the State Cannabis Advisory Board are expected to provide guidance to the City in regulating marijuana sales and distribution, as well as Recreational Marijuana Establishments and Marijuana Retailers.

The regulation of Recreational Marijuana Establishments and Marijuana Retailers raise novel and complex legal, planning, and public safety issues and the City needs time to study and consider the regulation of Recreational Marijuana Establishments and Marijuana Retailers and address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments and Marijuana Retailers and other uses related to the regulation of recreational marijuana. The City intends to adopt a temporary moratorium on the use of land and structures in the City for Recreational Marijuana Establishments and Marijuana Retailers so as to allow the City sufficient time to engage in a planning process to address the effects of such structures and uses in the City and to adopt provisions of the Zoning Bylaw in a manner consistent with sound land use planning goals and objectives.

1.2 Definitions

"Manufacture", to compound, blend, extract, infuse or otherwise make or prepare a marijuana product.

"Marijuana accessories", equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body.

"Marijuana cultivator", 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.

"Marijuana establishment", a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business. (k) "Marijuana product manufacturer", 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.

"Marijuana products", 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.

"Marijuana testing facility", an entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.

"Marijuana retailer", 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.

1.3 Temporary Moratorium.

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the City hereby adopts a temporary moratorium on the use of land or structures for Recreational Marijuana Establishments and Marijuana Retailers which are not included in the definitions for Medical Marijuana Treatment Center or Registered Marijuana Dispensary. The moratorium shall be in effect through December 1 2018. During the moratorium period, the City shall undertake a planning process to address the potential impacts of recreational marijuana in the City, consider the Cannabis Advisory Board regulations regarding "Marijuana", "Marijuana Product", Recreational Marijuana Establishments and Marijuana Retailers and related uses, determine whether the City shall restrict any, or all, licenses for Recreational Marijuana Establishments and Marijuana Retailers, determine whether the City will prohibit on-site consumption at Recreational Marijuana Establishments and Marijuana Retailers and shall consider adopting new provisions of the Zoning Bylaw to address the impact and operation of Recreational Marijuana Establishments and Marijuana Retailers and related uses.

1.3.1 Interim Restriction

The use of land or structures for Recreational Marijuana Establishments and Marijuana Retailers which are not included in the definitions for Medical Marijuana Treatment Center or Registered Marijuana Dispensary or the regulation the same under Section XI.01.1 of the Amesbury Zoning Bylaw shall not be permitted in any zoning district in the City of Amesbury so long as this Section XI.02.1 is effective, as set forth in Section XI.02.1.4 below. Use experiences shall be strictly prohibited.

1.4. Expiration

The Moratorium shall be in effect through December 1, 2018 so that the City of Amesbury can enact superseding zoning regulations that set forth requirements applicable to marijuana uses.

1.5. Severability. The provisions of this By-law are severable .If any provision, paragraph, sentence, or clause of this By-law with the application thereof to any person, establishment, or circumstance shall be held invalid, such invalidity shall not affect the other provisions or application of this By-law.