



CITY OF TAUNTON

In the year two thousand and twenty-four

**Chapter 222
Recreational (Non-Medicinal) Marijuana Establishments**

Be it ordained by the Municipal Council of the City of Taunton and by authority of the same as follows:

SECTION 1: Chapter 222 of the Revised Ordinances of the City of Taunton, as amended, is hereby further amended by deleting said existing Chapter and replacing the same with the following:-

§222-1 License Requirements

- A. Purpose and intent. It is the purpose and intent of this section to expand the local scope over Marijuana Establishments within the City of Taunton under Massachusetts General Laws chapter 94G, and its implementing regulations at 935 CMR 500, and to enable the City to further regulate, improve compliance, deter illegal sales, impose reasonable safeguards to govern the time, place and manner of marijuana establishment operations to ensure public health and safety and well-being and deter illegal sale of marijuana to underage persons and to ensure that the marijuana establishment environment is strictly controlled to meet the requirements of state law. This ordinance is not intended to supersede any existing state laws and should be interpreted to operate in harmony with such laws. The authority for this Ordinance is in the Articles of Amendment to the Massachusetts Constitution, Art. 2, §6, General Laws c. 94G, §3, 935 CMR 500.170, and every other lawful authority.
- B. Definitions. Any word or phrase that is defined in G.L. c. 94G, §1 or 935 CMR 500.002, as same may be amended from time to time, shall, when used in this ordinance, have the same meaning.
1. The Municipal Council shall serve as the Local Licensing Authority (hereinafter "LLA"), which shall refer all license applications to the Police and License Committee.
- C. In order to operate a Marijuana Establishment, an Applicant must:
1. Obtain a Host Community Agreement Waiver (hereinafter "Waiver") from the LLA.

- a. The number of Waivers granted to Marijuana Retailers by the LLA shall not exceed the number of Marijuana Retailer licenses allowed under this chapter.
 - b. If an Applicant does not submit an application to operate a Marijuana Retail Establishment with the Massachusetts Cannabis Control Commission (hereinafter "CCC") within ninety (90) days of receipt of the Waiver, there is rebuttable presumption that the Applicant does not intend to move forward with a Marijuana Retail Establishment in Taunton and thereby relinquishes the Waiver and corresponding license.
 2. Obtain a special permit from the LLA as the special permit granting authority for Marijuana Establishments under the Taunton Zoning Ordinance.
 - a. The hours of operation of the Marijuana Establishment shall be set by the LLA in the special permit.
 3. Upon being granted a final license by the CCC an Applicant shall submit a license application to the LLA through the City Clerk.
 - a. All other zoning approvals, including site plan reviews and variances, required under the City of Taunton Zoning Ordinances shall be obtained prior to the LLA considering the license application.
- D. The total number of Marijuana Retailer licenses which may be issued pursuant to this chapter shall be nine.
1. Pursuant to 935 CMR 500.181(3)(c)(2), if the LLA later decides to allow additional Marijuana Retailers, at least 50% of those licenses, but no less than one license, above the previously established cap shall be reserved for: License Applicants that are Social Equity Businesses; License Applicants that have been designated as Social Equity Program Participants, Economic Empowerment Priority Applicants, or both; or individuals or entities verified or pre-verified pursuant to 935 CMR 500.101(7), including pre-verified individuals or entities that have already been designated as Social Equity Businesses, Economic Empowerment Applicants, or both.
- E. A new application must be submitted for any changes of ownership or control of the Marijuana Establishment and be subject to approval by the LLA.
- F. All licenses must be posted under glass or equivalent protective surface and shall be posted on the licensed premises in a clear and conspicuous manner so that the same may be easily observed by a local inspector from a publicly accessible space.

- G. License applications under this chapter shall be made on a form or forms prescribed by the LLA. The fee for said license applications shall be set by the LLA.
1. License applications shall include a copy of the Applicant's full application with the CCC and a copy of the Applicant's final license.
- H. Every license issued under this section shall expire annually on June 30, unless sooner revoked.
- I. Records that are required to be kept by state law or regulation of marijuana purchased and sold must be available when requested by members of the LLA, Police Department, local enforcement officer, or any other authorized person or entity.
- J. Within thirty (30) days of receiving a renewal license from the CCC, a Marijuana Establishment shall submit a copy to the LLA.
- K. Authority to inspect Marijuana Establishments for compliance and to enforce this Ordinance shall be held by the Building Commissioner, Zoning Enforcement Officers, Taunton Police Department, Taunton Fire Department, the Board of Health, the LLA and its authorized agents, or any other agency designated by the Mayor. Every Marijuana Establishment must permit any such authorized person access for the purpose of lawful inspection as a condition of its license.
- L. Violations
1. Violation guidelines. In the event that a licensee violates, or permits a violation of a law of the Commonwealth related to recreational marijuana; this chapter or any other City of Taunton ordinance related to recreational marijuana; or any rules and regulations promulgated by the LLA hereunder, the LLA may take the following actions, respectively:
 - a. First violation: warning to seven-day suspension.
 - b. Second violation: warning to thirty-day suspension.
 - c. Third violation: seven-day suspension to revocation.
 2. Prior Violations. Violations which occurred more than two years prior to the date of a violation shall not be used in calculating the number of violations for purposes of these guidelines.
 3. LLA Discretion. The LLA may use its discretion in determining whether the facts surrounding a violation warrant action different than that suggested by the guidelines. These guidelines shall not be construed so as to limit the LLA's authority to impose additional conditions on a license when warranted.

M. There shall be a rebuttable presumption that a recreational marijuana establishment which has received a local license under this chapter and either: (1) has not commenced operations within one year of the LLA's approval of its license; or (2) has not generated revenue at the location of the licensed establishment within one year of the LLA's approval of its license; or (3) is not current on fees owed under applicable law shall be ineligible for renewal of its local license, but the Municipal Council, notwithstanding this, may, in its sole discretion, extend the time period for additional six-month increments in order to achieve compliance with the foregoing.

§ 222-2 **Certain setback requirements.**

- A. Pursuant to MGL c. 94G, § 5(b)(3), the 500-foot buffer zone found within said section is reduced to zero feet with respect to only such parcels of property within the City of Taunton that are: (1) within a Highway Business Zoning District; (2) within 500 feet of the property line of the parcel of land (Assessor ID 67-119) that contains Taunton High School, Parker Middle School and Elizabeth Pole School; and (3) separated from said school buildings by the Taunton River.
- B. The Municipal Council shall not issue a local license to any marijuana retailer for a premises within 1,000 feet of the premises of another marijuana retailer holding an existing license under this chapter which is also classified by the Cannabis Control Commission as either an Economic Empowerment Priority Applicant or a Social Equity Program Participant pursuant to the Cannabis Control Commission regulations codified at 935 CMR 500.001 et seq. For purposes of this chapter, said 1,000 feet shall be measured in a straight line from the geometric center of the marijuana establishment entrance, unless there is an impassible barrier within those 1,000 feet. In the event there is an impassible barrier within said 1,000 feet, the distance shall be measured along the center of the shortest travel path for pedestrians or automobiles from the geometric center of the marijuana establishment entrance.

SECTION 2. All ordinances or parts thereof inconsistent herewith are hereby repealed. This Ordinance shall become effective immediately upon passage.

City of Taunton

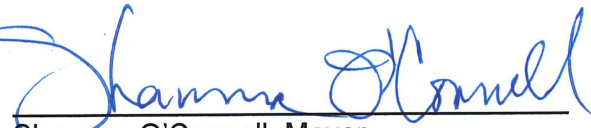
Presented to the Mayor and Approved:

In Municipal Council

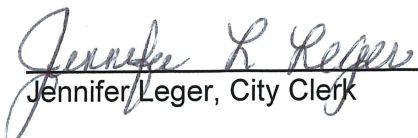
First Reading: 4/16/2024

Second Reading: 4/30/2024

Passed to be Ordained: 5/07/2024


Shaunna O'Connell, Mayor

Approved as to Form and Character:


Jennifer Leger, City Clerk


Matthew J. Costa, City Solicitor