

COVERED IN SEPARATE WARRANT ARTICLE

### Section 6.03 Marijuana Eestablishments, and Mmedical Mmarijuana Ttreatment Centers<sup>53</sup>

#### (a) Definitions

- (i) Consumer – a person who is at least 21 years of age.
- (ii) Host community – The Town of Mendon.
- (iii) Host community agreement – an agreement setting forth the conditions to have a marijuana establishment or medical marijuana treatment center located within the

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host community which shall include, but not be limited to, all stipulations of responsibilities between the host community and the marijuana establishment or a medical marijuana treatment center.

- (iv) Marijuana - 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](#) Massachusetts General Laws [Chapter 94C §1](#); provided that Marijuana' shall not include:
  - (1) 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;
  - (2) Hemp; or The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products;
  - (3) The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.
- (v) 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.
- (vi) Marijuana establishment - a marijuana cultivator, marijuana testing facility, marijuana research facility, marijuana product manufacturer, marijuana retailer, or any other type of licensed marijuana-related business.
- (vii) Marijuana testing facility - an entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.
- (viii) Medical marijuana treatment center - shall mean an entity, as defined by Massachusetts law only, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.
- (ix) Marijuana research facility – an entity licensed to cultivate, purchase, or acquire marijuana to conduct research regarding marijuana and marijuana products.
- (x) 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.
- (xi) 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.
- (xii) 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.

- (xiii) Medical marijuana treatment center - shall mean an entity, as defined by Massachusetts law only, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.

(b) Number of Marijuana Establishments and Medical Marijuana Treatment Centers

- (i) The maximum number of marijuana retailers shall be no more than twenty (20) percent the total number of licenses which have been issued within Mendon for the retail of alcoholic beverages not to be drunk on the premises for the preceding fiscal year, or three (3) in total, whichever the greater.
- (ii) The maximum number of marijuana cultivators, marijuana testing facilities, research facilities, marijuana product manufacturer or any other type of licensed marijuana-related business (exclusive of marijuana retailers or marijuana treatment centers) shall be no more than three (3) in total.
- (iii) The maximum number of medical marijuana treatment centers shall be no more than three (3).

(c) Location and Uses

Marijuana establishments or medical marijuana treatment centers are prohibited in all zoning districts, except as otherwise permitted by these By-Laws, following the standards herein:

- (i) The Select Board shall negotiate and execute a Host Community Agreement (HCA) with the proposed marijuana establishment or medical marijuana treatment center.
- (ii) Any marijuana establishment or medical marijuana treatment center must be located within whichever district permissible under Section 3.01 Table A "Table of Use Regulations."
- (iii) Said uses shall additionally not be located within five hundred (500) feet from the nearest school providing education for grades K-12. The distances specified above shall measure by straight line from the nearest corner of the building on which the proposed said use is to be located, to the nearest boundary line to the nearest property line of the school.
  - (1) The distance requirement may be reduced by the Planning Board provided that the applicant demonstrates, by clear and convincing evidence, that 1) the marijuana establishment ME will employ adequate measures to prevent product diversion to minors, and 2) the marijuana establishment ME is adequately buffered and screened and 3) that the Planning Board determines that a shorter distance will suffice to ensure public health, safety, well-being, and reduce undue impacts to the natural environment.

- (iv) Except during transportation, marijuana or marijuana products held at any marijuana establishment or medical marijuana facility shall be located within a secure indoor facility.
- (v) No use covered herein shall be allowed to disseminate or offer to disseminate marijuana products or product advertising to minors or to allow minors to view displays or linger on the premises, except for medical marijuana treatment centers.
- ~~(vi) No use covered herein shall be allowed to have a freestanding accessory sign in the Town of Mendon.~~

(d) Enforcement and Violations

The Select Board, or its designee, shall enforce these regulations and may pursue all available remedies for violations, or take any other action relative thereto.

Violations of any provision of this Bylaw may be addressed administratively; by non-criminal disposition as provided in MGL Chapter 40 §21D with fine of three hundred dollars (\$300) per violation; or prosecuted through criminal complaint procedure.

Each day a violation occurs shall be considered a separate violation hereunder.

(e) Municipal Charges Lien

If any fine remains unpaid after six (6) months from its due date, it shall become a municipal charge lien pursuant to the provisions of MGL Chapter 40, Section 58. If the bill(s) remains unpaid when the Assessors are preparing a real estate tax list and warrant to be committee under MGL Chapter 59, ~~§Section~~53, the Board or officer in charge of the collection of the municipal fee or charge shall certify such charge or fee to the Assessors, who shall add such to the tax bill on the property to which it relates and commit it with their warrant to the Tax Collector as part of such tax bill.

(f) Validity and Severability

The invalidity of one or more sections, subsections, clauses or provisions of this bylaw shall not invalidate or impair the bylaw as a whole or any other part thereof.

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