

Town of Natick
Board of Selectmen
DRAFT - Rules and Regulations
Adult Use Marijuana Establishment License

1.0 Applicability

- a) Per Article 10, Section 5 of the Town of Natick General Bylaws, no person shall carry on the business operating an Adult Use “Marijuana Establishment” as defined in G.L. c.94G and 935 CMR 500.002, including the cultivation, processing, packaging, delivering, manufacturing, transporting, selling, researching or otherwise transferring or testing marijuana or marijuana products within the Town unless first duly licensed thereof by the Board of Selectmen (“Board”), which License shall be renewed by said Marijuana Establishment annually.
- b) The following rules and regulations shall apply to all individuals and corporations who hold an Adult Use Marijuana Establishment License from the Cannabis Control Commission and seek a local License to operate within the Town.
- c) Violation(s) of any state or local law, bylaw, or rules or regulations may result in the suspension, cancelation, revocation or modification of a License.
- d) These rules and regulations may be amended or modified from time to time at the discretion of the Board.

2.0 Host Community Agreement Required

Any Marijuana Establishment operating within the Town shall at all times have a valid Host Community Agreement and operate in accordance with the terms and provisions thereof.

3.0 Applications

Applicants for a License shall file an application on the *Adult Use Marijuana Establishment License Form* provided herein as Appendix A, signed under the penalties of perjury by the applicant, containing such information as the Board may reasonably require from time to time.

4.0 Fees

Each Applicant/Licensee shall pay the initial License Application Fee and Annual License Renewal Fee as noted below:

- a) License Application Fee: \$750
- b) Annual License Renewal Fee: \$500

5.0 Hearing

The Board shall hold a public hearing within 60 days of receipt of a completed License Application or License Renewal Application, with due written notice provided to the Applicant of the time, date and location where such application will be heard.

6.0 Evaluation Criteria

The Board shall grant Licenses and License Renewals with the goal of ensuring that the needs of the community are met with regard to the operation of the Marijuana Establishment and the protection of community health, safety and welfare. Applicants shall be evaluated on the following:

- (a) The Applicant has obtained a Final License from the Cannabis Control Commission and has kept such license current and remains a licensee in good standing with the Cannabis Control Commission;
- (b) The Applicant is in compliance with all local laws and regulations, including Special Permit conditions and Board of Health operating permits;
- (c) The Applicant has developed and successfully implemented a plan to ensure no diversion of marijuana or marijuana products to the illegal market or to minors;
- (d) The Applicant has held a Community Impact Meeting in consistent with the Cannabis Control Commission's Guidance for License Applicants on Community Outreach and has developed a community mitigation plan that addresses reasonable concerns of abutters and the Town. Applicants shall be required to annually update such mitigation plans and address any ongoing community impacts or concerns relating to the operation of the Marijuana Establishment as part of a License renewal;
- (e) The Applicant has made timely payment to the Town of all applicable fees and local taxes, including all payments under the Host Community Agreement; and
- (f) The Applicant is in compliance with all non-monetary terms of the Host Community Agreement.

7.0 General Provisions Applicable to All Marijuana Establishments

- a) All Close Associates and Persons Having Direct Control of a Marijuana Establishment, as defined in 935 CMR 500.002, must have read, be familiar with, and comply with these Rules and Regulations and ensure all employees operate in compliance with said Rules and Regulations. No Licensee shall permit any disorder, disturbance or illegality of any kind to take place in or on the Licensed Premises. The Licensee shall be responsible therefore whether present or not.
- b) Any Close Associate in control of the premises on any given day or time shall ensure compliance with all applicable state and local laws and rules and regulations. Close Associates will be held accountable by the Board whether or not present at the premises at the time of a disorder, disturbance or illegality of any kind.
- c) When any misconduct occurs in the area in front of or adjacent to the Licensed Premises, or in any parking lot provided by the Licensee for the use of its patrons, that is not reasonably addressed and ameliorated by the Licensee, the Licensee may be held in violation of the conditions of its License and may be subject to disciplinary action.
- d) The following actions shall require the approval of the Board:
 - i. Any change in the Close Associates with direct oversight of day-to-day operation;
 - ii. A change in the aggregate of more than 25% of the Persons or Entities Having Direct or Indirect Control of the Marijuana Establishment; or
 - iii. Reductions or extensions of the area of the Licensed Premises, expanded hours or material changes in the physical layout of the Licensed Premises.

- e) All Licensees must maintain an updated employee roster or list that shall be available upon request to the Board and its agents, and Natick Police, Fire, and Inspectional Services Departments' agents.
 - i. The roster/list shall include all employees and specify which employee is on duty on a particular date and time.
 - ii. The roster/list for any given day shall be kept a minimum of sixty (60) days.
- f) The Town of Natick Health Department and Building Department may conduct inspections to ensure compliance with state and local regulations.
- g) The hours of operation for any non-retail Marijuana Establishments shall be normal business hours as proposed by the Licensee, subject to the Board's approval.

8.0 General Provisions Applicable to Retail Marijuana Establishments

- a) No alcoholic beverages may be sold at the Licensed Premises.
- b) Licensees shall not permit more patrons on the premises than the capacity number approved by the Board, subject to the following:
 - i. The Licensed Premises must comply with the floor plan approved by the Board. Any material and substantial changes in the floor plan or any renovations of any kind are not allowed without notification to and prior written approval of the Board.
 - ii. A Retail Marijuana Establishment may be required, at the discretion of the Board, to employ crowd management measures for any Retail Marijuana Establishment, including, but not limited to appointment systems, off-site shuttle services, or on-site queuing plans to ensure minimal disruption to pedestrian and vehicular traffic.
 - iii. The hours of operation of any Retail Marijuana Establishment shall be determined by the Board. In the absence of such determination, the hours of operation of any Retail Marijuana Establishment shall be limited to 9am to 9pm, Sunday through Saturday.

9.0 Definitions

- a) **Close Associate:** a person who holds a relevant managerial, operational or financial interest in the business of a Licensee and, by virtue of that interest or power, is able to exercise a significant influence over the management or operations of a Marijuana Establishment. A Close Associate is deemed to be a Person or Entity Having Direct or Indirect Control.
- b) **Persons or Entities Having Direct Control:** any person or entity having direct control over the operations of a Marijuana Establishment, which satisfies one or more of the following criteria:
 - An Owner that possesses a financial interest in the form of equity of 10% or greater in a Marijuana Establishment;
 - A Person or Entity that possesses a voting interest of 10% or greater in a Marijuana Establishment or a right to veto significant events;
 - A Close Associate
 - A Person or Entity that has the right to control or authority, through contracts or otherwise.
- c) **Persons or Entities Having Indirect Control:** any person or entity having direct control over operations of a Marijuana Establishment. It specifically includes any person with a controlling interest holding or parent company of the applicant, and the chief executive officer and executive director of those companies, or any person or entity in a position indirectly to control the decision-making of a Marijuana Establishment.

- d) **License:** the certificate issued by the Board of Selectmen to operate a Marijuana Establishment within the Town of Natick. Licenses shall be valid for one year and subject to annual renewal.
- e) **Licensee:** a person or entity licensed by the Board of Selectmen to operate a Marijuana Establishment within the Town of Natick under Article 10 Section 5 of the Natick General Bylaw.
- f) **Licensed Premises:** any location over which a Marijuana Establishment or its agents may lawfully exert substantial supervision or control over entry or access to the property or the conduct of persons.
- g) **Marijuana Establishment:** an Adult Use Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Microbusiness, Marijuana Retailer, Independent Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, Delivery-Only Licensee, Social Consumption Establishment or any other type of licensed marijuana-related business as defined in 935 CMR 500.002, except a Medical Marijuana Treatment Center.

10.0 Enforcement

The Board of Selectmen may issue orders as appropriate to aid in the enforcement of this regulation and may enforce these provisions in equity, including the request for injunctive relief, in a court of competent jurisdiction. Any failure to comply with any order issued hereunder shall result in the issuance of a formal warning. Any failure to comply with such a warning shall result in a fine of \$100.00. Any failure to comply after the issuance of said fine may be punishable by a subsequent fine of \$300.00. Each day of a continued non-compliance shall constitute a separate violation. Further, the Board of Selectmen may hold a hearing, with notice to the licensee, to determine if such license should be modified, suspended or revoked.