



CITY OF NEW BEDFORD

JONATHAN F. MITCHELL, MAYOR

February 1, 2018

City Council President Linda Morad and
Honorable Members of the New Bedford City Council
New Bedford City Hall
133 William Street
New Bedford, MA 02740

Dear Council President Morad and Honorable Members of the City Council,

I am submitting for your approval the enclosed Temporary Moratorium on Recreational Marijuana Establishments. As you know, the state Cannabis Control Commission ("CCC") has until March 15, 2018 to promulgate final regulations on recreational marijuana and must begin accepting applications for licenses no later than April 1, 2018.

The legalization of non-medical marijuana raises novel, legal, planning, and public safety issues that the City must carefully consider and on which the final CCC regulations will likely provide guidance. In order to give the City sufficient time to study these issues, as well as to address the impact of the final CCC regulations on local zoning, I am proposing a temporary moratorium that would ban recreational marijuana establishments until September 30, 2018 or until the City adopts a zoning ordinance relating to recreational marijuana establishments, whichever occurs first. Know that I am committed to working together with the City Council to use effectively the period before the moratorium's expiration.

Thank you for your consideration.

Sincerely,



Jon Mitchell
Mayor



CITY OF NEW BEDFORD

In the Year Two Thousand and Eighteen

AN ORDINANCE

Amending Chapter 9, Comprehensive Zoning

31- 509

Be it ordained by the City Council of the City of New Bedford as follows:—

SECTION 1.

Chapter 9, section 5700 is hereby amended by inserting the following new section after subsection 5710:

Section 5720 Temporary Moratorium on Recreational Marijuana Establishments

Section 5721 Purpose.

On November 8, 2016 the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (new G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and was amended on December 30, 2016 by Chapter 351 of the Acts of 2016 and thereafter, on July 28, 2017 by Chapter 55 of the Acts of 2017. The law requires the Cannabis Control Commission (“CCC”) to issue regulations regarding the licensing of commercial activities by March 15, 2018 and to begin accepting applications for licenses no later than April 1, 2018. Currently, the zoning ordinances do not specifically address marijuana establishments as that term is defined in G.L. c. 94G, §1. The final CCC regulations may provide guidance on certain aspects of local regulation of marijuana establishments. The regulation of non-medical marijuana raises novel legal, planning, and public safety issues, and the City needs time to study and consider these issues, as well as to address the potential impact of the CCC regulations on local zoning and, in connection therewith, to undertake a planning process to consider amending the zoning ordinances to regulate marijuana establishments. The City intends to adopt a temporary moratorium on the use of land and structures for recreational marijuana establishments so as to allow sufficient

time to address the effects of such structures and uses in the City and to enact ordinances in a consistent manner.

Section 5722 Definition.

“Marijuana Establishment” shall mean a marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business, all as defined for purposes of G.L. c. 94G, §1.

Section 5723 Temporary Moratorium.

For the reasons set forth above and notwithstanding any other provision of the zoning ordinances to the contrary, the City hereby adopts a temporary moratorium on the use of land or structures for a marijuana establishment and other uses related to non-medical marijuana. The moratorium shall be in effect through September 30, 2018 or until such time as the City adopts a zoning ordinance relating to marijuana establishments, whichever occurs first. During the moratorium period the City shall undertake a planning process to address the potential impacts of marijuana establishments and shall consider adopting zoning ordinances in response to these new issues or take any action relative thereto.

Section 2.

This ordinance shall take effect in accordance with the provisions of Chapter 40A of the General Laws.