

In City Council March 26, 2018

ORDINANCE:

AN ORDINANCE AMENDING CHAPTER 27 OF THE REVISED  
ORDINANCE OF THE CITY OF BROCKTON CONCERNING THE  
REGULATION AND TAXATION OF MARIJUANA:

Be it ordained by the City Council of the City of Brockton as follows:

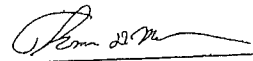
Article III. General Regulations and Permitted Modifications, is hereby amended by adding the following:

Section 27-24.4 Adult use of marijuana

- a. *Purpose.* The purpose of this section is to control the local cultivation, production, and distribution of marijuana as allowed by Massachusetts General Law Chapter 94G: Regulation of the use and distribution of marijuana not medically prescribed, as amended by Chapter 55 of the Acts of 2017: An act to ensure safe access to marijuana, and governed by 935 CMR 500.000: Adult use of marijuana.
- b. *Definitions.* Unless otherwise indicated, terms used throughout this regulation shall be defined as they are in 935 CMR 500.000 and in General Laws c. 94G, §1.
- c. *Principal permitted uses.* Pursuant to standards enumerated herein, Craft Marijuana Cultivator Cooperative, Marijuana Cultivator, Marijuana Products Manufacture, Marijuana Independent Testing Laboratory, Marijuana Transporter, Marijuana Research Facilities, and other similar Marijuana Enterprises, with the exception of Marijuana Retailers, shall be principal permitted uses in I-1 Industrial Park Zones.  
  
Pursuant to standards enumerated herein, Marijuana Retailer and the retail sale of Marijuana Accessories shall be principal permitted uses in the Downtown Smart Growth Overlay Zone only.
- d. *Requirements.* All Marijuana Enterprises must comply with 935 CMR 500.000 and General Laws c. 94G. In addition, the following requirements must be met for all Marijuana Enterprises:  
  
All Marijuana Enterprises shall comply with the following:
  1. Permitted by the Commonwealth and in good standing
  2. Brockton License
  3. Host Community Agreement
  4. All operations are conducted within a completely enclosed building.
  5. All Marijuana Establishments require Site Plan Review
  6. Odor Control Plan approved by the permit granting authority.
  7. Marijuana Retailer – Storefront shall not be on the ground floor.
  8. Marijuana Retailer – Storefront hours of operation shall be no earlier than 8 am and not later than 8 pm.
- e. *Prohibited uses.* Marijuana Enterprises are prohibited from C-4 Planned Shopping Center Zones, C-5 Office Zones, C-6 Regional Shopping Center Overlay Zones, C-7 Sports and Convention Complex Zones, C-8 Highway Commercial Zones, and Thatcher Street Smart Growth Overlay District.
- f. *Additional Operational Considerations*
  - i. Use:
    - i. Marijuana establishments may only use their designated square footage for the purposes of operating such an establishment, as encompassed in this Ordinance and Ordinance Section 27-24.3.

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- ii. No marijuana shall be smoked, eaten or otherwise consumed or ingested within the premises.
  - iii. Operations, including deliveries to and from any marijuana facility, may not occur within the hours of 8:00 p.m. to 8:00 a.m.
2. Physical Requirements:
- i. All aspects of marijuana establishment must take place at a fixed location within a fully enclosed building.
  - ii. No outside storage is permitted.
  - iii. No Retail Marijuana Establishment shall have a gross floor area in excess of 5,000 square feet.
  - iv. Ventilation - All Marijuana Establishments shall be ventilated in such a manner that no:
    - 1. pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere
    - 2. no odor from marijuana cultivation, processing or consumption can be detected by a person with an unimpaired and otherwise normal sense of smell at any adjoining use or adjoining property to the marijuana establishment.



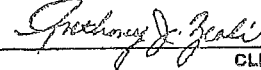
Councillor

Councillor Thomas Monahan

IN CITY COUNCIL

March 26, 2018

READ AND REFERRED TO STANDING COMMITTEE ON Ordinance/Planning



CLERK

# CITY OF BROCKTON

Department of Planning and Economic Development

Planning Board

Conservation Commission



BILL CARPENTER  
MAYOR

May 7, 2018

RECEIVED

2018 MAY -9 AM 11:01  
CITY CLERK'S OFFICE  
BROCKTON MA

Anthony Zeoli, City Clerk  
City of Brockton  
45 School Street  
Brockton, MA 02301

RE: An Ordinance Amending Chapter 27 of the Revised Ordinance of the City of Brockton concerning the regulations and taxation of Marijuana be it ordained by the City Council of the City of Brockton, Article III, General Regulations and Permitted Modifications, is hereby amended by adding the following Section 27-24.4 Adult use of marijuana.

Dear Mr. Zeoli:

The Planning Board held a public hearing on May 1, 2018 regarding the above entitled change. Please be advised that the Board voted unanimously to recommend the change favorably.

Very truly yours,

*David Wheeler*  
David Wheeler  
Chairperson

DW:pg

45 School Street, Brockton, Massachusetts 02301 508-580-7113 [planning@cobma.us](mailto:planning@cobma.us)