



**CITY OF WALTHAM
MASSACHUSETTS**

IN THE CITY COUNCIL

IN THE YEAR TWO THOUSAND EIGHTEEN

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF
THE CITY OF WALTHAM**

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

The Zoning Ordinance of the City of Waltham, Article III entitled "Establishment of Districts," Section 3.3, entitled "Uses," subsection 3.31A, entitled "Zoning Ordinance prohibition," as most recently amended, is hereby further amended by adding the following new Section 3.31A.2:

3.31A.2. Prohibition of Marijuana Establishments, including marijuana cultivators, independent testing laboratories, marijuana product manufacturers, marijuana retailers, and any other type of licensed marijuana-related business (but excluding any Medical Marijuana Treatment Center as defined by Chapter 369 of the Acts of 2012) and Prohibition of on-site consumption of marijuana and/or marijuana products.

Notwithstanding any other provisions contained in this Zoning Ordinance, any use of any building, structure or premises for a Marijuana Establishment, as defined in Massachusetts General Laws, Chapter 94G, Section 1, regardless of the name or title by which such use may be called, shall be prohibited. This prohibition shall also bar the on-site consumption of marijuana and/or marijuana products. This prohibition shall not apply to a Medical Marijuana Treatment Center as defined by Chapter 369 of the Acts of 2012 (Massachusetts Statutes, 94C Appendix, Section 2(H)), which is subject to the provisions of Article XII, Sections 12.1 et seq. of this Zoning Ordinance.

This prohibition shall remain in full force and effect unless and until the termination of the moratorium referenced below in Subsection 3.42.

And

The Zoning Ordinance of the City of Waltham, Article III entitled "Establishment of Districts," Section 3.4, entitled "Table of Uses," subsection 3.41, as most recently amended, is hereby further amended by adding the following new Subsection 3.42:

3.42. Moratorium on Marijuana Establishments.

Notwithstanding any other provisions contained in this Zoning Ordinance, no permits or special permits shall be issued for the use, in the City of Waltham, of any Marijuana

Establishment, as defined in Massachusetts General Laws, Chapter 94G, Section 1, regardless of the name or title by which such use may be called, (but excluding Medical Marijuana Treatment Centers as defined by Chapter 369 of the Acts of 2012 (Massachusetts Statutes, 94C Appendix, Section 2{H)), which are subject to the provisions of Article XII, Sections 12.1 et seq. of this Zoning Ordinance), nor shall any permits or special permits for the on-site consumption of marijuana or marijuana products be issued prior to December 31, 2018.

The prohibition on the issuance of any such permits and/or special permits is necessary in order to provide the City of Waltham with adequate time to consider and address issues created by the enactment of M.G.L. chapter 94G, including potential impacts on other land uses within the City and potential general impacts on public health, safety and welfare, and said statute's impact on zoning within the City of Waltham consistent with the purpose of this Zoning Ordinance as stated in Article I of said Zoning Ordinance and all other applicable state and federal laws and regulations. Such moratorium will enable the City to adopt local ordinances/regulations consistent with the regulations the Cannabis Control Commission is expected to issue by March 15, 2018 and will also enable the City to consider and act upon/incorporate as necessary into the Zoning Ordinance any ballot initiatives related to marijuana establishments and/or on-site consumption of marijuana products, as authorized by state law, that are proposed and/or voted on prior to December 31, 2018. Such moratorium will also enable the City to consider the implications of the policy statement/directive issued by the Attorney General of the United States indicating that Federal laws on marijuana are to be enforced nationwide.

First Reading: April 23, 2018

Publication: May 24, 2018

Second Reading:

Third Reading:

Adopted:

Approved: