



CITY OF CAMBRIDGE

Community Development Department

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To: City Council
From: Iram Farooq, Assistant City Manager for Community
Development
Date: July 31, 2023
Subject: Cannabis Amendments Zoning Petition

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To the Honorable, the City Council,

Following the Ordinance Committee hearing on June 27, City staff have completed additional technical review of the draft zoning language before the City Council to remove the special permit requirement for Cannabis Retail uses throughout the City (the "Petition").

Attached for the Council's consideration is an updated draft with an additional change made to Section 11.803.1.b. The reference in this section to maintaining an Economic Empowerment Applicant and/or Social Equity Applicant certification by the Massachusetts Cannabis Control Commission is amended to generally state that such designation and/or certification shall be maintained, rather than stating that it shall be made a condition of a special permit. For this portion of the package, **the recommendation is to substitute the attached language to the Petition prior to passing the Petition to a second reading.**

In addition to this change, City staff have developed proposed amendments to the City's Cannabis Business Permitting Ordinance in order to improve consistency and clarity in the Business Permit and Host Community Agreement process.

Staff have identified a conflict between the Zoning Ordinance and the Cannabis Business permitting Ordinance in the language which defines the criteria for being designated as a Social Equity Applicant. The Zoning Ordinance identifies this as "... applicants that have been designated as Economic Empowerment Applicants or certified as eligible to participate in the Social Equity Program by the Massachusetts Cannabis Control Commission..." whereas the Cannabis Business Permitting Ordinance identifies Social Equity applicants as also being Cambridge residents.

We recommend that the Cambridge residency requirement be removed from Social Equity status in the Cannabis Business Permitting Ordinance. To date, none of the Social Equity applicants whose applications are in process or who have inquired about the process are Cambridge residents.

For the proposed Business Permitting Ordinance changes, **the recommendation is to refer this language to the Ordinance Committee for its hearing and discussion.**

Amend Article 4.30 of the Zoning Ordinance as follows:

	Open Space	Res A 1&2	Res B	Res C, C-1, C- 1A, 2, 2A, 2B, 3, 3A, 3B	Off 1, 2A, 2, 3, 3A	Bus A-1, A-2, A-3 ¹	Bus A, A-4	Bus B, B-1, B-2	Bus C	Ind A-1, A-2	Ind A	Ind B-1, B-2	Ind B
4.32 Transportation, Communication & Utility Uses													
l. Cannabis Courier Establishment	No	No	No	No	Yes ₅₈	Yes ₈ ⁵	Yes ₈ ⁵	Yes ₈ ⁵	Yes ₈ ⁵	Yes ₅₈	Yes ₅₈	Yes ₅₈	Yes ₅₈
4.35 Retail or Consumer Service Establishments													
s. Cannabis Retail Store	No	No	No	No	No	Yes ₈ ⁵	Yes ₈ ⁵	Yes ₈ ⁵	Yes ₈ ⁵	Yes ₅₈	No	Yes ₅₈	Yes ₅₈
4.37 Light Industry, Wholesale Business and Storage													
n. Cannabis Production Facility	No	No	No	No	No	No	No	No	No	No	No	PB ₈ ⁵	No
o. Cannabis Delivery Operator Establishment	No	No	No	No	Yes ₅₈	Yes ₈ ⁵	Yes ₈ ⁵	Yes ₈ ⁵	Yes ₈ ⁵	Yes ₅₈	Yes ₅₈	Yes ₅₈	Yes ₅₈

Amend Article 11.800 of the Zoning Ordinance as follows:

11.800 CANNABIS USES

11.801Statement of Purpose. The purpose of this section is to provide for the limited establishment of Registered Marijuana Dispensaries for the medical use of cannabis products and Cannabis Establishments for the non-medical use of cannabis products, as they are authorized pursuant to applicable state laws and regulations.

11.802General Requirements

11.802.1Allowed Cannabis Uses.

- (a) Cannabis Retail Stores, Cannabis Delivery Operator Establishments, and Cannabis Production Facilities shall be allowed as set forth in the Table of Use Regulations (Section 4.30 of this Zoning Ordinance), subject to the requirements set forth in this Section 11.800, et seq.

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- (b) Cannabis Retail Stores, Cannabis Delivery Operator Establishments, or Cannabis Production Facilities, as defined in Article 2.000 of this Zoning Ordinance, may be established to provide cannabis products for medical or non-medical use, or both, in accordance with applicable state laws and regulations.
 - (c) A Cannabis Establishment that is licensed as a Cannabis Independent Testing Laboratory or Cannabis Research Facility pursuant to applicable state laws and regulations, but is not authorized to sell or otherwise transfer Cannabis Products to consumers or to cultivate, manufacture, or otherwise produce Cannabis Products that are intended to be sold or otherwise transferred to consumers, shall be regulated within the Table of Use Regulations in Section 4.30 of this Zoning Ordinance as a Technical Office (Section 4.34, Item "f") or, if such establishment is noncommercial, a Noncommercial Research Facility (Section 4.33, Item "c"). Such establishment shall comply with all state and local laws and regulations, including regulations promulgated by the Cambridge Public Health Department, where applicable.

11.802.2Licenses and Registration. A Special Permit (where applicable), Building Permit or Certificate of Occupancy issued pursuant to this Section shall be conditioned on the Permittee maintaining all required state and local licenses and/or registrations and complying with all applicable state and local public health regulations and all other applicable laws, rules and regulations at all times. No Building Permit or Certificate of Occupancy shall be issued for a Cannabis Use that is not properly licensed and/or registered with the applicable state and local agencies.

11.802.3Limitation of Approval. A Special Permit (where applicable), Building Permit or Certificate of Occupancy authorizing the establishment of a Cannabis Use shall be valid only for the licensed or registered entity to which the permit was issued, and only for the site on which the Cannabis Use has been permitted. If the license or registration for a Cannabis Use has not been renewed or has been revoked, transferred to another controlling entity, or relocated to a different site, a new special permit and/or building permit, where applicable, shall be required prior to issuance of a Certificate of Occupancy.

11.802.4Building. A Cannabis Establishment shall be located only in a permanent building and not within any mobile facility. All sales, cultivation, manufacturing, and other related activities shall be conducted within the building, except in cases where home deliveries are authorized in accordance with 935 CMR 500.000 and other applicable state and local regulations.

11.803Location Standards.

11.803.1Cannabis Retail Stores.

- (a) Cannabis Retail Stores shall be allowed only in those districts set forth in the Table of Use Regulations (Section 4.30 of this Zoning Ordinance) and special districts and overlay districts whose use regulations are based on those districts, subject to any limitations set forth in the regulations of those districts. In the Business A-1 district, only applicants that have been designated as Economic Empowerment Applicants or certified as eligible to participate in the Social Equity Program by the Massachusetts Cannabis Control Commission may be permitted and such designation or eligibility shall be maintained.
- (b) A Cannabis Retail Store shall not be permitted within one thousand and eight hundred (1,800) feet of another Cannabis Retail Store, except if the applicant has been designated as an Economic Empowerment Applicant or certified as eligible to participate in the Social Equity Program by the Massachusetts Cannabis Control Commission and maintains that designation and/or certification. ~~and it is made a condition of the special permit that such designation or eligibility shall be maintained.~~
- (c) All products offered to consumers shall be pre-packaged off-site, and no packaging or repackaging of cannabis or marijuana products shall take place on the premises of a Cannabis Retail Store unless it is also meets the requirements for a Cannabis Production Facility.

11.803.2Cannabis Delivery Operator Establishments shall be allowed only in those districts set forth in the Table of Use Regulations (Section 4.30 of this Zoning Ordinance) and special districts and overlay districts whose use regulations are based on those districts, subject to any limitations set forth in the regulations of those

districts and provided that the establishment is not greater than 10,000 square feet in Gross Floor Area and that no packaging or repackaging of cannabis or marijuana products shall take place on the premises.

11.803.3 Cannabis Production Facilities shall be allowed only by Planning Board Special Permit in those districts set forth in the Table of Use Regulations (Section 4.30 of this Zoning Ordinance) and special districts and overlay districts whose use regulations are based on those districts, subject to any limitations set forth in the regulations of those districts and provided that the establishment is not greater than 10,000 square feet in Gross Floor Area.

11.803.4 Buffer Zones.

- (a) A Cannabis Retail Store or Cannabis Production Facility shall not be permitted within 300 feet of a pre-existing public or private school providing education in kindergarten or any of grades one through 12, except where the Planning Board, in issuing a special permit, approves a reduced distance upon finding that the location will cause no substantial adverse impact due to site-specific factors or other mitigating efforts agreed to in writing by the permittee and made conditions of the special permit.
- (b) A Cannabis Retail Store or Cannabis Production Facility shall not be permitted within 300 feet of a pre-existing public children's playground, public youth athletic field, or public youth recreation facility, except where the Planning Board, in issuing a special permit, approves a reduced distance upon finding that the location will cause no substantial adverse impact due to site-specific factors or other mitigating efforts agreed to in writing by the permittee and made conditions of the special permit.

11.804 Parking and Transportation.

- (a) Any Cannabis Courier Establishment, Cannabis Delivery Operator Establishment, or other Cannabis Establishment shall park and store all delivery vehicles off-street. Such requirement may not be reduced or waived. Delivery vehicles shall not be parked on-street except for authorized active loading/unloading activities. Delivery vehicles may be parked in facilities that are accessory to the Cannabis Use or in authorized principal use parking facilities.
- (b) All parking spaces to be used by customers, employees, visitors, or delivery vehicles shall be registered with the Cambridge Traffic, Parking and Transportation Department (TPTD), including a parking layout plan, in accordance with Chapter 10.18 of the City of Cambridge Code of Ordinances, and shall comply with all other applicable state or local laws, regulations, and ordinances.
- (c) All Cannabis Retail Stores, Cannabis Courier Establishments, Cannabis Delivery Operator Establishments, and Cannabis Production Facilities shall submit an Operations and Logistics Plan to the Cambridge TPTD and Cambridge Police Department before applying for a special permit (where applicable), building permit or certificate of occupancy. Such plan shall include the following information using narratives and graphics:
 - (1) hours of operation and anticipated numbers of employees and consumers on-site during operating hours;
 - (2) expected frequency of loading/unloading trips by delivery and service vehicles;
 - (3) access and egress routes for customers and employees;
 - (4) locations of parking and bicycle parking areas for customers and employees;
 - (5) number of delivery vehicles, where applicable, and locations where they will be stored on-site;
 - (6) locations where loading/unloading and service activities will take place and a description of how such activities will be conducted;
 - (7) a description of transportation options for customers and employees, including public transportation services, on-site and off-site parking facilities, transportation demand management measures to encourage and support sustainable forms of travel for employees and customers, and short-term and long-term bicycle facilities;

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- (8) specific measures that will be employed by the Cannabis Use to prevent adverse impacts on the public way including but not limited to sidewalk crowding, blocking of vehicular or bicycle travel lanes, potential safety hazards, and other issues identified by City departments; and
 - (9) a specific plan for the initial opening period that includes measures to identify and respond to unexpected impacts.
- (d) The Cambridge TPTD and Cambridge Police Department shall approve a final Operations and Logistics Plan prior to issuance of a certificate of occupancy for a Cannabis Use, and may require operational practices to prevent or correct adverse impacts of the operation of the Cannabis Use on the public way, including but not limited to crowding on the public sidewalk, blocking of travel lanes by vehicles, or hazardous conditions. Such practices may include, but are not limited to, restrictions on the use of the public way, required pre-purchase and/or appointment-only customer service for a period of time, restrictions on the location and/or timing of loading/unloading activities, or similar measures. When granting a special permit, where applicable, the Planning Board may also include conditions pertaining to the Operations and Logistics Plan.

11.805Application Requirements. An application to the Planning Board for a Cannabis Production Facility shall contain, at a minimum, the following information:

- (a) Description of Activities: a narrative providing information about the type and scale of all activities that will take place on the proposed site, including but not limited to cultivating and processing of Cannabis Products, on-site sales, off-site deliveries, distribution of educational materials, and other programs or activities.
- (b) Context Map: A map identifying, at a minimum, the location of the proposed establishment, the locations of all other Cannabis Uses in the vicinity, the locations of all public or private schools providing education in kindergarten or any of grades one through 12, and the locations of all children's playgrounds, youth athletic fields, or other youth recreation facilities, with measured distances provided to demonstrate whether the location complies with the standards of Section 11.803 above.
- (c) Site Plan: A plan or plans depicting all existing and proposed development on the property, including the dimensions of the building, the detailed layout of automobile and bicycle parking, the location of pedestrian, bicycle and vehicular points of access and egress, the location and design of all loading, refuse and service facilities, the location, type and direction of all outdoor lighting on the site, and any landscape design.
- (d) Building Elevations and Signage: Architectural drawings of all exterior building facades and all proposed signage, specifying materials and colors to be used. Perspective drawings and illustrations of the site from public ways and abutting properties are recommended but not required.
- (e) Initial Operations and Logistics Plan: Containing the information set forth in Paragraph (d) of Section 11.804 above.
- (f) License or Registration Materials: Copies of all materials submitted to applicable state and local agencies for the purpose of licensing and/or registration, and any certification or license issued by any such agency, excluding any information required by law to be kept confidential.

11.806Special Permit Criteria. In granting a special permit for a Cannabis Production Facility Use, in addition to the general criteria for issuance of a special permit as set forth in Section 10.43 of this Zoning Ordinance, the Planning Board shall find that the following criteria are met:

- (a) The site is designed such that it provides convenient, safe and secure access and egress for customers and employees arriving to and leaving from the site using all modes of transportation, including drivers, pedestrians, bicyclists and public transportation users.
- (b) On-site loading, refuse and service areas are designed to be secure and shielded from abutting uses.

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- (c) The building and site have been designed to be compatible with other buildings in the area and to mitigate any negative aesthetic impacts that might result from required security measures and restrictions on visibility into the building's interior and/or from restrictions on direct access by consumers.
 - (d) If the proposed Cannabis Production Facility is not proposed to include a Medical Marijuana Treatment Center, it will nevertheless provide programs to assist qualifying patients within the city or neighborhood who are registered through the Massachusetts Medical Use of Marijuana Program in obtaining services under that program.

(Ord. No. 2021-8 , 6-28-2021)

Editor's note(s)—Ord. No. 2021-8 , adopted June 28, 2021, repealed the former § 11.800, and enacted a new § 11.800 as set out herein. The former § 11.800 pertained to similar subject matter and derived from Ord. No. 1404 , adopted Dec. 17, 2018.

Chapter 5.50 CANNABIS BUSINESS PERMITTING

Sections:

5.50.010 Purpose.

This ordinance is intended to create a separate local permitting requirement for Cannabis Retail Store, Cannabis Cultivator, Cannabis Product Manufacturer, Cannabis Microbusiness, Cannabis Courier Establishment, Cannabis Delivery Operator Establishment, or any other Cannabis Business as defined herein (collectively "Cannabis Business") applicants to certify compliance with certain conditions in the public interest prior to being permitted to operate a Cannabis Business in the City. The City deems it to be in the public interest to give initial permitting preferences for Cannabis Businesses to Priority [A](#) Applicants, as defined herein.

(Ord. No. 2021-19 , 9-13-2021; Ord. No. 1409 , 9-23-19)

5.50.020. Definitions.

"Cannabis Business." A Cannabis Retail Store, Cannabis Cultivator, Cannabis Product Manufacturer, Cannabis Microbusiness, Cannabis Courier Establishment, Cannabis Delivery Operator Establishment, or any other entity licensed by the Massachusetts Cannabis Control Commission to produce, transport or sell marijuana in the Commonwealth of Massachusetts.

"Cannabis Cultivator." An entity licensed by the Massachusetts Cannabis Control Commission as a Marijuana Cultivator to cultivate, process and package cannabis or marijuana, and to transfer cannabis or marijuana to other cannabis or marijuana establishments, but not to consumers. A craft marijuana cooperative is a type of Marijuana Cultivator, pursuant to 935 CMR 500.000.

"Cannabis Product Manufacturer." An entity licensed by the Massachusetts Cannabis Control Commission as a Marijuana Product Manufacturer to obtain, manufacture, process and package cannabis or marijuana products and to transfer these products to other cannabis or marijuana establishments, but not to consumers.

"Cannabis Retail Store." An establishment authorized to sell or otherwise transfer cannabis or marijuana products to consumers for use off the premises, but not to cultivate, manufacture, process, or package cannabis or marijuana products, in accordance with applicable state laws and regulations. A Cannabis Retail Store may be licensed to operate as a Cannabis or Marijuana Retailer or registered as a Medical Marijuana Treatment Center, ~~also formerly~~ known as a Registered Marijuana Dispensary ([RMD](#)) (hereafter "[MTCRMD](#)"), or both, in accordance with applicable state laws and regulations.

"Cannabis Courier Establishment." An establishment licensed as a Marijuana Courier by the Massachusetts Cannabis Control Commission that is authorized to operate pursuant to that license, including to deliver cannabis or marijuana products, accessories and branded goods from a Cannabis Retail Store to consumers, in accordance with applicable state laws and regulations, but not authorized to sell cannabis or marijuana products directly to consumers.

"Cannabis Transporter." An entity, not otherwise licensed by the Cannabis Control Commission, that is licensed to purchase, obtain, and possess cannabis or marijuana, or cannabis or marijuana products, solely for the purpose of transporting, temporarily storing, selling and distributing them to cannabis establishments, not for selling to consumers. Local Sales Taxes. Taxes imposed by the City upon the sale or transfer of marijuana or marijuana products by a Cannabis Retail Store pursuant to Section 3 of M.G.L. Chapter 64N."

"Cannabis Delivery Operator Establishment." An establishment licensed as a Marijuana Delivery Operator by the Massachusetts Cannabis Control Commission and authorized to purchase at wholesale and warehouse on the site cannabis or marijuana products acquired from a Cannabis Cultivator, Cannabis Product Manufacturer, Cannabis Microbusiness or Craft Marijuana Cooperative, and to sell and deliver cannabis or marijuana products, accessories and branded goods directly to consumers in accordance with applicable state laws and regulations, but not authorized to repackage cannabis or marijuana products or to sell cannabis or marijuana products to consumers on-site.

"Cannabis Microbusiness." A co-located Cannabis or Marijuana Establishment that can be either a Tier 1 Marijuana Cultivator or a Product Manufacturer or both, pursuant to 935 CMR 500.00, in compliance with the operating procedures for each license and, if in receipt of a Delivery Endorsement issued by the Cannabis Control Commission, may deliver Cannabis or Cannabis Products produced at the licensed location directly to Consumers in compliance with established regulatory requirements for retail sale as it relates to delivery. A Microbusiness that is a Cannabis Marijuana Product Manufacturer may purchase no more than 2,000 pounds of marijuana per year from other Cannabis or Marijuana Establishments, pursuant to 935 CMR 500.000.

"Priority Applicant." A person, corporation, or other legal entity applying for a Cannabis Business permit pursuant to this Chapter to operate in the City who is:

- A. Group A Priority Applicant. An Economic Empowerment Applicant certified as such by the Commonwealth's Cannabis Control Commission; or a Social Equity Program Applicant certified as such by the Commonwealth's Cannabis Control Commission ~~who is also a Cambridge resident and has been for at least the previous three years~~; or Women or Minority Owned business as certified by the Commonwealth and /or by the City; or a Cambridge resident for at least the three previous years prior to application earning less than fifty percent (50%) of Area Median Income (AMI) in the three previous tax years prior to application —to be known as Group A Priority Applicants.
- B. Group B Priority Applicant. ~~An MTC-RMD~~ within the City that was licensed or registered by the Massachusetts Department of Public Health not later than July 1, 2017 to sell cannabis products in a Cannabis Retail Store pursuant to the Commonwealth's medical use of marijuana laws, which seeks to operate as a licensed marijuana retailer pursuant to the Commonwealth's adult use of marijuana laws - to be known as Group B Priority Applicants. Those who qualify as Group B Priority Applicants cannot also qualify as a Group A Priority Applicant.

(Ord. No. 2021-19 , 9-13-2021; Ord. No. 1409 , 9-23-19)

5.50.030 Applicability.

This Chapter shall apply to any proposed Cannabis Business that is seeking licensure from the Cannabis Control Commission on or after the effective date of this Chapter. This Chapter shall not apply to ~~RMD~~MTCs that have already been permitted in the City and are not seeking licensure as a Cannabis Retail Store for retail cannabis sales prior to the effective date of this Chapter ("Existing MTC~~RMD~~").

(Ord. No. 2021-19 , 9-13-2021; Ord. No. 1409 , 9-23-19)

5.50.040 Permitting Preferences for Priority Applicants.

The City shall issue a Cannabis Business Permit pursuant to this Chapter only to Priority Applicants. For the first five years after the Effective Date of this Chapter as stated in section 5.50.100 below, the City shall issue a Cannabis Business Permit to operate a Cannabis Retail Store only to Group A Priority Applicants. The effect of this provision is to extend the preference period for Economic Empowerment Applicants from three years to five years,

and to provide a three year preference period for all other Group A Priority Applicants to run concurrently with the third, fourth and fifth years of the preference period for Economic Empowerment Applicants.

For the first year after the expiration of the Massachusetts Cannabis Control Commission's exclusivity period for Marijuana Courier Licenses and Marijuana Delivery Operator Licenses, as set forth in 935 CMR 500.050(10) and (11), the City shall issue a Cannabis Business Permit for a Cannabis Courier Establishment or Cannabis Delivery Operator Establishment only to Group A Priority Applicants.

The Council shall review this provision of the ordinance again no later than September 1, 2022
(Ord. No. 2022-19 , 9-19-2022; Ord. No. 2021-19 , 9-13-2021; Ord. No. 1409 , 9-23-19)

5.50.050 Permitting Requirements.

- A. In order to obtain a Cannabis Business permit pursuant to this Chapter, an applicant must certify that:
1. It will comply with employee pay standards set out in the City's Living Wage Ordinance;
 2. It will hire at least 51% of minority, women and/or veterans as employees;
 3. If applicant has a Board of Directors, the board makeup will be at least 51% minority, women and/or veterans;
 4. It consents to unannounced, periodic compliance inspections by City officials of its Cannabis Business, including any Cannabis Business activities it conducts off-site;
 5. It will comply with all State and local laws and regulations regarding its Cannabis Business operations;
 6. No person under the minimum legal sales age shall be permitted to enter the Cannabis Business site unless such person possesses a state-issued registration card demonstrating that the person is a registered qualifying medical marijuana (cannabis) patient and the Cannabis Business site is, or is co-located with, an [MTCRMD](#);
 7. It will work with the Cambridge Public Health Department to create and distribute educational materials to its customers as directed by the Cambridge Public Health Department;
 8. It will sell only cannabis and cannabis accessories, and not other products, including tobacco products or alcoholic beverages of any kind;
 9. It will comply with directives of the Police Commissioner and of the Director of Traffic Parking and Transportation, or their designees, regarding traffic measures to be taken at and near the Cannabis Business site;
 10. It has received a special permit from the Planning Board for its Cannabis Business [if required pursuant to the Cambridge Zoning Ordinance](#), and has entered into a Host Community Agreement with the City through the City Manager's Office; and
 11. It is a business in good standing with no outstanding federal, state or local investigations or judgments pending against it.
- B. No discretionary permit conditions may be imposed by the permit issuing authority pursuant to this Chapter.
- C. A Cannabis Business permit shall be valid only for the applicant to which the Cannabis Business permit was issued, and only for the use and for the site approved in the permit. A proposed change of [controlling ownership or control that would require notification to the Cannabis Control Commission pursuant to the Adult Use of Marijuana Regulations 935 CMR 500.000](#), change of use, or change of site shall require a new Cannabis Business permit. As part of the Cannabis Business permit application process, the City shall require the applicant to disclose all individuals and legal entities who [are a Person or Entity Having Direct Control or](#)

a Person or Entity Having Indirect Control pursuant to the Adult Use of Marijuana Regulations have a beneficial interest in the applicant's business.

- D. A Cannabis Business that is licensed to conduct cannabis delivery shall submit an Operations and Logistics Plan for approval by the Cambridge Traffic, Parking and Transportation Department and Cambridge Police Department annually prior to issuance and renewal pursuant to Section 5.50.070 below.

(Ord. No. 2021-19 , 9-13-2021; Ord. No. 1409 , 9-23-19)

5.50.060 Permitting Procedure.

This Chapter shall be administered by the City's Inspectional Services Department, except that Priority Applicant status shall be certified by the Director of the Economic Opportunity and Development Division of the Community Development Department, or their designee. Applications for Cannabis Business permits shall be obtained from and submitted to the Inspectional Services Department. If permit applications are properly completed and certified, and the conditions of this Chapter are met, the Commissioner of Inspectional Services (the "Commissioner") shall issue a Cannabis Business permit to the applicant. No public hearing process on individual applications shall be conducted. A Host Community Agreement shall be negotiated with the City Manager.

(Ord. No. 2021-19 , 9-13-2021; Ord. No. 1409 , 9-23-19)

5.50.070 Permit Expiration and Renewal.

The Cannabis Business permit issued pursuant to this Chapter shall be subject to renewal annually. If the applicant fails to timely renew or fails to meet the requirements of this Chapter at the time of each renewal, including the Permitting Requirements in section 5.50.050 above, the Cannabis Business permit issued hereunder shall expire. A Cannabis Business permit will not be renewed if the permit holder has failed to pay all fines issued pursuant to this Chapter.

(Ord. No. 2021-19 , 9-13-2021; Ord. No. 1409 , 9-23-19)

5.50.080 Enforcement.

- A. Failure to comply with this Chapter, including a failure to maintain the status of a Priority Applicant, failure to obtain or to comply with the provisions of a Planning Board special permit if required pursuant to the Cambridge Zoning Ordinance, or State license to operate a Cannabis Business, or failure to comply with any applicable laws, may result in revocation by the City, through the Commissioner, of the Cannabis Business permit granted pursuant to this Chapter. Failure to meet the annual Cannabis Business permit renewal requirements will result in the expiration of the Cannabis Business permit. If a permit holder's State license is revoked, then the Cannabis Business permit issued by the City shall be revoked. A Cannabis Business permit may be revoked or not renewed if the permit holder has sold a cannabis product to a person under the minimum legal sales age three times or more, or if the permit holder has failed to pay to the City all outstanding fines issued pursuant to this Chapter.
- B. An applicant must cease to operate if it does not hold and maintain a valid Cannabis Business permit pursuant to this Chapter. Prior to revoking a Cannabis Business permit issued hereunder, the Commissioner will notify the Cannabis Business permit holder in writing and allow the Cannabis Business permit holder at least fourteen (14) days to submit written information to the Commissioner establishing that the Cannabis Business permit holder is in compliance with the terms of this Chapter. The Commissioner shall make a final determination on the Cannabis Business permit expiration or revocation thereafter. If a permit holder

requests, the Commissioner in his discretion may hold a hearing before deciding whether to revoke a Cannabis Business permit.

- C. Any violation of this Chapter by a permit holder shall be subject to a fine of up to \$300 for each violation. Each day a violation exists shall constitute a separate violation.
- D. Fines pursuant to this Chapter may be issued pursuant to the non-criminal ticketing procedure in G.L.c.40, § 21D. The Commissioner of Inspectional Services, the Police Commissioner, and the Commissioner of Public Health, or their designees shall be the enforcement officials for this Chapter.

(Ord. No. 2021-19 , 9-13-2021; Ord. No. 1409 , 9-23-19)

5.50.090 Regulations.

The Commissioner of Inspectional Services, as well as the Assistant City Manager for Community Development, with the approval of the City Manager, are authorized to promulgate regulations and to create the necessary application and permit forms, to implement this Chapter with respect to their respective responsibilities pursuant to this Chapter. Regulatory requirements implementing this ordinance may differ for Priority Applicants and non-Priority applicants, such that the regulatory burden for Priority Applicants is less burdensome.

(Ord. No. 2021-19 , 9-13-2021; Ord. No. 1409 , 9-23-19)

5.50.100 Effective Date.

This Chapter shall take effect on September 23, 2019.

(Ord. No. 2021-19 , 9-13-2021; Ord. No. 1409 , 9-23-19)

5.50.110 Severability.

The provisions of this Chapter are severable, and if any part of this Chapter should be held invalid by a court of competent jurisdiction, such invalidity shall not affect the remainder of the Chapter, and the remainder of the Chapter shall remain in full force and effect.

(Ord. No. 2021-19 , 9-13-2021; Ord. No. 1409 , 9-23-19)