



Public Hearing

The Provincetown Licensing Board will hold a Public Hearing at 5:15 p.m. on Tuesday, June 11, 2019 in the Judge Welsh Room at Town Hall, 260 Commercial Street, Provincetown, Massachusetts, to hear the following proposed regulation changes:

Move and renumber Section 1.12 Responsibilities of License Holder to Section 1.10.

1.11 Enforcement and Penalties:

1. The authority to inspect licensed establishments for compliance and to enforce these regulations shall be held by the Licensing Board, its designees and the Police Department.
2. Any person may register a complaint with the Licensing Board under these regulations to initiate an investigation and/or request for enforcement.
3. It shall be the responsibility of the Licensee and/or business agent to ensure compliance with all applicable sections of these regulations. Any Licensee found to be in violation of the provisions of these regulations may receive a written warning citation, a fine, a license suspension, or a license revocation.
4. Any Licensee or any person or entity charged with violation of any provision of these regulations shall receive a notice of violation from the Licensing Board. Unless an appeal of such violation notice is waived by the Licensee, the Licensing Board shall conduct a hearing to determine the facts of the violation, the appropriate corrective actions, the terms of suspension, if any, and/or issue a license revocation order.

1.12 Show Cause Hearing

Prior to considering any suspension or revocation, the Licensing Board shall provide written notice of a hearing, which notice shall contain the reasons therefor and establish a time and date for such hearing, which date shall be no earlier than 7 days and no later than 45 days after the date of said notice. The Licensee shall have an opportunity to be heard at such hearing and shall be notified of the Licensing Board's decision and the reasons therefor in writing. After a hearing, the Provincetown Licensing Board shall issue a decision within 30 days of the close of the hearing and may suspend or revoke the license if the Licensing Board finds that a violation or violations of these regulation occurred.

1.13 Causes for Revocation, Suspension, and Modification

Any license issued may be modified, suspended, or revoked for any of the following causes:

1. Violation by the licensee of any provision of the relevant General laws of the Commonwealth, or of any By-Law or rule or regulation or of any Board, Commission, or Committee of the Town of Provincetown.
2. Failure to operate the premises covered by the license.

3. Failure or refusal of the licensee to furnish or disclose any information required by any provision of State or Local law.
4. Giving or offering any money or any article of value or pay or reimburse or forgive the debt for services provided to any employee, member or agent of the Licensing Board.
5. Failure by the licensee to comply with the conditions of the license.

4.14 1.14 Suspension of Service Orders. Suspended licenses must be surrendered to the Police Department for the time period of suspension.

1.15 Fines.

Alternatively, violations of these regulations may be enforced by non-criminal method of disposition as provided in General Laws Chapter 40, Section 21D and Chapter 2 of the Town's General Bylaws. The penalties for violations so enforced shall be first offense \$100; second offense \$200; third and subsequent offenses \$300. Each day on which a violation exists shall be deemed a separate offense, unless the licensee is cooperating with the Town to correct the violation in a timely manner.

3.50 MARIJUANA ESTABLISHMENT LICENSES

3.51 Purpose.

The purpose of these regulations is to provide oversight of state-licensed adult use and medical marijuana establishments operating within in the Town of Provincetown in accordance with applicable state laws and regulations and to impose reasonable safeguards to govern marijuana establishment operations to ensure public health, safety, and welfare. The prevention of the illegal sale and safe use of marijuana, and prohibiting such use by minors, is a public health priority.

3.52 Definitions.

For the purpose of these regulations, the definition of "Marijuana Establishment" shall refer to those uses defined as "Marijuana Establishment-Retailer" and "Marijuana Establishment – Industrial" as defined in the Town's Zoning Bylaw.

3.53 General Provisions

1. No person shall operate a Marijuana Establishment without first obtaining a license from the Licensing Board to operate pursuant to the requirements of these regulations.
2. A separate local license shall be required for each type of Marijuana Establishment requiring a license from the Cannabis Control Commission, except that a Marijuana Establishment – Retailer selling both adult use and medical marijuana shall only require a single license.
3. The licensee is responsible for ensuring that all employees engaged in the cultivation, production or sale of marijuana and marijuana products read and understand the Rules and Regulations of the Licensing Board and comply with all state and local rules and laws.
4. All Marijuana Establishment Licenses shall expire annually on December 31st.

3.54 Application Requirements. Applicants for a Marijuana Establishment license shall comply with the requirements listed below. No application shall be advertised or presented to the Licensing Board for its consideration until it is deemed complete by the Licensing Board or its designee. The Board may waive any of the requirements if thought to not apply based on the type of marijuana establishment being requested.

Security, Operations, and Emergency Plans. All Marijuana Establishments shall file a Cannabis Control Commission approved security plan, operation and management plan, and emergency plan (or in the case of a renewal have on file an approved plan).

1. Operation and Management Plan. All Marijuana Establishments shall submit an operations and management plan to the Licensing Board consistent with 935 CMR 500.105
2. Security Plan. The security plan shall be submitted to the Provincetown Police Department for review and recommendation. The security plan shall include the details of all security measures for the site and the transportation of marijuana and marijuana products to and from off-site premises to ensure the safety of employees and the public and to protect the premises property from theft or other criminal activity.
3. Emergency Response Plan. All Marijuana Establishments shall submit an Emergency Response Plan to the Provincetown Fire and Police Departments pursuant to M.G.L.A. c. 94G, § 12.
4. Signed Host Community Agreement with the Town of Provincetown.

3.55 Use Regulations. The following regulations shall apply to all Marijuana Establishments:

1. The licensee's Host Community Agreement conditions shall be referenced in the license. It shall be the responsibility of the Marijuana Establishment Licensee and/or business agent to ensure compliance with all applicable sections of these regulations and the Host Community Agreement with the Town. Any Licensee found to be in violation of the provisions of these regulations or Host Community Agreement may receive a written warning citation, a fine, a license suspension, or a license revocation.
2. The licensee shall ensure that its (a) hours of operation, and its (b) hours and methods of transportation of product, shall not be a detriment to the surrounding area and nearby uses.
3. The licensee's operations shall not result in illegal redistribution of marijuana or marijuana products obtained from the licensee, or in use of marijuana in any manner that violates State or local law.
4. The licensee shall maintain compliance with a Town Police Department-approved security and public safety plan, including specification of video and lighting locations, and any other security measures as may be required at any time by the Police Department. Such measures may include, but are not limited to, measures relating to lighting, alarms, fencing, gates, traffic, delivery procedures, and if required by the Chief of Police, private duty police details.
5. The licensee shall consent to unannounced, unscheduled, periodic inspections of the Marijuana Establishment by the Board and its designees on week-days during

normal business hours to determine the licensee's compliance with applicable State and local laws and regulations, the license, and the Town's Planning and ZBA Special Permit (if issued). Inspections may be made at other times to investigate complaints or non-compliance issues. Inspections may include all areas occupied, used or controlled by the licensee.

6. The licensee shall cooperate and comply with requests for information made by the Board and its agents. Corporate Management Team Members, Site Managers and key holders shall respond within twenty-four (24) hours of contact by a Town staff member.

3.56 Use Regulations - Retailers. The following regulations shall apply to Marijuana Establishment - Retailers:

1. The hours of operation shall be set by the Licensing Board, but in no event shall a Marijuana Establishment – Retailer be open to the public, nor shall any sale or other distribution of marijuana occur upon the premises or via delivery from the premises, between the hours of 9:00 p.m. and 9:00 a.m.
2. No licensee may exceed the occupancy limit posted on the license. The occupancy limit is set by the Building Commissioner, unless the Licensing Board finds that a more restrictive occupancy is necessary to maintain public safety.
3. All patrons and guests must leave the premises at the closing time stated on the license, new customers shall not be allowed in the establishment 10 minutes prior to closing.
4. The Police must be notified if employees are going to remain at the establishment more than two hours past closing.
5. The licensee shall conspicuously post signage at any entrance actively used by the public indicating that entry into the premises of the Marijuana Establishment by persons not possessing valid identification is prohibited. The notice shall be no smaller than 8.5" by 11."
6. The licensee shall manage its operations to protect against nuisance conditions in parking areas, sidewalks, streets and areas surrounding its premises and at adjacent properties. "Nuisance" includes, but is not limited to, disturbances of the peace, open public consumption of cannabis, pedestrian or vehicular queuing that results in obstructions of the sidewalk or public ways, littering, loitering, illegal parking, loud noises, citations for violations of State traffic laws and regulations and/or Provincetown Parking Department Rules and Regulations directly attributed to Marijuana Establishment employees or patrons.

3.57 Restrictions and Prohibitions

1. Licensees are forbidden to make a sale of marijuana or marijuana products to a person who is intoxicated or appears to be under the influence of alcohol or drugs.
2. No odor from any Marijuana Establishments may be noxious or cause a public nuisance.
3. No Marijuana Establishment shall be managed by any person other than the licensee or their assign. There shall be a designated manager on the premises during regular hours of operation and responsible for all activities within the

licensed business and shall provide up to date emergency contact information to the Provincetown Police Department to have on file.

4. No marijuana shall be smoked, inhaled, eaten, or otherwise consumed or ingested within any type of licensed Marijuana Establishment.
5. Out-of-Package Sales. The sale or distribution of edible marijuana products in any form other than an original factory-wrapped package is prohibited, including the repackaging or dispensing of any edible marijuana product for retail sale.
6. Self-Service Displays. All self-service displays or vending machines of marijuana products are prohibited.

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