

**Article 11. - Amend General Bylaw - Board of Selectmen as Licensing Authority for Marijuana**

To see if the Town will vote to amend the Town of Douglas General By-laws, by adding the following Section 9: Marijuana, to Article 4: Licenses and Permits, or take any other action relative thereto:

**SECTION 9: MARIJUANA**

- (a) No person shall carry on the business cultivate, process, package, deliver, obtain, manufacture, process, package, brand, sell or otherwise transfer, or test marijuana or marijuana products, or otherwise operate a Marijuana Establishment as defined by Massachusetts General Laws Chapter 94G within the Town unless first duly licensed thereof by the Board of Selectmen, to be renewed annually.
- (b) The number of Marijuana Retail Licenses issued in the Town of Douglas shall be limited to the greater of three (3) or twenty (20%) percent of licenses issued in the Town of Douglas for retail sale of alcoholic beverages not to be drunk on the premises where sold, which shall be calculated by rounding up to the next whole number.
- (c) The Board may adopt reasonable rules and regulations related to the issuance of such licenses, including the fees to be paid therefore and the conditions to be satisfied by any applicant for such a license.
- (d) Applicants for a license annually shall file an application on a form provided by the Board of Selectmen, signed under the penalties of perjury by the applicant, containing such information as the Board of Selectmen may reasonably require from time to time. Each applicant shall pay an application fee as may be reasonably determined from time to time by the Board of Selectmen.
- (e) The Board of Selectmen must act upon the application at one of their next three regularly scheduled meetings, holding a public hearing thereon, with due written notice provided to the applicant of the time, date and location where such hearing will be heard.
- (f) The Board of Selectmen may approve, deny or approve the application with conditions. Such decision shall be based on the evidence taken at the public hearing, consistent with the protection of the health, safety and welfare of the public, and consistent with the regulations promulgated by such board.
- (g) The Board of Selectmen or its agents may at any time enter upon the premises of a person who is licensed by them under this Section, to ascertain the manner in which the person conducts the business carried on under such license.
- (h) The Board of Selectmen may issue orders as appropriate to aid in the enforcement of this regulation and may enforce these provisions in equity, including the request for injunctive relief, in a court of competent jurisdiction. Any failure to comply with any Order issued hereunder shall result in the issuance of a formal warning. Any failure to comply with such a warning shall result in a fine of \$100.00. Any failure to comply after the issuance of said initial fine may be punishable by a subsequent fine of \$300.00. Each day of a continued non-compliance shall constitute a separate violation. Further, the Board of Selectmen may hold a hearing, with notice to the licensee, to determine if such license should be modified, suspended or revoked.

Home Rule Amendment [art. 89 of the Amendments to the Massachusetts Constitution]; Massachusetts General Laws, Chapter 94G, § 3, 935 CMR 500.000.