

Town Clerk

NOTICE

As per Massachusetts General Laws Chapter 40, section 32, the following attested copies have been posted in five (5) public places in the town of Hadley:

1. **HADLEY ANNUAL TOWN MEETING OF MAY 2, 2019**
Warrant Article #27 (Zoning)
Warrant Article(s) #11 & #26 (General)
2. Attorney General's letter dated July 19, 2019 pertaining to Articles and approval thereof

Copies of the Zoning By-law and zoning map may be examined and obtained in the office of the Town Clerk, Town Hall, Hadley, MA. Claims of invalidity by reasons of any defect in the procedure of adoption may only be made within ninety (90) days of this posting.

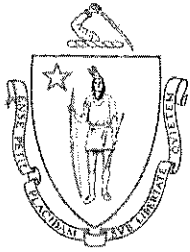
Copies posted at: Town Hall, Hadley Post Office, North Hadley Sugar Shack, Hadley Safety Complex, Goodwin Memorial Library, all in said town on

7-23, 2019

ATTEST:

Mike R. Banach

Constable
Hadley, Massachusetts



MAURA HEALEY
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608

(508) 792-7600
(508) 795-1991 fax
www.mass.gov/ago

July 19, 2019

Jessica Spanknebel, Town Clerk
Town of Hadley
100 Middle Street
Hadley, MA 01035

Re: Hadley Annual Town Meeting of May 2, 2019 -- Case # 9352
Warrant Article # 27 (Zoning)
Warrant Articles # 11, 12 and 26 (General)

Dear Ms. Spanknebel:

Articles 11, 26 and 27 - We approve Articles 11, 26 and 27 from the May 2, 2019 Hadley Annual Town Meeting.

Article 12 - We take no action on Article 12 because it is a vote to accept the provisions of G.L. c. 200A, § 9A, relating to the disposition of unclaimed property. Votes to accept statutes are not by-law amendments and are not subject to review and approval of this Office. *See* G.L. c. 40, § 32. However, we note that such votes to accept statutes must be filed with the Secretary of State pursuant to G.L. c. 4, § 5. The Town should consult with Town Counsel with any questions on this issue.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

MAURA HEALEY
ATTORNEY GENERAL

Nicole B. Caprioli

By: Nicole B. Caprioli
Assistant Attorney General
Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600 ext. 4418
nicole.caprioli@mass.gov

cc: Town Counsel Joel B. Bard



Town Clerk

Jessica Spanknebel

100 Middle Street • Hadley, MA 01035
clerk@hadleyma.org

Hadley ATM 5-2-2019

Art.27

Zoning Bylaw

Adult Use Marijuana

Telephone (413) 584-1590

Fax (413) 586-5661

To Whom It May Concern:

At the Town of Hadley Annual Town Meeting that convened on May 2, 2019 at Hopkins Academy with a quorum of 100 present and declared dissolved on May 2, 2019 by the Moderator, the following article was so voted:

Article 27 Motion was made and seconded that the Town amend the Zoning Bylaws of the Code of the Town of Hadley as delineated in Article 27 of the Annual Town Meeting warrant for May 2, 2019 and incorporated by reference herein.

The Moderator declared Article 27 passed 190-18.

Attest:

Jessica Spanknebel
Town Clerk
Hadley, MA

The Planning Board gave an oral report recommending this article

Section XXX ADULT USE MARIJUANA ESTABLISHMENTS

30.1. Purposes

The purpose of this bylaw is to allow for the siting of state-licensed Marijuana Establishments in appropriate locations in accordance with applicable state laws and regulations regarding adult use marijuana state law including, but not limited to M.G.L. c.94G and 935 CMR 500.00, and to impose reasonable safeguards to govern the time, place and manner of Marijuana Establishments to ensure public health, safety, well-being and mitigate against undue impacts on the natural and built environment of the town and its residents.

30.2. Definitions

Where not expressly defined herein, terms used in this bylaw shall be interpreted as defined in the regulations governing Adult Use of Marijuana (935 CMR 500.000) and otherwise by their plain language.

Cannabis or Marijuana or Marihuana: All parts of any plant of the genus Cannabis, not excepted in 935 CMR 500.002: Cannabis or Marijuana or Marihuana(a) through (c) and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; clones of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in M.G.L. c. 94G, § 1; provided that cannabis shall not include:

- (a) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination; or
- (b) hemp; or
- (c) the weight of any other ingredient combined with cannabis or marijuana to prepare topical or oral administrations, food, drink or other products.

Cannabis or Marijuana Products: Cannabis or marijuana and its products unless otherwise indicated. These include products have been manufactured and contain cannabis or marijuana or an extract from cannabis or marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

Ceases to Operate: Marijuana Retailer closes and does not transact business for a period greater than 60 days with no substantial action taken to reopen.

Commission: The Massachusetts Cannabis Control Commission established by M.G.L. c. 10, § 76, or its designee.

Craft Marijuana Cooperative: A Marijuana Cultivator comprised of residents of the Commonwealth and organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the Commonwealth. A cooperative is licensed to cultivate, obtain, manufacture, process, package and brand cannabis or marijuana products to transport marijuana to Marijuana Establishments, but not to consumers.

Hemp: The plant of the genus Cannabis or any part of the plant, whether growing or not, with a delta-9-tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis of any part of the plant of the genus Cannabis, or per volume or weight of cannabis or marijuana product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus Cannabis regardless of moisture content.

Host Community Agreement: An agreement, pursuant to General Laws, Chapter 94G, Section 3(d), between a Marijuana Establishment and a municipality.

Licensee: A person or entity licensed by the Commission to operate a Marijuana Establishment under 935 CMR 500.000.

Manufacture: To compound, blend, extract, infuse or otherwise make or prepare a cannabis or marijuana product.

Marijuana Cultivation: The use of land and/or buildings for planting, tending, improving, harvesting, processing and packaging, the preparation and maintenance of soil and other media and promoting the growth of marijuana by an adult use marijuana cannabis cultivator, micro-business, research facility, craft marijuana cultivator cooperative, or other entity licensed by the Cannabis Control Commission for marijuana cultivation.

Marijuana Cultivator: An entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other Marijuana Establishments, but not to consumers. A Craft Marijuana Cooperative is a type of Marijuana Cultivator.

Marijuana Establishment: A Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Marijuana Microbusiness, Marijuana Independent Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, or any other type of licensed marijuana-related business, except a Registered Marijuana Dispensary or Off-site Medical Marijuana Dispensary.

Marijuana Independent Testing Laboratory: A laboratory that is licensed by the Commission and is:

- (a) accredited by the International Organization for Standardization 17025 (ISO/IEC 17025: 2017) by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Commission; and
- (b) independent financially from any Medical Marijuana Treatment Center (RMD), Marijuana Establishment or licensee for which it conducts a test; and
- (c) qualified to test cannabis or marijuana in compliance with 935 CMR 500.160 and M.G.L. c. 94C, § 34.

Marijuana Microbusiness: A colocated Marijuana Establishment that can be either a Tier 1 Marijuana Cultivator or Product Manufacturer or both, in compliance with the operating procedures for each license. A Microbusiness that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of marijuana per year from other Marijuana Establishments.

Marijuana Process or Processing: To harvest, dry, cure, trim and separate parts of the cannabis or marijuana plant by manual or mechanical means, except it shall not include manufacture as defined in 935 CMR 500.002.

Marijuana Product Manufacturer: An entity licensed to obtain, manufacture, process and package cannabis or marijuana products and to transfer these products to other Marijuana Establishments, but not to consumers.

(1) Marijuana Research Facility: An entity licensed to engage in research projects by the Commission.

(2) Marijuana Retailer: An entity licensed to purchase and transport cannabis or marijuana product from Marijuana Establishments and to sell or otherwise transfer this product to Marijuana Establishments and to consumers. Retailers are prohibited from delivering cannabis or marijuana products to consumers; and from offering cannabis or marijuana products for the purposes of on-site social consumption on the premises of a Marijuana Establishment.

Marijuana Transporter: An entity, not otherwise licensed by the Commission, that is licensed to purchase, obtain, and possess cannabis or marijuana product solely for the purpose of transporting, temporary storage, sale and distribution to Marijuana Establishments, but not to consumers. Marijuana Transporters may be an Existing Licensee Transporter or Third Party Transporter.

Medical Marijuana Treatment Center: A Registered Marijuana Dispensary (RMD) and Off-site Medical Marijuana Dispensary (OMMD) as defined in Section XXIX of this bylaw.

30.3. Applicability

Nothing in this section shall be construed to supersede federal and state laws governing the sale and distribution of marijuana. This section shall not be construed to prevent the conversion of a Registered Marijuana Dispensary or an Off-site Medical Marijuana Dispensary to a Marijuana Establishment engaged in the same type of activity, provided, however, any such medical marijuana dispensary obtains a special permit pursuant to this Section for any such conversion to an adult use Marijuana Establishment.

30.4. Additional Requirements/Conditions

The Planning Board shall be the Special Permit Granting Authority/Site Plan Review Authority for Marijuana Establishments. In addition to the standards for Site Plan Approval bylaw as set forth in Section VIII of this bylaw, the following shall also apply to all Marijuana Establishments:

30.4.1 Use:

30.4.1.1 Any type of Marijuana Establishment may only be involved in the uses permitted by its definition and may not include other businesses or services. This excludes agricultural uses, such as growing other crops.

30.4.1.2 No marijuana shall be smoked, eaten or otherwise consumed or ingested within the premises of any Marijuana Establishment unless expressly permitted under this Bylaw and permitted by state law or regulation. The prohibition on on-site consumption shall also include private social clubs and any other establishment which allows for social consumption of marijuana or marijuana products on the premises, regardless of whether the product is sold to consumers on site.

30.4.1.3 The hours of operation shall be set by the Special Permit Granting Authority, but in no event shall a Marijuana Retailer be open to the public, and no sale or other distribution of marijuana shall occur upon the premises or via delivery from the premises, between the hours of 8:00 p.m. and 8:00 a.m.

- 30.4.1.4 No Marijuana Establishment may commence operation prior to its receipt of all required permits and approvals including, but not limited, to its Final License from the Cannabis Control Commission.
- 30.4.1.5 The number of adult use marijuana retail sales establishments permitted to be - located within the Town of Hadley shall not exceed 20% of the number of licenses issued within the town for the retail sale of alcoholic beverages not to be drunk on the premises where sold under chapter 138 of the General Laws. For the purposes of determining this number, any fraction shall be rounded up to the next highest whole number.
- 30.4.2 Physical Requirements:
- 30.4.2.1 All aspects of the Marijuana Establishment (except for the transportation of product or materials) relative to the acquisition, cultivation, possession, processing, storage, sales, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials must take place at a fixed location within a fully enclosed building or blackout style greenhouse and shall not be visible from the exterior of said building. Marijuana Establishments may not be operated within a trailer, storage freight container, motor vehicle or other similar type of potentially movable enclosure.
- 30.4.2.2 No Marijuana Retailer shall have a gross floor area open to the public in excess of 2,500 square feet.
- 30.4.2.3 Ventilation – all Marijuana Establishments shall be ventilated in such a manner that:
- 30.4.2.3.1 No pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere, and
- 30.4.2.3.2 Employs odor control technology such that no odor from the Marijuana Establishment can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the Marijuana Establishment or at any adjoining property, and
- 30.4.2.3.3 Ensure emissions are in compliance MGL Chapter 111 §31C.
- 30.4.2.4 Signage shall be displayed on the exterior of the Marijuana Establishment's entrance in plain sight of the public stating that "Access to this facility is limited to individuals 21 years or older" in text two inches in height.
- All other signage must comply with all other applicable signage regulations in the Zoning Bylaw and 935 CMR 500.000.
- 30.4.2.5 Security lighting shall comply with § 8.8.9 of this Bylaw and 935 CMR 500.00.
- 30.4.2.6 All lighting shall comply with the Zoning Bylaw and be shielded so as not to shed light onto adjacent properties or the sky above. The Planning Board may require any artificial lighting system to employ only components equipped with deflectors in order to mitigate potential light pollution.
- 30.4.2.7 Marijuana plants, products, and paraphernalia shall not be visible from outside the building in which the Marijuana Establishment is located.
- 30.4.2.8 No use shall be allowed at a Marijuana Establishment which creates a nuisance to abutters or to the surrounding area, or which creates any hazard, including but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive sound or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.
- 30.4.2.9 Noise from a Licensed Marijuana Establishment shall be properly mitigated. No marijuana cultivation facility shall allow any noise to be emitted from its facility greater than 75dBA. Such noise level shall be measured at the cultivation facility's property lines.

30.4.3 Location:

30.4.3.1 Marijuana Establishments are encouraged to utilize existing vacant buildings where possible.

30.4.3.2 No Marijuana Establishment shall be located on a parcel which is within five hundred (500) feet (to be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the Marijuana Establishment is or will be located) of a parcel occupied by a pre-existing public or private school (existing at the time the applicant's license application was received by the Cannabis Control Commission) providing education in pre-kindergarten/kindergarten or any of grades 1-12, or licensed day care center.

30.4.3.3 No marijuana retailer or Tier 1 Cultivator shall be located on a parcel which is within three hundred (300) feet (to be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the marijuana retailer or Tier 1 Cultivator is or will be located) of a parcel occupied by another marijuana retailer or Tier 1 Cultivator.

30.4.3.4 All Marijuana Establishments shall have a setback at least 300 feet from the nearest property line of any residential dwelling, regardless of whether the dwelling is occupied or not. For purposes of this section, an unimproved residential lot or parcel approved by the Town of Hadley pursuant to a Definitive Subdivision Plan on record with the Hampshire County Registry of Deeds shall constitute a "residential dwelling".

30.4.3.5 No Marijuana Establishment shall be located inside a building containing residential units, including transient housing such as motels and dormitories.

30.4.3.6 No Marijuana Establishment is permitted to provide a drive-through service.

30.4.3.7 Parking area for any Marijuana Establishment shall conform to the requirements set forth as in § 5.4 of this bylaw except that any building constructed or modified, altered or expanded for Craft Marijuana Cooperative, Marijuana Cultivator, or Marijuana Microbusiness uses shall be so located upon its parcel of land that there may be provided an off-street parking area equal to the floor area of the building to be constructed or existing building to be modified, altered or expanded. "Floor area" is defined as gross square footage under cover, as well as outdoor storage areas, outdoor display areas, outdoor seating and/or outdoor food service areas, and any other outdoor facilities related to the use. The Planning Board may (but is not required to) waive additional parking for modifications, alterations or expansions of less than 10% of the existing floor area.

30.4.4 Reporting Requirements.

30.4.4.1 Prior to the commencement of the operation or services provided by a Marijuana Establishment, the owner/applicant shall provide the Police Department, Fire Department, Building Commissioner/Inspector and the Planning Board with the names, phone numbers and email addresses of all management staff and key-holders, including a minimum of two (2) operators or managers of the Marijuana Establishment identified as contact persons to whom one can provide notice if there are operating problems associated with the establishment. All such contact information shall be updated as needed to keep it current and accurate.

30.4.4.2 The Marijuana Establishment owner/operator/manager shall notify, in writing, the local Building Commissioner/Inspector, Board of Health, Police Department, Fire Department and Planning Board for any of the following:

30.4.4.2.1 A minimum of thirty (30) days prior to any change in ownership or management of that establishment.

- 30.4.4.2.2 A minimum of one (1) business day following a violation or potential violation of any law or any criminal or potential criminal activities or attempts of violation of any law at the establishment.
- 30.4.4.3 Marijuana Establishments shall file an annual written report to, and — appear before, the Planning Board no later than January 31st of each calendar year, providing a copy of all current applicable state licenses for the Marijuana Establishment and/or its owners and demonstrate continued compliance with the conditions of the Special Permit/Site Plan Approval.
- 30.4.5 Issuance/Transfer/Discontinuance of Use
- 30.4.5.1 Special Permits/Site Plan Approvals shall be issued to the Marijuana Establishment licensee.
- 30.4.5.2 Special Permits/Site Plan Approvals shall be issued for a specific type of Marijuana Establishment on a specific site/parcel.
- 30.4.5.3 Special Permits/Site Plan Approvals shall be non-transferable to either another Marijuana Establishment owner or another site/parcel, without the consent of the Planning Board upon application by the existing licensee and the proposed transferee.
- 30.4.5.4 Special Permits/Site Plan Approvals shall lapse/expire if:
- 30.4.5.4.1 The Marijuana Establishment, other than Retail, ceases operation for 365 days, and/or
- 30.4.5.4.2 The Marijuana Establishment's registration/license by the Cannabis Control Commission expires or is terminated.
- 30.4.5.5 The Marijuana Establishment shall notify the Zoning Enforcement Officer and Special Permit Granting Authority in writing within two (2) business days of such lapse, cessation, discontinuance or expiration or revocation.
- 30.4.5.6 A marijuana cultivation or product manufacturing establishment shall be required to remove all material, plants equipment and other paraphernalia prior to surrendering its state registration/license or ceasing its operation.
- 30.4.5.6.1 Prior to the issuance of a Building Permit for a Marijuana Establishment- the applicant shall post with the Town Treasurer a bond or other form of financial security acceptable to said Treasurer in an amount set by the Planning Board. The amount shall be sufficient to cover the costs of the Town removing all materials, plants, equipment and other paraphernalia if the applicant fails to do so. The Zoning Enforcement Officer shall give the applicant forty-five (45) days' written notice in advance of taking such action. Should the applicant remove all materials, plants, equipment and other paraphernalia to the satisfaction of the Zoning Enforcement Officer prior to the expiration of the 45 days written notice, said bond shall be returned to the applicant.
- 30.4.5.7 The initial special permit issued under this bylaw shall be for a period of one (1) year and subsequent renewals shall be valid for two (2) years.
- If no non-conformances to this bylaw, that have been confirmed by either the Zoning Enforcement Officer and/or the Police Chief, to this bylaw have been received after two (2) successive renewals then there will be no need for further renewals after five years from the original approval provided ownership of the establishment does not change. If the ownership changes the renewal process shall be treated as a new permit. The permit application period for renewal shall be between January 1 and February 28 of each year. Publication of notice of said request for renewal shall be made in the same manner as would be required for an original application for a special permit. Said notice shall state that the renewal request will be granted automatically unless a written objection to the renewal is received by the Planning Board within twenty days (20) of the first publication

of notice. The Planning Board itself may file a written objection if written complaints have been filed with the Town or for other reasons. In the event of such receipt on an objection, the Planning Board shall treat the application as one for a new special permit, beginning with publication and mailing of a notice of public hearing. The renewal shall then proceed in the manner of a regular special permit application,

30.5. Application Requirements

Complete applications for Special Permits and Site Plan Approvals for Marijuana Establishments will be processed in the order that they are filed with the Town.

In addition to the standard application requirements for Special Permits and Site Plan Approvals, pursuant to Section VIII of this bylaw, such applications for a Marijuana Establishment shall include the following:

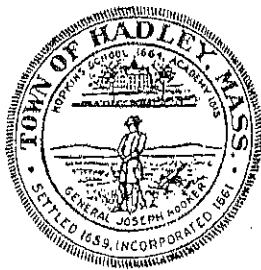
- 30.5.1 The name and address of each owner and operator of the Marijuana Establishment.
- 30.5.2 A copy of an approved Host Community Agreement.
- 30.5.3 Evidence that the Applicant has site control and right to use the site for a Marijuana Establishment in the form of a deed or valid purchase and sales agreement or, in the case of a lease, a notarized statement from the property owner and a copy of the lease agreement.
- 30.5.4 A notarized statement signed by the Marijuana Establishment organization's Chief Executive Officer and corporate attorney disclosing names of the owners and managers and their addresses. If any of the above are entities rather than persons, the Applicant must disclose the identity of all such responsible individual persons.
- 30.5.5 In addition to the requirements for Site Plan Approval as set forth in Section VIII of this bylaw, Security and Fire details shall comply with M.G.L. c.94G and 935 CMR 500.00.
- 30.5.6 All signage being proposed for the Marijuana Establishment.
- 30.5.7 A pedestrian/vehicular traffic impact study to establish the marijuana retail establishment's impacts at peak demand times, including a line queue plan to ensure that the movement of pedestrian and/or vehicular traffic, including but not limited to, along the public right of ways to ensure that they will not be unreasonably obstructed.
- 30.5.8 An odor control plan detailing the specific odor-emitting activities or processes to be conducted on-site, the source of those odors, the locations from which they are emitted from the Marijuana Establishment, the frequency of such odor-emitting activities, the duration of such odor-emitting activities, and the administrative of odor control including maintenance of such controls.
- 30.5.9 A Management Plan including a description of all activities to occur on site, including all provisions for the transportation of marijuana and related products to Marijuana Establishments.
- 30.5.10 Individual written plans which, at a minimum comply with the requirements of 935 CMR 500, relative to the Marijuana Establishment:
 - 30.5.10.1 Hour of Operation
 - 30.5.10.2 General Security Plans
 - 30.5.10.3 Decommissioning of the Marijuana Establishment including a cost estimate taking into consideration the community's cost to undertake the decommissioning of the site.

30.6. Findings

In addition to the Findings for Site Plan Approval as set forth in in Section VIII of this bylaw, the Planning Board must also find all the following:

- 30.6.1 The proposed use of land or buildings of the Marijuana Establishment is consistent with and does not derogate from the intent of this Section and this Zoning Bylaw.
- 30.6.2 That the proposed use of land or buildings of the Marijuana Establishment is designed to minimize any adverse visual, odor and other environmental and economic impacts on abutters and other parties in interest;
- 30.6.3 That the Marijuana Establishment demonstrates that it meets or exceeds all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and complies with all applicable state laws and regulations;
- 30.6.4 That the applicant has satisfied all of the conditions and requirements of this Section and other applicable Sections of this Zoning Bylaw;
- 30.6.5 That the Marijuana Establishment provides adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of the community, and that the storage and/or location of cultivation is adequately secured on-site or via delivery.
- 30.6.6 That the Marijuana Establishment adequately addresses issues of traffic demand, circulation flow, parking and queuing, particularly at peak periods at the Marijuana Establishment, and its impact on neighboring uses.

Or take any action relative thereto.



Town Clerk

Jessica Spanknebel

100 Middle Street • Hadley, MA 01035

clerk@hadleyma.org

Hadley ATM 5-2-2019

Art. 11

Revolving Fund Bylaw

MGL 44/53 ½

Treasurer increase

Telephone (413) 584-1590

Fax (413) 586-5661

To Whom It May Concern:

At the Town of Hadley Annual Town Meeting that convened on May 2, 2019 at Hopkins Academy with a quorum of 100 present and declared dissolved on May 2, 2019 by the Moderator, the following article was so voted:

Article 11 Motion was made and seconded that the Town amend Chapter 86, Section 86-9, relating to tax liens revolving funds as administered by the Treasurer, by increasing the annual expenses allowed from \$5,000 to \$7,500 and increasing the maximum allowable balance as of June 30 from \$10,000 to \$12,000

Title	Responsible Department	Purpose	Source of Funds	Annual Expenses Allowed	Maximum Allowable Balance as of June 30
Tax Liens	Treasurer	Underwrite legal expenses associated with collecting tax liens	Fines and Fees associated with collecting tax liens	\$7,500	\$12,000

The Moderator declared Article 11 passed unanimously.

Attest:

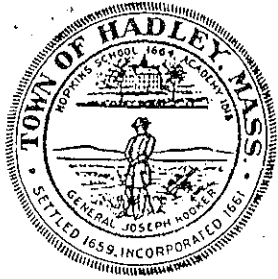
Jessica Spanknebel

Town Clerk

Hadley, MA

Finance committee 4-0-0

Select Board recommends 5-0-0



Town Clerk

Jessica Spanknebel

100 Middle Street • Hadley, MA 01035
clerk@hadleyma.org

Hadley ATM 5-2-2019

Art.26

General Bylaw

Adult use marijuana

Telephone (413) 584-1590

Fax (413) 586-5661

To Whom It May Concern:

At the Town of Hadley Annual Town Meeting that convened on May 2, 2019 at Hopkins Academy with a quorum of 100 present and declared dissolved on May 2, 2019 by the Moderator, the following article was so voted:

Article 26 Motion was made and seconded that the Town amend the Bylaws of the Code of the Town of Hadley as delineated in Article 26 of the Annual Town Meeting warrant for May 2, 2019 and incorporated by reference herein.

The Moderator declared Article 26 passed.

Attest:

Jessica Spanknebel

Town Clerk

Hadley, MA

Select Board recommends 4-1-0

Planning Board gave oral report recommending this article

Article 26 (Adult Use Marijuana – General Bylaw)

To see if the Town will vote to amend the General Bylaws by amending Chapter 162, Article V, entitled Public Consumption of Marijuana and Tetrahydrocannabinol by replacing the existing Chapter 162, Article V with the following:

Article V: Public Consumption of Marijuana or Tetrahydrocannabinol Prohibition

162-16 Prohibited acts

No person shall smoke, inject, burn, vaporize, inhale, ingest, or otherwise use or consume marijuana or marijuana products (as those terms are defined in G.L. c. 94C, § 1, as amended) while in or upon any public place, including but not limited to any sidewalk, public way or any way to which the public has a right of access, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by, leased or occupied by or otherwise under the control of the Town; or any place to which members of the public have access as invitees or licensees, or in or upon any bus or other passenger conveyance operated by a common carrier; or in any other place accessible to the public; provided however that this bylaw shall not be construed to limit the medical use of marijuana.

No person shall, upon any way or in any place to which the public has a right of access, or upon any way or in any place to which members of the public have access as invitees or licensees, or any area owned, leased or occupied by or otherwise under the control of the Town of Hadley, possess an open container of marijuana or marijuana products in the passenger area of any motor vehicle. For purposes of this section, "open container" shall mean that the package containing marijuana or marijuana products has its seal broken or from which the contents have been partially removed or consumed and "passenger area" shall mean the area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or passenger while in a seated position; provided however that the passenger area shall not include a motor vehicle's trunk, locked glove compartment or the living quarters of a house coach or house trailer, or if a motor vehicle is not equipped with a trunk, the area behind the last upright seat or an area not normally occupied by the driver or passenger.

162-17 Enforcement and Penalties

This bylaw shall be enforced through any lawful means in law or in equity including, but not limited to, enforcement by a noncriminal disposition pursuant to G.L. c. 40, § 21D, or by any police officer. The fine for violation of this bylaw shall be three hundred dollars (\$300) for each offense. Any penalty imposed under this bylaw shall be in addition to any civil penalty imposed under G.L. c. 94C, § 32L.

This bylaw shall not alter or affect the jurisdiction of the Board of Health under the provisions of G.L. c.111, §31 or any other applicable law, including but not limited to the regulation of combustion and inhalation of tobacco and non-tobacco products in workplaces and public spaces in the Town.

162-18 Severability

In the event that any provision, section or clause of this bylaw is hereafter found to be invalid, such decision, invalidity or voidance shall not affect the validity of the remaining portion of this bylaw.

Or take any action relative thereto.