

Article VIII: Business and Commerce Provisions

collection bin may continue to be located and operated on the property, provided that it can be brought into compliance with all other requirements of this Ordinance. The operator of each such prior nonconforming donation collection bin must apply for and receive an annual license as provided in this Ordinance. Upon sale of the property or the business located on the property on which such prior nonconforming donation collection bin is located, the prior nonconforming donation collection bin must be removed within ten days.

7.6 Violation, penalties and enforcement

- 7.6.1 Any person, entity, partnership, firm or corporation violating any of the provisions of this Ordinance shall be punished by a fine of not less than \$50.00, but not exceeding \$100.00 for each individual violation.
- 7.6.2 Each violation of any of the provisions of this chapter and each day the same is violated shall be deemed and taken to be a separate and distinct offense.
- 7.6.3 The owner, lessee, or other person or legal entity in control of the property where the donation collection bin is being maintained and the operator of said bin in violation of this Section shall be jointly and severally liable for each violation thereof.
- 7.6.4 The Building Commissioner or his designee may issue an enforcement order for any failure to comply with the provisions of this Ordinance.
- 7.6.5 The Building Commissioner or his designee shall enforce this Ordinance.
- 7.6.6 In the discretion of the enforcing officer, a noncriminal penalty of \$50.00 for each violation may be imposed as provided in G.L. c. 40 §21D and Article X, Section 1 of the General Ordinances.

7.7 Severability

In the event that any provision of this Ordinance shall be deemed illegal or otherwise unenforceable by a court of competent jurisdiction, then only that specific provision shall not be enforced, and all other sections shall remain in full force and effect.

Section 8. Plastic Bag Reduction Ordinance

8.1 Purpose and Intent

The production and use of thin-film single-use plastic checkout bags have significant impacts on the environment, including, but not limited to: contributing to the potential death of marine animals through ingestion and entanglement; contributing to pollution of the land environment; creating a burden to solid waste collection and recycling facilities; clogging storm drainage systems; and requiring the use of millions of barrels of crude oil nationally for their manufacture.

The purpose of this Ordinance is to eliminate the usage of thin-film single-use plastic bags by all retail and grocery stores in the City of Framingham, on or after January 1, 2018.

8.2 Definitions

- 8.2.1 **Checkout bag:** A carryout bag provided by a store to a customer at the point of sale. Checkout bags shall not include bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or checkout area of the store.
- 8.2.2 **Grocery Store:** A retail establishment where more than fifty percent (50%) of the gross floor area is devoted to the sale of food products for home preparation and consumption, which typically also offers home care and personal care products.
- 8.2.3 **Retail Store:** An establishment that offers the sale and display of merchandise within a building.
- 8.2.4 **Reusable checkout bag:** A bag, with handles, that is specifically designed for multiple use and is made of thick plastic, cloth, fabric or other durable materials.
- 8.2.5 **Thin-film single-use plastic bag:** Typically with plastic handles, these are bags with a thickness of 2.5 mils or less and are intended for single-use transport of purchased products.

Article VIII: Business and Commerce Provisions

8.3 Use Regulations

- 8.3.1 Thin-film single-use plastic bags shall not be distributed, used or sold for checkout or other purposes at any retail or grocery store within the City of Framingham.
- 8.3.2 Customers are encouraged to bring their own reusable or biodegradable shopping bags to stores. Retail or grocery stores are strongly encouraged to make reusable checkout bags available for sale to customers at a reasonable price.
- 8.3.3 Thin-film plastic bags used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items and other similar merchandise, typically without handles, are still permissible.

8.4 Enforcement Process

Enforcement of this Ordinance shall be the responsibility of the mayor or his/her designee. The mayor shall determine the inspection process to be followed, incorporating the process into other City duties as appropriate. Any retail or grocery store in violation of this Ordinance shall be subject to a non-criminal disposition fine as specified in Article X of the City Ordinances under M.G.L. Chapter 40, §21D. Any such fines shall be paid to the City of Framingham.

Section 9. Marijuana Establishments

9.1 Purpose and Intent

The purpose of this Ordinance is to protect public health, safety and welfare of the inhabitants of the City of Framingham, and to provide regulations to ensure that Marijuana Establishments and Medical Marijuana Treatment Centers, as the same are defined in M.G.L. c. 94I and M.G.L. c. 94G and in the regulations of the Cannabis Control Commission promulgated thereunder, are operated and maintained in a manner that promotes public safety, health and welfare, and in a clean and safe condition.

9.2 Definitions

The definitions set forth in M.G.L. c. 94I and M.G.L. c. 94G are incorporated herein by reference.

9.3 Licensing

No person shall operate a Marijuana Establishment or a Medical Marijuana Treatment Center unless duly licensed so to do by the Commonwealth of Massachusetts.

The number of Marijuana Retailers in Framingham shall not exceed six (6), which is 20 per cent of the number of licenses issued within the City of Framingham for retail sale of alcoholic beverages not to be drunk on the premises where sold under Chapter 138 of the General Laws, as set forth in M.G.L. c. 94G, §3(a)(2)(ii).

9.4 General Operational Requirements

Any person operating a Marijuana Establishment or a Medical Marijuana Treatment Center or who sells, solicits or display goods, articles, marijuana related goods, wares, or merchandise for the ingestion of any marijuana or tetrahydrocannabinol (as defined in M.G.L. c. 94C, Section 1, as amended), cannabinoids or products containing the same shall:

- a. Enter into a host agreement pursuant to M.G.L. c. 94G, § 3(d) containing the following provisions:
 - i. Hours of operation;
 - ii. Reasonable restrictions of public signage that are no more restrictive than those set forth in the City's then-applicable "RULES AND REGULATIONS GOVERNING ALCOHOLIC BEVERAGES";
 - iii. Reasonable conditions concerning the delivery or transportation of cannabis;
 - iv. Security and safety plan developed in cooperation with the Framingham Police Department and Fire Department, which shall include, but not be limited to: parking lot surveillance; detail policing; prohibition against entertainment; and prohibition against