

Article VIII

Business and Commerce Provisions

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Section 1. Stretch Energy Code

1.1 Definitions

International Energy Conservation Code (IECC)

The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three-year cycle. The baseline energy conservation requirements of the MA State Building Code are the IECC with Massachusetts amendments as approved by the Board of Building Regulations and Standards.

Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the 8th edition Massachusetts building code, the Stretch Energy Code is an appendix to the Massachusetts building code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

1.2 Purpose

The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the base energy code applicable to the relevant sections of the building code for both new construction and existing buildings.

1.3 Applicability

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13,34,51, as applicable.

1.4 Stretch Code

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any future editions, amendments or modifications, is herein incorporated by reference into the City of Framingham General Ordinances, Article VIII, Section 1. The Stretch Code is enforceable by the City's Building Commissioner.

Section 2. Display of Cash Totals

A cash register or any other mechanical device maintained at a check-out counter for totaling the monetary value of customer purchases shall be so placed that the indications may be readily observed by the purchaser when standing in normal position in the area provided for such purchasers. Whoever maintains such a register or device not so placed shall be punished by a fine not exceeding fifty dollars (\$50) for each such register or device.

Section 3. Junk Collectors

3.1 The council may license suitable persons to be dealers in and keepers of shops for the purchase, sale or barter of junk, old metals, or second-hand articles, in the City. They may also license suitable persons as junk collectors, to collect, by purchase or otherwise, junk, old metals, and second-hand articles, from place to place in the City, and they may provide that such collectors shall display badges upon their persons or upon their vehicles, or upon both, when engaged in collecting, transporting, or dealing in junk, old metals, or second-hand articles; and may prescribe the design thereof. They may also provide that such shops and all articles of merchandise therein, and any place, vehicle or receptacle used for the collecting or keeping of the articles aforesaid, may be examined at all times by the council or by any person by them authorized thereto. The aforesaid licenses may be revoked at pleasure, and shall be subject to the provisions of Massachusetts General Laws, Chapter 102, Sections 186 to 189, inclusive, of the Revised Laws, as amended by subsequent Acts of the General Court of Massachusetts.

3.2 Every keeper of a shop for the purchase, sale or barter of junk, old metals, or second-hand articles, within the limits of the City, shall keep a book, in which shall be written, at the time of every purchase of any article, a detailed description thereof, the name, age, and residence of the person from whom, and the day and hour when such purchase was made; such book shall at all times be open to the inspection of the Board of License Commissioners and of any person by them authorized to make such inspection; every keeper of such shop shall put in a suitable and conspicuous place on his shop a sign having his name and occupation

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legibly inscribed thereon in large letters; such shop, and all articles of merchandise therein, may be at all times examined by the council or by any person by them authorized to make such examination; and no keeper of such shop and no junk collector shall, directly or indirectly, either purchase or receive by way of barter or exchange any of the articles aforesaid of a minor or apprentice, knowing or having reason to believe him to be such, and no article purchased or received by such shopkeeper shall be sold until at least thirty days from the date of its purchase or receipt has elapsed; such shops shall be closed when so ordered by the council, between the hours of 6 p.m. and 7 a.m., and no keeper thereof and no junk collector shall purchase any of the articles aforesaid during such hours.

Section 4. Transient Vendors, Hawkers & Peddlers

- 4.1** No person shall sell, solicit or display goods, articles, wares or merchandise upon the public ways of the City unless duly licensed so to do, without first having obtained a permit from the Board of License Commissioners.
- 4.2** No person, either principal or agent, shall engage in a temporary transient business in this City selling goods, wares, periodicals or merchandise, or go door-to-door for any commercial selling purposes or canvassing, without a license issued by the Board of License Commissioners. Such person shall make written application, under oath, for such license stating his or her name and address, the name and address of the owner or parties in whose interest said business is to be conducted, and a brief description of the business to be conducted. Such person shall permit the police department to photograph and fingerprint him or her for the purpose of identification. The fee for such license shall be set by the council. Such license shall be affixed in a prominent place to the outer garment of each licensee whenever he or she shall be engaged in such business so that it may be seen by all prospective customers. The provisions of this section shall not apply to: (a) any person conducting a "garage sale;" (b) any person who goes door-to-door to sell goods, wares, periodicals or merchandise on behalf of any group organized for any of the purposes described in M.G.L., Ch. 180, s. 2; (c) any person (other than an Ice Cream Truck Vendor as defined under G.L. c. 270 §25 and 520 CMR 15.02) operating a "Food Truck" that has been duly licensed by the Commonwealth of Massachusetts Division of Standards under G.L. c. 101 and the Framingham Board of Health; and (d) in the case of an event at a fixed location featuring sales from one or more Food Truck(s), a farmer's market, festival or similar event, any Ice Cream Truck Vendor that participates as a pre-arranged vendor at such event and remains stationary at such event location. For purposes of this section, a "Food Truck" shall mean a motor vehicle truck from which the operator offers for sale any prepared or packaged food or beverages, but shall not (except in the case of an event described in the immediately preceding Subsection 4.2(d) above) include an Ice Cream Truck as defined in G.L. c. 270 §25 and 520 CMR 15.02.
- 4.3** (Deleted by Attorney General)
- 4.4** No transient vendor, hawker or peddler shall sell or offer or expose for sale any of the article enumerated in Section 17 Chapter 101 of the General Laws or in any act in amendment thereof or any addition thereto until he has recorded his name and residence with the Board of License Commissioners, provided, however, that this section shall not apply to religious publications or newspaper which are not of a commercial nature. Every commercial agent or other person selling by sample, lists, catalogues or otherwise for future delivery, and every person licensed under the preceding section as a transient vendor, hawker or peddler shall record his name and residence in like manner with the Board of License Commissioners before conducting any business within the City.
- 4.5** No person hawking, peddling, or carrying or exposing any articles for sale, shall cry his wares to the disturbance of the peace and comfort of the inhabitants of the City, nor otherwise than in vehicles and receptacles which are neat and clean and do not leak.
- 4.6** Every transient vendor, hawker and peddler licensed by the Board of License Commissioners shall be assigned a number and shall be provided by the Board of License Commissioners with a badge which shall be conspicuously worn by him; and every other such hawker and peddler as described in subsection 4.4 shall provide himself with a badge of such type and design as may be approved by said Board of License Commissioners, which he shall wear in like manner. Whoever neglects to wear, or wears such badge without authority, shall be punished by the penalty provided in subsection 4.11.

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- 4.7 Every vehicle or other receptacle used by a licensee as a conveyance for articles offered or exposed for sale by him shall have attached thereto on each side a number plate, to be furnished by the City with his license, bearing the number and date of expiration of such license.
- 4.8 No person shall be registered or assigned a badge or number plate under the provisions of subsections 4.6 and 4.7, until he presents a certificate from the Sealer of Weights and Measures stating that all weighing and measuring devices intended to be used by such person have been duly inspected and sealed as required by law. The use of, or possession by such person with intent to use, any false or unsealed weighing or measuring devices shall be sufficient cause for the revocation of his license, or the cancellation of his registration.
- 4.9 Nothing in these Ordinances shall be construed as conflicting with any license issued under the authority of the Commonwealth.
- 4.10 Any license granted under Article VIII, Section 4 of these Ordinances or any Ordinance amendments or additions, may be revoked by the council or Board of License Commissioners.
- 4.11 Whoever violates any provision of Article VIII, Section 4 of these Ordinances shall be punished by a fine not exceeding three hundred dollars (\$300) for each offense.

Section 5. (Deleted 1998 Annual Town Meeting)

Section 6. Licensing and Display of Motor Vehicles

6.1 Classification

As provided in M.G.L., Ch. 140, s. 58, motor vehicles shall be classified as follows:

- Class I.....New Vehicles
- Class IIUsed Vehicles
- Class III.....Junk Vehicles

6.2 Licensing

Pursuant to M.G.L., Ch. 140, ss. 57-59, all Class I, II and III motor vehicle dealer licenses must be renewed on January 1st of each year. The Board of License Commissioners or their designee shall be responsible for the granting or renewal of said licenses.

In addition to the requirements imposed by M.G.L., to be eligible for a motor vehicle dealer's license, an applicant must:

1. have the sale of motor vehicles their principal business.
2. maintain or demonstrate access to repair facilities sufficient to enable the dealer to satisfy the warranty repair obligations imposed by state statute. This provision shall apply to Class I & II dealers only.
3. have a valid special permit granted by the Zoning Board of Appeals unless otherwise "grandfathered" from this provision
4. have all property taxes and fees paid to and documented by the City Treasurer.
5. have the site of the dealership inspected by the designated City departments to determine if all conditions of the special permit and all safety regulations are met.

6.3 Outdoor Display of Motor Vehicles

Motor vehicles for sale or lease may not be displayed more than one foot above finished grade, nor on buffer areas designed for landscaping.

Section 7. Regulation of Donation Collection Bins

The purpose of this Ordinance is to protect the public health, safety and welfare, to address the proliferation of donation collection bins within the City of Framingham, and provide regulations to ensure that donation

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collection bins are located and maintained so as to promote public safety, health and welfare, in a clean and safe condition.

7.1 Definitions

As used in this section, the following terms shall have the meaning indicated:

Donation Collection Bin – Any enclosed receptacle or container made of metal, steel, fiberglass, wood, or similar product designed or intended for the donation and the temporary storage of clothing, books or other goods and materials, which is accessible to and allows the public to deposit goods without assistance, and which is owned, operated or controlled by an entity other than the owner or lessee of the lot on which it is located.

Operator – Any person or legal entity that owns, operates or is otherwise in control of a donation collection bin in the City of Framingham.

7.2 Prohibitions and Standards

7.2.1 It shall be unlawful for any person to place a donation collection bin within the City of Framingham without first obtaining an annual license from the Building Commissioner as hereinafter provided. Each operator who seeks to place a donation collection bin in the City shall complete a written application on a yearly basis on a form provided by the Building Commissioner.

A donation collection bin subject to the provisions of this chapter must have clearly identified, in writing on its face the name, address, and telephone number of the entity or organization that is maintaining the donation collection bin. No further advertising shall be permitted on the donation collection bin.

7.2.2 A license for a donation collection bin may be granted only in accordance with and subject to the following provisions, conditions and restrictions:

- (a) Donation collection bin licenses may be granted only for properties owned or leased by a non-profit entity and used for non-profit purposes in Business or manufacturing Zoning Districts, but excluding the Central Business District, and churches and other houses of worship in any Zoning District. Only one donation collection bin is allowed per property, which includes all contiguous land in common ownership.
- (b) The donation collection bin shall be appropriately located so as to not interfere with sight triangles, on site circulation, required setbacks, landscaping, parking or any other zoning requirements and shall be placed on a concrete or other paved surface. The donation collection bin shall not be placed at any location directly abutting a residential property and shall comply with all setbacks for accessory structures under the Zoning Ordinances. All donation collection bins shall be properly screened from view as approved by the Building Commissioner or his designee and shall not consume any available parking spaces required for the permitting or zoning requirements of the premises where sited. The donation collection bin shall be placed such that there is safe and convenient pedestrian and vehicular access to it.
- (c) The donation collection bin shall be of the type that is enclosed by use of a receiving door and locked so that the contents of the bin may not be accessed by anyone other than those responsible for the retrieval of the contents.
- (d) Each donation collection bin shall not cover a ground surface area in excess of five feet by five feet, nor be more than six feet in height.
- (e) Each donation collection bin must be regularly emptied of its contents so that it does not overflow. Used clothing or other donated goods and materials may not be placed about the surrounding area. All donation collection bins must be maintained in a state of good repair and in a neat and clean condition, and free of trash, debris, refuse or like material.

7.3 Application for License

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7.3.1 Any person or entity desiring a license under this chapter shall file with the Building Commissioner an original and one copy of an application, submitted under oath, in writing on a form furnished by the Building Commissioner.

7.3.2 The application shall set forth the following information:

- (a) The applicant's name, business name, business address and telephone number as well as the name, address and telephone number of the person or persons responsible for maintaining each donation collection bin which shall be posted on each bin as required by Section 7.2.
- (b) Whether the applicant is an individual, a partnership, a corporation or another entity, and if another entity, a full description thereof and whether the entity is a non-profit organization.
- (c) If the applicant is an individual, the applicant's residential address.
- (d) If the applicant is a partnership, the full name and address of each partner.
- (e) If the applicant is a corporation or other entity, in the case of a corporation, the full name and residential address of each major officer, the name and address of the registered agent and the address of the principle office.
- (f) A description of the donation collection bin to be covered by the license as well as the address where the donation collection bin will be located, including a site plan showing the proposed location of the donation collection bin on the property as well as existing conditions on the property.
- (g) If the applicant is not the owner of the property upon which the donation collection bin is to be located, the written notarized consent of the property owner must be attached to the application. The consent shall include the name, address, and telephone number of the owner, lessee or other person or legal entity in control of the property where each such donation collection bin shall be placed.
- (h) The regular interval schedule at which the operator or person identified in the license collects the items donated and performs regular maintenance. Said interval shall not exceed thirty days.

The Building Commissioner or his designee shall deny a license application which does not comply with the requirements of this Ordinance.

7.4 Fees

7.4.1 The application fee for a license for a donation collection bin shall be \$150.00 for each donation collection bin. The license period for each donation collection bin shall be January 1 through December 31 of each year.

7.4.2 Upon the granting of a license, a permit issued to the applicant shall be affixed to the donation collection bins used by the license holder prior to placement of the bin. The permit shall be clearly placed on the same side of the bin as the chute used to deposit donated items. Next to the permit there shall be placed in clear lettering the name and telephone number of the operator. Upon the sale or transfer of a bin, a new license and permit shall be sought and if granted to a subsequent owner, the permit must be affixed to the bin prior to placement in service.

7.5 Applicability

7.5.1 The provisions of this Ordinance shall apply to both existing and future donation collection bins located within the City of Framingham. Property owners with existing donation collection bins prior to the effective date of this Ordinance shall come into compliance as follows:

- (a) Within sixty days of the effective date of this Ordinance, the operator shall file an application for a license as required under Section 7.3 for each existing donation collection bin. The application shall demonstrate how the existing donation collection bin complies with this Ordinance or show the proposed changes that shall be completed to achieve compliance. Within ninety days after the effective date of this Ordinance, each existing donation bin shall

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be brought into compliance with this Ordinance or removed from the City, except as provided below.

- (b) For those existing donation collection bins that are located on properties in Business or Manufacturing Zoning Districts, but excluding the Central Business District, but which are not devoted to non-profit purposes as required by Section 7.2.2.(a), one existing donation 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.

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- 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.

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 nine (9), which exceeds the limitation of the number of marijuana retailers to twenty (20) per cent of the number of licenses issued within the City of Framingham for the retail sale of alcoholic beverages not to be drunk on the premises where sold under chapter 138 of the General Laws, as permitted by 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;

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- 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 on-premises consumption of marijuana or tetrahydrocannabinol (as defined in M.G.L. c. 94C, 1, as amended), cannabinoids or products containing the same;
 - v. One-time payment of community impact deposit prior to commencing operations; and
 - vi. Annual payment of community impact fee.
- b. Enforce state laws and the regulations promulgated thereunder with respect to the operation of the licensed business.
 - c. Ensure that all business within the licensed premises and within areas under the licensee's control that abut the licensed premises, is conducted in a responsible manner so that no activity shall detract from the quality of life in the City generally, or in the neighborhood in which the licensed premises is located. This shall include, but shall not be limited to, ensuring that there shall be no: disorder; unlawful use, sale, barter or exchange of drugs or alcohol; indecency; prostitution; assaults; lewdness; or gambling on or about the premises, including within any parking area on the licensed premises.
 - d. Provide for regular training of employees engaged in selling or producing marijuana or tetrahydrocannabinol (as defined in M.G.L. c. 94C, Section 1, as amended), cannabinoids or products containing the same, in accordance with the Cannabis Control Commission's Responsible Vendor requirements set forth in 935 CMR 500.105(2).
 - e. Promptly report to the Police Department all instances of attempted purchases or procurement of marijuana or tetrahydrocannabinol (as defined in M.G.L. c. 94C, Section 1, as amended), cannabinoids or products containing the same by minors, including attempts to gain access to premises upon which such products are produced or sold and appropriate action taken by the licensee in response thereto. Such appropriate action shall include: i) Reporting to the Registry of Motor Vehicles instances involving possession or use of a false, forged or counterfeit license to operate motor vehicles or identification card issued by the Registry of Motor Vehicles; ii) confiscation of liquor identification cards or motor vehicle operator's license presented by the minor; and iii) if a purchase was made or service was procured, the name of the licensee's employee participating therein.
 - f. Ensure that the licensed premises including the exterior, are kept clean, neat and sanitary at all times.
 - g. Ensure that exterior doors to the licensed premises remain closed during all times that the licensed premises are open for business.
 - h. Ensure that exterior lighting and functioning security cameras or recording mechanism equipment are placed in such a manner to allow for complete interior and exterior observation of the licensed premises at all times.
 - i. Ensure that the Framingham Police Department, the Framingham Fire Department, and authorized agents of the licensing authority shall have immediate access to the licensed premises at all times and under all circumstances.
 - j. Ensure that no marijuana or tetrahydrocannabinol (as defined in M.G.L. c. 94C, Section 1, as amended) or cannabinoids or products containing the same are sold by an adult-use marijuana establishment to anyone under the age of 21 years. It shall be a defense to any alleged claim of sale of marijuana or tetrahydrocannabinol (as defined in M.G.L. c. 94C, Section 1, as amended) or

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cannabinoids or products containing the same to a minor if the licensee can show that the patron produced a valid Massachusetts driver's license, a valid Massachusetts Liquor Identification Card, a valid Passport issued by the United States or by a government of a foreign country recognized by the United States government, or a valid U.S. issued Military ID card or a valid U.S. Passport Card. Licensees may accept out of state licenses as proof of age, but licensees shall bear the risk that such licenses are real and valid.

- k. No marijuana or tetrahydrocannabinol (as defined in M.G.L. c. 94C, Section 1, as amended) or products containing marijuana or tetrahydrocannabinol shall be sold to an intoxicated person.
- l. No alcoholic beverages may be sold or advertised on the premises of a cannabis establishment, and no license may display any advertisement or sign upon which appears any brand name of an alcoholic beverage product on the façade of a cannabis establishment.
- m. No licensee shall provide or allow on-premises sales promotion events or entertainment.
- n. No licensee shall make any distinction, discrimination or restriction on account of race, color, creed, sex, sexual orientation or ancestry relative to the admission or treatment of any person.

9.5 Prohibitions and Standards

Only on-premises purchase of marijuana or tetrahydrocannabinol (as defined in M.G.L. c. 94C, Section 1, as amended) or products containing marijuana or tetrahydrocannabinol is permitted under this Ordinance.

No person who operates a Marijuana Establishment or a Medical Marijuana Treatment Center shall offer for on-premises ingestion, consumption or use, or allow on-premises ingestion, consumption or use, of any marijuana or tetrahydrocannabinol (as defined in M.G.L. c. 94C, Section 1, as amended) cannabinoids or products.

No person who operates a Marijuana Establishment or a Medical Marijuana Treatment Center shall offer marijuana or tetrahydrocannabinol (as defined in M.G.L. c. 94C, Section 1, as amended), cannabinoids or products containing the same as a gift.

Any person offering or allowing on-premises ingestion, consumption or use, of marijuana or tetrahydrocannabinol (as defined in M.G.L. c. 94C, Section 1, as amended) or products containing marijuana or tetrahydrocannabinol shall in violation of this section shall be subject to civil and criminal penalties, and such products containing marijuana or tetrahydrocannabinol may be seized and safely held until final adjudication of the charge against the person or persons arrested or summoned before the court, at which time they shall be returned to the person entitled to lawful possession.

9.6 Weights and Measures

A Marijuana Establishment or a Medical Marijuana Treatment Center shall comply with the applicable provisions of the Massachusetts Grocery Pricing Law, M.G.L. c. 94, section 184B-184E and the regulations promulgated by the Division of Standards enforces the accuracy of item pricing and price scanners, scales, weights and measures and those promulgated by the Attorney General as 940 C.M.R. 3.13 for applies to non-grocery stores or to the non-grocery items of a mixed-product retailer, as applicable.

9.7 Availability of Books and Records for Inspection and Data Security

A Marijuana Establishment or a Medical Marijuana Treatment Center shall ensure that no less than the minimum standards to be met in connection with the safeguarding of personal information contained in both paper and electronic records in accordance with M.G.L. c. 93H and the regulations promulgated thereunder as 201 C.M.R. 17: Standards for the Protection of Personal Information of Residents of the Commonwealth.

9.8 Applicability of Nuisance Ordinance

No cannabis establishment shall sell, solicit or display goods, articles, wares or merchandise in such a manner that violates Article V, Section 22 of the General Ordinance, regarding Nuisance.

No Marijuana Establishment shall emit or allow to be emitted from the premises any smoke, vapor, or aroma from any of the products sold therein.

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9.9 Secure Disposal of Refuse Containing Marijuana or Tetrahydrocannabinol

Marijuana Establishments, as defined in 935 CMR 500.00, which includes marijuana testing laboratories and research facilities, shall ensure that refuse containing marijuana or tetrahydrocannabinol, or cannabinoids is disposed of securely and maintained under license's control at all times, and shall submit copies of plans for waste management and waste disposal that are submitted to the Cannabis Control Commission to the City's Board of Health for review.

9.10 Community Impact Fees

M.G.L. c. 94G, Section. 3(d) allow municipalities to impose a community impact fee that is reasonably related to the costs imposed upon the municipality by the operation of the cannabis establishment. The fee to operate a Marijuana Establishment shall be up to 3% of gross sales. The license shall be January 1 through December 31 of each year.

9.11 Applicability

The provisions of this Ordinance shall apply to all Marijuana Establishments or a Medical Marijuana Treatment Center located within the City of Framingham.

9.12 Enforcement

Civil penalties imposed pursuant to this Ordinance may also be enforced by the Framingham Police Department by utilizing the non-criminal disposition procedures provided in M.G.L. c. 40, Section 21D and any fines imposed shall inure as provided therein.

9.13 Severability

If any provision of this ordinance shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

9.14 Effective Date

This ordinance shall take effect immediately.

Section 10. Civil Fingerprinting Ordinance

10.1 Purpose and Legislative Authorization

10.1.1 In order to protect the health, safety and welfare of the inhabitants of the City of Framingham, and as authorized by MGL c. 6, § 172B 1/2, this Ordinance shall require:

- 1) Applicants for certain specific City licenses, as enumerated in Paragraph 10.2.1, below, to submit to fingerprinting by the Framingham Police Department;
- 2) The Police Department to conduct criminal record history checks based on such fingerprints; and
- 3) The Police Department to consider the results of such criminal history checks in determining whether to grant or recommend the granting of such licenses.

10.1.2 The City authorizes the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Systems (DCJIS) and the Federal Bureau of Investigation (FBI), as may be applicable, to conduct on behalf of the City and its Police Department fingerprint-based state and national criminal record background checks, including of FBI records, consistent with this ordinance. The City authorizes the Police Department to receive and utilize records of the State Police, the DCJIS and the FBI in connection with such background checks, consistent with this ordinance.

10.2 Applicability; Notification of Applicant

Article VIII: Business and Commerce Provisions

10.2.1 Any applicant for a license to engage in any of the following activities within the City shall submit to fingerprinting by the Framingham Police Department for the purpose of conducting a state and national criminal history records check to determine the suitability of the applicant for such license:

- 1) Transient Vendors, Hawkers and Peddlers, and Door-to-Door Salespersons.
- 2) Ice Cream Truck Vendors/Operators.
- 3) Taxi and Livery Vehicle Operators.
- 4) Constables.

10.2.2 At the time of fingerprinting, the Police Department shall notify each applicant fingerprinted that the fingerprints will be used to check such applicant's state and FBI criminal history records.

10.3 Processing

10.3.1 The Police Department shall transmit fingerprints it has obtained pursuant to this Ordinance to the Identification Section of the Massachusetts State Police, DCJIS and/or the FBI as may be necessary for the purpose of conduction fingerprint based state and national criminal history records checks of the applicants.

10.3.2 The Police Department shall provide the applicant with a copy of the results of his or her fingerprint-based criminal record background check and provide the applicant the opportunity to complete, or challenge the accuracy of, the information contained in it, including the FBI identification record. The Police Department shall not render a suitability evaluation pursuant to subparagraph 10.3.5 below, based on information in the fingerprint-based criminal history records check until the applicant has ben afforded a reasonable amount of time, within (14) days from the date of written notice, to correct or complete the information or has declined to do so.

10.3.3 The Police Department shall supply the applicant with information regarding the procedures for obtaining a change, correction or updating of a criminal record, including a copy of Title 28 CFR Part 16.34 pertaining to FBI identification records.

10.3.4 The Police Department shall not disseminate state and national criminal history, including FBI criminal history, to unauthorized entities.

10.3.5 The Police Department, after completing the fingerprint-based criminal record background check and after complying with subparagraphs 10.3.2 and 10.3.3 above, shall make an evaluation of the applicant's suitability for the proposed occupational activity based upon the results of the criminal records background check and any other relevant information known to the Department. The Police Department shall provide a copy of its evaluation and proposed recommendation to the applicant. The Police Department shall only provide a suitable or not suitable Civil Fingerprinting Ordinance Page 3 of 4 recommendation; no state or national criminal history gathered from the criminal records background check shall be provided to the licensing authority. In rendering its evaluation, the Police Department shall consider all applicable laws, regulations and City policies bearing on any applicant's suitability, and shall consider whether the applicant has been convicted of, or is under pending indictment for, a crim that bears upon his or her suitability, or any felony or misdemeanor that involved force or threat of force, controlled substances or a sex-related offense.

10.4 Reliance on Results

The Police Department shall utilize the results of the fingerprint-based criminal history records check for the sole purpose of determining the suitability of the applicant's application for licenses sought pursuant to this Ordinance. The Police Department may recommend the denial of an application for a license (or for licenses issued by the Police Department, may deny an application for a license) on the basis of the results of a fingerprint-based criminal history records check if it determines that the results of the check render the applicant unsuitable for the proposed occupational activity. The Police Department shall consider all applicable laws, City Rules and Regulations, City Policies, and City Ordinances bearing on an applicant's suitability in making this determination.

10.5 Compliance with Law, Regulations and City Policy

Implementation of this Ordinance and the conducting of fingerprint-based criminal history records checks by the Police Department shall be in accordance with all applicable laws, regulations, and City policies. The Chief of Police is authorized to promulgate regulations for the implementation of this Ordinance, but in doing so it is recommended that the Chief of Police consult with the City Solicitor and the Massachusetts Executive Office of Public Safety and Security to ensure that such regulations are consistent with state and federal laws.

10.6 Fees

The fee charged by the Police Department for the purpose of conducting fingerprint-based criminal history records checks shall be \$30 per application and is subject to change by vote of the City Council, upon recommendation of the Chief of Police. A Civil Fingerprinting Ordinance Page 4 of 4 portion of the fee, as specified in MGL c. 6 § 172B 1/2, shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund, and the remainder of the fee may be retained by the City for costs associated with the administration of the fingerprinting system.

10.7 Penalties

Any applicant who submits false information to the Police Department in connection with the fingerprint-based criminal background check, including a false identification of an applicant or his/her authorized agent or responsible manager, may be subjected to denial of a license application, or for applicants who are licensed, suspension or revocation of rights of their license. Said denial, suspension, or revocation shall be initiated by the Police Department by written notification of such intent to deny, suspend or revoke, sent to the applicant or license holder if applicable.

10.8 Appeal

An applicant/license holder may submit a written request to the Chief of Police for a hearing on (1) the Police Department's suitability determination under Section 10.3.5; or (2) the intent to deny, suspend or revoke under Section 10.7 within 10 business days of the date of the Police Department's notice. The hearing shall be commenced within 10 business days of such request and shall be conducted by the Chief of Police or their designee. The Department's determination shall be upheld if the Chief of Police or their designee finds there was substantial evidence to support the Department's determination.