

TOR-2022-8

**AN ORDINANCE TO AMEND SECTION 124 OF CHAPTER 180 OF THE CODE OF
THE TOWN OF AGAWAM**

(Sponsored by Mayor William P. Sapelli)

WHEREAS, Sections 124 through 126 of Chapter 180 of the Code of the Town of Agawam regulates how a licensed medical marijuana facility and a licensed marijuana manufacturing facility may operate within Town; and

WHEREAS, Section 124(D) “Location” was amended by the City Council (**TOR-2021-3**) by amending the buffer zone distance and how it is measured; and

WHEREAS, Section 124(D)(2) prohibits a marijuana facility to be located on a parcel which abuts a residential use, regardless of how that parcel is zoned; and

WHEREAS, parcels remain ineligible for marijuana operations due to industrial zoned parcels being used for residential purposes; and

WHEREAS, the administration continues to receive inquiries on the potential of operating marijuana cultivation facilities on a regular basis; and

WHEREAS, State regulations permit municipalities to have broad authority in regulating the location of marijuana facilities; and

WHEREAS, it is in the best interest of the Town of Agawam to amend Section 124 of Chapter 180 of the Code of the Town of Agawam.

NOW THEREFORE, the Agawam City Council hereby amends Chapter 180 Section 124(D)(2) of the Code of the Town of Agawam by inserting the following language after “district.”:

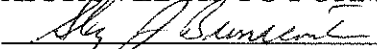
“This section shall not apply to industrial zoned parcels used for residential purposes.”

DATED THIS _____ DAY OF _____, 2022.

PER ORDER OF THE AGAWAM CITY COUNCIL

Christopher C. Johnson, President

APPROVED AS TO FORM AND LEGALITY



Stephen J. Buoniconti, Solicitor