



CITY OF AMESBURY
IN THE YEAR TWO THOUSAND TWENTY-THREE

SPONSORED BY:

BILL No. 2023-029

Kassandra Gove, Mayor

Steven J. Stanganelli, Councilor at Large

Anthony Rinaldi, Councilor, District 2

Roger Deschenes, Councilor, District 3

An Ordinance to define and implement civil enforcement procedures for public marijuana (cannabis) consumption.

Summary:

An Ordinance to provide for the regulation of the public consumption of marijuana (cannabis) not medically prescribed as provided for in MGL 94G, Section 13

Be it Ordained by the City Council of the City of Amesbury assembled and by the authority of the same, as follows:

That the City of Amesbury shall adopt the following ordinance to regulate the civil enforcement of public use of cannabis (more commonly referred to as marijuana):

- (a) No person shall smoke cannabis (also known as marijuana) or delta-9-tetrahydrocannabinol (THC), as defined in Chapter 94C, Section 1 of the General Laws, while on, in or upon any public way or upon any way to which the public has a right of access, or any shared public use space, including but not limited to, parks and or playgrounds, streets, sidewalks, footways, passageways, stairs, bridges, recreation areas, boat landings, public buildings, schoolhouses, school grounds, cemeteries, parking lots, or any area owned by or under the control of the City of Amesbury.
- (b) This ordinance may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by complaint pursuant to G.L. c.40, §21, or by non-criminal disposition pursuant to G.L. c.40, §21D by the Amesbury City Council, or its duly authorized agents, or any police officer. Any violation of this ordinance shall be punishable by a fine of one hundred dollars (\$100.00) for the first offense and two hundred (\$200) for each subsequent violation. Any penalty imposed pursuant to this ordinance shall be in addition to any civil penalty imposed in accordance M.G.L. c.94C, §32L.

(c) This ordinance shall not be construed to limit the medical use of marijuana.

(d) Any person upon whom is imposed a fine pursuant to this ordinance in accordance with M.G.L. c.40, §21D shall have the right to appeal the imposition of such fine in a non-criminal proceeding by making a written request within 21 days to the Clerk Magistrate for the Newburyport District Court as set forth further in the statute.

(e) This ordinance shall not alter or affect the jurisdiction of the Board of Health in accordance with the provisions of M.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 City of Amesbury.

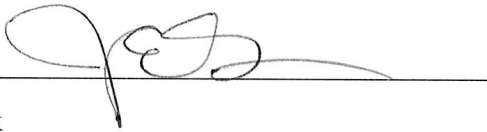
Councilor Steven Stanganelli offered a motion to substitute 2023-029 with the revised red line version. Councilor Roger Deschenes seconded said motion.

Councilor Steven Stanganelli offered a motion to amend Part A of the revised version of 2023-029 to read "tetrahydrocannabinol". Councilor Roger Deschenes seconded, and the amendment passed unanimously, 9-0.

The motion to accept the substitution of the revised version of 2023-029 as amended was called and passed unanimously, 9-0.

Councilor Steven Stanganelli offered a motion to approve 2023-029 as revised and amended. Councilor Scott Mandeville seconded, and said motion passed on a roll call vote of 5-4, Councilor Jonathan Hick, Councilor Adrienne Lennon, Councilor Peter Frey and President Nicholas Wheeler opposed.

Witness my hand and seal for the City of Amesbury this 30th day of October 2023.



City Clerk



Mayor

November 3, 2023

Date