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CITY OF AMESBURY, MA

## CITY OF AMESBURY IN THE YEAR TWO THOUSAND TWENTY-ONE

SPONSORED BY: Kassandra Gove BILL No. 2023-029  
Kassandra Gove, Mayor

Steven J Stanganelli  
Steven J Stanganelli, Councilor-at-Large

Anthony S Rinaldi  
Anthony S. Rinaldi, Councilor, District 2

Roger Deschenes  
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, vaporize, ingest or otherwise consume or use 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 place to which members of the public have access as invitees or licensees, 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 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 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 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.