

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

ORDINANCE

An Ordinance Amending "Code of Ordinances, City of Lowell, Massachusetts," with respect to Chapter 222, entitled Peace and Good Order, by adding §222-18 entitled "Prohibiting the Consumption of Marijuana in Public."

The City Council, by virtue of Massachusetts General Laws, Chapter 43, Section 95, has the right to general management and control of the City of Lowell; and

The City Council has an interest in maintaining good order and decorum in the streets and public spaces of the City of Lowell; and

The City Council has an interest in promoting the health, safety, and welfare of the residents of the City of Lowell; and

Prohibiting public the consumption of marijuana in public will promote good order and decorum in the streets and public spaces of the City of Lowell; and

Prohibiting the consumption of marijuana in public will promote the health, safety, and welfare of the residents and neighborhoods of the City of Lowell;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOWELL, as follows:

1. "The Code of Ordinances City of Lowell, Massachusetts" hereinafter called the "Code", adopted by the City Council on December 23, 2008, as amended, is hereby further amended with respect to Chapter 222, entitled Peace and Good Order by adding the following section:

§222-18. Prohibiting the Consumption of Marijuana in Public

A. Definitions

(1) For purposes of this ordinance, the following terms have the following meanings:

a) "Public place" shall mean any place to which the public or a substantial group of persons has access and/or view. A "public place" includes, but shall not be limited to: public ways, streets, sidewalks, walkways, alley or alleyways, highways, bridges, overpasses, parking lots, municipal buildings, municipal parking lot facilities, municipal parking lot ramps, vacant or undeveloped lots, front yards, back yards, driveways, transportation facilities, parks, pools, plazas, building facades, stairwells, alcoves, doorways, entrance ways, pedestrian malls, playgrounds, places of amusement, hallways, lobbies, and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence.

B. Enforcement

(1) Nothing in this Section shall preclude the City of Lowell or any law enforcement officer of any jurisdiction from charging an offender for violation of any other applicable law or ordinance arising from the offender's prohibited conduct.

C. Penalties

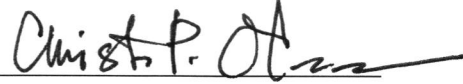
(1) Any person who violates this section is liable for a fine of \$100 for the first offense, \$200 for the second offense, \$300 for the third offense, and \$300 for each subsequent offense. Each violation and/or each day in violation of this section shall constitute a separate offense

(2) Any person found in violation of this section shall receive a fine as established in the City's Schedule of Fees in accordance with MGL c. 40U, §11, for each violation of this section.

2. If any section, subsection, sentence, clause, phrase, word, or other portion of this ordinance is, for any reason, held to be unconstitutional or invalid, in whole, or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this ordinance, which remaining portions shall continue in full force and effect.

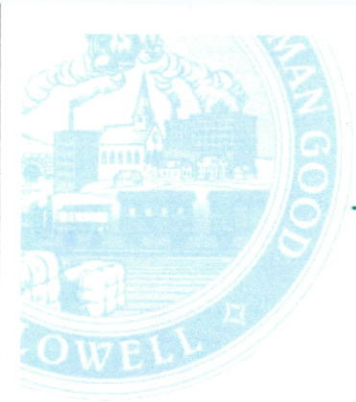
3. This Ordinance shall take effect upon its passage in accordance with the provisions of Chapter 43 of Massachusetts General Laws.

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read "Christine P. O'Connor", written over a horizontal line.

Christine P. O'Connor
City Solicitor

Ordinance/prohibitconsumptionmarijuanapublic



City of Lowell - Law Department

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May 11, 2018

City Manager Eileen M. Donoghue
Mayor William Samaras
And
Members of the City Council

Re: Ordinance to prohibit the consumption of marijuana in public

Dear Manager Donoghue, Mayor Samaras and Members of the City Council:

The attached ordinance proposes to prohibit the consumption of marijuana in public. The ordinance is intended to mirror prohibitions regarding drinking in public.

While this is an evolving area of law and may require further amendments, this proposed ordinance is intended to provide the police with added local regulations, in addition to existing state laws.

Pursuant to this ordinance, individuals consuming marijuana in public will be subject to local fines. Nothing in this ordinance, however, shall prevent the police from taking additional action against violators under state law.

Very truly yours,

Christine P. O'Connor
City Solicitor