

Cambridge Municipal Code

Section _____ Prohibition of Smoking Marijuana in Public Places

A. Public Consumption or Use of Marijuana Prohibited

No person shall smoke, consume, ingest or otherwise use marijuana or tetrahydrocannabinol (as defined in Chapter 94C, § 1, as amended) of the Massachusetts General Laws, 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, playgrounds, parking lots, public buildings, in or upon any bus or other conveyance operated by a common carrier, or in any place accessible to the public.

B. Consumption of Marijuana Prohibited on City Owned Property

No person shall consume or smoke marijuana on city owned property or within city owned buildings to which the public has a right of access. No person shall use or consume marijuana at any city-sponsored, private, or public event held on city-owned property or within city owned buildings.

C. Violations and Penalties

Any person who violates this section shall be subject to a fine in the amount of three hundred dollars (\$300) for each offense. Violations of this section shall be enforced by means of a non-criminal disposition pursuant to Massachusetts General Laws Chapter 40, §21D. Any fines imposed under the provisions of this section shall inure to the City of Cambridge. The Cambridge Police Department shall be the enforcing authority of this section.

D. Seizure of Marijuana

All marijuana consumed or being used in violation of this section shall be seized and safely held until final adjudication of the charge against the person arrested or summonsed before the Court, at which time it shall be destroyed in accordance with Massachusetts General Laws Chapter 94C, §47A.

E. Appeal

Any person upon whom a fine is imposed pursuant to this section shall have the right to appeal the imposition of such fine by making a written request within 21 days to the Clerk Magistrate for the Cambridge District Court.

Cambridge Municipal Code
Section _____ False Name or Address

Any person who, having been informed that a police officer intends to issue a citation for possession of an ounce or less of marijuana or tetrahydrocannabinol in violation of Massachusetts General Laws Chapter 94C, § 32L, or for public consumption of marijuana in violation of Cambridge Municipal Code Section _____, refuses upon the officer's request to give his or her true name and address, or who gives a false name or address, shall be subject to a fine in the amount of \$200. Violations of this section shall be enforced by means of a non-criminal disposition pursuant to Massachusetts General Laws Chapter 40, §21D. Any fines imposed under the provisions of this section shall inure to the City of Cambridge.

List of cities and towns that have adopted ordinances or by-laws prohibiting the public use and possession of marijuana and the language of these ordinances:

The City of Methuen, MA

No person shall smoke, ingest, or otherwise use or consume marihuana or any substance containing tetrahydrocannabinol (as defined in G.L. c 94C, & 1, as amended) while in or upon any public street, public way, including the operation of a motor vehicle thereon, playground, beach, recreation areas, public building, school buildings, school grounds, or any area owned by or under the control of the City of Methuen; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public.

This Ordinance may be enforced through any lawful means in law or inequity including but limited to, an application for a noncriminal disposition pursuant to G.L.c. 40 & 21D, by the Mayor or his duly authorized agents, or any police officer. The fine for violation for this ordinance shall be three hundred dollars (\$300) for each offense. Any penalty imposed under this Ordinance shall be in addition to any civil penalty imposed under G.L. c. 94C, & 32L.

The town of Winthrop, MA

Public Consumption of Marijuana

Motion proposed by the Rules & Ordinance Committee: to amend Town Ordinances by adding under Title 9 a new section 9.20 that states the following.

Prohibited Activity

No person shall smoke, ingest or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in G.L c.94C Section 1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park,

playground, beach recreation area, boat landing, schoolhouse, school grounds, cemetery, parking lot or any area owned by or under of the control of the Town: or in or upon any bus or other passenger conveyance operated by a common carrier; or any place accessible to the public.

Identification Required: Any person smoking, ingesting or otherwise using or consuming marijuana or tetrahydrocannabinol in violation of section 1 of this bylaw shall provide to a police officer so requesting personal identifying information, including their full legal name, and address. Failure to provide such identifying information upon request, or provision of false, incorrect or otherwise invalid identifying information, hall be considered a separate violation of this bylaw.

Violations and Penalties: This bylaw may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to G.L. c. 40, Section 21 or by noncriminal disposition pursuant to G.L. c. 40, section 21D by the Winthrop Police Department .The fine for this violation of this bylaw shall be \$100 for the first offense, \$200 for the second offense, and \$3000 for a third or subsequent offense. Any penalty imposed under this bylaw shall be in addition to any civil penalty imposed under G.L. c. 94C, Section 32L.

The Town of Duxbury, MA

Public Consumption of Marijuana

No person shall smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in M.G. L. Chapter 94C, Section 1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the Town; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public.

This bylaw may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by noncriminal disposition pursuant to M.G.L. Chapter 40, Section 21D by any police officer. The fine for violation of this bylaw shall be three-hundred dollars (\$300) for each offense. Any penalty imposed under this bylaw shall be in addition to any civil penalty imposed under M.G.L. Chapter 94C, Section 32L.

City of Springfield, MA

Public Consumption of Marijuana

8.40.010 Application: No person shall smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in G.L. c. 94C, § 1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the town; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public.

8.40.020 Enforcement: This ordinance may be enforced through lawful means in law or in equity by noncriminal disposition pursuant to G.L. c. 40, § 21D, by the Springfield Police Commissioner his/her agents or any police officer.

8.40.030 Fine: The fine for violation of this ordinance shall be three hundred dollars (\$300) for each offense. Any penalty imposed under this ordinance shall be in addition to any civil penalty imposed under G.L. c. 94C, § 32L.

The City of Malden, MA

ORDINANCE - SECTION 7.25 PUBLIC POSSESSION/USE OF MARIJUANA PROHIBITED No person shall, while in or upon any property owned or controlled by the city or in any place accessible to the public, possess marijuana or tetrahydrocannabinol in an amount of one ounce or less. No person shall, while in or upon any property owned or controlled by the city or in any place accessible to

the public, smoke, ingest or otherwise use or consume marijuana or tetrahydrocannabinol.

No person shall, while in, on, or within or within one thousand feet of an educational facility or one hundred feet of a public park or playground, use or possess one ounce or less marijuana or tetrahydrocannabinol. As used in this section, "educational facility" shall include the real property comprising a public or private accredited preschool, accredited head-start facility, elementary, vocational, or secondary school whether or not in session.

Enforcement: Violation of any provision of this ordinance shall be punishable in the manner provided in Massachusetts General Laws Chapter 40 Section 21D by a fine of \$300.00 for each offense. For purposes of enforcing this ordinance, a police officer may detain any individual who fails to provide adequate identification.

The City of Marlborough, MA

The City Council unanimously approved an ordinance that heightens the potential penalty for public marijuana use. Police officers can now issue a criminal complaint and impose a \$300 fine on anyone caught using marijuana in public in the city.

Milford, MA

Milford has voted to prohibit pot smoking on public property. The local bylaw, proposed by Police Chief Thomas O'Loughlin and the Board of Selectmen, allows police to issue the second \$100 fine/civil citation for first offense for someone caught smoking pot, \$200 for second offense and \$300 for third or subsequent offenses.