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CITY OF GLOUCESTER
OFFICE OF THE MAYOR

TO: City Council 
FROM: Carolyn A. Kirk, Mayor
DATE: February 23, 2009
RE: Addendum to the Mayor's Report
for the February 24, 2009 City Council Meeting

Attached is a memorandum from Lt. Joe Aiello regarding an amendment to the City of Gloucester Code of Ordinances. *Please refer this matter to the Ordinance and Administration subcommittee for review and approval.* Lt. Aiello will be available to answer questions and provide further information as required.

TO: HONORABLE CAROLYN KIRK

FROM: LT JOE AIELLO
OPERATIONS COMMANDER
GLOUCESTER POLICE

SUBJECT: PROHIBITION OF PUBLIC CONSUMPTION OF MARIJUANA

DATE: January 6, 2009

Mayor Kirk:

As you are aware, Massachusetts voters on November 4, 2008, voted to "decriminalize" the possession of up to one ounce of marijuana or tetrahydrocannabinol (THC). Prior to this change in the law, police officers were empowered to arrest people whom they had probable cause to believe were in possession of either drug.

Within the approved ballot initiative is a provision which states, "Nothing contained herein shall prohibit a political subdivision of the Commonwealth from enacting ordinances or bylaws regulating or prohibiting the consumption of marihuana or tetrahydrocannabinol in public places and providing for additional penalties for the public use of marihuana or tetrahydrocannabinol."

As the open and public smoking of marijuana or hashish would be potentially disruptive, I respectfully recommend that the City of Gloucester enact such an ordinance. The new ordinance should, in my opinion, be placed in Article 14, the "Offences and Miscellaneous Provisions", specifically by amending Article 14-3 Drinking Alcoholic beverages upon public way, etc. (See page 844 of City of Gloucester Code). The new section would read as follows, with changes noted in boldface:

14-3 (c). Possession and Use Marijuana **or Tetrahydrocannabinol**. No person shall **consume marijuana or tetrahydrocannabinol as defined by General Laws Chapter 94C, Section 1** within the limits of any park, playground, public building or any public land (but not including a public way) owned or under the control of the City of Gloucester, nor shall any person **consume marijuana or tetrahydrocannabinol** on any public way or way to which the public has a right of access as invitees or licensees, including any person in a motor vehicle while it is in, on, or upon any public way or any way to which the public has a right of access as aforesaid, within the limits of the City of Gloucester; and no person shall **consume marijuana or tetrahydrocannabinol** as previously defined, in, on, or upon any private land or place without the consent of the

owner or person in control of such private land or place. Any person who violates this section may be arrested by a police officer without a warrant. **Marijuana or tetrahydrocannabinol** being used in violation of this **section** may be seized and held until final adjudication of the charge against any such person or persons has been made by the court. **Whoever violates the provisions of this section as it pertains to marijuana or tetrahydrocannabinol shall be punished by a fine not exceeding one hundred (100) dollars for the first offense, two hundred (200) dollars for the second offense, and three hundred (300) dollars for any third or subsequent offense.**

Please let me know if you have any questions or whether I may be of further assistance.

RESPECTFULLY SUBMITTED,

Lt Joe Aiello
Gloucester Police