



Town of Palmer

*Bondsville, Depot Village, Thorndike & Three Rivers
"The Town of Seven Railroads"*

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Town Council

Councilors

Michael R. Magiera
President

Paul E. Burns
Vice President

Barbara A. Barry
Council Clerk

George A. Backus

John B. Dinuovo

Roger R. Duguay, Jr.

Philip J. Hebert

Raymond Remillard

Karl S. Williams

Matthew Streeter
Town Manager

August 10, 2009

TOWN ORDINANCE 2010-01

AN AMENDMENT TO THE CODE OF ORDINANCES OF THE TOWN OF PALMER

BE IT ENACTED BY THE PALMER TOWN COUNCIL

That the Code of Ordinances of the Town of Palmer be amended to add Chapter 50

PUBLIC CONSUMPTION OF MARIJUANA OR TETRAHYDROCANNABINOL PROHIBITED

Section 1. Possession or consumption in public prohibited.

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, school bus, 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.

Section 2. Duty to provide true name and address

A police officer taking cognizance of any violation of this chapter may request the offender to state his true name and address. Whoever, upon such request, refuses to state his name and address, or states a false name and address or a name and address which is not his name and address in ordinary use, shall be punished as set forth in §50-3 of this chapter. Any such offender so refusing to state his name and address or who states a false name and address or a name and address which is not his name and address in ordinary use may be arrested without a warrant by any officer authorized to serve criminal process and kept in custody until said offender can be taken before a court having jurisdiction of the offense.

Section 3. Violations and penalties.

A. Criminal Complaint – Whoever violates any of the provisions of this chapter may be penalized by indictment or on complaint brought in the district court pursuant to

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Massachusetts General Laws, Chapter 40, § 21. Except as may otherwise be provided by law, and as the district court may see fit to impose, the maximum penalty for any violation of these provisions shall be three hundred dollars (\$300) for each offense. Each day on which a violation exists shall be deemed to be a separate offense; or

B. Non-Criminal Disposition – Whoever violates any provision of this chapter may be penalized by a non-criminal disposition pursuant to Massachusetts General Laws, Chapter 40, § 21D and may be punished by a non-criminal fine as follows:

1. If the offense occurs in or upon any school building, school ground or school bus: Three hundred dollars (\$300) for each offense
2. If the offense occurs in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, 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: One hundred dollars (\$100) for the 1st offense, two hundred dollars (\$200) for the 2nd offense, and three hundred dollars (\$300) for the 3rd and subsequent offenses. Each day a violation continues shall constitute a separate offense.

C. Any penalty imposed under this ordinance shall be in addition to any civil penalty imposed under Massachusetts General Laws, Chapter 94C, § 32L.

Section 4. Severability.

Should any section or provision of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect or impair the validity of this chapter as a whole or any part thereof other than the particular provision so declared to be unconstitutional or invalid.


Michael R. Magiera, Council President


Matthew Streeter, Town Manager

Agenda item and First Reading at Regular Town Council Meeting held on July 27, 2009.

Public Hearing was warned in the Palmer Journal on July 30, 2009.

Public Hearing was held at 7:05 PM on August 10, 2009 at Palmer Town Bldg.

Agenda Item and Second Reading at Town Council Meeting held on August 10, 2009.

Vote on Ordinance at Council Meeting August 10, 2009 and entered into the minutes of this meeting and approved.

Posted in public places on August 11, 2009.

Notice of adoption published in the Palmer Journal on August 13, 2009.

Effective Date: September 2, 2009.