

# Town of Franklin

Town Administrator  
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355 East Central Street  
Franklin, Massachusetts 02038-1352

## MEMORANDUM

To: Town Council

From: Jeff Nutting

Re: Marijuana Public Consumption Prohibition

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The proposal before the Council tonight is to ban consumption of marijuana or marijuana products on public property, including all public property, such as the Town Common, sidewalks, parks, parking lots and buildings.

With legalization of sales opening on July 1st, the staff thought it was appropriate to put this bylaw proposal before the Council in order to protect the general public interest right to enjoy public property without having to smell smoke. While there is a mechanism for the Police to enforce this with a small fine, we hope that citizens will be respectful to one another and not consume marijuana on public property.

I am available for any questions.



**TOWN OF FRANKLIN  
BYLAW AMENDMENT 18-814  
CHAPTER 125, PEACE AND GOOD ORDER**

**A BYLAW TO AMEND THE CODE OF THE TOWN OF FRANKLIN AT CHAPTER 125, PEACE AND GOOD ORDER.**

**BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL** that Chapter 125 of the Code of the Town of Franklin is amended by adding Section 125-16 as follows:

§125-16. Public consumption of marijuana or tetrahydrocannabinol prohibited.

No person shall smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol, as defined in G.L. Chapter 94C, §1, as amended, or G.L. Chapter 94G, Section 1, while in or upon the Town Common or 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 building, facility or land 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 open to the public. This bylaw may be enforced through any lawful means in law or in equity, including, but not limited to, enforcement by criminal complaint pursuant to G.L. Chapter 40, §21, or by noncriminal disposition pursuant to G.L. Chapter 40, §21D; the Town Administrator or his designee or the Franklin Police Department shall have authority to enforce this bylaw. The fine for violation of this bylaw shall be \$100 for first offense, \$200 for second offense and \$300 for third and any subsequent offense.

This bylaw amendment shall become effective in accordance with the provisions of the Franklin Home Rule Charter.

**DATED:** \_\_\_\_\_, 2018

**VOTED:**  
**UNANIMOUS** \_\_\_\_\_

**A True Record Attest:**

**YES** \_\_\_\_\_ **NO** \_\_\_\_\_

**ABSTAIN** \_\_\_\_\_

**Teresa M. Burr  
Town Clerk**

**ABSENT** \_\_\_\_\_

\_\_\_\_\_  
**Glenn Jones, Clerk  
Franklin Town Council**