

DRAFT FOR FIRST READING

PROPOSED ADDITION TO CODE OF ORDINANCE
Part 3, GENERAL LEGISLATION
CHAPTER 154, CANNABIS - USE IN PUBLIC PLACES

A. Authorization

- (1). Under Rhode Island General Laws § 21- 28. 11- 16(b) " Local control," any city or town may adopt ordinances that ban or impose restrictions on the smoking or vaporizing of cannabis products in public places.

B. Definitions

For purposes of this section, the following terms have the following meanings:

- (1). **Public Place.** A "public place" includes, but shall not be limited to public ways, streets, sidewalks, walkways, alleys or alleyways, highways, bridges, overpasses, parking lots, municipal buildings, municipal parking lot facilities, municipal parking lot ramps, vacant or undeveloped lots, transportation facilities, parks (including trails and conservation areas), athletic fields and their seating areas, 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/motels not constituting rooms or apartments designed for actual residence.

For purposes of this section, all parks, athletic facilities, recreational facilities and conservation areas owned by the Town of Gloucester shall also constitute public places.

- (2). **Smoking or vaporize.** Inhaling, exhaling, burning or carrying any lighted or vaporized cannabis in any manner or form.
- (3). **Cannabis products.** Products that have been manufactured and contain cannabis or an extract from cannabis, including concentrated forms of cannabis and products composed of cannabis and other ingredients that are intended for use or consumption, including oils.

C. Prohibitions

- (1). It shall be unlawful for any person to consume, smoke or vape Cannabis, in a public place as set forth in section A.(1).
- (2). Nothing in this section shall preclude the Town of Gloucester or any law enforcement officer of any jurisdiction from charging an offender for a violation of any other applicable law or ordinance arising from the offender's prohibited conduct.

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- (3). Nothing in this section shall be construed to prohibit the transportation of cannabis or cannabis products.

D. Penalty

- (1). Any person violating the provisions of this section shall be subject to the penalty referenced in Part I. Administrative Legislation, General Provisions, Article II Penalties, 1-15 Specific Penalties of the Gloucester Code of Ordinance.
- (2). Notwithstanding any of the provisions herein, shall there be a conflict with any provisions of the Rhode Island General Laws governing the regulation of the consumption of cannabis, the provisions of State law shall control.

E. Effective Date

- (1). This Ordinance shall take effect upon passage.