

Ordinances & Administration Committee

Monday, July 14, 2014 – 6:00 p.m.

1st Fl. Council Committee Room – City Hall**-Minutes-**

Present: Chair, Councilor Robert Whycott; Councilor Jacqueline Hardy; Councilor Steven LeBlanc (Alternate until 6:05 p.m.); Councilor Sefatia Theken, Vice Chair (entered meeting at 6:05 p.m.)

Absent: None.

Also Present: Councilor McGeary; Councilor Cox; Councilor LeBlanc; Jonathan Pope; Linda Lowe; Joan Whitney; Police Chief Leonard Campanello; Mark Cole; Max Schenk; Suzanne Egan; Dr. Richard Safier; Jonathan Pope; Paul Ingram

The meeting was called to order at 6:00 p.m. There was a quorum of the City Council.

1. ***CC2014-001 (Verga/McGeary) Request that B&F Committee in consultation with Police Dept. & local merchants consider adopting certain days as “parking meter holidays” to begin in FY14 (Cont’d from 03/17/14)***

Councilor Cox said that of the two merchant groups representing the downtown retailers, one merchant group is in favor of parking meter holidays and one is against, and that the Cape Ann Chamber of Commerce also is not in favor. She added that Police Chief Campanello has voiced on several occasions that a few days a year is enforceable in terms of not ticketing for meter violations but continuing to enforce the anti-shuffling ordinance. As Chair of the Budget & Finance Committee she reported that her Committee didn’t weigh in on the issue but did vote to send the matter to public hearing. She noted that there have been no studies done that parking meter holidays would be an asset or detriment to downtown merchants. As Ward Councilor she observed that she would have preferred to see that the city’s parking lots in the area be free during the few designated days for parking meter holidays and keep the meters in effect on Main Street to ensure parking space turnover.

Councilor Whycott said that for more than 20 years there were parking meter holidays, and the Council was asked to stop the parking meter holidays some time ago because it didn’t work according to Main Street merchants, through the Cape Ann Chamber of Commerce. **Councilor Cox** reiterated she was in favor of the city parking lots being made available at no cost to the public during the parking meter holidays but that downtown merchants have voiced their opinions to her that they don’t want Main Street free parking. She pointed out that this Council Order was originally for the purpose of giving the public free parking on special shopping days, Black Friday, Small Business Saturday which are dates around the Thanksgiving holiday and the two August tax-free days shopping days designated each year by the State Legislature.

Chief Campanello said that as this will only be about six days his department will enforce ordinances as best as they can. A parking study showed regarding anti-shuffling citations that there are about 50 citations on 25 cars issued per year. To enforce that particular ordinance on meter holidays will not be a problem, he said.

Councilor McGeary said it may be worth trying for the discrete periods, and while he agreed with Councilor Cox about the city parking lots, he expressed that he would like to see the parking meter holiday instituted for Main Street to see how it would work. **Councilor Whycott** reminded the Councilors present that if the ordinance is not working the Council can vote to repeal it.

Linda T. Lowe, City Clerk, briefly discussed the process of declaring the parking meter holidays and language adjustments to match the Councilors’ wishes. **Councilor Cox** noted the state tax-free holidays fluctuate but Black Friday and Small Business Friday do not, and the Committee adjusted the motion language to clarify specific days for parking meter holidays.

MOTION: On a motion by Councilor Theken, seconded by Councilor Hardy, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Chapter 22, “Traffic,” Article V, Division 3 “Parking Meters,” Sec. 22-218 “Deposit of coin required; overtime Parking; exemption” by ADDING a new subsection 22-218 (C) as follows:

“Notwithstanding any other provisions in Article V, Division 3, no parking meter fees shall be due under subsection (a) nor shall any penalty be imposed for failure to pay on days declared a parking meter holiday which shall consist of Black Friday and Small Business Saturday, dates around the Thanksgiving holiday,

and that these parking meter holidays also are to include any sales-tax holidays adopted by the Massachusetts State Legislature.”

This matter will be advertised for public hearing.

2. Memorandum from Assistant Director of Public Works & updated draft of the New Balance Track and Field at Newell Stadium Rules & Regulations

Mr. Cole explained to the Committee the updating of the New Balance Track and Field at Newell Stadium Rules and Regulations as follows:

In August of 2013 the first set of New Balance Track and Field at Newell Stadium Rules and Regulations Rules and Regulations passed. He noted that since then the Recreational Facilities Committee have reviewed the rules and regulations several times and proposed revisions for clarity sake. He said that the only real changes are to the opening times on the weekends from 6 a.m. to 8 a.m. for use of walking/running on the track. the closing time remains at 8 p.m.

He explained that: The first draft was based on surrounding communities experience to get it on the books, and in August 2013 the first set of New Balance Track and Field at Newell Stadium Rules and Regulations was passed by the Council. He said that the original submission for referral to the Committee (dated 05/14/14) has been consolidated so that rather than speaking to specific pieces of equipment it is more broadly stated. The format is also cleaner as presented. There are rate changes that will go before B&F on Thursday evening. There really were no rules changes but more of a reorganization of the rules and regulations for clarity. He briefly discussed the summer hours with **Councilor Theken**.

Councilor Whynott asked about strollers. **Mr. Cole** said baby strollers can't be on the track. There is a paved walkway around three quarters of the track which can be walked on with a stroller but the strollers would add to the wear and tear of the track, or for that matter, wheels of any kind. **Councilor Theken** asked that Mr. Cole to look into the use of wheelchairs for handicapped athletes that are made specifically for that purpose and if allowances for these specialized devices can be made. He agreed that he will explore this matter with Northeast Turf. He and **Councilor Theken** also briefly discussed a possible repair and revitalization of the track at the O'Maley Middle School. She asked to see cost estimates from Mr. Cole.

Councilor LeBlanc, noting he sits on the Recreational Facilities Committee which has met over a dozen times to review the rules and regulations looking at wheelchairs, strollers, glass bottles, all possible aspects of potential issues. Many of the prohibitions have to do with the structure of the rubber surface which can only take so much abuse. He assured **Councilor Theken** that he would assist Mr. Cole in reviewing the regulations regarding specialized athletic wheelchairs. **Mr. Cole** also informed the Committee that there is a full-time employee at the field and that the rest of the hours are filled with part-time DPW employees to assure the facility is supervised for all the hours it is available to the public.

MOTION: On a motion by Councilor Theken, seconded by Councilor Hardy, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that pursuant to the City Charter Sec. 7-16(b) that the City Council accept the amended Department of Public Works, New Balance Track and Field at Newell Stadium Rules and Regulations dated July 8, 2014 and to require under City Charter Sec. 10-4 that the rules and regulations be filed in the Office of the City Clerk.

Mr. Cole informed the Committee the New Balance Track & Field at Newell Stadium Rules and Regulations Checklist developed by Coach Paul Ingram is sent in advance to all visiting athletic teams so the coaches and athletic directors have an opportunity to review them. He said when the teams arrive at the stadium, the facilities manager will promptly review the rules and regulations which **Coach Ingram** confirmed for the Committee.

3. CC2014-024 (Cox) Amend GCO Chapter 22, Sec. 22-270 "Parking prohibited at all times" and Sec. 22-291 "Tow-away zones" re: Pleasant Street (Cont'd from 06/16/14)

Councilor Cox explained that this ordinance is to make entering and exiting Sheedy Park on Pleasant Street where cars park between the two access points easier for vans, small buses and emergency vehicles. She noted when up to three cars park between the space between the exit and entrance; it makes it very difficult for those vehicles to make the turn onto or off Pleasant Street. She pointed out there is adequate parking on site for the Sheedy Park residents.

It was suggested that painting parking space lines would help alleviate the problem. **Councilor Cox** said that Line painting has not alleviated the problem, and it was the Gloucester Housing Authority who asked her to bring this order forward. The residents are asking for this, she said, and that the meeting she held at Sheedy Park to discuss the matter had the largest number of residents of any meeting held there in her tenure as Ward Councilor.

In a discussion with the Committee **Councilor Cox** said that she would work with the DPW to paint lines for two parking spaces to aid in parking enforcement. **Councilors Whynott** and **Theken** expressed concern that there was very limited parking already in the immediate area.

Councilor Cox asked this matter be continued and that she would work with the DPW to see that two parking spaces were painted in. She cautioned that this had been tried in the area at the corner of Prospect Street and Railroad Avenue which failed and necessitated amending the Code of Ordinances to keep vehicles from parking to the corner which impeded trucks from being able to safely turn onto either Prospect Street or Railroad Avenue. She added she would accede to the Committee's wishes to try this first before requesting the O&A move forward again legislatively.

This matter is continued to August 4, 2014.

4. CC2014-027 (Cox) Amend GCO Chapter 22, Sec. 22-284 "Service or loading zones" & Sec. 22-291 "Tow-away zones" re: Pleasant Street #27

Councilor Cox asked that the deleted handicapped parking space be reinstated in front of the Cape Ann Museum at 27 Pleasant Street, which she had promised to do when the Council had put in place the service and loading zone while the Cape Ann Museum was undertaking their renovation project. She said now that the museum's renovations are complete there is no longer a need for a service/loading zone in front of it. She noted that the Traffic Commission has already voted to put back the handicapped parking space.

Ms. Lowe clarified that these two votes taken by the Council on January 14 are not yet in the Code of Ordinances supplement. Since the Code amendments are not yet codified because this is done once a year. She explained that the Council needs only to repeal their vote of January 14 to delete the handicap parking space and to replace it with a service or loading zone.

MOTION: On a motion by Councilor Theken, seconded by Councilor Hardy, the Ordinances & Administration Committee voted in favor, opposed, to recommend to repeal the City Council votes of January 14, 2014 to Amend GCO c. 22, Sec. 22-284 "Service or loading zones" and Sec. 22-291 "Tow-away zones" by DELETING Pleasant Street #27.

This matter will be advertised for public hearing.

5. CC2014-028 (Cox) Amend GCO Chapter 22, Sec. 265 "Turning movements-Generally" & Sec. 22- 159 "Same-Between certain hours and on certain days," Sec. 22-270 "Parking prohibited at all times," Sec. 22-283 "Bus stops and taxi stands" re: Pleasant Street & Smith Street

Councilor Cox reviewed in brief the request of the School Department plans for changing traffic patterns and parking in the area of St. Ann's School to accommodate drop off and pick up of students by personal vehicles and buses which are:

- Amend Sec. 22-265 "Turning movements-Generally" by **ADDING:**
"While school is in session, Pleasant Street in a northerly direction, no left turn onto Smith Street between the hours of 8:30 a.m. to 9:15 a.m. and 2:30 p.m. to 3:15 p.m.;
- Amend Sec. 22-159 "Same-Between certain hours and on certain days" by **ADDING:**
Pleasant Street: While school is in session, Pleasant Street, from a point beginning at its intersection with Prospect Street, westerly side, in a northerly direction to Smith Street, **no parking** between the hours of 8:30 a.m. to 9:30 a.m. and 2:30 p.m. to 3:15 p.m.
- **Smith Street:** While school is in session, Smith Street, southerly side, from its intersection with Pleasant Street in a westerly direction to Maplewood Avenue, **no parking** between the hours of 8:30 a.m. to 9:15 a.m. and 2:30 p.m. to 3:15 p.m. Bus pick-up and drop-off only;
- Amend Sec. 22-270 "Parking prohibited at all times" by **DELETING:**
Pleasant Street, westerly side, from Smith Street, southerly direction for a distance of 200 feet;

- Amend Sec. 22-283 “Bus stops and taxi stands” by DELETING:
Pleasant Street, westerly side, beginning at the point 50’ north of its intersection with Prospect Street for a distance of 120’ in a northerly direction, effective from 8:30 a.m. to 9:30 a.m. and 2:30 p.m. to 3:30 p.m. on weekdays, excluding the months of July and August.

Dr. Richard Safier, Superintendent of Schools, asked that this matter be continued. He said the Traffic Commission meeting of June 26 took up this matter and that the Commission would make their recommendations after the Ward 2 meeting held by Councilor Cox on July 21. At the July 24 meeting of the Traffic Commission will take the matter up again School Department can work with them to assess whether the ordinances in place may serve what is necessary for the transportation requirements for 360 students who will be coming to St. Ann’s as well as those who will go from there onto the O’Maley Innovation Middle School for Grade 5.

He then described some of the proposed changes to the Committee as follows:

Going north on Pleasant Street away from City Hall, between 8:30 a.m. and 9:15 a.m. and 2:30 p.m. and 3:15 p.m. that there should be a left turn on to Smith Street in order to use it as a drop off and pick up area for school buses. The areas of Prospect Street, Four Corners and Maplewood Avenue are not considered advantageous or conducive. This is about safety, efficiency and minimal disruption to the neighborhood.

Bus Drop Off and Pick Up on Smith Street

The School Department is strongly encouraging parents not to drive their students to school but to bus their students. All students including Grade 5 who will go to the O’Maley School will all be bussed together. The students bound for St. Ann’s would be dropped curbside, which is the safest option for students, on Smith Street first, and then the fifth graders would be bused on to the O’Maley Middle School.

Pick up in the afternoon for bussed students would also be on Smith Street. In the afternoon there may be a 10 minute line up and that some buses may have to wait in the supermarket parking lot or on Maplewood Avenue and be radioed to proceed to the pick up point on Smith Street. To minimize the traffic congestion in the St. Ann School area, all Kindergarten through Grade 4 students will be transported to the O’Maley Middle School where there will be a staging area for parents to pick up students there in their cars, and the buses then pick up the O’Maley Grade 5 students and return them to their homes.

Private Vehicle Drop Off and Pick Up on Pleasant Street

Pleasant Street is being designated for student drop off and pick up by car. There is an ordinance on the books under Sec. 22-270 “Parking Prohibited at All Times” but that when work was done on the street the signs taken down at that time were never put back. This is between 8:30 and 9:15 and 2:30 and 3:15 p.m. on the side of the street that borders the school property, that during those designated times there would be no parking there for the purpose of student drop off and pick up so as to discourage parents from parking there and walking their students into the school and creating more traffic congestion. Staff will be at curbside to facilitate smooth and efficient drop off and pick up of students. There are assurances from Holy Family Parish that there will be no funerals scheduled before 9:30 a.m. It was noted by **Councilor Cox** that any city ordinance would supersede any lease agreement.

Parking for School Staff and Holy Family Parish Events such as Funerals:

When there are no funerals scheduled staff can use the parking the lot around the St. Ann’s School. If there is a funeral scheduled staff will not park there. There is a parish lot next to Yellow Sub which the school department has permission for staff to use, and there the lot at Burnham’s Field that is city owned and can be used for staff and visitor parking. There is a parking area on Maplewood Avenue behind the Car Wash and McDonalds which the city is negotiating with Cape Ann Marketing Realty to be able to use also. **Dr. Safier** said he was assured by Public Works Director, Mike Hale, that his department would do whatever work is needed to the property to see that it can be used for school parking. **Councilor Theken** noted behind the St. Ann’s Rectory there are about 8 parking places and she recommended that Dr. Safier speak with Holy Family Parish about their use as the rectory is no longer in use.

Dr. Safier pointed out that these requests for traffic changes are predicated on safety, he said. There may be a need for signage for safe, efficient, and well run drop off and pick up of students. What they don’t want is lines of cars backing up traffic to the downtown, he said.

Councilor Discussion:

Councilor Cox said that on Smith Street there are several three and four family dwellings that have no off-street parking and asked where those residents are supposed to park. There are retirees who may not move their car during the day, she said. She said she is opposed to using Smith Street for buses as it is a residential neighborhood and what would those residents would do with their cars during the 45 minutes in the morning and afternoon when cars are banned from parking in the immediate area five days a week. Additionally, there would be no left turn onto Smith Street which is the intent of the School Department’s proposal, she pointed out. **Dr. Safier** reiterated in the

afternoon there would be a 10 minute line up of buses. **Dr. Safier** said Sec. 22-270 “Parking prohibited at all times” says unlawful for person to park at any time Smith Street parking on the northerly side of the street. **Councilor Cox** said the original order from the Legal Department said no left turn onto Pleasant Street but apparently it is Smith Street.

Dr. Safier said it is hoped there is a workable compromise with the traffic pattern. It is for two 45 minute periods per day. The St. Ann side of Smith Street has parking. There is no parking on the opposite side and it is a two-way Street, **Councilor Theken** pointed out. **Dr. Safier** said that through the radio system they can put one or two buses at a time rather than all seven at once. **Councilor Whynott** proposed that students be dropped off on Maplewood Avenue and walked down Smith Street. **Dr. Safier** appreciated the suggestion but said that it was unsafe for students even if they were accompanied by staff.

Councilors Cox and **Theken** suggested that buses should be on Pleasant Street and parent drop off and pick up on Smith Street. **Dr. Safier** suggested that cars on Smith Street dropping off would make for as much if not more congestion, and that Pleasant Street is a better option for parent drop off and pick up. **Councilor Theken** suggested that the church be approached for use of a driveway has access for parking for the Smith Street residents who have no parking and perhaps something can be arranged.

This matter is continued to August 4, 2014 awaiting the results of Councilor Cox’s ward meeting and the Traffic Commission meeting of July 24.

6. CC2014-029 (LeBlanc) Amend GCO Chapter 22, Sec. 22-270 “Parking prohibited at all times” re: Emerson Avenue

Councilor LeBlanc explained that the parking prohibition on Emerson Avenue is no longer valid as written, and is in need of updating. People are parking in the lot at the Marine Fisheries building, which is private property from surrounding entities – Pathways, Open Door Food Pantry. The Division of Marine Fisheries has asked there be no parking on that side of the street. He noted that the Marine Fisheries has cut out into their property to make parking for their employees, but technically vehicles could park in the area that’s been cut out. He explained that portion that has been cut out is property owned by the State Division of Marine Fisheries. He pointed out that the Cape Ann Food Pantry, a neighbor of the Marine Fisheries, has agreed to work the Marine Fisheries so as to make available that parking facility on a limited basis during high traffic times to the food pantry. He also noted that this matter went before the Traffic Commission, and their recommendation is before the Committee for a vote.

Councilor Theken expressed her concern about the Food Pantry and the Marine Fisheries working out a viable cooperative parking solution. She also expressed her concern for the parking for those visiting the Veterans Services building on Emerson Avenue and seniors who live at Lincoln Park.

Councilor LeBlanc showed the Committee the entrance to the National Marine Fisheries and the immediate vicinity on an iPad aerial photograph. He said he asked the Traffic Commission to consider a parking ban from the corner of the Food Pantry property at the entrance of the State Division of Marine Fisheries to the end of that lot. This is all Marine Fisheries property even the cut out area which was confirmed by the Public Works Director and the Chair of the Traffic Commission. He added that he had also worked with the Public Works Director who had agreed it was appropriate for the Marine Fisheries to put up their own “No Parking” signs on their property indicating that it is during business hours.

Councilors Theken and **Hardy** said they believed there were paper roads on Emerson Avenue as well. **Councilor LeBlanc** said that Griffin Court is a paper road. He reassured the Councilors that Julie LaFontaine, Director of the Food Pantry has and is working hand-in-hand with the Marine Fisheries when there are holiday events. Marine Fisheries will put up signs that no parking during business hours on their property. He said this action is to clean up the ordinance so that there is no parking in front of the Marine Fisheries property.

MOTION: On a motion by Councilor Hardy, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend to Amend GCO c. 22, Sec. 22-270 “Parking Prohibited at all times” by DELETING the reference to “Emerson Avenue, northerly side from the easterly entrance of the City Home.”

And by ADDING: “northerly side from westerly corner of the intersection of Griffin Court and Emerson Avenue;”

And by ADDING: “Emerson Avenue, from the westerly end of driveway at 28 Emerson Avenue, to the beginning of the way to the City Boat Ramp past 30 Emerson Avenue and including the end of Emerson Avenue.”

This matter is to be advertised for public hearing.

7. CC2014-030 (LeBlanc) Amend GCO c. 22 Sec. 22-289 “Parking meter zones-On Street” and Sec. 22-216 “Hours of operation re: Washington Street in front of #8

Councilor LeBlanc said that he is forwarding a request from the American Legion who is asking that meters be placed in front of 8 Washington Street. **Councilor Theken** observed this is a mostly residential area and may not be fair to those people who live in the immediate area.

This matter is to be continued to August 4 pending a recommendation from the Traffic Commission.

8. CC2014-031 (McGeary/Theken/Lundberg, Verga, Cox, Fonvielle) Amend GCO Art. I, Chapter 14 “Offenses and Miscellaneous Provisions” by adding a new section and Amending GCO Sec. 1.15 “Penalty for violation of certain specified sections of Code” re: Synthetic Drugs (Synthetic Marijuana, Stimulants and Hallucinogens)

Chief Campanello presented the following information on the proposed ordinance:

This regulates the sale availability of synthetic marijuana/cannabinoids, stimulants and psychedelic/hallucinogens substances that alter the mind by producing a “high” affect and decreasing the senses. He pointed out examples of street sales “legally” from some places in the city. This ordinance, he said, is purposely written large in scope to cover any substance or any combined chemical substances that are mood altering, producing an intoxicating effect, mirroring substances that are illegal. He said that many Massachusetts communities have similar ordinances, and that the one before the Committee is very well written allowing for enforcement and for what may come forward in the future by covering a broad range of synthetic products. He pointed out that there is a federal law, although Mass. state law skirts around it, it is under federal law that these offenses are prosecuted under.

This ordinance is aimed at the supplier. These substances are marketed for a particular demographic attracted to the packaging. The Committee was shown a poster board with actual types of packaging of synthetic drugs marketed as herbal scent or potpourri with names and graphic packaging enticing and familiar to young people. The ordinance is written to cover these types of products which is targeting the sales not necessarily the user which is more effective from a municipal perspective. Red Bull and like products are caffeine-based so they are not included. These synthetic substances are mind-altering substances and are chemically based, which he pointed out, is made clear by the ordinance.

Councilor McGeary said part of the challenge is that if there is too much specificity in such an ordinance amendment, then chemical substances can be changed to circumvent the compounds named which is why the proposed ordinance is broadly written. This, he said, is to discourage the sales of these products.

Chief Campanello said that purveyors have been cooperative in taking these products off the shelf once they are asked. There is a need for protection of citizens, and this is not destroying businesses, he observed. He said the ordinance covers any sales of these types of products. Everyone through the Healthy Gloucester Collaborative and their partners, and the Council want to get in front of this to be proactive, he added.

Joan Whitney, Director of the Healthy Gloucester Collaborative, Public Health Department, said there is a need to protect young people. The marketing of these synthetic drugs make them attractive to young people, positioned as potpourri or herbal scents. No one knows what is actually in these chemical compounds as there is no regulation and no way to know if someone is suffering from the effects making these compounds very dangerous. She urged passage of the ordinance. **Max Schenk**, Manager of Environmental Health Services, Public Health Department spoke on behalf of Noreen Burke, Public Health Director by saying that this ordinance gives law enforcement the tools they need to stay ahead of the curve on these chemical stimulants which are known to be dangerous.

Councilor McGeary pointed out that Councilor Theken’s suggestions to change certain language within the draft ordinance from her professional outreach work were incorporated into the draft ordinance language. He reiterated that the ordinance is not to just cover a specific synthetic drug nor does it name any synthetic drug

specifically. It is purposely written to cover the sale of a type of product and will cover products that come in the future. He said that while illicit drugs may never been eliminated this is a start.

Suzanne Egan, General Counsel, confirmed that the draft ordinance language is written in broad terms based on other communities and that will be able to be enforced now and in the future.

Councilor Theken endorsed the ordinance amendment. She said parents don't even realize what their children have in their possession based on the packaging and pointed out children are being made ill and are dying from these substances. She thanked the Public Health Department for Ms. Whitney and Mr. Schenk's work in the community.

Councilor LeBlanc asked if examples of these types of products could be shown be on the city's Police Department section of the web site. **Chief Campanello** suggested that posting certain examples may not be necessarily helpful, but agreed there could be an informational link put up.

Councilor Theken urged all the Councilors present to get involved with the Healthy Gloucester Collaborative and exceptional outreach work. **Ms. Whitney** said it is through the partnership of city departments and the Council that helps them to reach their outreach and prevention goals.

Chief Campanello asked the Councilors to keep in mind the fact that marijuana will be legalized at some point for recreational use, and that the city will not be able to stop that. He said as a community there need to be ways to protect youth the same way they are protected from alcohol and other drugs. **Ms. Whitney** added that the Healthy Gloucester Collaborative cares about the health and brain development of young people. Research shows more and more conclusively that for young people under the age of 21 recreational use of marijuana affects brain development. There is a bill before the Joint Committee of the State Legislature to put same consequences in place for marijuana as for alcohol for those people under the age of 21, it was pointed out.

MOTION: On a motion by Councilor Theken, seconded by Councilor Hardy, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council amend the Gloucester Code of Ordinances, Chapter 14 "Offenses and Miscellaneous Provisions, In General" as follows:

Article I. In General

By ADDING the following new section:

Sec. 14-17 Synthetic Drugs (Synthetic Marijuana, Stimulants and Hallucinogens)

a) **Purpose.** The purpose of this section is to regulate the availability of synthetic marijuana/cannabinoids, stimulants and psychedelic/hallucinogens that have been linked to serious physical effects resulting in hospitalization and death when ingested, inhaled or otherwise introduced into the human body. These synthetic cannabinoids, stimulants and psychedelic hallucinogens pose health, safety, and welfare issues. This section is not intended to regulate or affect in any way the legal sale and distribution of medical marijuana pursuant to Chapter 369 of the Acts of 2012.

b) **Definitions.** The following words, terms and phrases, when used in this section, shall have the following meanings ascribed to them:

1. **Synthetic drugs** mean any synthetic marijuana, cannabinoids, stimulants and/or psychedelic/hallucinogens which contain (i) any substance contained in 21 U.S.C. §812©, Schedule 1, subparts (c); or (ii) any substance listed as a Class C substance in subpart (e) of Section 31 of M.G.L. c. 94C; or (iii) any vegetable material that has been chemically treated and is possessed, sold or purchased with the intent that it will, despite any labeling to the contrary, be consumed by humans for the purpose of voluntary intoxication, which if consumed, may induce effects of intoxication similar to a controlled substance or imitation controlled substance such as elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, dulling of the senses or nervous system, or distortion of audio, visual or mental processes.

2. **Synthetic drug analogues** means any (i) substances with chemical structures which are substantially similar to the chemical structure of the synthetic marijuana/cannabinoids, stimulants and/or psychedelic/hallucinogens listed in 1), above; or (ii) substances which as stimulants, depressants or hallucinogenic have effects on the central nervous system substantially similar to or greater than the

stimulant, depressant, or hallucinogenic effect on the central nervous system of synthetic marijuana/cannabinoids, stimulants and/or psychedelic/hallucinogens listed in 1) above.

- c) ***Prohibition.*** No person shall sell, offer to sell, provide, produce, manufacture, distribute, gift, or publicly display for sale any synthetic drug or synthetic drug analogue as defined above. This ordinance shall apply regardless of whether the synthetic drug or analogue is described, advertised or packaged as tobacco, herbs, incense, spice, bath salts, plant food or any blend thereof, and regardless of whether the substance is marketed for the purpose of being smoked, ingested or injected.

No person shall sell, offer to sell, provide, produce, manufacture, distribute, gift, or publicly display for sale any product for human consumption when the product is labeled “not for human consumption” or contains similar warnings.

- d) ***Penalty for violation.*** Violation of this regulation shall be punished by a fine of \$150.00 for a first offense. Any subsequent violation of this regulation shall be punishable by a fine of \$300.00.
- e) ***Enforcement.*** Violations of this section shall be enforced in accordance with all other applicable laws governing municipal ordinances; however, at the option of the enforcing person, violation may be enforced noncriminally pursuant to M.G. L. c. 40, §21D and as provided in section 1-15, rather than by a criminal complaint in district court.
- f) ***Severability.*** The provision of this section are severable; and, if any of the provisions of this section shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

MOTION: On a motion by Councilor Theken, seconded by Councilor Hardy, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend the Gloucester Code of Ordinances, Chapter 1 General Provisions, Sec. 1-15 (Penalty for violation of certain specified sections of Code) by ADDING penalties pursuant to Chapter 14, Section 14-17 as follows:

Chapter 14, Section 14-17, synthetic drugs (synthetic marijuana, stimulants and hallucinogens).

Penalty:

First Offense: \$150.00
Subsequent Offenses(s): \$300.00
Enforcing persons: Police Officers

These amendments to the Code of Ordinances are to be advertised for public hearing.

A motion was made, seconded and voted unanimously to adjourn the meeting at 7:35 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.