

Chapter 18

ALCOHOLIC BEVERAGES AND MARIJUANA

ARTICLE 1
Open Containers

§ 18-2 Violations and Penalties.

§ 18-1 Possession prohibited

[HISTORY: Adopted by the Town Meeting of the Town of Dalton. Amendments noted where applicable]

[Amended May 7, 2018 by the Annual Town Meeting Article 2]

GENERAL REFERENCES

Noncriminal disposition—See Ch. 1, Article II.

§ 18-1 Possession Prohibited

No person shall consume any beer, wine, malt, or alcoholic beverage, nor have in his possession, any open containers thereof upon any such public way, sidewalk or Town-owned land. No person shall, upon any way or in any place to which the public has a right of access, or upon any way or in any place to which members of the public have access as invitees or licensees, or any area owned, leased or occupied by or otherwise under the control of the Town of Dalton, possess an open container of marijuana or marijuana products in the passenger area of any motor vehicle. For the purposes of this section, “open container” shall mean that the package containing marijuana or marijuana products has its seal broken or from which the contents have been partially removed or consumed and “passenger area” shall mean the area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or passenger while in a seated position; provided however that the passenger area shall not include a motor vehicle’s trunk, locked glove compartment or the living quarters of a house couch or house trailer, or if a motor vehicle is not equipped with a trunk, the area behind the last upright seat or an area not normally occupied by the driver or passenger.

Article II: Public Consumption or Use of Marijuana

§ 18-3 Definitions.

The following definitions shall apply to this bylaw.

“Marijuana” shall mean marijuana or tetrahydrocannabinol as defined in G.L. c. 94C, § 1, as may be amended

.

“Marijuana products” shall mean products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures, as defined in G.L. c. 94G, § 1, as may be amended.

§ 18-4 Public Consumption Prohibited.

No person shall smoke, burn, vaporize, ingest or otherwise use or consume marijuana or marijuana products while in or upon any public place, including but not limited to any public way or any way to which the public has a right of access, street, sidewalk, footway, passageway, stairway, bridge, park, playground, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned, leased or occupied by or otherwise under the control of the Town of Dalton, or any place to which members of the public have access as invitees or licensees, or in or upon any bus or other passenger conveyance operated by a common carrier; or in or upon any other place accessible to the public

.

§ 18-5 Violations and Penalties.

This bylaw may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by non-criminal disposition pursuant to G.L. c. 94C, § 21N and G.L. c. 40, § 21D, by the Select Board, the Town Manager, or their duly authorized agents, or any police officer. The penalty for violation of this bylaw shall be three hundred dollars (\$300) for each offense. Any penalty imposed under this bylaw shall be in addition to any civil penalty imposed under G.L. c. 94C, § 32L.

§18-6 Severability.

In the event that any provision, section or clause of this bylaw is hereafter judicially found to be invalid, such decision, invalidity or voidance shall not affect the validity of the remaining portion of these regulations.