

**IN THE YEAR TWO THOUSAND AND TWELVE AN ORDINANCE AMENDING THE
ORDINANCE PROHIBITING THE SALE OF DRUG PARAPHERNALIA IN THE CITY
OF LYNN**

SECTION 1:00

No person, firm, store or corporation shall sell or offer for sale or distribution drug paraphernalia within the City of Lynn. For purposes of enforcement of this section drug paraphernalia shall be defined pursuant to M.G.L.A c. 94C sec. 1. Drug paraphernalia shall, in addition to the definition under M.G.L.A. c. 94C, sec. 1, also including blunt wrappers and rosebud glass tubes or other non-traditional tobacco smoking apparatus. No person, firm, store or corporation shall sell or offer for sale or distribution any Synthetic Cannabinoids, including but not limited to products commercially known as “fake pot” and/or “smokable insense” and all synthetic stimulants in the class of drug known as Synthetic Cathinones, products commercially known as “Bath Salts.” This includes all products containing but not limited to any/all of the following synthetic stimulants; 3,4-Methlenedioxypropylone, MDPV, Mophedrone and Methylone.

SECTION 2:00

Any loose products, including but not limited to steel wool pads and plastic bags, displayed in a business establishment for sale or distribution, individually, out of the manufacturer’s customary packaging, will be considered drug paraphernalia for purposes of section 1:00. In determining whether an object is being sold or offered for sale as drug paraphernalia, the enforcing officer, court and/or reviewing authority should consider all other logically relevant factors.

SECTION 3:00

Any person, firm, store or corporation found in violation of this Ordinance shall receive one (1) written warning prior to the institution of fines. Any person, firm, store or corporation found to be in violation of any provision of this ordinance on a second occasion and all subsequent offenses shall be penalized pursuant to the City’s Non-Criminal Disposition for Violations of Ordinances, By-Laws, Rules and Regulations as provided in General Laws, Chapter 40, Section 21 D and subject to a \$300 fine or by filing a criminal complaint at the appropriate venue. A violation shall occur for each day that the prohibited items are found to be sold or offered for sale or distribution. All violations shall also be reported to the Committee on Minor Licenses of the City Council.

SECTION 4:00

The Police Department and Department of Inspectional Services shall be the enforcing authority for this ordinance.

SECTION 5:00

All Ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 6:00

This ordinance shall take effect thirty-one (31) days after its final adoption as advertised.