

ORDINANCE NO. 261.

AN ORDINANCE OF THE TOWNSHIP OF CHIPPEWA, BEAVER COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES OF THE TOWNSHIP OF CHIPPEWA BY THE ADDITION OF PART 8 TO CHAPTER 6 "CONDUCT", CREATING A MECHANISM AND PROCEEDURE TO DECRIMINALIZE THE POSSESSION, USE, OR SMOKING OF A SMALL AMOUNT OF MARIJUANA IN CHIPPEWA TOWNSHIP, AND DECRIMINALIZING THE POSSESSION OF MARIJUANA PARAPHERNALIA, AND PROVIDING FOR FINES FOR THE VIOLATION OF THIS ORDINANCE IN SUMMARY COURT PROCEEDINGS BEFORE A DISTRICT MAGISTERIAL JUDGE.

FINDINGS AND LEGISLATIVE INTENT.

The purpose and intent of this Part 8 of Chapter 6 is to promote the general safety and welfare of the public by establishing a substantive mechanism and procedure to process the minor nonviolent offenses of personal possession or personal use of a small amount of marijuana and personal possession of marijuana paraphernalia within the Township of Chippewa and not to promote or condone the possession or use of marijuana or marijuana paraphernalia.

The Board of Supervisors of the Township of Chippewa reserves the right to terminate and repeal this Ordinance at any time.

The Board of Supervisors intends by the enactment of this Ordinance to reduce the cost and expense of law enforcement to the Township's general fund and to apply law enforcement personnel time to other areas of criminal behavior within the Township.

SECTION 1. BE IT DULY ENACTED AND ORDAINED BY THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF CHIPPEWA THAT CHAPTER 6 OF THE CHIPPEWA TOWNSHIP CODE OF ORDINANCES IS AMENDED BY THE ADDITION OF PART 8 AS FOLLOWS:

PART 8

Section 801. DEFINITIONS. The following words or phrases, unless the context clearly indicates otherwise, shall have the meaning ascribed to them in this section:

A. Marijuana – All forms or varieties of the genus Cannabis, whether growing or not, as defined by Pennsylvania's Controlled Substance, Drug, Device, and Cosmetic Act, 35 P.S. § 780-101 et seq. The term shall also include any item which contains the compound tetrahydrocannabinol (THC).

B. Marijuana Paraphernalia – Any device, instrument, apparatus or object used, intended to be used, or designed to be used for introducing marijuana into the human body or for storing, containing, concealing or transporting marijuana.

C. Small Amount of Marijuana – Possessing, inhaling, ingesting, thirty grams or less of marijuana or eight grams or less of hashish as set forth in Pennsylvania's Controlled Substance, Drug, Device, and Cosmetic Act, 35 P.S. § 780-101 et seq. **Smoking** – Inhaling, exhaling, vaporizing, burning or carrying any lighted cigarette, cigar, pipe or other such device which contains marijuana or marijuana extracts.

Section 802 POSSESSION OF A SMALL AMOUNT OF MARIJUANA.

A. So long as marijuana shall be listed as a controlled substance in the Controlled Substance, Drug, Device and Cosmetic Act, 1972, April 14, P.L. 233, No. 64, § 1 et seq., 35 P.S. § 780-101 et seq., no individual shall be in possession of a small amount of marijuana in Chippewa Township.

B. It shall be a summary offense violation of this section to be in possession of a small amount of marijuana in Chippewa Township

Section 803. SMOKING A SMALL AMOUNT OF MARIJUANA IN CHIPPEWA TOWNSHIP.

A. So long as marijuana shall be listed as a controlled substance in the Controlled Substance, Drug, Device and Cosmetic Act, 1972, April 14, P.L. 233, No. 64, § 1

et seq., 35 P.S. § 780-101 et seq., no individual shall smoke a small amount of marijuana in Chippewa Township.

B. It shall be a summary offense violation of this section to smoke a small amount of marijuana in a public space in Chippewa Township.

Section 804. POSSESSION OF MARIJUANA PARAPHERNALIA.

A. So long as drug paraphernalia includes objects used in connection with marijuana possession or use in the Controlled Substance, Drug, Device and Cosmetic Act, 1972, April 14, P.L. 233, No. 64, § 1 et seq., 35 P.S. § 780-101 et seq., no individual shall be in possession of marijuana paraphernalia in Chippewa Township.

B. It shall be a summary offense violation of this section to be in possession of marijuana paraphernalia in Chippewa Township.

Section 805. PENALTIES.

A. The penalty for a violation of Section 802B by an individual shall be a civil fine of \$300.00 for each violation.

B. The penalty for a violation of Section 803B by an individual shall be a civil fine of \$300.00 for each violation.

C. The penalty for a violation of Section 804B by an individual shall be a civil fine of \$200.00 for each violation.

Section 806. ENFORCEMENT.

A. A citation issued under this chapter shall be enforced in accordance with the procedures established by the Chippewa Township Police Department for enforcement of summary violations.

B. This chapter shall not be construed to supersede any existing Pennsylvania or federal law. Chippewa police officers retain the authority to enforce any applicable laws.

Section 2: The provisions of this Ordinance shall be severable. If any of its provisions shall be held to be unconstitutional, illegal or otherwise invalid, that decision shall not affect the remaining provisions of this Ordinance or of the Code of the Township of Chippewa.

Section 3. This Ordinance shall become effective five days after enactment.

Section 4. BE IT DULY ENACTED AND ORDAINED BY THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF CHIPPEWA, BEAVER COUNTY, PENNSYLVANIA THIS _____ DAY OF MAY, 2021.

Attest:

CHIPPEWA TOWNSHIP
BOARD OF SUPERVISORS

Mark Taylor, Secretary

By: _____
James Bouril, Chairman

Nancy Lamey, Supervisor

Daniel Woodske, Supervisor