

Chapter 6
Possession of Small Amounts of Marijuana and Drug Paraphernalia

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§ 6-1. Short title.

This chapter shall be known and cited as "Possession of Small Amounts of Marijuana and Drug Paraphernalia."

§ 6-2. Statement of policy.

The general purpose of this chapter is to regulate and promote the general safety and welfare of the public by establishing a mechanism 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 limits of the Borough of Linesville and is not to promote or condone the possession or use of marijuana or marijuana paraphernalia.

§ 6-3. Definitions.

Unless otherwise stated, the following words and phrases shall be construed throughout this chapter to have the meanings herein indicated:

DRUG PARAPHERNALIA- means any device, instrument, apparatus or object which is used or is intended to be used for the purpose of introducing marijuana into the human body or for storing, containing, processing, concealing or transporting marijuana. This definition shall include but not be limited to drug paraphernalia as defined by Pennsylvania's "Controlled Substance, Drug, Device and Cosmetics Act" as set forth at 35 P.S. Sections 780-101 et seq.

MARIJUANA- means all forms or varieties of the genus *Cannabis sativa* L., whether growing or not, as defined by Pennsylvania's "Controlled Substance, Drug, Device and Cosmetics Act" as set forth at 35 P.S. Sections 780-101 et seq. This definition shall include but not be limited to all other forms or varieties of Marijuana such as Delta-8, synthetic marijuana and marijuana extracts that include but are not limited to distillate, crumble, wax, shatter, budder, live resin, hash, hash oil, CO2 oil, and tinctures that contain tetrahydrocannabinol

SMALL AMOUNT OF MARIJUANA- means 30 grams or less of marijuana or eight grams or less of hashish as set forth in 35 P.S. Section 780-113(a)(31).

SMOKING or USE- means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe or other such device which contains marijuana. "Smoking" includes devices to vaporize marijuana or marijuana extracts or any variant containing tetrahydrocannabinol. "Marijuana extracts" include but are not limited to distillate, crumble, wax, shatter, budder, live resin, hash, hash oil, CO2 oil, and tinctures.

§ 6-4. Possession and use of small amounts of marijuana or drug paraphernalia prohibited.

- 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 Sections 1 et seq., 35 P.S. Sections 780-101 et seq., no persons shall be in possession or constructive possession (as defined or articulated by Pennsylvania law) of a small amount of marijuana or drug paraphernalia as defined in said act.
- B. The following shall be a summary violation of this chapter:
1. Possessing a small amount of marijuana as herein defined.
 2. Possessing drug paraphernalia as herein defined.
 3. Use or smoking of a small amount of marijuana as herein defined.
- C. Persons who are found in violation of this section may be issued a nontraffic citation by the police or other authorized law enforcement officer. Alternatively, the officer may obtain the subject's identifying information including but not limited to name and address and later send a nontraffic citation through the magisterial district judge's office.
- D. The officer who observes a violation of this section by a minor may:
1. Temporarily detain the minor and follow all existing procedures for the handling of summary offenses committed by a minor;
 2. Advise the parent or guardian that the minor was found in violation of this Chapter;
 3. Issue a nontraffic citation to the minor if the minor is 14 years of age or older and to the parent or guardian, and advise the parent or guardian that he or she is responsible for the payment of the violation fine; and
 4. Provide the parents or guardian with contact information for a local agency where substance abuse, educational and treatment programs are available.

§ 6-5. Penalties.

- A. The penalty for a violation of this chapter by an adult or minor under the age of 18 shall be a fine of \$300.00 for each violation plus the costs of prosecution and, in default of payment of such fines and costs, persons in violation hereof may be imprisoned for not more than thirty (30) days.

§ 6-6. Enforcement.


- A. A non-traffic citation issued under this chapter shall be enforced in accordance with the procedures established by the Linesville Police Department for enforcement of summary violations.
- B. This chapter shall not be construed to supersede any existing Pennsylvania or federal law. Borough of Linesville police officers retain the authority to enforce any applicable laws, and it is the intent of the council of the Borough of Linesville that such law enforcement officers may undertake custodial arrests where there is probable cause to believe that a criminal offense other than personal possession or personal use or smoking of a small amount of marijuana or personal possession of marijuana paraphernalia has been or is being committed.

ORDAINED and ENACTED this 11th day of April, 2023.

Attest:


Borough Secretary


Borough Council President


Borough Mayor

