

**CITY OF BETHLEHEM**

**Inter-Office Memorandum**

**SUBJECT:** Proposed for Ordinance – Decriminalization of Marijuana  
**TO:** Olga Negrón, Vice President of Council  
**FROM:** Members of Council  
**DATE:** April 12, 2018

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As you are aware, a handful of cities across the Commonwealth, including Pittsburgh, Philadelphia and Harrisburg, currently have ordinances in place lessening the penalty for possession of marijuana. Now that medical marijuana is legal in Pennsylvania, the time for further legislation is right here in Bethlehem too!

There are two bills circulating into committee: House Bill 195 and House Bill 928 that look to address the decriminalization of marijuana, state-wide. We can support those efforts by continue the momentum created by other municipalities in support of such a common sense legislation.

I'm especially concerned with our youth as they are charged with possession of marijuana and the damage in their records that keeps them from moving forward (getting a college graduation/grants or a better job). In many cases, it turns into a dead end for their future. We can do better, we can make changes in our legislation, and it's time.

Feel free to contact me with any question or feedback.

  
Olga Negrón  
Vice President of Council

Attachment

Cc: Members of Council  
J. Spirk, Jr., Esq.

Mayor Donchez  
Chief DiLuzio  
W. Leeson, Esq.

BILL NO.

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF BETHLEHEM,  
COUNTIES OF LEHIGH AND NORTHAMPTON,  
COMMONWEALTH OF PENNSYLVANIA,  
ESTABLISHING ARTICLE \_\_\_\_\_ ENTITLED  
MARIJUANA POSSESSION

THE COUNCIL OF THE CITY OF BETHLEHEM HEREBY ORDAINS AS  
FOLLOWS:

SECTION 1 – Article \_\_\_\_\_ of the Codified Ordinances of the City of Bethlehem, titled  
Marijuana Possession, is hereby established and shall read as follows:

Article \_\_\_\_\_

Marijuana Possession

\_\_\_\_\_.01 DEFINITIONS

“Marijuana” means all forms or varieties of the genus Cannabis, whether growing or not, as defined by Pennsylvania's "Controlled Substance, Drug, Device and Cosmetic Act" as set forth at 35 Pa.C.S.A. § 780-101 et seq.

“Marijuana Paraphernalia” means 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.

“Personal Possession” means actual physical custody of or the ability to exercise control over or have access to, for the sole purpose of one's own personal use. This does not include possession with intent to deliver, distribute, transfer, or sell.

“Personal Use” means introducing marijuana into one's own body, which includes smoking, inhaling, exhaling, vaporizing, or burning any lighted cigar, cigarette, pipe or other such device which contains marijuana or marijuana extracts.

“Small Amount” means thirty grams or less of marijuana or eight grams or less of hashish as set forth in 35 Pa.C.S.A. § 780-113(a)(31).

\_\_\_\_\_.02 POSSESSION

a. Personal Possession or Personal Use of Small Amounts of Marijuana.

- (1) 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 person shall be in possession of a small amount of marijuana.
- (2) The following shall be summary offense violations of this section:
  - a. Personal possession of a small amount of marijuana; or
  - b. Personal use of a small amount of marijuana.

b. Personal Possession of Marijuana Paraphernalia

- (1) 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 person shall be in possession of marijuana paraphernalia.
- (2) It shall be a summary offense violation of this section to be in personal possession of marijuana paraphernalia.

\_\_\_\_\_.03 ENFORCEMENT

To the extent permitted by law, it is the intent that any revenue collected pursuant to this Article be evenly allocated to Bethlehem's Parks and Recreation Department for the various youth sports programs and to The City of Bethlehem Police Department for any community engagement projects or events.

\_\_\_\_\_.99 PENALTIES

a. Personal Possession

- (1) The penalty for a first violation in one (1) calendar year of personal possession of a small amount of marijuana shall be a fine of \$25.

- (2) The penalty for a second violation in one (1) calendar year of personal possession of a small amount of marijuana shall be a fine of \$50.
- (3) The penalty for a third violation in one (1) calendar year of personal possession of a small amount of marijuana shall be a fine of \$100.
- (4) The penalty for a fourth violation, or subsequent violations, in one (1) calendar year of personal possession of a small amount of marijuana shall be a fine of \$150 OR the court may, in its discretion, suspend the fine imposed under this section if the person found guilty agrees to and does in fact perform such community service as the court deems appropriate, up to eight (8) hours.

b. Personal Use

- (1) The penalty for a first violation in one (1) calendar year for personal use of marijuana shall be a fine of \$25.
- (2) The penalty for a second violation in one (1) calendar year for personal marijuana shall be a fine of \$50.
- (3) The penalty for a third violation in one (1) calendar year for personal use marijuana shall be a fine of \$100.
- (4) The penalty for a fourth violation, or subsequent violations, in one (1) calendar year for personal use of marijuana shall be a fine of \$150 OR the court may, in its discretion, suspend the fine imposed under this section if the person found guilty agrees to and does in fact perform such community service as the court deems appropriate, up to eight (8) hours.

c. Personal Possession of Marijuana Paraphernalia

- (1) The penalty for a first violation in one (1) calendar year of personal possession of marijuana paraphernalia shall be a fine of \$25.
- (2) The penalty for a second violation in one (1) calendar year of personal possession of marijuana paraphernalia shall be a fine of \$50.
- (3) The penalty for a third violation in one (1) calendar year of personal possession of marijuana paraphernalia shall be a fine of \$100.

- (4) The penalty for a fourth violation, or subsequent violations, in one (1) calendar year of personal possession of marijuana paraphernalia shall be a fine of \$150 OR the court may, in its discretion, suspend the fine imposed under this section if the person found guilty agrees to and does in fact perform such community service as the court deems appropriate, up to eight (8) hours.

SECTION 2: That all ordinances and sections thereof that are inconsistent with this Ordinance are hereby repealed.

Sponsored by \_\_\_\_\_  
\_\_\_\_\_

PASSED finally in Council on this \_\_\_\_\_ day of \_\_\_\_\_ .

\_\_\_\_\_  
President of Council

ATTEST:

\_\_\_\_\_  
City Clerk

This Ordinance approved this \_\_\_\_\_ day of \_\_\_\_\_ .

\_\_\_\_\_  
Mayor