

RICHLAND TOWNSHIP
BUCKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 309

AN ORDINANCE OF THE TOWNSHIP OF RICHLAND, BUCKS COUNTY, PENNSYLVANIA, CREATING CHAPTER 10, PART 4 OF THE CODE OF ORDINANCES OF THE TOWNSHIP OF RICHLAND TO PROVIDE THAT IT IS UNLAWFUL FOR ANY PERSON TO SELL, POSSESS WITH INTENT TO SELL, DELIVER, AND POSSESS WITH INTENT TO DELIVER, ANY DRUG PARAPHERNALIA WITHIN THE TOWNSHIP OF RICHLAND IN VIOLATION OF 35 P.S. § 780-101 et seq; CREATING CHAPTER 13, PART 2 OF THE CODE OF ORDINANCES OF THE TOWNSHIP OF RICHLAND REGULATING AND GOVERNING THE LOCATION OF TOBACCO/SMOKE SHOPS WITHIN THE TOWNSHIP OF RICHLAND; PROVIDING PENALTIES FOR VIOLATIONS OF BOTH PARTS; AND REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THE PROVISIONS CONTAINED HEREIN.

WHEREAS, Richland Township is a Township of the Second Class, located in Bucks County, Pennsylvania; and

WHEREAS, the Richland Township Board of Supervisors adopted the Code of Ordinances of the Township of Richland on June 27, 2005, as amended; and

WHEREAS, the Richland Township Board of Supervisors desires to amend the Code of Ordinances of Richland Township to create and add Chapter 10, Part 4 (Drug Paraphernalia) to make it unlawful to sell, possess with intent to sell, deliver, and possess with intent to deliver drug paraphernalia within the Township of Richland in violation of 35 P.S. § 780-101 et seq; and to create and add and Chapter 13, Part 2 (Tobacco/Smoke Shops) to regulate the locations of those businesses within the Township of Richland; and

WHEREAS, Sections 1506, 1527, and 1601(c.1)(2) of the Pennsylvania Second Class Township Code [53 P.S. §§65101-68701] authorize the Richland Township Board of Supervisors to enact and adopt the provisions of this Ordinance.

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Richland, Bucks County, Pennsylvania, as follows:

SECTION 1. CREATION AND ADDITONS OF CHAPTER 10, PART 4 OF THE CODE OF ORDINANCES OF THE TOWNSHIP OF RICHLAND.

Chapter 10, Part 4 of the Code of Ordinances of the Township of Richland is hereby created and added to the Code in its entirety as follows:

**“Part 4
DRUG PARAPHERNALIA**

§ 10-401. Purpose.

The purpose of this Chapter 10, Part 4 is to protect, preserve, and promote the health, safety, and welfare of the citizens of Richland Township by prohibiting the sale, distribution, and delivery drug paraphernalia within the municipal boundaries of Richland Township.

§ 10-402. Definitions.

For the purposes of this Chapter10, Part 4, and Chapter 13, Part 2, the following terms shall have the meanings indicated:

Controlled substance. Any substance as defined in the Controlled Substance, Drug, Device and Cosmetic Act, 35 P.S. § 780-101 et seq., or immediate precursor thereof.

Drug paraphernalia. All equipment, products and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of 35 P.S. § 780-101 et seq. It includes but is not limited to:

1. Kits used, intended for use or designed for use in planting, propagating, cultivating, growing or harvesting any species of plant which is a controlled substance or from which a controlled substance can be derived.
2. Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances.

3. Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance.
4. Testing equipment used, intended for use or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.
5. Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances.
6. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use or designed for use in cutting controlled substances.
7. Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from or in otherwise cleaning or refining marijuana.
8. Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding-controlled substances.
9. Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of controlled substances.
10. Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances.
11. Hypodermic syringes, needles and other objects used, intended for use or designed for use in parenterally injecting controlled substances into the human body.
12. Objects used, intended for use or designed for use in injecting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:
 - a. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls.
 - b. Water pipes.
 - c. Carburetion tubes and devices.
 - d. Smoking and carburetion masks.
 - e. Roach clips, meaning objects used to hold burning materials, such as marijuana cigarettes, that have become too small or too short to be held in the hand.

- f. Miniature cocaine spoons and cocaine vials.
- g. Chamber pipes.
- h. Carburetor pipes.
- i. Electric pipes.
- j. Air-driven pipes.
- k. Chillums.
- l. Bongs.
- m. Ice pipes or chillers.

§ 10-403. Criteria for determination.

In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

1. Statements by an owner or by anyone in control of the object concerning its use.
2. Direct or circumstantial evidence of the intent of an owner or of anyone in control of the object to deliver it to persons whom he knows or should reasonably know intend to use the object to facilitate a violation of 35 P.S. § 780-101 et seq. and of the innocence of an owner or of anyone in control of the object as drug paraphernalia.
3. Instructions, oral or written, provided with the object concerning its use.
4. Descriptive materials accompanying the object which explain or depict its use.
5. National and local advertising concerning use.
6. The manner in which the object is displayed for sale.
7. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise.
8. The existence and scope of legitimate uses for the object in the community.
9. Expert testimony concerning its use.

§ 10-404. Violations and penalties.

1. It is unlawful for any person, partnership or corporation to sell, possess with intent to sell, deliver or possess with intent to deliver drug paraphernalia knowing that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of 35 P.S. § 780-101 et seq. Any person, member of any partnership or officer of any corporation who or which violates this section shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than \$1,000.00. In default of such payment, such person, member of any partnership or officer of such corporation shall be liable to imprisonment in Bucks County Prison for not more than 30 days. Each violation shall constitute a separate offense. All fines collected for the violation of this chapter shall be paid to the Township of Richland.
2. In addition to the penalties provided herein, Richland Township may apply to the Court of Common Pleas of Bucks County for a temporary or permanent injunction restraining any person from continued violations of subsection 10-403(a) irrespective of the existence of an adequate remedy at law.

§ 10-405. Exemptions.

Any person registered with the Secretary of the Commonwealth pursuant to 35 P.S. § 780-106 shall be exempt from this chapter.”

SECTION 2. CREATION AND ADDITONS OF CHAPTER 13, PART 2 OF THE CODE OF ORDINANCES OF THE TOWNSHIP OF RICHLAND.

Chapter 13, Part 2 of the Code of Ordinances of the Township of Richland is hereby created and added to the Code in its entirety as follows:

“PART 2

TOBACCO/SMOKE SHOPS

§ 13-201. Purpose.

The purpose of this Chapter 13, Part 2 is protect, preserve, and promote the health, safety, and welfare of the citizens of Richland Township by limiting the spread of tobacco/smoke shops within the municipal boundaries of Richland Township and by regulating the locations of those types of establishments.

§ 13-202. Definitions.

Tobacco/Smoke Shop. A retail establishment whose primary or principal product offered for sale is tobacco, smokeless tobacco, tobacco products, vape pens, vape refills, other smoking products or devices, and all similar products.

§ 13-203. Location limitations.

1. It shall be unlawful to establish a Tobacco/Smoke Shop within a distance of 1,000 linear feet of another Tobacco/Smoke Shop.
2. It shall be unlawful to establish a Tobacco/Smoke Shop within a distance of 1,000 linear feet of any school, playground, daycare facility, or other similar facility visited by children on a regular basis.
3. For purposes of this section, the 1,000 linear foot distance limitation shall be measured in a straight line without regard for intervening structures or objects, between the closest points of the boundary line of the property on which the Tobacco/Smoke Shop is or will be located or conducted and the boundary line of the property on which the existing Tobacco/Smoke Shop, school, playground, daycare facility or other similar facility is located.

§ 13-204. Pre-existing Tobacco/Smoke Shops.

1. Section 13-203 of this Chapter 13, Part 2 shall not be applicable to any Tobacco/Smoke Shop lawfully operating as of the effective date of this Chapter 13, Part 2.

2. Any Tobacco/Smoke Shop lawfully operating as of the effective date of this Chapter 13, Part 2 which does not comply with the requirements of subsection 13-203 shall not be increased in building size, nor altered, enlarged, or extended in a manner that increases the retail area of the business.

§ 13-205. Violations and penalties.

1. Any person, partnership or corporation who violates the provisions of this Chapter 13, Part 2 shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than \$1,000.00. In default of such payment, such person, member of any partnership or officer of such corporation shall be liable to imprisonment in Bucks County Prison for not more than 30 days. Each violation shall constitute a separate offense. All fines collected for the violation of this chapter shall be paid to the Township of Richland.
2. In addition to the penalties provided herein, Richland Township may apply to the Court of Common Pleas of Bucks County for a temporary or permanent injunction restraining any person from continued violations of Chapter 13, Part 2 irrespective of the existence of an adequate remedy at law.”

SECTION 3. CONFLICT

Whenever the requirements of this Ordinance are in conflict with other requirements of the ordinances of the Township of Richland, the most restrictive, or those imposing the highest standards shall govern. Privileges granted by this Ordinance do not constitute a waiver or impairment of the rights of the Township at law or equity now or henceforth existing to proceed with enforcement of this Ordinance or any other Ordinances of the Township.

SECTION 4. SEVERABILITY


It is hereby declared to be the intention of the Board of Supervisors of the Township of Richland that the parts, sections, paragraphs, sentences, clauses and phrases of this ordinance are severable. If any part, section, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional, illegal or otherwise invalid by the judgment or decree of a court of competent jurisdiction, that invalidity shall not affect any of the remaining parts, sections, paragraphs, sentences, clauses or phrases of this Ordinance.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall become effective immediately upon adoption and enactment by the Board of Supervisors of Richland Township.


ENACTED AND ORDAINED this 10th day of November, 2025.

Attest:




Secretary

Richland Township Board of Supervisors



Tim Arnold
Chairperson



Christopher Vanelli
Vice Chairperson



Kathleen M. Doyle
Member