

CV 2019-263
RD # 2019-346

**BOROUGH OF LANDISBURG
PERRY COUNTY, PENNSYLVANIA**

ADMITTED TO RECORD

2019 MAR 14 AM 10:15

PROTHONOTARY'S OFFICE
PERRY COUNTY

ORDINANCE NO. 2019-02

**BOROUGH OF LANDISBURG, COUNTY OF PERRY, STATE OF PENNSYLVANIA
PROHIBITION OF MARIJUANA ESTABLISHMENTS ORDINANCE**

An ordinance to provide a title for the ordinance; to define words; to prohibit marijuana establishments within the boundaries of Landisburg; to provide penalties for violation of this ordinance; to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith; and to provide an effective date.

BE IT ENACTED AND ORDAINED this 11 day of MARCH, 2019, by the Borough Council of the Borough of Landisburg and it is hereby enacted and ordained by the authority of the same as follows:

TITLE

This ordinance shall be known as and may be cited as the Landisburg Prohibition of Marijuana Establishments Ordinance.

SECTION II

DEFINITIONS

- a) "Cultivate" means to propagate, breed, grow, harvest, dry, cure, or separate parts of the marijuana plant by manual or mechanical means.
- b) "Marijuana" means all parts of the plant of the genus cannabis, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marijuana concentrate and marijuana infused products.
- c) "Marijuana concentrate" means the resin extracted from any part of the plant of the genus cannabis.
- d) "Marijuana establishment" means a marijuana grower, marijuana safety compliance facility, marijuana processor, marijuana microbusiness, marijuana retailer, marijuana secure transporter,

marijuana dispensary or any other type of marijuana-related business whether or not licensed by the Commonwealth of Pennsylvania.

- e) "Marijuana grower" means a person licensed to cultivate marijuana and sell or otherwise transfer marijuana to marijuana establishments.
- f) "Marijuana infused product" means a topical formulation, tincture, beverage, edible substance, or similar product containing marijuana and other ingredients and that is intended for human consumption.
- g) "Marijuana processor" means a person licensed to obtain marijuana from marijuana establishments; process and package marijuana; and sell or otherwise transfer marijuana to marijuana establishments.
- h) "Marijuana retailer" means a person licensed to obtain marijuana from marijuana establishments and to sell, or otherwise transfer, marijuana to marijuana establishments and to individuals.
- i) "Marijuana secure transporter" means a person licensed to obtain marijuana from marijuana establishments in order to transport marijuana to marijuana establishments.
- j) "Person" means an individual, corporation, limited liability company, partnership of any type, trust, or other legal entity.
- k) "Process" or "Processing" means to separate or otherwise prepare parts of the marijuana plant and to compound, blend, extract, infuse, or otherwise make or prepare marijuana concentrate or marijuana-infused products.
- l) "State license" means a license issued by the Commonwealth of Pennsylvania that allows a person to operate a marijuana establishment.

SECTION III

NO MARIJUANA ESTABLISHMENTS

1. Landisburg Borough hereby prohibits all marijuana establishments within the boundaries of the borough. This prohibition includes prohibiting establishments and individuals to cultivate, grow, process and retail any marijuana product.
2. Nothing in this Ordinance shall be construed to prohibit a marijuana secure transporter, who is located in another municipality and has a valid state license, from using the public transportation system in Landisburg Borough to transport marijuana to a marijuana establishment not in the Borough.

3. In the event that that Paragraph 1 of this Section is found to be unenforceable pursuant to Section V of this Ordinance, then in that event, any marijuana establishment within the Borough of Landisburg, must be part of and contained in a general pharmacy business where that main business, meaning more than 50% of its gross revenue, is not the sale of marijuana or of materials related to marijuana.

SECTION IV
VIOLATIONS AND PENALTIES

1. Any person or company who owns or operates a marijuana establishment within the Borough of Landisburg shall be in violation of this Ordinance.
2. Any person who disobeys, neglects or refuses to comply with any provision of this ordinance or who causes allows or consents to any of the same shall be deemed to be responsible for the violation of this ordinance.
3. Any violation of this ordinance is deemed to be a nuisance per se.
4. The provisions of this Ordinance shall be enforced by the Code Enforcement Officer duly authorized by the Borough of Landisburg.
5. A violation of this ordinance is a municipal civil infraction, for which the fines shall not be less than \$100 nor more than \$500, in the discretion of the Court. The foregoing sanctions shall be in addition to the rights of the Borough to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, that the Borough incurs in connection with the municipal civil infraction.
6. Each day during which any violation continues shall be deemed a separate offense.
7. In addition, the Borough may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law.

SECTION V
SEVERABILITY

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

ENACTED AND ORDAINED by the Landisburg Borough Council, Borough of Landisburg, County of Perry, Pennsylvania, this 11 day of MARCH, 2019.

**BOROUGH OF LANDISBURG,
PERRY COUNTY, PENNSYLVANIA**

By: Stephen J. Kowalski
President of Council

ATTEST:

Thomas W. Jeter
Secretary

CORPORATE BOROUGH SEAL

APPROVED this 11 day of MARCH, 2019.

Samuel Conroy
Mayor, Borough of Landisburg, Perry County, PA

ATTEST:

Thomas W. Jeter
Secretary