

ORDINANCE NO. 2021-2
HICKORY TOWNSHIP
LAWRENCE COUNTY, PENNSYLVANIA

**An Ordinance for the Location and Placement of Medical Marijuana Grower/Processor
Facilities and Medical Marijuana Dispensaries.**

SECTION 1: STATEMENT OF INTENT AND PURPOSE.

To allow for the limited growing, manufacturing, processing, and dispensing of Medical Marijuana as provided for in Act 16 of 2016, the Medical Marijuana Act, by establishing regulations consistent with the act and the zoning and land use regulations of the township in order to provide for a state regulated industry while protecting the health, safety and welfare of the residents of the community.

SECTION 2: DEFINITIONS.

Act: The Medical Marijuana Act (Act 16 of 2016).

Commercial: Those uses that require higher intensities of retail business that can accommodate design features that take into consideration motorized and no motorized vehicular and pedestrian traffic and parking in a safe, efficient and attractive manner.

Department of Health: The Department of Health of the Commonwealth of Pennsylvania.

Dispensary: A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Department of Health to dispense medical marijuana. (Section 103 of Act 16 of 2016)

Dispensary Facility: A dispensary facility that is owned or operated by a dispensary and that shall meet the same municipal zoning and land use requirements as other commercial facilities that are located in the same zoning district. (Section 2107 (2) of Act 16 of 2016)

Facility: The structure and land necessary for the facility to comply with the requirements of Act 16 of 2016 and this ordinance.

Grower/Processor: A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the Department of Health to grow and process medical marijuana. (Section 103 of Act 16 of 2016)

Grower/Processor Facility: A grower/processor facility that is owned or operated by a grower/processor and that shall meet the same municipal zoning and land use requirements as other manufacturing, processing and production facilities that are located in the same zoning district. (Section 2107 (1) of Act 16 of 2016)

Industrial: Those uses involved in the manufacturing of products, the processing of materials, or the transportation of materials which require large amounts of impervious surfaces and require a separation from residential or other more sensitive areas.

Medical Marijuana: Marijuana for certified medical use as set forth in Act 16 of 2016, the Medical Marijuana Act.

SECTION 3: GROWER/PROCESSOR FACILITY ZONING.

A. A grower/processor facility shall be a permitted use in the Agricultural (A) and Light Industrial (LI) zoning districts.

B. Design Standards:

- i. Shall meet the same zoning and land use requirements as other manufacturing, processing and production facilities within the Light Industrial (LI) zoning district including, but not limited to, lot area, lot coverage, setbacks, lot width, and building height.
- ii. Shall meet the requirements of the Act as it relates to the limitations imposed on the facility by Section 702 (b) of the Act.

C. Shall comply with the following:

- i. On-site parking shall include a minimum of one and one-half parking spaces for each employee of the facility during peak employee shift hours.
- ii. The grower/processor shall not permit employees or visitors to park off-site.
- iii. Loading and unloading of medical marijuana and related equipment and materials shall be conducted in an enclosed secure area within the facility.
- iv. Equipment and materials used in the growing and processing of medical marijuana shall not be stored or placed outside of a secure structure within the facility.
- v. Waste and marijuana remnants and byproducts shall be located in a secure container located within a secure area within the facility and disposed of in a manner which is compliant with Department of Health regulations and permits.

D. If the facility is located adjacent to a residential zoning district, the grower/processor shall do the following:

- i. Provide buffer plantings;
 - ii. Provide external lighting that does not emit light skyward or onto adjoining residential properties; and
 - iii. Ensure that the traffic to and from the facility is directed away from the residential zoning district.
- E. Shall provide documentation that any connection to public sewer has been approved by the appropriate authority.
- F. Shall obtain all necessary state and local permits and approvals required to construct, if applicable, and operate the facility, and shall comply at all times with the terms and conditions of such permits and approvals and with all local ordinances applicable to the facility.

SECTION 4: DISPENSARY FACILITY ZONING.

- A. A dispensary facility shall be permitted in Mixed Use Highway (MUH) zoning district.
- B. Design Standards:
- i. Shall meet the same zoning and land use requirements as other commercial facilities in the Mixed Use Highway (MUH) zoning district.
 - ii. Including, but not limited to, lot area, lot coverage, setbacks, lot width, and building height.
- C. Shall not be located within 1,000 feet of the property line of a public, private or parochial school or day-care center. (Section 802 of Act 16 of 2016)
- D. Shall meet the requirements of the Act as it relates to the limitations imposed on the facility by Section 802 of Act.
- E. Shall comply with the following:
- i. All entrances to the facility shall be secure and appropriate security measures to deter and prevent theft of any medical marijuana.
 - ii. The facility shall not dispense medical marijuana from a drive-through or walk-up window.
 - iii. The facility shall not include an outdoor seating area.

- iv. Hours of operation shall be between the hours of 9 AM and 7 PM.
 - v. Waste and marijuana remnants and byproducts shall be located in a secure container located with a secure area with the facility and disposed of in a manner which is compliant with Department of Health regulations and permits.
 - vi. Egress, ingress and driveways shall meet the requirements of clear sight triangle regulations and highway occupancy requirements of the township where applicable.
 - vii. On-site parking shall include a minimum of one and one-half parking spaces for each employee of the facility during peak employee shift hours, and one parking space per 300 square feet of the retail space of the facility.
- F. Shall obtain all necessary state and local permits and approvals required to construct, if applicable, and operate a facility, and shall comply at all times with the terms and conditions of such permits and approvals and with local ordinances applicable to the facility.

SECTION 5: STATE LAW AND REGULATIONS.

In all matters that are regulated by the laws of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the Commonwealth promulgated by authority of law, such laws or regulations, as the case may be, shall control where the requirements thereof are the same as or in excess of the provisions of this Article. The Code shall control in all cases where the State requirements are not as strict as those contained in this Article.

SECTION 6: SEVERABILITY AND REPEAL.

- A. Severability. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Township that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.
- B. Repeal. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 7: SAVING CLAUSE.

Nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or

causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

ENACTED AND ORDAINED THIS 7th DAY OF June, 2021.


Hickory Township
Board of Supervisors
Lawrence County, Pennsylvania

ATTEST:


Secretary


Chairperson


Member


Member

