**Sample Provisions for the Location and Placement of Medical Marijuana Grower/Processor Facilities and Medical Marijuana Dispensaries**

**A. 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.

**B. 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.

**C. Grower/Processor Facility Zoning.**

1. A grower/processor facility shall be a permitted use in the {\_\_\_\_\_\_\_\_\_\_} zoning district.
2. Design Standards:
	1. Shall meet the same zoning and land use requirements as other manufacturing, processing and production facilities within the {\_\_\_\_\_\_\_\_\_\_}.
		1. Including, but not limited to, lot area, lot coverage, setbacks, lot width, and building height.
	2. Shall meet the requirements of the Act as it relates to the limitations imposed on the facility by Section 702 (b) of the Act.
	3. Shall comply with the following:
		1. 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.
		2. The grower/processor shall not permit employees or visitors to park off-site.
		3. Loading and unloading of medical marijuana and related equipment and materials shall be conducted in an enclosed secure area within the facility.
		4. 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.
		5. 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.
		6. If the facility is located adjacent to a residential zoning district, the grower/processor shall do the following:
			1. Provide buffer plantings;
			2. Provide external lighting that does not emit light skyward or onto adjoining residential properties; and
			3. Ensure that the traffic to and from the facility is directed away from the residential zoning district.
	4. Shall provide documentation that any connection to public sewer has been approved by the appropriate authority.
	5. 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.

**D. Dispensary Facility Zoning.**

1. A dispensary facility shall be permitted in {\_\_\_\_\_\_\_\_\_\_} zoning districts.
2. Design Standards:
	1. Shall meet the same zoning and land use requirements as other commercial facilities in the {\_\_\_\_\_\_\_\_\_\_}.

 i. Including, but not limited to, lot area, lot coverage, setbacks, lot width, and building height.

* 1. 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)
	2. Shall meet the requirements of the Act as it relates to the limitations imposed on the facility by Section 802 of Act.
	3. Shall comply with the following:
		1. All entrances to the facility shall be secure and appropriate security measures to deter and prevent theft of any medical marijuana.
		2. The facility shall not dispense medical marijuana from a drive-through or walk-up window.
		3. The facility shall not include an outdoor seating area.
		4. Hours of operation shall be between the hours of \_\_\_ and \_\_\_.
		5. 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.
		6. Egress, ingress and driveways shall meet the requirements of clear sight triangle regulations and highway occupancy requirements of the township where applicable.
		7. 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 \_\_\_\_ square feet of the retail space of the facility.

 3. 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.

**E. Severability.**

In the event that any section, sentence, clause, phrase or word of this {ordinance, article or chapter} shall be declared illegal, invalid or unconstitutional by a court of competent jurisdiction, such declaration shall not prevent or otherwise foreclose enforcement of any of the remaining portions of this {ordinance, article, or chapter}.

The PSATS Ordinance Database includes examples that townships can use when developing their own ordinances, job descriptions, and personnel regulations. Please keep in mind that these examples are merely models and should only be used as a guide in developing your own ordinance, job description, or personnel regulation. PSATS encourages township officials to review and discuss all proposed ordinances, job descriptions, or personnel regulations with their township solicitor. Also, please keep in mind that PSATS cannot guarantee that a model ordinance, job description, or personnel regulation has or will withstand a court challenge.

To use the database, you can browse for ordinances, job descriptions, or personnel regulations by choosing a category such as “Job Descriptions” or “Roads/Streets.” Search for ordinances by using keywords such as "snow", "road maintenance", "nuisance", or other words that are relevant to your request.

If you can't find what you're looking for…new ordinance files are constantly being added to this site. However, there may be instances where we do not currently have what you are looking for. If you can't find a specific ordinance, try submitting a request for one. Click on the Ordinance Request link, fill out the form and click on submit. After receiving your request, we will try to locate a sample ordinance for you.