

**TOWNSHIP OF HAMPTON
ALLEGHENY COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____

**AN ORDINANCE OF THE TOWNSHIP OF HAMPTON,
ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING
ITS ZONING ORDINANCE, AS CODIFIED AT CHAPTER
310 OF THE TOWNSHIP CODE OF ORDINANCES, TO
PROVIDE FOR THE REGULATION OF MEDICAL
MARIJUANA FACILITIES**

WHEREAS, the Hampton Township Council is authorized by the Municipalities Planning Code to regulate zoning and land use within the Township through its Zoning Ordinance, as embodied in the current Zoning Ordinance, as codified at Chapter 310 of the Hampton Township Code of Ordinances;

WHEREAS, the Hampton Township Council desires to amend its Zoning Ordinance to include for the regulation of medical marijuana facilities within the Township;

WHEREAS, by letter dated _____, 2018, the Township has, in accordance with the requirements of the Municipalities Planning Code, submitted the proposed amendments to the Allegheny County Planning Agency (ACED) for review and comment, in response to which the Township did receive a comment letter from ACED;

WHEREAS, the Township has, in accordance with the requirements of the Municipalities Planning Code, submitted the proposed amendments to its Planning Commission, which gave its recommendations regarding the proposed amendments at its duly noticed public meeting(s).

WHEREAS, on _____, 2018, the Hampton Township Council held a duly noticed and advertised public hearing to take public comments on the proposed amendments, and has duly advertised this Ordinance for consideration and enactment; and

WHEREAS, the Hampton Township Council, having received the public's comments and the recommendations of the Township's Planning Commission, finds that enactment of the proposed amendments to the Township Zoning Ordinance will be beneficial to the Township and consistent with the Pennsylvania Municipalities Planning Code.

NOW THEREFORE, be it Ordained and Enacted by the Hampton Township Council, and it is hereby Ordained and Enacted by authority of the same, as follows:

SECTION 1. AMENDMENTS

The purpose of this Ordinance is to establish a process and standards for the establishment, construction, and operations of medical marijuana facilities, pursuant to the Pennsylvania “Medical Marijuana Act” (PA Act 16, 2016), as amended from time to time, to allow for the integration of an allowed industry while providing for the protection of the public’s health, safety, morals, and general welfare.

The Hampton Township Code Section 310-11, Definitions, shall be amended as follows:

The following definitions shall be added and included as follows:

CAREGIVER - The individual designated by a patient to deliver medical marijuana.

CERTIFIED MEDICAL USE - The acquisition, possession, use or transportation of medical marijuana by a patient, or the acquisition, possession, delivery, transportation or administration of medical marijuana by a caregiver, for use as part of the treatment of the patient's serious medical condition, as authorized by certification by the Commonwealth.

CLINICAL REGISTRANT - An entity that:

1. Holds a permit both as a grower/processor and a dispensary; and
2. Has a contractual relationship with an academic clinical research center under which the academic clinical research center or its affiliate provides advice to the entity, regarding, among other areas, patient health and safety, medical applications and dispensing and management of controlled substances.

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 (DOH) of the Commonwealth to dispense medical marijuana.

FORM OF MEDICAL MARIJUANA - The characteristics of the medical marijuana recommended or limited for a particular patient, including the method of consumption and any particular dosage, strain, variety and quantity or percentage of medical marijuana or particular active ingredient.

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 DOH to grow and process medical marijuana.

IDENTIFICATION CARD - A document issued by the DOH that permits access to medical marijuana.

MEDICAL MARIJUANA - Marijuana for certified medical use as legally permitted by the Commonwealth of Pennsylvania with Act 16.

MEDICAL MARIJUANA ACT – Act of April 17, 2016, P.L. 84, No. 16, and any subsequent amendments.

MEDICAL MARIJUANA ORGANIZATION or FACILITY - A dispensary or a grower/processor of marijuana for medical purposes.

PERMIT – Verification of registration with the Pennsylvania Department of Health and proof of permission to operate.

REGISTRY - The registry established by the DOH for all medical marijuana organizations and practitioners.

The Hampton Township Code Section 310-38, Highway Commercial District, C. Conditional Uses. All conditional uses shall be subject to the standards and requirements set out in Article XII, shall be amended as follows: The following conditional uses shall be added:

(14) Medical Marijuana Dispensaries. Medical marijuana dispensaries shall be allowed when approved as a conditional use, subject to the expressed standards and criteria added to Section 310-78 and set forth in detail below.

The Hampton Township Code Section 310-39, Neighborhood Commercial District, C. Conditional Uses. All conditional uses shall be subject to the standards and requirements set out in Article XII, shall be amended as follows: The following conditional uses shall be added:

(11) Medical Marijuana Dispensaries. Medical marijuana dispensaries shall be allowed when approved as a conditional use, subject to the expressed standards and criteria added to Section 310-78 and set forth in detail below.

The Hampton Township Code Section 310-40, Light Industrial District, C. Conditional Uses. All conditional uses shall be subject to the standards and requirements set out in Article XII, shall be amended as follows: The following conditional uses shall be added:

(14) Medical Marijuana Grower/Processor. Medical marijuana grower/processor shall be allowed when approved as a conditional use, subject to the expressed standards and criteria added to Section 310-78 and set forth in detail below.

The Hampton Township Code Section 310-41, Heavy Industrial District, C. Conditional Uses. All conditional uses shall be subject to the standards and requirements set out in Article XII, shall be amended as follows: The following conditional uses shall be added:

(10) Medical Marijuana Grower/Processor. Medical marijuana grower/processor shall be allowed when approved as a conditional use, subject to the expressed standards and criteria added to Section 310-78 and set forth in detail below.

The Hampton Township Code Section 310-78, Conditional Use Standards and Criteria, shall be amended as follows: The following conditional use standards and criteria shall be added in regard to medical marijuana dispensaries and medical marijuana grower/processors:

(42) Medical marijuana dispensaries may be allowed as a conditional use in the Highway Commercial District and the Neighborhood Commercial District, subject to the following expressed standards and criteria:

- a. A medical marijuana dispensary must be legally registered in the Commonwealth and possess a current valid medical marijuana permit from the DOH.
- b. A medical marijuana dispensary must fully comply with all provisions of the Medical Marijuana Act, as amended from time to time.
- c. A medical marijuana dispensary may only dispense medical marijuana in an indoor, enclosed, permanent, and secure building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
- d. A medical marijuana dispensary may not operate on the same site as a facility used for growing and processing medical marijuana.
- e. A dispensary may not be located within 1,000 feet of the property line of a public, private or parochial school or a daycare center.
- f. A dispensary may sell medical devices and instruments which are needed to administer medical marijuana under the Medical Marijuana Act, 35 P.S. §§10231.106 et seq.
- g. A dispensary may sell services approved by the Pennsylvania Department of Health related to the use of medical marijuana.
- h. Medical marijuana dispensaries shall have a single secure public entrance and shall implement appropriate security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing medical marijuana.
- i. A medical marijuana dispensary shall be a maximum of 3,000 gross square feet, of which no more than 500 square feet shall be used for secure storage of product, and shall have an interior customer waiting area equal to a minimum of twenty-five (25) percent of the gross floor area.
- j. A medical marijuana dispensary shall:
 - i. Not have a drive-through service;
 - ii. Not have outdoor seating areas;
 - iii. Not have outdoor vending machines;
 - iv. Prohibit the administering of, or the consumption of medical marijuana on the premises; and

- k. A medical marijuana dispensary may dispense only medical marijuana to certified patients and caregivers and shall comply with all lawful, applicable health regulations.
- l. Parking requirements will follow the parking schedule found in Article XIII, Sections 310-79-82 Off-Street Parking Regulations as listed for medical and dental offices including outpatient clinics.
- m. Buffer yards shall follow the requirements set forth in Chapter 310, Article X, Section 310.59. E.
- n. Entrances and driveways to a medical marijuana dispensary must be designed to accommodate the anticipated vehicles used to service the facility.
 - i. All accesses must secure the appropriate highway occupancy permit (State, township or borough).
 - ii. The clear sight triangle found in Article/Part 280.50P must be considered and maintained.
 - iii. The driveway must be designed and improved to the standards expressly described in Article/Part 280.55H of the Subdivision and Land Development Ordinance.
- o. Loading and off-loading areas within the structure are preferred. If an external loading dock arrangement is designed it should be from within a secure environment.

(43) Medical marijuana grower/processor may be allowed as a conditional use in the Light Industrial District and the Heavy Industrial District, subject to the following expressed standards and criteria:

- a. A grower/processor must have a valid and current permit issued by the Pennsylvania Department of Health.
- b. A medical marijuana grower/processor must fully comply with all provisions of the Medical Marijuana Act, as amended from time to time.
- c. The floor area of a medical marijuana grower/processor shall include sufficient space for production, secure storage of marijuana seed, related finished product cultivation, and marijuana related materials and equipment used in production and cultivation or for required laboratory testing.
- d. All materials and equipment shall be stored within a completely enclosed building.

- e. The storage or manufacture of hazardous or potentially hazardous materials shall not be permitted.
- f. The Township Council may impose restrictions on access to the facility, storage of vehicles or materials in the premise, hours of operation and other such matters as they deem necessary to insure that there is no adverse impact upon the functioning of the district or adjacent parcels.
- g. A grower/processor may not be located within 1,000 feet of the property line of a public, private or parochial school, daycare facility or public park, and may not be located within 750 feet of a residential use, and/or residential zoning district.
- h. A grower/processor may not operate on the same site as a dispensary.
- p. Buffer yards shall follow the requirements set forth in Chapter 310, Article X, Section 310.59. E.
- i. There shall be no emission of dust, fumes, vapors, odors, or waste into the environment from any facility where medical marijuana growing, processing or testing occurs.
- j. Marijuana remnants and byproducts shall be secured and properly disposed of in accordance with the DOH Policy and shall not be placed within any unsecure exterior refuse containers.
- k. The grower/processor shall provide only wholesale products to other medical marijuana facilities. Retail sales and dispensing of medical marijuana and related products is prohibited at medical marijuana grower/processor facilities.
- l. Entrances and driveways to a medical marijuana grower/processor must be designed to accommodate the anticipated vehicles used to service the facility.
 - i. All accesses must secure the appropriate highway occupancy permit (State, township or borough).
 - ii. The clear sight triangle found in Article/Part 280.50P must be considered and maintained.
 - iii. The driveway must be designed and improved to the standards expressly described in Article/Part 280.55H of the Subdivision and Land Development Ordinance.
- m. Loading and off-loading areas within the structure are preferred. If an external loading dock arrangement is designed it should be from within a secure environment.

SECTION 2. REPEALER.

That any and all previous Ordinance(s) which are inconsistent with the terms and provisions of this Ordinance are hereby repealed.

SECTION 3. SEVERABILITY.

That 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 Hampton Township Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 4. EFFECTIVE DATE.

That this Ordinance shall take effect immediately upon enactment as provided by law.

ATTEST:

TOWNSHIP OF HAMPTON

Township Manager
APPROVED TO AS TO FORM

By: _____
President of Council

Vincent A. Tucceri, Esquire
Township Solicitor