



Township of Concord

DELAWARE COUNTY

*COUNCIL: Dominic A. Pileggi, John J. Gillespie, Elizabeth A. Salvucci,
Thomas J. Mahoney, Margaret S. Franke, Joshua Twersky, John L. Crossan*

ORDINANCE NO. 386

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF CONCORD, BY AMENDING CHAPTER 210, ZONING, ARTICLE I, SECTION 210-4, **DEFINITIONS** TO ADD AND DEFINE **MEDICAL MARIJUANA GROWER/PROCESSOR** AND AMENDING ARTICLE XVII, LI LIGHT INDUSTRY DISTRICT, SECTION 210-152 B OF THE CONCORD ZONING CODE, TO ALLOW MEDICAL MARIJUANA GROWING/PROCESSING IN THE LI LIGHT INDUSTRY DISTRICT AS A SPECIAL EXCEPTION

WHEREAS, the Act of April 17, 2016, P.L. 84, No 16, 35 P.S. §§1023.101 – 1023.2110, known as the Medical Marijuana Act (“MMA”), effective April 17, 2016, established a comprehensive State licensing and regulatory framework for the growing, processing, testing, distribution, transportation, and dispensing of medical marijuana; and

WHEREAS, the Township of Concord (hereinafter “Township”) is acting to comply with Pennsylvania law and allow for grower/processor facilities for medical marijuana in accordance with the applicable state laws; and

WHEREAS, it is the purpose and intent of the Township to regulate medical marijuana grower/processor facilities in a manner that is consistent with State law while promoting the health, safety, and general welfare of the residents and businesses within the Township, and limiting the potential negative impacts associated with the growing and processing of medical marijuana; and

WHEREAS, nothing in this Ordinance shall be construed to allow persons to engage in any conduct inconsistent with state law, endangers others, causes a public nuisance, allows the use or diversion of marijuana for nonmedical purposes, or allows any activity relating to marijuana that is otherwise illegal under Pennsylvania law.

SECTION I:

NOW, THEREFORE, THIS 4th DAY OF June, 2019, THE COUNCIL OF CONCORD TOWNSHIP HEREBY ENACTS AND ORDAINS AS FOLLOWS:

Article I, Section 210-4 **Definitions**, of the Township Zoning Code shall be amended to include the definition for Medical Marijuana Grower/Processor as follows:

MEDICAL MARIJUANA GROWER/PROCESSOR—A person, including a natural person, corporation, partnership, association, trust or other entity or any combination thereof, who holds a valid permit from the Pennsylvania Department of Health under the Medical Marijuana Act

(“MMA”) to grow and process medical marijuana. A Medical Marijuana Grower/Processor 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 II:

Article XVII, Section 210-152 of the Township Zoning Code shall be amended to add Subsection (B)(7) **Medical Marijuana, Grower/Processor** as a use permitted by Special Exception in the LI Light Industry District Zoning District, as follows:

D. Medical Marijuana Grower/Processor.

- (1) **Purpose.** The purpose and intent of this Section is to regulate the growing and processing of medical marijuana in strict compliance with the MMA while promoting the health, safety, morals, and general welfare of the residents and businesses within the Township.
- (2) **Marijuana Growing Prohibited.** All marijuana growing or processing is prohibited within Concord Township except as expressly permitted by Special Exception under this Section.
- (3) **Indoor Medical Marijuana Cultivation.** Indoor medical marijuana growing is permitted in the Township only as expressly specified in this Section.

[a] Indoor medical marijuana growing and processing shall only be allowed upon application and issuance of a Grower/Processor Permit issued by the Commonwealth of Pennsylvania and approval of Special Exception approval by the Township in accordance with the criteria and process set forth herein.

[b] Indoor medical marijuana growing and processing is a use permitted only by Special Exception on properties located within the LI Light Industry zoning district.

[c] Indoor medical marijuana growing facilities may be located within the same building or structure as a medical marijuana processing facility only if the indoor medical marijuana growing facility is located in separate rooms of the building or structure, and only if the indoor medical marijuana growing facility has its own separate entrance into the building or structure.

[d] Indoor medical marijuana growing/processing is allowed only within fully enclosed and secure stand-alone structures. A medical marijuana grower/processor shall not be located within 1,000 feet of any public, private or parochial schools or day-care centers. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the grower/processor is located, to the closest property line of the protected district or use, regardless of the municipality in which it is located.

[e] Indoor medical marijuana growing/processing shall not exceed the square footage authorized pursuant to the grant of the Special Exception.

[f] From any public right-of-way, there shall be no visible exterior evidence of any indoor medical marijuana growing or processing facility.

[g] Indoor medical marijuana growers/processors must comply with all requirements set forth in the MMA.

[h] There is no set restriction on the hours of operation of indoor medical marijuana growing/processing facilities; however, restricted hours of operation may be established as a condition of the grant of the Special Exception.

[i] Signage for all medical marijuana growing and processing facilities shall be limited to the name of the business only, shall be in compliance with the Township's sign regulations, and shall contain no advertising of any companies, brands, products, goods, or services. Signage shall not include any drug-related symbols.

[j] The building in which any indoor medical marijuana growing/processing facility is located, as well as the operations conducted therein, shall fully comply with all applicable rules, regulations, and laws including, but not limited to, zoning and building codes, the Township's business license ordinances, the Revenue and Taxation Code, the Americans with Disabilities Act, and the MMA.

[k] The operators of all indoor medical marijuana growing/processing facilities shall provide the Township Manager or the Township Manager's designee with the name, phone number, facsimile number, and email address of an on-site representative to whom the Township and the public can provide notice if there are any operational problems associated with the indoor medical marijuana growing and/or processing facility.

[l] All indoor medical marijuana growing/processing facilities shall have a security plan which includes the following measures:

1. An electronic locking system as per Chapter 702 (b)(1)(i) of the MMA.
2. Security cameras shall be installed and maintained in good working condition, and used in an on-going manner with at least one hundred and twenty (120) concurrent hours of digitally recorded documentation as a condition of the grant of the Special Exception. The camera shall be in use twenty-four (24) hours a day, seven (7) days a week. The areas to be covered by the security cameras shall include, but are not limited to, the storage areas, growing areas, all doors and windows,

waste facilities, and any other areas as required by the conditions imposed as part of the grant of the Special Exception. Any and all recordings shall be kept for a period of at least two (2) years.

3. Entrance to the growing/processing areas, and all storage areas, shall be locked at all times, and under the control of the indoor medical marijuana growing facility's staff.
4. The facility shall comply with the Township's lighting standards regarding fixture type, wattage, illumination levels, shielding, and shall secure the necessary lighting approvals and permits as needed. Additional lighting requirements may be imposed as a condition of the grant of the Special Exception. Additional sewer and stormwater management requirements may be imposed as a condition of the grant of the Special Exception.
5. All windows on the building that houses the indoor medical marijuana growing/processing facility shall be appropriately secured and all marijuana shall be securely stored in the facility.

[m] The Township Building Code Official and law enforcement personnel shall have the right to enter the indoor medical marijuana growing/processing facility with due cause for the purpose of making reasonable inspections, to observe, and enforce compliance with this Section, all laws of the Township, and all state laws.

[n] Indoor medical marijuana growing and processing shall not be permitted when it will adversely affect the health or safety of the nearby residents by creating undue dust, glare, heat, noise, smoke, traffic, vibration, or other adverse impacts, and shall not be conducted so as to create any hazardous situation due to the use or storage of materials, processes, products, or wastes.

- (4) **Special Exception Use Permit.** All parcels of real property in the LI Light Industry district upon which indoor medical marijuana growing/processing activities may occur must obtain a Special Exception from the Township. An application for a Special Exception shall include at a minimum the following information:

[a] An estimate of the size of the proposed indoor medical marijuana growing/processing facility.

[b] The address of the location for which the Special Exception is sought.

[c] A site plan and floor plan for the proposed premises denoting the use of all areas of the premises, including storage, growing areas, lighting, signage, access, parking, etc.

[d] A proposed security plan in compliance with the MMA.

[e] The name and address of the owner and lessor of the real property upon which the indoor medical marijuana growing/processing activities are proposed to be conducted. In the event the Applicant is not the legal owner of the property, the application must also have a notarized acknowledgement from the owner of the real property that an indoor medical marijuana growing/processing facility will be operated on the property.

[f] Evidence that the indoor medical marijuana growing/processing facility will be in full compliance with the requirements of the MMA.

(5) **Enforcement.**

[1] Any marijuana growing/processing within the Township in violation of this Ordinance or the conditions of the grant of the Special Exception Use Permit is hereby declared to be unlawful and a public nuisance.

[2] Any party who engages in a violation of this Ordinance, or who owns, possesses, controls, or has charge of any parcel of real property in the Township upon which a violation of the Ordinance is maintained, shall be subject to the penalties and remedies provided by this Section.

[3] Any violation of this Ordinance shall constitute a separate offense for each and every day the violation occurs or persists.

[4] Any person in violation of any provision of this Ordinance shall be punishable by a fine of up to a \$1,000 per offense.

SECTION III. REPEALER.

All Township ordinances and parts of ordinances inconsistent with the provisions hereof are hereby repealed and rescinded to the extent of any inconsistency or conflict.

SECTION IV. 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 remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Council of Concord Township that such remainder shall be and shall remain in full force and effect.

SECTION V. EFFECTIVE DATE.


This Ordinance shall take effect five (5) days after the date of its enactment by the Council of Concord Township.

ENACTED and ORDAINED this 4th day of June, 2019.


CONCORD TOWNSHIP COUNCIL



Dominic A. Pileggi, President



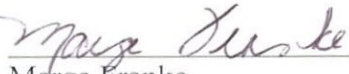
John J. Gillespie, Vice-President



John L. Crossan, 2nd Vice-President




Elizabeth A. Salvucci



Marge Franke




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Joshua Twersky

Attest:



Amanda Serock, Township Manager