



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. 387

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 DISPENSARY FACILITIES** AND BY AMENDING ARTICLE XIII, SECTION 210-119 AND ARTICLE XIV, SECTION 210-127 TO ALLOW MEDICAL MARIJUANA DISPENSARY FACILITIES IN THE C-1 LOCAL COMMERCIAL AND C-2 PLANNED BUSINESS AND COMMERCIAL ZONING DISTRICTS 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 dispensary 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 dispensaries 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 dispensing of such medical marijuana; and

WHEREAS, nothing in this Ordinance shall be construed to allow persons to engage in any conduct inconsistent with state law, endanger others, cause a public nuisance, allow the use or diversion of marijuana for nonmedical purposes, or allow 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 following definition for Medical Marijuana Dispensary Facility:

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

("MMA") to dispense medical marijuana. A Medical Marijuana Dispensary Facility shall meet the same municipal zoning and land use requirements as other commercial facilities that are located in the same zoning district.

SECTION II:

Article XII, Section 210-119 (C) **Use regulations** (C-1 Local Commercial District) of the Township Zoning Code shall be amended to include Subsection **(C) (10), Medical Marijuana Dispensary Facility**, as a use by Special Exception in the C-1 Local Commercial Zoning District only along the Township's principal arterial highways, Route 1, Route 202 and/or Route 322, as follows:

§ 210-119 C (10) Medical Marijuana Dispensary Facility

(a) The use of a building for the dispensing of medical marijuana shall be permitted only upon grant of a Special Exception to an Applicant possessing a Dispensary Permit issued by the Commonwealth of Pennsylvania, in accordance with the criteria and process set forth in the Township's Zoning Code, for properties located within the Local Commercial (C-1) Zoning District, where the property fronts on one of the principal arterial highways of Route 1, Route 202 and/or Route 322.

(b) Signage for all medical marijuana dispensary 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 or any drug-related symbols.

(c) The medical marijuana dispensary facility shall only be located in a secure facility with each and every entrance and exit thereto dedicated solely to the dispensary facility. There shall be no passageways connecting the dispensary to any other facility. Any and all common walls of the dispensary shall be fire walls subject to approval by the Township Building Code Official to assure that the facility is secure. The building in which any medical marijuana dispensing facility is located, as well as the operations as 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.

(d) A medical marijuana dispensary facility shall not be located within 1,000 feet of any residential zoning boundary line or 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 dispensary is located, to the closest property line of the protected district or use, regardless of the municipality in which it is located.

(e) The operators of all medical marijuana dispensary 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 medical marijuana dispensary facility. All medical marijuana dispensary facilities shall make every good faith effort to encourage residents and the public to call this representative to resolve any operational problems before any calls or complaints are made to the Township or law enforcement. There shall be “No loitering” signs posted in the parking lots at all Medical Marijuana Dispensary Facilities.

(f) 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, all doors and windows, all areas where waste facilities are stored, 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.

(g) The Township Building Code Official and law enforcement personnel shall have the right to enter the medical marijuana dispensary 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.

(h) The application for a Special Exception shall include at a minimum the following information:

[1] An estimate of the size of the proposed medical marijuana dispensary facility;

[2] The address of the location for which the Special Exception is sought;

[3] The site plan and floor plan for the proposed premises denoting the use of all areas of the premises, including storage, dispensary areas, lighting, signage, parking, etc.;

[4] The proposed security plan in compliance with the MMA;

[5] The name and address of the owner and lessor of the real property upon which the medical marijuana dispensing activity is 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 a medical marijuana dispensary facility will be operated on the property;

[6] Evidence that the medical marijuana dispensary facility will be located in a structure that is compliant with all of the requirements of the MMA; and

[7] The location of any other existing or proposed marijuana dispensaries within 3,000 feet of the site.

(i) Enforcement.

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

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

[3] 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:

Article XIV, Section 210-127 (C) of the Concord Township Zoning Code is hereby amended to add thereto subsection **(16) Medical Marijuana Dispensary Facility** as a use by Special Exception in the C-2 Planned Business and Commercial Zoning District on lots with frontage lying along the Township's principal arterial highways, Route 1, Route 202 and/or Route 322 as follows:

§210-127 (c) (16) Medical Marijuana Dispensary Facility

(a) The use of a building for the dispensing of medical marijuana shall be permitted only upon grant of a Special Exception to an Applicant possessing a Dispensary Permit issued by the Commonwealth of Pennsylvania, in accordance with the criteria and process set forth in the Township's Zoning Code, for properties located within the C-2 Planned Business and Commercial Zoning district, where the property fronts on one of the principal arterial highways of Route 1, Route 202 and/or Route 322.

(b) Signage for all medical marijuana dispensary 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, or any drug-related symbols.

(c) The Medical Marijuana Dispensary Facility shall only be located in a secure facility with each and every entrance and exit thereto dedicated solely to the dispensary facility. There shall be no passageways connecting the dispensary to any other facility. Any and all common walls of the dispensary shall be fire walls subject to approval by the Township Building Code Official to assure that the facility is secure. The building in which any medical marijuana dispensing facility is located, as well as the operations as 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.

(d) A Medical Marijuana Dispensary Facility shall not be located within 1,000 feet of a residential zoning boundary line or 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 dispensary is located, to the closest property line of the protected district or use, regardless of the municipality in which it is located.

(e) The operators of all medical marijuana dispensary 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 medical marijuana dispensary facility. All medical marijuana dispensary facilities shall make every good faith effort to encourage residents and the public to call this representative to resolve any operational problems before any calls or complaints are made to the Township or law enforcement. . There shall be "No loitering" signs posted in the parking lots at all Medical Marijuana Dispensary Facilities.

(f) 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, all doors and windows, all waste storage 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.

(g) The Township Building Code Official and law enforcement personnel shall have the right to enter the medical marijuana dispensary 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.

(h) The application for a Special Exception shall include at a minimum the following information:

[1] An estimate of the size of the proposed medical marijuana dispensary facility;

[2] The address of the location for which the Special Exception is sought;

[3] The site plan and floor plan for the proposed premises denoting the use of all areas of the premises, including storage, dispensary areas, lighting, signage, parking, etc.;

[4] The proposed security plan in compliance with the MMA;

[5] The name and address of the owner and lessor of the real property upon which the medical marijuana dispensing activity is 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 a medical marijuana dispensary facility will be operated on the property;

[6] Evidence that the medical marijuana dispensary facility will be located in a structure that is compliant with all of the requirements of the MMA; and

[7] The location of any other existing or proposed marijuana dispensaries within 3,000 feet of the site.

(i) Enforcement.

[1] Any person 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.

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

[3] 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 IV. 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 V. SEVERABILITY.

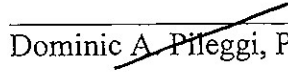
If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Council of Concord Township that such remainder shall be and shall remain in full force and effect.

SECTION VI. EFFECTIVE DATE.

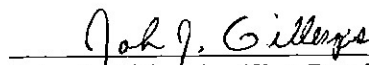
This Ordinance shall take effect five (5) days after the date of its enactment by the Council of Concord Township.

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

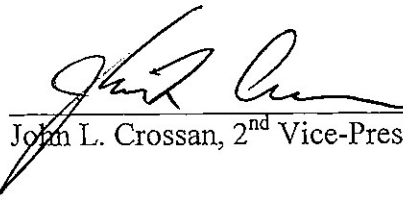
CONCORD TOWNSHIP COUNCIL




Dominic A. Pileggi, President



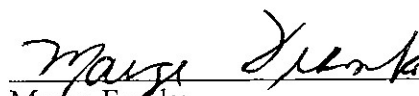
John J. Gillespie, Vice-President



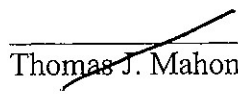
John L. Crossan, 2nd Vice-President



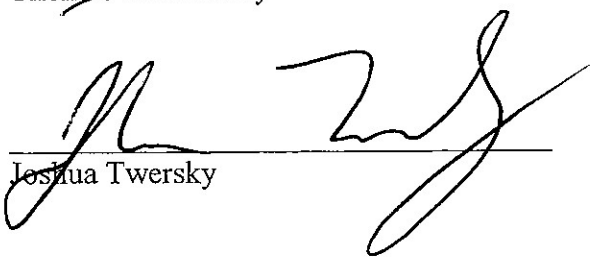
Elizabeth A. Salvucci




Marge Franke



Thomas J. Mahoney



Joshua Twersky

Attest: 

Amanda Serock, Township Manager