

WEST HANOVER TOWNSHIP
DAUPHIN COUNTY, PENNSYLVANIA

ORDINANCE NO. 2018- 02

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF WEST HANOVER TOWNSHIP, DAUPHIN COUNTY, PENNSYLVANIA. CHANGING SECTION OF CHAPTER 195 OF THE CODE OF WEST HANOVER TOWNSHIP, BE IT ENACTED AND ORDAINED BY THE BOARD OF SUPERVISORS OF WEST HANOVER TOWNSHIP, DAUPHIN COUNTY, PENNSYLVANIA AND IT IS HEREBY ENACTED AND ORDAINED BY THE AUTHORITY OF THE SAME AS FOLLOWS:

ADD Bold – New Language, ~~deleted text~~

Section 1. The following amendments are hereby added to the West Hanover Township Code of Ordinances.

Add: DEFINITIONS. The following definitions will be incorporated into Article II, §195-10, Definitions)

ACADEMIC CLINICAL RESEARCH CENTER – An accredited medical school within this Commonwealth that operates or partners with an acute care hospital licensed within this Commonwealth.

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

MEDICAL MARIJUANA DELIVERY VEHICLE OFFICE - Any facility used to house delivery vehicles for supplying marijuana plants or seeds to one or more marijuana grower/processors and/or dispensaries.

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

Add: Section 195-56 Principal permitted uses, buildings and structures.

K. Academic Clinical Research Centers in accordance with Section 195-104.

L. Medical Marijuana Grower/Processors in accordance with Section 195-104.

M. Medical Marijuana Transport Vehicle Offices in accordance with Section 195-104.

N. Medical Marijuana Dispensaries in accordance with Section 195-104.

Add: Section 195-66 Principal permitted uses, buildings and structures.

R. Academic Clinical Research Centers in accordance with Section 195-104.

S. Medical Marijuana Grower/Processors in accordance with Section 195-104.

T. Medical Marijuana Transport Vehicle Offices in accordance with Section 195-104.

U. Medical Marijuana Dispensaries in accordance with Section 195-104.

Add: Section 195-104

A. ACADEMIC CLINICAL RESEARCH CENTERS.

1. Parking requirements will follow the parking schedule found in Article XXII, § 195-141 Off-Street Parking Regulations and/or as listed for colleges, universities, technical or fine arts schools, as appropriate.

2. An academic clinical research center may only grow medical marijuana in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the DOH. The grower/processor facility shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.

3. All external lighting serving an academic clinical research center must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.

4. A buffer planting is required where an academic clinical research center adjoins a residential use or district.

B. MEDICAL MARIJUANA GROWER/PROCESSOR.

1. A medical marijuana grower/processor may only grow medical marijuana in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the DOH. The grower/processor facility shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.

2. 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.

3. 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.

4. 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.

5. 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.

6. Grower/processors may not locate within 1,000 feet of the property line of a public, private, or parochial school or day-care center.

7. All external lighting serving a medical marijuana grower/processor must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.

8. Parking requirements will follow the parking schedule found in Article XXII §195-141 Off-Street Parking Regulations.

9. A buffer planting is required where a medical marijuana grower/processor adjoins a residential use or district.

10. Entrances and driveways to a medical marijuana grower/processor must be designed to accommodate the anticipated vehicles used to service the facility.

(1). All accesses must secure the appropriate highway occupancy permit (State or Township).

(2). The clear sight triangle found in Article XXI, §195-138.J. must be considered and maintained.

(3). The driveway must be designed and improved to the standards expressly described in Article XXI, §195-138.K and Section 173-25.L of the Subdivision and Land Development Ordinance.

11. 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.

C. MEDICAL MARIJUANA TRANSPORT VEHICLE SERVICE

1. A traffic impact study is required where the office is operated.

2. Parking requirements will follow the parking schedule found in Article XXII, § 195-141 Off-Street Parking Regulations.

3. All external lighting serving a medical marijuana transport vehicle service must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.

4. A buffer planting is required where a medical marijuana transport vehicle service adjoins a residential use or district.

5. Entrances and driveways to a medical marijuana transport vehicle service must be designed to accommodate the anticipated vehicles used to enter and exit the premises.

(1). All accesses must secure the appropriate highway occupancy permit (State or Township).

(2). The clear sight triangle found in Article XXI, §195-138.J. must be considered and maintained.

(3). The driveway must be designed and improved to the standards expressly described in Article XXI, §195-138.K and Section 173-25.L of the Subdivision and Land Development

6. If for some reason a medical marijuana product is to be temporarily stored at a medical marijuana transport vehicle service facility, the facility must be secured to the same level as a medical marijuana grower/producer and dispensary.

7. 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.

D. MEDICAL MARIJUANA DISPENSARY

1. A medical marijuana dispensary must be legally registered in the Commonwealth and possess a current valid medical marijuana permit from the DOH.

2. 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.

3. A medical marijuana dispensary may not operate on the same site as a facility used for growing and processing medical marijuana.

4. 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.

5. Permitted hours of operation of a dispensary shall be 8 am to 8 pm [of the same calendar day].

6. A medical marijuana dispensary shall comply with the setback, parking, landscaping, coverage, and building height requirements of the applicable zoning district to determine the building envelope and maximum allowable floor area. A medical marijuana shall have an interior customer waiting area equal to a minimum of twenty-five (25) percent of the gross floor area.

7. A medical marijuana dispensary shall:

- (1). Not have a drive-through service;**
- (2). Not have outdoor seating areas;**
- (3). Not have outdoor vending machines;**

(4). Prohibit the administering of, or the consumption of medical marijuana on the premises; and

(5). Not offer direct or home delivery service.

8. A medical marijuana dispensary may dispense only medical marijuana to certified patients and caregivers and shall comply with all lawful, applicable health regulations.

9. A medical marijuana dispensary may not be located within 1,000 feet of the property line of a public, private or parochial school or a day-care center. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use regardless of municipality in which it is located.

10. A medical marijuana dispensary shall be a minimum distance of 1,000 feet from the next nearest medical marijuana facility. This does not include complementing or supporting businesses covered by different definitions. This distance shall be measured in a straight line from the closest exterior walls of the buildings or portions thereof in which the businesses are conducted or proposed to be conducted, regardless of municipality in which it is located. This separation distance does not apply to the distance between the grower/processor or academic clinical research centers and the specific dispensary they serve, or with which they partner.

11. Any medical marijuana facility lawfully operating shall not be rendered in violation of these provisions by the subsequent location of a public, private or parochial school or a day-care center.

12. All external lighting serving a medical marijuana dispensary must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.

13. Parking requirements will follow the parking schedule found in Article XXII, §195-141 Off-Street Parking Regulations as listed for medical and dental offices including outpatient clinics.

14. A buffer planting is required where a medical marijuana dispensary adjoins a residential use or district.

15. Entrances and driveways to a medical marijuana dispensary must be designed to accommodate the anticipated vehicles used to service the facility.

A. All accesses must secure the appropriate highway occupancy permit (State OR Township).

B. The clear sight triangle found in Article XXI, §195-138.J. must be considered and maintained.

C. The driveway must be designed and improved to the standards expressly described in Article XXI, §195-138.K and Section 173-25.L of the Subdivision and Land Development Ordinance.

16. 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. Saving Clause.

That nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause of action acquired or existing, under any act or ordinance hereby; nor shall any just or legal right or remedy or any character be lost, impaired or affected by this Ordinance.

Section 3. Date of Effect.

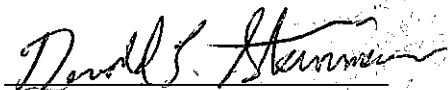
That the Secretary of West Hanover Township shall certify to the adoption of this Ordinance and cause the same to be published as required by law; and this Ordinance shall take full force and effect immediately upon final passage and approval.

ENACTED AND ORDAINED as Ordinance 2018- this 19th day of March, 2018.

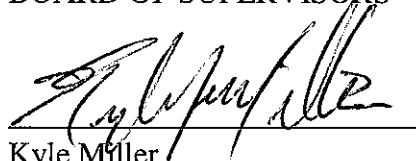
ATTEST:

WEST HANOVER TOWNSHIP

BOARD OF SUPERVISORS



Donald L. Steinmeier
Secretary



Kyle Miller
Chairman