

**SALISBURY TOWNSHIP
ORDINANCE NO. 10-2017-614**

**AN ORDINANCE BY THE BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF SALISBURY, LEHIGH COUNTY, PENNSYLVANIA,
AMENDING CHAPTER 27 OF THE SALISBURY TOWNSHIP CODE OF
ORDINANCES ENTITLED “ZONING” TO INCLUDE REGULATIONS
FOR THE ESTABLISHMENT, CONSTRUCTION, AND OPERATION OF
MEDICAL MARIJUANA FACILITIES**

WHEREAS, after careful consideration and review, the Board of Commissioners finds that it is in the best interests of the Township community to require regulations for the establishment, construction, and operation of medical marijuana facilities within Salisbury Township.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Commissioners of the Township of Salisbury, Lehigh County, Pennsylvania, and it is hereby ordained and enacted by the same that Chapter 27 entitled “Zoning” of the Salisbury Township Code of Ordinances shall be amended to include regulations for the establishment, construction, and operation of medical marijuana facilities within Salisbury Township as follows:

ARTICLE 1. PURPOSE.

The purpose of this section 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) to allow for the integration of an allowed industry while providing for the protection of the public’s health, safety, morals, and general welfare.

ARTICLE 2. DISTRICT REGULATIONS.

The following sections are incorporated into Chapter 27- Attachment 2

- A. Academic Clinical Research Centers are permitted in the Commercial (C), and Industrial (I) Districts with consideration for the applicable performance standards found in Chapter 27-402.1.PPP of the Zoning Ordinance.
- B. Medical Marijuana Grower/Processors are permitted in the Commercial (C), and Industrial (I) Districts with consideration for the applicable performance standards found in Chapter 27-402.1.QQQ of the Zoning Ordinance.
- C. Medical Marijuana Transport Vehicle Offices are permitted in either a Commercial (C) and Industrial (I) District, with consideration for the applicable performance standards found in Chapter 27-402.1.RRR of the Zoning Ordinance
- D. Medical Marijuana Dispensaries are permitted in either a Commercial (C) and Industrial (I) District, with consideration for the applicable performance standards found in Chapter 27-402.1.SSS of the Zoning Ordinance.

ARTICLE 3. DEFINITIONS.

The following definitions are incorporated into Chapter 27-202

- A. **ACADEMIC CLINICAL RESEARCH CENTER** – An accredited medical school within this Commonwealth that operates or partners with an acute care hospital licensed within this Commonwealth.
- B. **CAREGIVER** - The individual designated by a patient to deliver medical marijuana.
- C. **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.
- D. **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.
- E. **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.
- F. **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.
- G. **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.
- H. **IDENTIFICATION CARD** - A document issued by the DOH that permits access to medical marijuana.
- I. **MEDICAL MARIJUANA** - Marijuana for certified medical use as legally permitted by the Commonwealth of Pennsylvania with Act 16.
- J. **MEDICAL MARIJUANA ORGANIZATION or FACILITY** - A dispensary or a grower/processor of marijuana for medical purposes.
- K. **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.
- L. **REGISTRY** - The registry established by the DOH for all medical marijuana organizations and practitioners.

ARTICLE 4. USE REGULATIONS.

The following performance standards will be incorporated into Chapter 27-402.

A. 27-402.1.PPP - ACADEMIC CLINICAL RESEARCH CENTERS.

1. Applicable District Regulations shall be in accordance with the minimum requirements of Chapter 27 Attachment 6 of the Zoning Ordinance for the specific zoning district.
2. Parking requirements will follow the parking schedule found in Chapter 27-601, Table of Off-Street Parking Requirements, for college, university, or trade school.
3. An academic clinical research center shall 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.
4. 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.
5. A buffer planting is required where an academic clinical research center adjoins a residential use or district.
6. If the application is to change the use of a building, or needs to demonstrate allocation of space within a structure, the applicant shall provide architectural drawings prepared by an architect registered in the Commonwealth of Pennsylvania.

B. 27-402.1.QQQ - MEDICAL MARIJUANA GROWER/PROCESSOR.

1. A medical marijuana grower/processor must be legally registered in the Commonwealth and possess a current valid Medical Marijuana Permit from the DOH.
2. A medical marijuana grower/processor shall 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. Applicable District Regulations shall be in accordance with the minimum requirements of Chapter 27 Attachment 6 of the Zoning Ordinance for the specific zoning district.
4. The floor area of a medical marijuana grower/processor shall include sufficient space for production, secure storage of marijuana seed, related finished product cultivation, marijuana related materials and equipment used in production and cultivation and for required laboratory testing.
5. 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.

6. 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.
7. 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.
8. Grower/processors shall not be located within 1,000 feet of the property line of a public, private, or parochial school or day-care center.
9. 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.
10. Parking requirements will follow the parking schedule found in Chapter 27-601, Table of Off-Street Parking requirements, for a Utility Facility.
11. A buffer planting is required where a medical marijuana grower/processor adjoins a residential use or district.
12. Off-street loading and delivery truck spaces meeting Chapter 27-605 of the Zoning Ordinance shall be provided. 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.
13. If the application is to change the use of a building, or needs to demonstrate allocation of space within a structure, the applicant shall provide architectural drawings prepared by an architect registered in the Commonwealth of Pennsylvania.

C. 27-402.1.RRR - MEDICAL MARIJUANA TRANSPORT VEHICLE SERVICE

1. Applicable District Regulations shall be in accordance with the minimum requirements of Chapter 27 Attachment 6 of the Zoning Ordinance for the specific zoning district.
2. A traffic impact study is required where the office is operated.
3. Parking requirements will follow the parking schedule found in Chapter 27-601, Table of Off-Street Parking requirements, for a Utility Facility.
4. 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.
5. A buffer planting is required where a medical marijuana transport vehicle service adjoins a residential use or district.
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. Off-street loading and delivery truck spaces meeting Chapter 27-605 of the Zoning Ordinance shall be provided. Loading and off-loading areas within the structure are preferred. If an external loading dock arrangement is designed it shall be from within a secure environment.
8. If the application is to change the use of a building, or needs to demonstrate allocation of space within a structure, the applicant shall provide architectural drawings prepared by an architect registered in the Commonwealth of Pennsylvania.

D. 27-402.1.SSS - 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 shall 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 shall 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. Daily permitted hours of operation of a dispensary shall be 8 am to 8 pm.
6. Applicable District Regulations shall be in accordance with the minimum requirements of Chapter 27 Attachment 6 of the Zoning Ordinance for the specific zoning district.
7. A medical marijuana dispensary shall have an interior customer waiting area equal to a minimum of twenty-five (25) percent of the gross floor area.
8. A medical marijuana dispensary shall:
 - a. Not have a drive-through service;
 - b. Not have outdoor seating areas;
 - c. Not have outdoor vending machines;
 - d. Prohibit the administering of, or the consumption of medical marijuana on the premises; and
 - e. Not offer direct or home delivery service.
9. A medical marijuana dispensary shall dispense only medical marijuana to certified patients and caregivers and shall comply with all lawful, applicable health regulations.
10. A medical marijuana dispensary shall 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.

11. A medical marijuana dispensary shall be a minimum distance of 1,000 feet from the next nearest medical marijuana dispensary. 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.
12. 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.
13. 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.
14. Parking requirements will follow the parking schedule found in Chapter 27-601, Table of Off-Street Parking requirements, for an Office or Clinic, medical/dental use.
15. A buffer planting is required where a medical marijuana dispensary adjoins a residential use or district.
16. Off-street loading and delivery truck spaces meeting Chapter 27-605 of the Zoning Ordinance shall be provided. 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.
17. If the application is to change the use of a building, or needs to demonstrate allocation of space within a structure, the applicant shall provide architectural drawings prepared by an architect registered in the Commonwealth of Pennsylvania.

ARTICLE 5. SEVERABILITY.

If any section, subsection, sentence, clause or phrase or portion of this document is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion thereof.

ARTICLE 6. PENALTIES.

Any Owner, Operator, or other person who violates or permits a violation of this chapter shall, upon being found liable therefore in a civil enforcement proceeding before a Magisterial District Judge, pay to Salisbury Township a fine of not more than \$500, plus all court costs, including but not limited to reasonable attorney's fees incurred by the Salisbury Township on account of such violation. No penalty or cost shall be imposed until the date the determination of the violation by the Magisterial District Judge becomes final. If the defendant neither pays nor timely appeals the judgment, Salisbury Township shall enforce the judgment as provided by

law. Each day a violation exists after final judgment shall constitute a separate offense. The amount of the fine imposed shall be multiplied by the number of such days and shall be charged and collected by Salisbury Township without further judicial proceedings. Further, the appropriate officers or agents of Salisbury Township are hereby authorized, to issue a cease and desist notice and/or to seek equitable relief, including injunction, to enforce compliance herewith. No Bond will be required if injunctive relief is sought by Salisbury Township. A person who violates this Ordinance shall also be responsible for the (municipality's) attorney's fees, engineering fees, expert fees and court costs reasonably incurred by Salisbury Township on account of such violation.

ARTICLE 7. EFFECTIVE DATE.

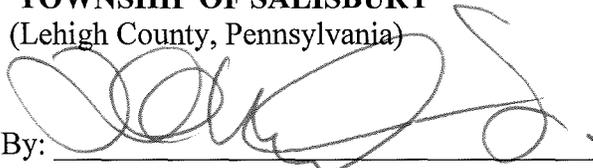
This ordinance shall take effect immediately upon adoption.

ARTICLE 8. ENACTMENT.

Enacted and ordained into an ordinance this 26th day of October, 2017.

TOWNSHIP OF SALISBURY
(Lehigh County, Pennsylvania)

By: _____


Robert Martucci, Jr.
Vice-President, Board of Commissioners

Attest:



Cathy Bonaskiewich, Township Secretary