

EAST COVENTRY TOWNSHIP
BOARD OF SUPERVISORS
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 212

"Medical Marijuana Ordinance"

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWNSHIP OF EAST COVENTRY, CHESTER COUNTY, PENNSYLVANIA, TO AMEND CHAPTER 27 (ZONING), PART 2 (DEFINITIONS), SECTION 27-202 (DEFINITIONS), TO ADD NEW DEFINITIONS RELATING TO MEDICAL MARIJUANA REGULATION; TO AMEND CHAPTER 27 (ZONING), PART 9 (NC NEIGHBORHOOD COMMERCIAL DISTRICT AND C COMMERCIAL DISTRICT), SECTION 27-902 (USE REGULATIONS), PARAGRAPH 4 (C COMMERCIAL DISTRICT USES PERMITTED BY RIGHT), TO ADD NEW SUBPARAGRAPH L TO PERMIT MEDICAL MARIJUANA DISPENSARIES AND TO AMEND SECTION 27-905 (OTHER REQUIREMENTS AND STANDARDS), TO ADD NEW PARAGRAPH 6 ENTITLED "USE REGULATIONS FOR MEDICAL MARIJUANA DISPENSARIES"; AND TO AMEND CHAPTER 27 (ZONING), PART 11 (LI LIMITED INDUSTRIAL DISTRICT), SECTION 27-1102 (USE REGULATIONS), PARAGRAPH 1 (LI LIMITED INDUSTRIAL DISTRICT USES PERMITTED BY RIGHT), TO ADD NEW SUBPARAGRAPH B TO PERMIT MEDICAL MARIJUANA GROWING/PROCESSING FACILITIES AND TO AMEND SECTION 27-1105 (OTHER REQUIREMENTS AND STANDARDS), TO ADD NEW PARAGRAPH 2 ENTITLED "USE REGULATIONS FOR MEDICAL MARIJUANA GROWING/PROCESSING FACILITIES".

WHEREAS, the Code of Ordinances of East Coventry Township provide for the regulation of certain uses in the various zoning districts within the Township; and

WHEREAS, the Commonwealth of Pennsylvania has enacted the Medical Marijuana Act, 35 P.S. §10231.101 *et seq.*, P.L. 84, No. 16 (April 17, 2016), which purports to permit, among other things: (1) the use of marijuana for medical purposes; (2) the cultivation, harvesting, processing and storage of marijuana for such medical use by authorized growers/processors; (3)

distribution of marijuana for such medical use by authorized dispensaries; and (4) cultivation and distribution by certain authorized research facilities; and

WHEREAS, the Board of Supervisors of East Coventry Township desires to identify those zoning districts within the Township in which growing/processing facilities and dispensaries may be located and the zoning standards established in the Township by which growers/processors and dispensaries must abide.

NOW THEREFORE, the Board of Supervisors of East Coventry Township does hereby **ENACT** and **ORDAIN** as follows:

SECTION I. - Amendment to Code

The Code of Ordinances of East Coventry Township, Chapter 27 (Zoning), Part 2 (Definitions), Section 27-202 (Definitions), is hereby amended to add the following definitions:

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 Pennsylvania Department of Health to dispense Medical Marijuana. The term does not include a health care medical marijuana organization under Chapter 19 of the Medical Marijuana Act.

GROWER/PROCESSOR – A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Pennsylvania Department of Health to grow and process Medical Marijuana. The term does not include a health care medical marijuana organization under Chapter 19 of the Medical Marijuana Act.

GROWING/PROCESSING FACILITY – A building or structure used to grow and process Medical Marijuana by a licensed Grower/Processor that meets all requirements of the Medical Marijuana Act.

MEDICAL MARIJUANA – Marijuana for certified medical use as set forth in the Medical Marijuana Act.

MEDICAL MARIJUANA ORGANIZATION OR FACILITY – A building or structure used as a Dispensary or a Growing/Processing Facility. The term does not include a health care medical marijuana organization under Chapter 19 or a clinical registrant under Chapter 20 of the Medical Marijuana Act.

SECTION II. - Amendment to Code

The Code of Ordinances of East Coventry Township, Chapter 27 (Zoning), Part 9 (NC Neighborhood Commercial District and C Commercial District), Section 27-902 (Use Regulations), Paragraph 4 (C Commercial District Uses Permitted by Right), is hereby amended to add a new Subparagraph L, as follows: “L. Medical Marijuana Dispensary.”

SECTION III. - Amendment to Code

The Code of Ordinances of East Coventry Township, Chapter 27 (Zoning), Part 9 (NC Neighborhood Commercial District and C Commercial District), Section 27-905 (Other Requirements and Standards), is hereby amended to add a new Paragraph 6 entitled “Use Regulations for Medical Marijuana Dispensaries”, as follows:

6. Use Regulations for Medical Marijuana Dispensaries. The following requirements and standards shall apply to a Medical Marijuana Dispensary located in the C Commercial District:

A. The Medical Marijuana Facility shall comply with all applicable standards, rules, regulations and requirements of the Pennsylvania Department of Health and the Commonwealth of Pennsylvania, including, without limitation, Title 28, Part IX of the Pennsylvania Code.

B. All signage shall comply with Part 13 of this Chapter.

C. Off-street parking shall be provided in accordance with Part 13 of this Chapter.

D. All landscaping screens and plantings shall comply with Part 13 of this Chapter.

E. A Medical Marijuana Dispensary may not operate on the same site as a facility used for growing and processing medical marijuana.

SECTION IV. - Amendment to Code

The Code of Ordinances of East Coventry Township, Chapter 27 (Zoning), Part 11 (LI Limited Industrial District), Section 27-1102 (Use Regulations), Paragraph 1 (LI Limited

Industrial District Uses Permitted by Right), is hereby amended to add a new Subparagraph B, as follows: “B. Medical Marijuana Growing/Processing Facility.”

SECTION V. - Amendment to Code

The Code of Ordinances of East Coventry Township, Chapter 27 (Zoning), Part 11 (LI Limited Industrial District), Section 27-1105 (Other Requirements and Standards), is hereby amended to add a new Paragraph 2 entitled “Use Regulations for Medical Marijuana Growing/Processing Facilities”, as follows:

2. Use Regulations for Medical Marijuana Growing/Processing Facilities. The following requirements and standards shall apply to a Medical Marijuana Growing/Processing Facility located in the LI Limited Industrial District:

A. The Medical Marijuana Growing/Processing Facility shall comply with all applicable standards, rules, regulations and requirements of the Pennsylvania Department of Health and the Commonwealth of Pennsylvania, including, without limitation, Title 28, Part IX of the Pennsylvania Code.

B. The Medical Marijuana Growing/Processing Facility shall not be located in a trailer, cargo container, mobile unit, mobile home, recreational vehicle or other motor vehicle.

C. All signage shall comply with Part 13 of this Chapter.

D. Off-street parking shall be provided in accordance with Part 13 of this Chapter.

E. All landscaping screens and plantings shall comply with Part 13 of this Chapter.

F. A Medical Marijuana Growing/Processing Facility may not operate on the same site as a facility used for dispensing medical marijuana.

SECTION VI. - Severability

The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences,

clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION VII. – Failure to Enforce not a Waiver

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION VIII. – Effective Date

This Ordinance shall take effect and be in force from and after its approval as required by the Second Class Township Code.

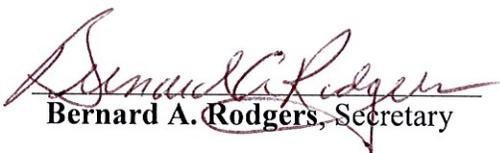
SECTION IX. – Repealer

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

ORDAINED AND ENACTED by the Board of Supervisors of East Coventry Township, Chester County, Pennsylvania, this 8th day of May, 2017.

EAST COVENTRY TOWNSHIP

Attest:


Bernard A. Rodgers, Secretary

By:


Ray A. Kolb, Chairman

NOTICE

NOTICE is hereby given that the Board of Supervisors of the Township of East Coventry, at its public meeting on May 8, 2017 in the Township Building, 855 Ellis Woods Road, Pottstown, Pennsylvania, will hold a public hearing on and could vote to adopt an Ordinance amending The Code Of Ordinances of the Township of East Coventry, Chester County, Pennsylvania, to amend Chapter 27 (Zoning), Part 2 (Definitions), Section 27-202 (Definitions), to add new definitions relating to medical marijuana regulation; to amend Chapter 27 (Zoning), Part 9 (NC Neighborhood Commercial District and C Commercial District), Section 27-902 (Use Regulations), Paragraph 4 (C Commercial District Uses Permitted by Right), to add new Subparagraph L to permit medical marijuana dispensaries and to amend Section 27-905 (Other Requirements and Standards), to add new Paragraph 6 entitled “Use Regulations for Medical Marijuana Dispensaries”; and to amend Chapter 27 (Zoning), Part 11 (LI Limited Industrial District), Section 27-1102 (Use Regulations), Paragraph 1 (LI Limited Industrial District Uses Permitted by Right), to add new Subparagraph B to permit medical marijuana growing/processing facilities and to amend Section 27-1105 (Other Requirements and Standards), to add new Paragraph 2 entitled “Use Regulations for Medical Marijuana Growing/Processing Facilities”.

Copies of the full text of the proposed ordinance are available for examination during normal business hours without charge at the offices of *The Pottstown Mercury*, 24 North Hanover Street, Pottstown, Pennsylvania 19464, the Chester County Law Library, 201 West Market Street, Suite 2400, West Chester, Pennsylvania 19380-0989 and the East Coventry Township Building, 855 Ellis Woods Road, Pottstown, Pennsylvania 19465, where a copy of the proposed ordinance may be obtained for a charge not greater than the cost thereof.

**MARK A. HOSTERMAN, ESQUIRE
WISLER PEARLSTINE, LLP**

Solicitor for the Township of East Coventry