

**TOWNSHIP OF RUSCOMBMANOR, BERKS
COUNTY, PENNSYLVANIA
ORDINANCE NO. 2017-01**

AN ORDINANCE OF THE TOWNSHIP OF RUSCOMBMANOR, BERKS COUNTY, PENNSYLVANIA, AMENDING THE RUSCOMBMANOR TOWNSHIP ZONING ORDINANCE OF 1973, AS AMENDED, TO INCLUDE NEW DEFINITIONS RELATING TO MEDICAL MARIJUANA DISPENSARIES AND MEDICAL MARIJUANA GROWERS/PROCESSORS, CONSISTENT WITH THE PENNSYLVANIA MEDICAL MARIJUANA ACT; ADDING §601.9d. TO ADD DISPENSARIES FOR MEDICAL MARIJUANA AS AN ADDITIONAL SPECIAL EXCEPTION USE WITHIN THE HIGHWAY COMMERCIAL DISTRICT; ADDING SECTION §802.19d. TO ADD GROWER/PROCESSOR OF MEDICAL MARIJUANA AS AN ADDITIONAL SPECIAL EXCEPTION USE WITHIN THE LI-1 LIMITED INDUSTRIAL DISTRICT; ADDING 902.10 TO ADD GROWER/PROCEEOR OF MEDICAL MARIJUANA AS AN ADDITIONAL SPECIAL EXCEPTION USE WITHIN THE LI-2 LIMITED INDUSTRIAL DISTRICT; AND ESTABLISHING REQUIREMENTS FOR MEDICAL MARIJUANA FACILITIES

WHEREAS, The Pennsylvania Legislature enacted the Pennsylvania Medical Marijuana Act, Pennsylvania Act 16, adopted April 17, 2016; and

WHEREAS, The Township of Ruscombmanor seeks to add certain provisions to the Ruscombmanor Township Zoning Ordinance of 1973, as amended, relating to zoning to address the provisions of the Pennsylvania Medical Marijuana Act as it relates to land use;

IT IS HEREBY ENACTED and ORDAINED, by the Board of Supervisors of the Township of Ruscombmanor, Berks County, Pennsylvania, that the Ruscombmanor Township Zoning Ordinance of 1973, as amended, shall be further amended as follows:

SECTION 1. §104 shall be amended by adding the following new definitions in alphabetical order:

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 under PA. Act 16, to dispense medical marijuana. The term does not include a health care medical marijuana organization under the Medical Marijuana Act, Pennsylvania Act 16, which has been separately approved by the Department to dispense or grow and process in accordance with a research study pursuant to Chapter 19 of the 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 under PA. Act 16, to grow and process medical marijuana. The term does not include a health care medical marijuana organization under the Medical Marijuana Act, Pennsylvania Act 16, which has been separately approved by the Department to dispense or grow and process in accordance with a research study pursuant to Chapter 19 of the Act.

ACT 16 -- The Medical Marijuana Act, Pennsylvania Act 16 as adopted April 17, 2016.

MEDICAL MARIJUANA -- Marijuana for certified medical use as set forth under the Medical Marijuana Act, Pennsylvania Act 16.

SECTION 2. The following subsections are hereby added:

601.9d. Dispensary, which in addition to meeting the procedures set forth in Section 1311 for a special exception, must meet the following specific requirements:

(1) The dispensing of Medical Marijuana can only be conducted by a Dispensary permitted under Act 16.

(2) A Dispensary may only dispense Medical Marijuana indoors in an enclosed and secure facility.

(3) Any application for a conditional use must be accompanied by a security plan addressing the safety and security of the physical facility, personnel, and the public.

(4) The lot or property line of a Dispensary may not be located within 1,000 feet of the property line of the lot or property line of a public, private or parochial school or a day-care center.

(5) A Dispensary may sell medical devices and instruments which are needed to administer Medical Marijuana.

(6) A Dispensary shall meet the same municipal zoning and land use requirements as other commercial facilities that are located in the same zoning district, as well as any additional special standards applicable to this use as may be required under Act 16.

802.19d. Grower/Processor, which in addition to meeting the procedures set forth in Section 1311 for a special exception, must meet the following specific requirements:

(1) A Permit from the Pennsylvania Department of Health for the conduct of a Grower/Processor operation under Act 16 would be required as a condition of any zoning approval from the Township.

(2) The growing of Medical Marijuana can only be conducted by a Grower/Processor permitted under Act 16 and cannot be conducted separate from the processing activity.

(3) A 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, as well as any additional special standards applicable to this use as may be required under Act 16.

(4) A Grower/Processor use is not considered as an agricultural use, but rather as a manufacturing use.

(5) A Grower/Processor may only grow, store, harvest or process marijuana indoors in an enclosed and secure facility.

(6) Any application for a conditional use must be accompanied by a security plan addressing the safety and security of the physical facility, personnel, and the public.

902.10 Grower/Processor, when authorized by the Zoning Hearing Board as a Special Exception and when the following requirements are satisfied:

(1) A Permit from the Pennsylvania Department of Health for the conduct of a Grower/Processor operation under Act 16 would be required as a condition of any zoning approval from the Township.

(2) The growing of Medical Marijuana can only be conducted by a Grower/Processor permitted under Act 16 and cannot be conducted separate from the processing activity.

(3) A 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, as well as any additional special standards applicable to this use as may be required under Act 16.

(4) A Grower/Processor use is not considered as an agricultural use, but rather as a manufacturing use.

(5) A Grower/Processor use may only be conducted indoors in an enclosed and secure facility.

(6) Any application for a conditional use must be accompanied by a security plan addressing the safety and security of the physical facility, personnel, and the public.

SECTION 3. Repeal of Ordinances.

Any ordinance or part of ordinances conflicting with the provisions of this Ordinance is hereby repealed insofar as they are inconsistent with this Ordinance's provisions.

SECTION 4. Severability.

If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance, is, for any reason declared to be illegal, unconstitutional

or invalid, by any Court of competent jurisdiction, this decision shall not affect or impair the validity of the Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of the within Ordinance. The Board of Supervisors of Ruscombmanor Township, Pennsylvania, hereby declares that it would have adopted the within Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the limitations, restrictions, sentences, clauses, phrases, or word that may be declared illegal, unconstitutional or invalid.

SECTION 5. Effective Date.

The effective date of the within amendments shall be immediately upon its enactment.

DULY ORDAINED and ENACTED as an Ordinance, by the Board of Supervisors of the Township of Ruscombmanor at a meeting held on the 2nd day of March 2017.

ATTEST:

BOARD OF SUPERVISORS
RUSCOMBMANOR TOWNSHIP

Grose Ellen Mull
Secretary

By: Jonah M... ..
Chairman

Brian Hart

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