

ORDINANCE NO. 2017-167

**AN ORDINANCE OF THE TOWNSHIP OF MILFORD,  
BUCKS COUNTY, PENNSYLVANIA,  
AMENDING THE MILFORD TOWNSHIP PORTION OF THE QUAKERTOWN  
AREA ZONING ORDINANCE**

WHEREAS, Milford Township, Bucks County, Pennsylvania, by Ordinance Number 99, as amended, duly established zoning rules and regulations within Milford Township; and

WHEREAS, in April 2016, the Pennsylvania General Assembly enacted the Medical Marijuana Act, Act No. 16 of 2016, which provides for access to medical marijuana for patients suffering from certain medical conditions;

WHEREAS, the Board of Supervisors of Milford Township ("Board") believes it to be in the best interest of the Township and its residents to regulate the location and nature of licensed organizations growing, acquiring, possessing, manufacturing, selling, delivering, transporting, and/or distributing/dispensing medical marijuana within the Township;

WHEREAS, the Medical Marijuana Act provides for two distinct land uses: a Medical Marijuana Grower/Processor and a Medical Marijuana Dispensary;

WHEREAS, the Medical Marijuana Act requires that a Medical Marijuana 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;"

WHEREAS, the Medical Marijuana Act requires that a Medical Marijuana Dispensary "shall meet the same municipal zoning and land use requirements as other commercial facilities that are located in the same zoning district";

WHEREAS, adoption of this amendment will promote the following community development objectives:

(a) Assure that land uses provided for under the Medical Marijuana Act are permitted in the Township with other similar uses in appropriate areas within the Township.

(b) Assure that any Medical Marijuana Dispensaries and/or Medical Marijuana Grower/Processors located within the Township obtain the required permits and adhere to the requirements of the Department of Health.

NOW, THEREFORE, it is hereby ENACTED and ORDAINED by the Board of Supervisors of Milford Township, Bucks County, Pennsylvania that Ordinance No. 99, as amended is further amended to provide as follows:

**Section 1.** Zoning Ordinance No. 99, as amended, shall be amended by creating a new Section 294 as follows:

294 Medical Marijuana Definitions

(a) Department of Health – The Department of Health of the Commonwealth of Pennsylvania.

(b) Medical Marijuana Act -- Act 16 of 2016, 35 P.S. § 1023.101 et seq.

(c) Medical Marijuana Dispensary – A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a Medical Marijuana Permit issued by the Department of Health under the Medical Marijuana Act to dispense medical marijuana. The term does not include a Health Care Medical Marijuana Organization under Chapter 19 of the Medical Marijuana Act.

(d) Medical Marijuana Grower/Processor – A person, including a natural person, corporation, partnership, association, trust, or other entity, or any combination thereof, which holds a Medical Marijuana Permit from the Department of Health under the Medical Marijuana Act 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.

(e) Medical Marijuana Permit – An authorization issued by the Department of Health to a Medical Marijuana Grower/Processor to conduct activities under the Medical Marijuana Act.

**Section 2.** Zoning Ordinance No. 99, as amended, shall be amended by inserting a new Section G18 in Section 403 as follows:

G18 Medical Marijuana Grower/Processor which shall be permitted by Special Exception in the Planned Industrial District.

**Section 3.** Zoning Ordinance No. 99, as amended, shall be amended by inserting a new Section E31 in Section 404 as follows:

E31 Medical Marijuana Dispensary

(a) A Medical Marijuana Dispensary shall provide a copy of the Medical Marijuana Permit issued by the Department of Health or proof that a Medical Marijuana Permit has been sought and is pending approval, and shall at all times maintain a valid, accurate, and up to date Medical Marijuana Permit with the Department of Health. Should a Medical Marijuana Permit be denied, not renewed, or revoked at any time, any special exception shall immediately become void.

(b) A Medical Marijuana Dispensary shall at all times operate in compliance with all Department of Health regulations pertaining to such facilities.

(c) A Medical Marijuana Dispensary shall not be operated or maintained on a parcel within 1,000 feet, measured by a straight line in all directions, without regard to intervening structures or objects, from the nearest point on the property line of a parcel containing a public, private or parochial school or a day-care center. Nor shall a Medical Marijuana Dispensary be located closer than 2,500 feet from another Medical Marijuana Dispensary or from a Medical Marijuana Grower/Processor.

(d) A Medical Marijuana Dispensary must operate entirely within an indoor, enclosed, and secured facility. No exterior sales, and no sidewalk displays, shall be permitted. No drive-through, drop-off, or pick-up services shall be permitted.

(e) A Medical Marijuana Dispensary may not operate on the same site as a Medical Marijuana Grower/Processor.

(f) A Medical Marijuana Dispensary shall submit a disposal plan to, and obtain approval from the Township Zoning Officer. Medical marijuana remnants and bi-products shall be disposed of according to an approved plan, and shall not be placed within an exterior refuse container.

(g) There shall be no emission of dust, fumes, vapors or odors which can be seen, smelled, or otherwise perceived from beyond the lot line for the property where the Medical Marijuana Dispensary is operating.

(h) No one under the age of eighteen (18) shall be permitted in a Medical Marijuana Dispensary, unless accompanied by a caregiver as required under Section 506 of the Medical Marijuana Act.

(i) No use of medical marijuana shall be permitted on the premises of a Medical Marijuana Dispensary.

(j) The minimum size of a Medical Marijuana Dispensary facility shall be two thousand (2,000) square feet in total floor area.

(k) A Medical Marijuana Dispensary shall submit a security plan to, and obtain approval from, the Board of Supervisors. The Medical Marijuana Dispensary shall demonstrate how it will maintain effective security and control. The security plan shall specify the type and manner of 24-hour security, tracking, recordkeeping, record retention, and surveillance system to be utilized in the facility as required by Section 1102 of the Medical Marijuana Act and as supplemented by regulations promulgated by the Department of Health pursuant to the Medical Marijuana Act.

(l) A Medical Marijuana Dispensary shall provide proof of a contract with a private security company, and shall be staffed with/monitored by security personnel twenty-four (24) hours a day and seven (7) days a week.

(m) A Medical Marijuana Dispensary shall submit a site plan for approval by the Township Engineer and a Floor Plan for approval by the Township Code Enforcement Officer.

The floor plan shall identify internal security measures. All medical marijuana product, by-product, and waste shall be stored in an interior secure vault or receptacle in such a manner as to protect against dissemination.

**Section 4.** Zoning Ordinance No. 99, as amended, shall be amended by inserting a new Section 404 G18 as follows:

404 G18 Medical Marijuana Grower/Processor

(a) A Medical Marijuana Grower/Processor shall provide a copy of the Medical Marijuana Permit issued by the Department of Health or proof that a Medical Marijuana Permit has been sought and is pending approval, and shall at all times maintain a valid, accurate, and up to date Medical Marijuana Permit issued by the Department of Health. Should a Medical Marijuana Permit be denied, not renewed or revoked at any time, any special exception use shall immediately become void.

(b) A Medical Marijuana Grower/Processor shall at all times operate in compliance with all Department of Health regulations pertaining to such facilities.

(c) A Medical Marijuana Grower/Processor must be located on a lot containing not less than one (1) acre.

(d) A Medical Marijuana Grower/Processor shall not be operated or maintained on a parcel within 1,000 feet, measured by a straight line in all directions, without regard to intervening structures or objects, from the nearest point on the property line of a parcel containing a public, private or parochial school or a day-care center. Nor shall a Medical Marijuana Grower/Processor be located closer than 2,500 feet from another Medical Marijuana Grower/Processor or Medical Marijuana Dispensary.

(e) A Medical Marijuana Grower/Processor must operate entirely within an indoor, enclosed, and secure facility.

(f) A Medical Marijuana Grower/Processor may not operate on the same site as a Medical Marijuana Dispensary.

(g) A Medical Marijuana Grower/Processor shall submit a disposal plan to, and obtain approval from the Township Zoning Officer. Medical marijuana remnants and bi-products shall be disposed of according to an approved plan, and shall not be placed within an exterior refuse container.

(h) There shall be no emission of dust, fumes, vapors or odors which can be seen, smelled, or otherwise perceived from beyond the lot line for the property where the Medical Marijuana Grower/Processor is operating.

(i) No one under the age of twenty-one (21) shall be permitted in a Medical Marijuana Grower/Processor.

(j) No retail sales of medical marijuana shall be permitted on the premises of a Medical Marijuana Grower/Processor.

(k) No use of medical marijuana shall be permitted on the premises of a Medical Marijuana Grower/Processor.

(l) A Medical Marijuana Grower/Processor shall submit a security plan to, and obtain approval from the Board of Supervisors. The Medical Marijuana Grower/Processor shall demonstrate how it will maintain effective security and control. The security plan shall specify the type and manner of 24-hour security, tracking, recordkeeping, record retention, and surveillance system to be utilized in the facility as required by Section 1102 of the Medical Marijuana Act and as supplemented by regulations promulgated by the Department of Health pursuant to the Medical Marijuana Act.

(m) A Medical Marijuana Grower/Processor shall contract with a private security company, and the Medical Marijuana Grower/Processor shall be staffed with/monitored by security personnel twenty-four (24) hours a day and seven (7) days a week.

(n) A Medical Marijuana Grower/Processor shall submit a site plan for approval by the Township Engineer and a Floor Plan for approval by the Township Code Enforcement Officer. The floor plan shall identify internal security measures. All medical marijuana product, by-product, and waste shall be stored in an interior secure vault or receptacle in such a manner as to protect against improper dissemination.

**Section 5.** Zoning Ordinance No. 99, as amended, shall be amended by amending Section 663.C.2 to include the following use:

E31. Medical Marijuana Dispensary

**Section 6. Repealer.** This Ordinance hereby repeals any provision inconsistent with the Milford Township Portion of the Quakertown Area Municipal Zoning Ordinance now in effect or of other Ordinances, to the extent of such inconsistency. All other provisions of the Milford Township Portion of the Quakertown Area Municipal Zoning Ordinance, not inconsistent herewith, shall remain in full force and effect.

**Section 7. Severability.** The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is determined by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance

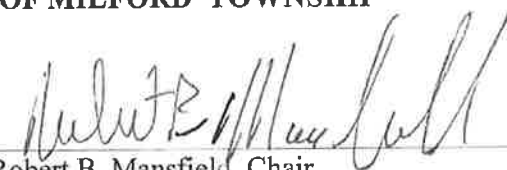
**Section 8. Effective Date.** This Ordinance shall become effective five (5) days after its adoption.


ENACTED AND ORDAINED on this 6<sup>th</sup> day of June, 2017.

**BOARD OF SUPERVISORS OF MILFORD TOWNSHIP**

ATTEST:

  
\_\_\_\_\_  
Jeffrey Vey  
Township Manager

  
\_\_\_\_\_  
Robert B. Mansfield, Chair

  
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Charles Strunk, Vice Chair

  
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Thomas Courduff, Member