

**BOROUGH OF BANGOR
COUNTY OF NORTHAMPTON
COMMONWEALTH OF PENNSYLVANIA**

ORDINANCE NO. 971

**AN ORDINANCE OF THE BOROUGH OF BANGOR, NORTHAMPTON COUNTY,
PENNSYLVANIA; PROVIDING FOR THE AMENDMENT OF THE ZONING
ORDINANCE OF THE BOROUGH; ESTABLISHING CERTAIN GENERAL AND
SPECIFIC STANDARDS RELATING TO REGULATIONS, DEFINITIONS, AND
REQUIREMENTS FOR THE ESTABLISHMENT, CONSTRUCTION AND OPERATION
OF MEDICAL MARIJUANA FACILITIES; PROVIDING FOR ENFORCEMENT OF SAID
REGULATIONS; AND PROVIDING AN EFFECTIVE DATE**

NOW, THEREFORE, it is hereby **ORDAINED** and **ENACTED** by the Borough Council of the Borough of Bangor, County of Northampton and Commonwealth of Pennsylvania, as follows:

Section 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), and/or subsequent laws related to medical marijuana or legalization of marijuana, as amended, to allow for the integration of an allowed industry while providing for the protection of the public's health, safety, morals, and general welfare.

Section 2. DISTRICT REGULATIONS.

- A. Academic Clinical Research Centers are permitted in the Light Industrial, Commercial (IL), and Extractive Industry, Manufacturing (IE) Districts with consideration for the applicable performance standards found in §4A of this ordinance.
- B. Medical Marijuana Grower/Processors are permitted in the Light Industrial, Commercial (IL), and Extractive Industry, Manufacturing (IE) Districts with consideration for the applicable performance standards found in §4B of this ordinance.
- C. Medical Marijuana Transport Vehicle Offices are permitted in either a Light Industrial, Commercial (IL), or Extractive Industry, Manufacturing (IE) District, with consideration for the applicable performance standards found in §4C of this ordinance.
- D. Medical Marijuana Dispensaries are permitted in the Light Industrial, Commercial (IL), and General Business (GB) Districts, with consideration for the applicable performance standards found in §4D of this ordinance.

Section 3. DEFINITIONS.

The following definitions will be incorporated into Section 300 (Definitions), of the Bangor Borough Zoning Ordinance:

- 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.

Section 4. USE REGULATIONS.

The following performance standards will be incorporated into the Bangor Borough Zoning Ordinance as Section 690 and shall be known as, Medical Marijuana Performance Standards and Use Regulations.

A. ACADEMIC CLINICAL RESEARCH CENTERS.

1. Parking requirements will follow the parking schedule found in Section 730 of the Bangor Borough Zoning Ordinance, Parking and Truck Loading Space Requirements.
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.
5. Must comply with all other provisions of the applicable Zoning District and General Regulations applying to all Zoning Districts.

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; subject to building size, lot area, impervious coverage, setbacks and other requirements as set forth the Bangor Borough Zoning Ordinance.
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 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.
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 Section 730 of the Bangor Borough Zoning Ordinance, Parking and Truck Loading Space Requirements.
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.
 - A. All accesses must secure the appropriate highway occupancy permit
 - B. The clear sight triangle must be maintained and the driveway must be designed and improved to the standards expressly described in the Bangor Borough 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.
12. Must comply with all other provisions of the applicable Zoning District and General Regulations applying to all Zoning Districts.

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 Section 730 of the Bangor Borough Zoning Ordinance, Parking and Truck Loading Space Requirements.
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.
 - A. All accesses must secure the appropriate highway occupancy permit
 - B. The clear sight triangle must be maintained and the driveway must be designed and improved to the standards expressly described in the Bangor Borough Subdivision and Land Development Ordinance.
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/processor 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.
8. Must comply with all other provisions of the applicable Zoning District and General Regulations applying to all Zoning Districts.

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 9 am to 9 pm (of the same calendar day).
6. A medical marijuana dispensary shall be a maximum of 1,500 gross square feet, of which no more than 150 square feet shall be used for secure storage of product, and shall have an interior customer waiting area equal to a minimum of twenty-five (25) percent of the gross floor area; subject to building size, lot area, impervious coverage, setbacks and other requirements as set forth the Bangor Borough Zoning Ordinance.
7. 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.
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 Parking requirements will follow the parking schedule found in Section 730 of the Bangor Borough Zoning Ordinance, Parking and Truck Loading Space Requirements.
 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, township or borough).

The clear sight triangle must be maintained and the driveway must be designed and improved to the standards expressly described in the Bangor Borough 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.

17. Must comply with all other provisions of the applicable Zoning District and General Regulations applying to all Zoning Districts.

Section 5. ADMINISTRATION AND ENFORCEMENT.

The following standards will be incorporated into the Bangor Borough Zoning Ordinance as Section 690.1:

A. Building and Zoning Permits/Approvals.

1. A zoning permit shall be required prior to obtaining a building permit. For the construction or erection of a building; the alteration of a building or portion thereof; the use or change in use of a building or land; or any adjustments to a nonconforming use.
2. Permit fees shall be as stipulated in the fee schedule adopted by resolution of the Municipal Governing Body in effect at the time of application.
3. Permits may be denied if the applicant, in the reasonable opinion of the Zoning Officer or Borough Council is failing to comply with any state or local law or regulation.
4. In the case of new construction, or any construction that meets the definition of land development in the Bangor Borough Subdivision and Land Development Ordinance, application is required to be submitted and an approval secured, prior to establishment of the use.
5. 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.
6. A medical marijuana grower/processor must be legally registered in the Commonwealth and possess a current valid Medical Marijuana Permit from the DOH.

Section 6. PENALTIES.

The following standards will be incorporated into the Bangor Borough Zoning Ordinance as Section 690.2:

Violations and Penalties shall be enforced pursuant to Section 960 of the Bangor Borough Zoning Ordinance.

Section 7. 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.

Section 8. REPEALER.

All Ordinances and parts of Ordinances inconsistent herewith are repealed upon the legally effective date of this Ordinance.

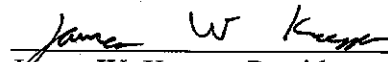
Section 9. EFFECTIVE DATE.

This Ordinance shall become effective immediately after enactment as provided by law.

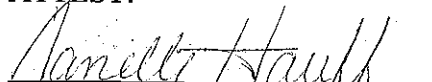
ORDAINED AND ENACTED this 27th day of March, 2017.

BOROUGH COUNCIL OF THE
BOROUGH OF BANGOR

BY:

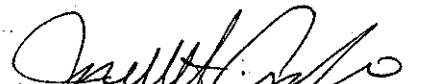

James W. Kresge, President

ATTEST:


Janelle Hauff, Secretary

APPROVED by the MAYOR this day of March, 2017.

BY:


Joseph Capozzolo, Mayor