

**AN ORDINANCE OF THE TOWNSHIP COMMISSIONERS OF THE
TOWNSHIP OF ASTON, PENNSYLVANIA, AMENDING SECTION 1276.04 and
1292.28 OF THE ASTON ZONING CODE RELATING TO MEDICAL
MARIJUANA DISPENSING**

WHEREAS, on April 17, 2016, the Medical Marijuana Act ("MMA"), went into effect, which establishes a comprehensive State licensing and regulatory framework for the growing, processing, testing, distribution, transportation, and dispensing of medical marijuana, and which recognizes the authority of local jurisdictions to prohibit or impose additional restrictions on any such medical marijuana activity.

WHEREAS, the Township of Aston ("Township") wishes to comply with Pennsylvania Law and allow for the growing and processing of medical marijuana in accordance with applicable State laws.

WHEREAS, the Aston Township Board of Commissioners previously enacted legislation addressing the growing and processing of medical marijuana within its jurisdiction; and

WHEREAS the Aston Township Board of Commissioners now seeks to address regulations associated with the dispensing of medical marijuana as regulated by the MMA; and

WHEREAS, nothing in this Ordinance shall be construed to allow persons to engage in conduct that violates the law, endangers others, causes a public nuisance, allows the use or diversion of marijuana for nonmedical purposes, or allows any activity relating to marijuana that is otherwise illegal under Pennsylvania law.

NOW, THEREFORE, THIS 20th DAY OF SEPTEMBER THE ASTON TOWNSHIP BOARD OF COMMISSIONERS HEREBY ENACT AND ORDAIN AS FOLLOWS:

1276.04(c) Medical Marijuana Dispensary as defined and authorized by the Act of April 17, 2016 (P.L. 84, No. 16) (35 P.S. §§ 1023.101-1023.2110), known as the Medical marijuana Act and subject to the Regulations, Standards and Criteria set forth in Section 1292.28 of the Aston Township Zoning Code.

1292.28 Medical Marijuana

(a) **Purpose.** The purpose and intent of this Section is to regulate the growing and dispensing of medical marijuana that is grown in accordance with State law in order to promote the health, safety, morals, and general welfare of the residents and businesses within the Township. The Township is authorized to regulate this activity pursuant to the MMA.

(b) **Definitions.** For purposes of this Section, the following definitions shall apply, unless the context clearly indicates otherwise:

- (10) **Medical Marijuana Dispensary** – A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which is registered by the Department of Health of the Commonwealth of Pennsylvania 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.

(g) Medical Marijuana Sales/ Dispensary Conditionally Permitted. A Medical Marijuana Dispensary Facility is conditionally permitted in the Township in the Commercial district, only.

A. A medical marijuana Dispensary Facility shall have a single secure public entrance an shall implement appropriate security measures in accordance with policies of the Department of Health of the Commonwealth of Pennsylvania to deter and prevent unauthorized entrance to areas containing medical marijuana.

B. A Dispensary Facility shall not be located within 1,000 feet of the boundary of any public, private and parochial school and 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 dispensary is located, to the closest property line of the protected use.

C. A Dispensary Facility shall be a minimum distance of 1,000 feet from the next nearest Medical Marijuana Dispensary Facility, measured along a straight line between the closest walls of each of the two facilities.

Effective date - this Ordinance shall be effective immediately.

Repealer - any prior ordinance or parts thereof inconsistent with this ordinance are hereby repealed.

Severability - the provisions of this ordinance and code sections adopted hereby are severable, and if any clause, sentence or section thereof shall be adjudged invalid or unconstitutional, such decision or judgment shall not affect the validity of the remaining provisions.

By: _____
James M. Stigale, President
Board of Commissioners

Attest:

Richard D. Lehr
Township Secretary