

**CUMMINGS TOWNSHIP  
ORDINANCE NO. 05-11-2021**

AN ORDINANCE OF CUMMINGS TOWNSHIP, LYCOMING COUNTY,  
PENNSYLVANIA, AMENDING ORDINANCE 11.10.2020, SECTIONS 2.2 AND 4.5  
AND ADDING SECTION 5.31 TO THE CODE OF ORDINANCES OF CUMMINGS  
TOWNSHIP.

BE IT ENACTED AND ORDAINED BY THE BOARD OF SUPERVISORS OF  
CUMMINGS TOWNSHIP, LYCOMING COUNTY, PENNSYLVANIA AND IT IS  
HEREBY ENACTED AND ORDAINED BY AUTHORITY OF THE SAME AS  
FOLLOWS:

**SECTION 1:** Ordinance No. 11.10.2020, Section 2.2 is amended by adding the following definitions:

**Medical Marijuana:** Marijuana for certified medical use as legally permitted by the Commonwealth of Pennsylvania with Act 16.

**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.

**Medical Marijuana Dispensary:** A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the Department of Health (DOH) of the Commonwealth to dispense medical marijuana.

**Medical Marijuana 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.

**Medical Marijuana Organization or Facility:** A delivery vehicle office, dispensary, grower/processor or a transport vehicle service of marijuana for medical purposes.

**Medical Marijuana Transport Vehicle Service:** Any facility used to house delivery vehicles for supplying plants or seeds to one or more marijuana grower/processors and/or dispensaries.

**SECTION 2:** Ordinance No. 11.10.2020, Section 4.5 is amended by adding the following to the Cummings Township Schedule of Uses:

| Zoning District<br>Uses                    | OSC | R | V |
|--|-----|---|---|
| Medical Marijuana Organization or Facility | C   | x | x |

**SECTION 3:** Ordinance No. 11.10.2020, is amended by adding a new section **5.30 Medical Marijuana Organization or Facility** and including the following subsections:

**5.30.1 Medical Marijuana Dispensary**

- 5.30.1.1.** A medical marijuana dispensary must be legally registered in the Commonwealth and possess a current valid medical marijuana permit from DOH.
- 5.30.1.2.** Revocation of any required federal, state, municipal, or other required approvals shall constitute an automatic revocation of the Zoning Permit issued by Cummings Township.
- 5.30.1.3.** Medical Marijuana Dispensaries shall comply with the Section 4.6 Table of Lot Standards.
- 5.30.1.4.** 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.
- 5.30.1.5.** A medical marijuana dispensary may not operate on the same site as a facility used for growing and processing medical marijuana.
- 5.30.1.6.** 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.
- 5.30.1.7.** Permitted hours of operation of a dispensary shall be within the limits of 8 am to 8 pm.
- 5.30.1.8.** A medical marijuana dispensary shall:
  - (1) Not have a drive-through service;

- (2) Not have outdoor seating areas;
- (3) Not have outdoor vending machines;
- (4) Prohibit the administering of, or the consumption of medical marijuana on the premises; and
- (5) Not offer direct or home delivery service.

**5.30.1.9.** A medical marijuana dispensary may dispense only medical marijuana to certified patients and caregivers and shall comply with all lawful, applicable health regulations.

**5.30.1.10.** A medical marijuana dispensary may not be located within 1,000 ft. of the property line of a public, private or parochial school or a day-care center.

**5.30.1.11.** A medical marijuana dispensary shall be a minimum distance of 1,000 feet from the next nearest medical marijuana facility.

**5.30.1.12.** 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.

**5.30.1.13.** Loading and off-loading areas with the structure are preferred. If any external loading dock arrangement is designed, it should be from within a secure environment.

## **5.30.2. Medical Marijuana Grower/Processor**

**5.30.2.1.** 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.

**5.30.2.2.** 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.

**5.30.2.3.** There shall be no emissions of dust, fumes, vapors, odors, or waste into

the environment from any facility where medical marijuana growing, processing or testing occurs.

- 5.30.2.4. 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.
- 5.30.2.5. 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.
- 5.30.2.6. Grower/processors may not locate within 1,000 feet of the property line of a public, private, or parochial school or day-care center.
- 5.30.2.7. 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.

**5.30.3. Medical Marijuana Delivery Vehicle Office or Transport Vehicle Service**

- 5.30.3.1. A traffic impact study is required where the office is operated.
- 5.30.3.2. Parking requirements will follow the parking schedule found in Section 6.10 Off-Street Parking and Loading Regulations.
- 5.30.3.3. 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.
- 5.30.3.4. 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/producer and dispensary.
- 5.30.3.5. 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.

**SECTION 4:** All ordinances, to the extent that the same are inconsistent with the terms of this Ordinance, are repealed.

**SECTION 5:** If any sentence, clause, section or part of this Ordinance is, for any reason, found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or

invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections of parts of this Ordinance. It is hereby declared as the intent of the Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**SECTION 6:** This Ordinance shall become effective five (5) days after adoption.

**ENACTED THIS 11<sup>th</sup> DAY OF May, 2021** by the Board of Supervisors of Cummings Township, Lycoming County, Pennsylvania.


**CUMMINGS TOWNSHIP  
BOARD OF SUPERVISORS:**


ATTEST:

  
\_\_\_\_\_  
Darlene S. Macklem, Secretary

(SEAL)

  
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Michael C. Yohe, Chairman

  
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Walter J. Braddock, Supervisor

  
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Richard G. Bierly, Supervisor