

**BOROUGH OF WHITE OAK  
ALLEGHENY COUNTY, PENNSYLVANIA  
ORDINANCE NO. 2018-17**

**AN ORDINANCE OF THE BOROUGH OF WHITE OAK, ALLEGHENY  
COUNTY, PENNSYLVANIA, CREATING PART THIRTEEN, TITLE  
NINE OF THE BOROUGH OF WHITE OAK'S ORDINANCES  
GOVERNING MEDICAL MARIJUANA OPERATIONS WITHIN THE  
MUNICIPAL LIMITS OF THE BOROUGH OF WHITE OAK.**

WHEREAS, Council for the Borough of White Oak is authorized by the Municipalities Planning Code to regulate land use within the Borough;

WHEREAS, Council for the Borough of White Oak as authorized by the Municipalities Planning Code may from time to time amend or revise its Ordinances;

WHEREAS, it is in the best interest of the Borough to address various zoning issues to include where activities will and will not be permitted and to have information available concerning the unique circumstances involving Medical Marijuana Operations taking place within in the Borough;

WHEREAS, Council for the Borough of White Oak has properly advertised and held a public hearing on April 16, 2018, for the proposed Ordinance;

NOW, THEREFORE, be it ordained and enacted by the Council for the Borough of White Oak and it is hereby ordained and enacted as follows:

**PART THIRTEEN – TITLE NINE**

**Section 1                      Purpose.**

The purpose of this Article is to establish a process and standards for the establishment, construction, and operation of medical marijuana facilities, pursuant to the Pennsylvania "Medical Marijuana Act" (PA Act 16, 2016) 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                      Definitions.**

Act – The Medical Marijuana Act.

Borough – The Borough of White Oak, Allegheny County, Pennsylvania and its representatives and agents.

Caregiver – The individual designated by a patient to deliver Medical Marijuana.

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 pursuant to the Medical Marijuana Act.

Clinical Registrant – An entity that holds a permit both as a Grower/Processor and a Dispensary pursuant to the Act.

Commonwealth – The Commonwealth of Pennsylvania.

Dispensary – a person, including a natural person, corporation, partnership, association, trust, or other entity, or any combination thereof, which holds a current and valid permit issued by the Department of Health (“DOH”) of the Commonwealth to dispense Medical Marijuana pursuant to the provisions 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 current and valid permit issued by the DOH to grow or process Medical Marijuana pursuant to the provisions of the Act.

Growing/Processing Facility – Any building or structure used to grow and/or process Medical Marijuana by a licensed Grower/Processor that has a current and valid license from the DOH pursuant to the Act.

Identification Card – A document issued by the DOH that permits Patient or Caregiver access to Medical Marijuana.

Medical Marijuana – Marijuana certified for medical use as legally permitted by the Medical Marijuana Act.

Medical Marijuana Organization – A dispensary or grower/processors.

Patient – An individual legally allowed under the Act to possess and/or consume Medical Marijuana.

Registry – The registry established by the DOH for all Medical Marijuana organizations and practitioners.

### **Section 3                      Medical Marijuana Dispensary.**

1. Zoning. A Medical Marijuana Dispensary may be permitted as a Special Exception in the following zoning districts:
  - a. C-1 Commercial District (added as §1331.02(b)(1)(E) of the Borough Ordinances);
  - b. C-2 Commercial District (added as §1333.02(b)(1)(M) of the Borough Ordinances);

- c. I-1 Light Industrial District (added as §1335.02(b)(2) of the Borough Ordinances); and
  - d. I-2 Industrial District (added as §1337.02(b)(1)(D) of the Borough Ordinances).
2. Special Exception Applications. Owners of a Dispensary must adhere to the Borough's application process for a Special Exception. The procedure for a Special Exception can be found in Part 1309.07 of the Borough's ordinances.

#### **Section 4 Medical Marijuana Growing/Processing Facility.**

1. Zoning. A Medical Marijuana Growing and/or Processing Facility may be permitted as a Special Exception in the following Zoning Districts:
- a. I-1 Light Industrial District (added as §1335.02(b)(1);
  - b. I-2 Industrial District (added as §1337.02(b)(2).
2. Special Exceptions Applications. Owners of a Growing and/or Processing Facility must adhere to the Borough's application process for a Special Exception. The procedure for a Special Exception can be found in Part 1309.07 of the Borough's ordinances.

#### **Section 5 Adoption of Medical Marijuana Act.**

The Borough hereby adopts all provisions of the Medical Marijuana Act, 35 PS § 10231, et al. and anyone seeking to operate a Medical Marijuana Organization shall comply with all provisions of the Act and any violation thereof shall also be a violation of this Ordinance.

#### **Section 6 Penalties.**

Any owner of a Medical Marijuana Organization, or other person who violates or permits a violation of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding before a Magisterial District Judge, pay the Borough of White Oak a fine not more than Five Hundred Dollars (\$500.00), plus all court costs, including but not limited to reasonable attorney's fees incurred by the Borough on account of such violation. No penalty or cost shall be imposed until the date the determination of the violation by the Magisterial District Judge becomes final. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce said judgment as provided by law. Each day a violation exists after a final judgment shall constitute a separate offense. The amount of the fine shall be multiplied by the number of such days and may be charged and collected by the Borough without any further judicial proceedings. Further, appropriate officers or agents of the Borough are hereby authorized, to issue a cease and desist notice and/or to seek equitable relief, including injunction, to enforce compliance herewith. No Bond will be required if injunctive relief is sought by the Borough. A person who violates this Ordinance shall also be responsible for the Borough's attorney's fees, engineering fees, expert fees, and court cost reasonably incurred by the Borough on account of such violation.

#### **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.**

Any ordinance or portion thereof that are in conflict with the provisions of this Ordinance are hereby repealed.

**Section 9                      Effective Date.**

This Ordinance shall be effective five (5) days after the date of passage.


ORDAINED AND ENACTED by the Council for the Borough of White Oak, Allegheny County, Pennsylvania this 16<sup>th</sup> day of April, 2018.

ATTEST

  
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John Palyo  
Borough Manager

BOROUGH OF WHITE OAK

  
\_\_\_\_\_  
Dave Pasternak  
President of Council

  
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Ina Jean Marton  
Borough Mayor