

**TOWNSHIP OF NETHER PROVIDENCE
DELAWARE COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____ OF 2021

AN ORDINANCE OF THE TOWNSHIP OF NETHER PROVIDENCE, COUNTY OF DELAWARE, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE ZONING ORDINANCE BY ESTABLISHING CERTAIN DEFINITIONS AND FURTHER REGULATING THE LOCATION OF MEDICAL MARIJUANA DISPENSARIES, MEDICAL MARIJUANA GROWERS/PROCESSORS, SIGNIFICANT TOBACCO RETAILERS AND VAPE SHOPS AS PERMITTED USES IN THE I INDUSTRIAL DISTRICT

BE IT ORDAINED AND ENACTED, by the Township Board of Commissioners of the Township of Nether Providence as follows:

Section 1. Amendments to Zoning Ordinance.

A. Section 300-1 of the Code of the Township of Nether Providence, entitled "Definitions and word usage," is hereby amended by adding the following definitions in alphabetical order:

ELECTRONIC CIGARETTE -

A. An electronic oral device, such as one composed of a heating element and battery or electronic circuit, or both, which provides a vapor of nicotine or any other substance and the use or inhalation of which simulates smoking.

B. The term includes a device as described in Subsection A, notwithstanding whether the device is manufactured, distributed, marketed or sold as an e-cigarette, e-cigar and e-pipe or under any other product, name or description.

ELECTRONIC NICOTINE DELIVERY SYSTEMS (ENDS) - Any device designed or used to transform an e-liquid (that may contain nicotine) into an aerosol that the user inhales. ENDS can also be referred to as vapes, vaporizers, vape pens, hookah pens, electronic cigarettes, e-cigarettes, e-cigs, and e-pipes.

E-LIQUID - Any liquid that contains vegetable glycerin, propylene glycol, nicotine, water, and possibly flavoring that can be used in ENDS devices. E -liquids can also be referred to as "vape" or "vape juice."

MEDICAL MARIJUANA ACT - Act 16 of 2016, 35 P.S. §10231.101, *et. seq.*

MEDICAL MARIJUANA DISPENSARY - A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof,

which is registered with and permitted 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.

MEDICAL MARIJUANA GROWER/PROCESSOR - A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which is registered with and permitted by the Department of Health of the Commonwealth of Pennsylvania 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.

SIGNIFICANT TOBACCO RETAILERS - Any tobacco retailer that either devotes twenty (20) percent or more of floor area or display area to, or derives **seventy-five (75) percent** or more of gross sales receipts from, the sale or exchange of tobacco products and/or tobacco paraphernalia at the subject location, including, without limitation, smoke shops and hookah lounges.

VAPE SHOP - Any establishment whose principal product line for retail sale is ENDS devices, parts, components, or e-liquids. "Principal" means that the ENDS-related products constitute at least 25% of the establishment's aggregate retail sales.

B. Section 300-102 of the Code of the Township of Nether Providence, entitled "Permitted Uses" is hereby amended to permit medical marijuana dispensaries, medical marijuana growers/processors, significant tobacco retailers and vape shops as permitted uses in the I Industrial District by adding the following new subsections 14 through 17:

- “(14) Medical marijuana dispensaries.
- (15) medical marijuana growers/processors.
- (16) Significant Tobacco Retailers.
- (17) Vape Shops.”

Section 2: Severability: The provisions of this Ordinance are severable, and if any sections, sentences, clauses, parts or provisions thereof shall be held illegal, invalid or unconstitutional by any Court of competent jurisdiction, such decision of the Court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Township Board of Commissioners that this Ordinance would have been adopted as if such illegal, invalid or unconstitutional, sections, sentences, clauses, parts or provisions had not been included therein.

Section 3: Repealer: Any ordinance and or parts of ordinances that are inconsistent herewith are hereby repealed.

Section 4: Immediate Effect: This Ordinance shall take effect and be in force from and after its approval of this amendment.

ENACTED AND ORDAINED, by the Township of Nether Providence, Delaware County, Pennsylvania, this day of , 2021.

TOWNSHIP OF NETHER PROVIDENCE

Micah Knapp, President, Board of Commissioners

Attest: _____
David Grady,
Township Manager/Secretary