

**BOROUGH OF ECONOMY
ORDINANCE NO. 483**

AN ORDINANCE OF THE BOROUGH OF ECONOMY, BEAVER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 180 OF THE CODE OF THE BOROUGH OF ECONOMY ENTITLED “ZONING” TO ESTABLISH NEW CONDITIONAL USES AND ASSOCIATED REGULATIONS FOR MEDICAL MARIJUANA DISPENSARIES AND PROCESSING FACILITIES.

WHEREAS, revisions appear as follows: underlined for text to be added, ~~strikeout~~ for text to be removed, if any, and where entire sections are to be repealed and/or deleted, it shall simply be noted.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the authority of Borough Council of the Borough of Economy and it is hereby ordained and enacted by and with the authority of the same as follows:

SECTION 1. In Article II, §180-07, the following new definition are hereby inserted:

MEDICAL MARIJUANA 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 Pennsylvania Department of Health to dispense medical marijuana directly to consumers.

MEDICAL MARIJUANA GROWER/PROCESSOR

A facility used to convert marijuana to usable marijuana and marijuana-infused products, owned by a person (including a natural person, corporation, partnership, association, trust or other entity or combination thereof) that holds a permit from the Pennsylvania Department of Health to grow and process marijuana.

SECTION 2. In Article VIII, C- 1 General Commercial District, §180-41.B Conditional Uses, the following new principal Conditional Use shall be added, subject to the regulations found in §180-66.

§180-41.B.(1) Principal Uses:

(1) Medical Marijuana Dispensary

SECTION 3. In Article IX, Industrial District, §180-48.B.1 Conditional Uses, the following new principal Conditional Use shall be added, subject to the regulations found in §180-66.

§180-48.B.(1) Conditional Uses:

(k) Medical Marijuana Grower/Processor

SECTION 4.

In Article XI, Express Standards and Criteria for Granting Conditional Uses and Uses by Special Exception, the following new standards shall be added for the Medical Marijuana Dispensary and Medical Marijuana Grower/Processor conditional uses.

§180-66 Standards for Specific Uses:

(Y) Medical Marijuana Dispensary

- (1) A medical marijuana dispensary must be legally registered in the Commonwealth of Pennsylvania and shall possess a current valid medical marijuana permit from the Pennsylvania Department of Health.
- (2) A medical marijuana dispensary may only dispense medical marijuana in an indoor, enclosed, permanent, and secure building, and shall not be located within 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 the growing and processing medical marijuana.
- (4) Medical marijuana dispensaries shall have a single secure public entrance and shall implement appropriate security measure to deter and prevent the theft of medical marijuana and unauthorized entrance into areas containing medical marijuana.
- (5) The permitted daily hours of operation for a medical marijuana dispensary shall be 8:00 a.m. to 8:00 p.m.
- (6) A medical marijuana dispensary shall not be permitted to have a drive-through service.
- (7) A medical marijuana dispensary may only dispense medical marijuana to certified patients and medical marijuana caregivers, and shall comply with all lawful, applicable state and local health regulations.
- (8) A medical marijuana dispensary may sell medical devices and instruments which are needed to administer medical marijuana.
- (8) A medical marijuana dispensary shall comply with the separation requirements provided within the Pennsylvania

Medical Marijuana Act (2016 Act 16), as amended. The separation distance shall be measured from lot line to lot line, regardless of the municipalities in which either lot is located.

(9) Parking requirements for a Medical Marijuana Dispensary shall be 1 space per every 250 square feet of gross floor area, as provided for in §180-81 Off-street parking requirements, unless it is otherwise determined that additional parking spaces are necessary as an outcome of a Traffic Impact Study.

(10) Vehicular ingress and egress to and from a medical marijuana dispensary site shall be designed to accommodate the anticipated vehicles used to service the facility. A Traffic Impact Study may be required.

(Z) Medical Marijuana Grower/Processor

(1) A Medical Marijuana Grower/Processor must be legally registered in the commonwealth and possess a current valid medical marijuana permit from the Pennsylvania Department of Health

(2) 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 Pennsylvania Department of Health. The grower/processor facility shall not be located within a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle, or other motor vehicle.

(3) The maximum floor area of a Medical Marijuana Grower/Processor shall be limited to 20,000 square feet, of which sufficient space must be set aside for secure storage of marijuana seeds, related finished product, and marijuana-related materials used in production or for required laboratory testing.

(4) Marijuana remnants and by-products shall be secured and properly disposed of in accordance with the Pennsylvania Department of Health Policy and shall not be placed within any unsecure refuse containers.

(5) A Medical Marijuana Grower/Processor shall provide only wholesale products to other permitted medical marijuana uses. Retail sales and dispensing of medical marijuana and related products is prohibited at Medical Marijuana Grower/Processor facilities.

(6) A Medical Marijuana Grower/Processor shall not be located within 1,000 feet of the property line of a public, private, or parochial school or day-care center.

(7) Parking requirements for a Medical Marijuana Grower/Processor shall be 1 space per employee on peak shift, as provided for in §180-81 Off-street parking requirements, unless it is otherwise determined that additional parking spaces are necessary as an outcome of a Traffic Impact Study.

(8) Vehicle ingress and egress to and from a medical marijuana grower/processor shall be designed to accommodate the anticipated vehicles used to service the facility.

(a) All vehicular access must secure the appropriate highway occupancy permit.

(9) Any odor must be managed by ventilation and exhaust equipment with operable filtration so that any odors are effectively confined to the interior of the building. There shall be no emission of dust, fumes, vapors, odors, or waste into the environment that can be seen, smelled, or otherwise perceived beyond the facility.

(10) A plan shall be provided demonstrating that all external and internal lighting, including light for nighttime growing, is shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.

(11) A Buffer Area A, as prescribed in §180-69.A.(1), shall be planted where a Medical Marijuana Grower/Processor abuts a residential property line, a road right-of-way, or a residential zoning district.

(12) The facility must not be within 3,000 feet of another medical marijuana grower/processor facility.

(13) A medical marijuana grower/processor shall comply with any other lawful and applicable requirements or restrictions imposed by state and/or local laws or regulations.

SECTION 5.

In Article XIII, Off-Street Parking and Loading, the following new off-street parking requirements shall be added for the Medical Marijuana Dispensary and Medical Marijuana Grower/Processor conditional uses.

§180-81.C Off-street parking requirement

Use	Parking Spaces Required
<u>Medical Marijuana Dispensary</u>	<u>1 space for each 250 square feet of gross floor area.</u>
<u>Medical Marijuana Grower/Processor</u>	<u>1 space for each employee on peak shift.</u>

SECTION 6. Severability. Should any sentence, section, clause, part or provisions of this Ordinance amendment be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part declared to be invalid.

SECTION 7. Repealer. All ordinances, code sections or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 8. This Ordinance shall take effect immediately upon its adoption.


ORDAINED AND ENACTED this 28th day of May, 2024. This Ordinance shall Take Effect the 28th day of May, 2024.

ATTEST:
(SEAL)



Travis Cavanaugh, Borough Manager




BOROUGH OF ECONOMY
COUNCIL


By: Frank Morrone, President
Borough Council

Examined and Approved on this 28th day of MAY, 2024.


Jo Ann Borato, Mayor

I, Travis Cavanaugh, Borough Manager of the Borough of Economy, do hereby certify that the foregoing Ordinance was advertised in the Beaver County Times, a newspaper of general circulation, on 30th day of April, 2024, and on 7th day of May, 2024, and that this is a true and correct copy of Ordinance No. 483, adopted at a regular meeting of the Borough Council, held on the this 28th day of May, 2024.



Borough Manager

5/28/2024

Date