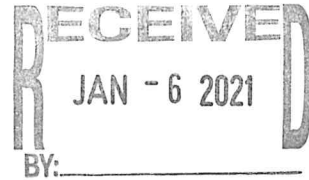


ORDINANCE #2022



AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE BOROUGH OF JIM THORPE, CARBON COUNTY PENNSYLVANIA, AS AMENDED, TO INCLUDE REGULATIONS FOR MEDICAL MARIJUANA, ADDING DEFINITIONS AND REGULATIONS.

THE BOROUGH COUNCIL OF THE BOROUGH OF JIM THORPE HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The following definitions shall be added in Section 500.7 of the Zoning Ordinance.

- A. Medical Marijuana. Marijuana for certified medical use as legally permitted by the Commonwealth of Pennsylvania with Act 16, as amended.
- B. Medical Marijuana Academic Clinic Research Center. An accredited medical school within this Commonwealth that operates or partners with an acute care hospital licensed within this Commonwealth.
- C. Medical Marijuana Act 16. Pennsylvania “Medical Marijuana Act” Act of Apr. 17, 2016, P.L. 84, No. 16, a/k/a Act 2016-16, 35 P.S. s 10231.101 et. Seq, as amended. The related Pennsylvania Department of Health regulations can be found at 28 Pa. Code, Part IX, Chapters 1131 et seq.
- D. 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 (DOH) to dispense medical marijuana.
- E. 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 Pennsylvania Department of Health (DOH) to grow and process medical marijuana.

- F. Medical Marijuana Organization or Facility. A dispensary or a grower/processor of marijuana for medical purposes.

SECTION 2. DISTRICT REGULATIONS:

1. Medical Marijuana Academic Clinical Research Centers shall be listed as a special exception use in the C-1, C-2 and I zones. (Sections 500-18, 500-19 and 500.20 respectively)
2. Medical Marijuana Grower/Processor shall be listed as a special exception use in the I zone. (Section 500-20)
3. Medical Marijuana Dispensary shall be listed as a special exception use in the C3 and I Zone (Sections 500-19.1 and 500.20 respectively)

SECTION 3. A new Section 500-50.2 shall be added as follows:

500-50.2 Medical Marijuana.

- (a) Purpose. To establish a process and standards for the establishment, construction, and operations of various medical marijuana facilities in strict conformity with the Pennsylvania “Medical Marijuana Act” (Act of Apr. 17, 2016, P.L. 84, No. 16, a/k/a Act 2016, 35 P.S. s 10231.101 et seq, as amended) to allow for the integration of an allowed industry while providing for the protection of the public’s health, safety, morals, and general welfare.
- (b) Medical Marijuana Academic Clinical Research Centers
 1. Parking requirements will follow the parking schedule found in Section 500-31 (A)(6)(b) retail stores.

2. An academic clinical research center may only grow medical marijuana for the purpose of on-site clinical research and not for gifting, donating or sale, provided such activity occurs indoors within an enclosed secure building which includes electronic locking systems, electronic surveillance and other features required by the Pennsylvania Department of Health as required by Act 16, as amended and not within a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicles or other motor vehicle.
3. There shall be no emission of dust, fumes, vapors, odors, or waste into the environment from any medical marijuana academic clinical research center and the facility shall comply with Section 500-13, Environmental Protection Requirements.
4. A buffer planting is required where a medical marijuana academic clinical research center adjoins a residential use or district in accordance with Section 500-7 (Screen Planting).
5. The Applicant shall submit documentation showing compliance with Act 16, as amended, and all related regulations, including but not limited to licensure, upon demand of the Zoning Officer.
6. Failure to comply with the requirements of Act 16, as amended, and all related regulations shall constitute a violation of the Zoning Ordinance.

(c) Medical Marijuana Grower/Processor

1. A medical marijuana grower/processor may only grow medical marijuana indoors within an enclosed, secure building which includes electronic locking systems, electronic surveillance and other features required by the Pennsylvania Department of Health as required by Act 16, as amended and not within a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle, or other motor vehicle.

2. There shall be no emission of dust, fumes, vapors, odors, or waste into the environment from any facility where medical marijuana growing, processing, or testing occurs and the facility shall comply with Section 500-13, Environmental Protection Requirements.
3. Grower/processors may not operate on the same site as a facility used for dispensing medical marijuana.
4. Parking requirements will follow the parking schedule found in Section 500-31(A)(6)(c)
5. A buffer planting is required where a medical marijuana grower/processor adjoins a residential use or district in accordance with Section 500-7 (screen planting)
6. 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 and in accordance with Section 500-31(B).
7. The Applicant shall submit documentation showing compliance with Act 16, as amended, and all related regulations, including but not limited to licensure, upon demand of the Zoning Officer.
8. Failure to comply with the requirements of Act 16, as amended, and all related regulations shall constitute a violation of the Zoning Ordinance.

(d) Medical Marijuana Dispensary

1. A medical marijuana dispensary may only dispense medical marijuana indoors within an enclosed, secure building which includes electronic locking systems, electronic surveillance and other features required by the Pennsylvania Department of Health as required by Act 16, as

amended and not within a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle, or other motor vehicle.

2. A medical marijuana dispensary may not operate on the same site as a facility used for growing and processing medical marijuana.
3. There shall be no emission of dust, fumes, vapors, odors, or waste into the environment from a facility where medical marijuana growing, processing, or testing occurs, and the facility shall comply with Section 500-13 Environmental Protection Requirements.
4. A medical marijuana dispensary shall:
 - a. Not have a drive-through service.
 - b. Not have outdoor seating areas.
 - c. Not have outdoor vending machines.
 - d. Prohibit the application and consumption of medical marijuana on the premises; and
 - e. Not offer direct or home delivery service.
5. A medical marijuana dispensary may not be located within 1,000 feet of the property line of a public, private or parochial school, a charter school, or a day-care center, unless an adjustment or waiver of such prohibition shall have been approved by the Pennsylvania Department of Health and satisfactory proof thereof shall have been provided to the Zoning Officer. This distance shall be measured in a straight line from the closest property line in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of the municipality in which it is located.

6. Any medical marijuana dispensary facility lawfully operating shall not be rendered in violation of these provisions by the subsequent location of a public, private or parochial school, a charter school, or a day-care center, provided the dispensary use shall not have been or thereafter become, abandoned.
7. Parking requirements. At least one parking space for each 200 square feet of floor area or fraction thereof.
8. A buffer planting is required where a medical marijuana dispensary adjoins a residential use or district in accordance with Section 500-7 (screen planting).
9. 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, in accordance with Section 500-31 (B)
10. The Applicant shall submit documentation showing compliance with Act 16, as amended, and all related regulations, including but not limited to licensure, upon demand of the Zoning Officer.
11. Failure to comply with the requirements of Act 16, as amended, and all related regulations shall constitute a violation of the Zoning Ordinance.

SECTION 4. Section 500-15(b) regarding permitted uses in a medium density residential district shall be amended by adding the following use as a permitted use:

Permanent amusement structures or rides including but not limited to Ferris Wheels, a tram, and zipline provided that the land or lot on which such use shall be made shall consist of at least 10 acres.

SECTION 5. This Ordinance was adopted in lawful session duly assembled this _____ day of _____, 2022.

Borough of Jim Thorpe

Gregory Strubinger, President

ATTEST:

Louise McClafferty, Secretary

Examined and approved this _____ day of _____, 2022.

Michael J. Sofranko, Mayor