

BOROUGH OF SEVEN FIELDS

ORDINANCE NO. 100

AN ORDINANCE OF THE BOROUGH OF SEVEN FIELDS, BUTLER COUNTY, PENNSYLVANIA, AMENDING THE BOROUGH ZONING ORDINANCE, ORDINANCE No. 86, TO ESTABLISH ZONING REGULATIONS APPLICABLE TO MEDICAL MARIJUANA FACILITIES

- I. Amendments. The Borough Council of Seven Fields Borough ordains that the Zoning Ordinance of the Borough of Seven Fields, ARTICLE II, Section 202 is amended to add the following definitions in their entirety and shall be inserted in alphabetical arrangement with the existing definitions:

A. 202. DEFINITIONS

MEDICAL MARIJUANA. Marijuana for certified medical use as set forth in Act 16 of 2016; see 35 P.S.10231.101.

MEDICAL MARIJUANA DISPENSARY ("DISPENSARY"). Use of the premises by a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, holding a permit and/or license issued by the Commonwealth of Pennsylvania Department of Health, to dispense medical marijuana.

MEDICAL MARIJUANA GROWER/PROCESSOR ("GROWER/PROCESSOR"). The use of the premises by a person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, holding a permit and/or license issued by the Commonwealth of Pennsylvania Department of Health, to grow and/or process medical marijuana where all growing and processing activities are conducted indoors.

B. 302. LAND USES.

The Table of Use shall be amended to identify **MEDICAL MARIJUANA DISPENSARY** as C=Land Use Approval is with Conditional Use in the Business District.

The Table of Use shall be amended to identify **MEDICAL MARIJUANA GROWER/PROCESSOR** as C=Land Use Approval is with Conditional Use in the Industrial District.

C. 303. DIMENSIONAL STANDARDS.

The Dimensional Standards Chart is amended to add to **BUFFER:**

Dispensary Buffer Distance. A Dispensary may not be located within 1,000 feet of the property line of a public, private or parochial school or a day-care center.

D. ARTICLE XIII is amended to add the following Specific Standards and Criteria.

1347. MEDICAL MARIJUANA DISPENSARY

- A. A Dispensary must be legally registered in the Commonwealth and possess a current valid medical marijuana permit from the Department of Health.
- B. A Dispensary must fully comply with all provisions of the Medical Marijuana Act, as amended from time to time.
- C. A 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.
- D. A Dispensary may not operate on the same site as a facility used for growing and/or processing medical marijuana.
- E. A Dispensary 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.
- F. A Dispensary shall:
 - i. Not have a drive-through service;
 - ii. Not have outdoor seating areas;
 - iii. Not have outdoor vending machines;
 - iv. Prohibit the administering of, or the consumption of medical marijuana on the premises; and
 - v. May dispense only medical marijuana to certified patients and caregivers and shall comply with all lawful, applicable health regulations.
 - vi. 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.

1348. MEDICAL MARIJUANA GROWER/PROCESSOR

- A. A Grower/Processor must have a valid and current permit issued by the Pennsylvania Department of Health.
- B. A Grower/Processor must fully comply with all provisions of the Medical Marijuana Act, as amended from time to time.

- C. The floor area of a Grower/Processor shall include sufficient space for production, secure storage of marijuana seed and/or related finished product cultivation, and marijuana related materials and equipment used in production and cultivation or for required laboratory testing.
 - D. All materials and equipment shall be stored within a completely enclosed and secured building.
 - E. The storage or manufacture of hazardous or potentially hazardous materials shall not be permitted.
 - F. Borough Council may impose restrictions on access to the facility, storage of vehicles or materials in the premise, hours of operation and other such matters as they deem necessary to ensure that there is no adverse impacts upon the functioning of the district or adjacent parcels.
 - G. A Grower/Processor may not operate on the same site as a dispensary.
 - H. 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.
 - I. Marijuana remnants and byproducts shall be secured and properly disposed of in accordance with the Department of Health or other applicable regulatory agency policy/guideline Policy and shall not be placed within any unsecure exterior refuse containers.
 - J. 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 Grower/Processor facilities.
 - K. 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.
- II. Interpretation and Severability. This Ordinance is interpreted to be applied so that it meets all federal and state constitutional and statutory requirements. If any provision or part thereof is held to be illegal or invalid, the remaining provisions shall remain in full force and effect.
 - III. Repeal. Any ordinance or part of any ordinance conflicting with this Ordinance is repealed to the extent of such conflict.
 - IV. Effective Date. This Ordinance shall be effective immediately.

ORDAINED AND ENACTED INTO LAW by the Council of the Borough of Seven Fields at a public meeting this 9 day of NOVEMBER, 2020.

ATTEST:

BOROUGH OF SEVEN FIELDS



Borough Secretary/Manager



Council President



Mayor

This Ordinance recorded in the Borough Ordinance book at Volume/Page _____ on 9 day of NOVEMBER, 2020, by the undersigned.



Borough Secretary/Manager