AN ORDINANCE OF THE COUNCIL
OF THE BOROUGH OF LEMOYNE
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 788

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE BOROUGH OF LEMOYNE, CUMBERLAND COUNTY, PENNSYLVANIA, BY AMENDING CHAPTER 550, ZONING, ARTICLE II, SECTION 550-10, BY ADDING A DEFINITION OF MEDICAL MARIJUANA DISPENSARY, BY AMENDING ARTICLE V, SECTION 550-22, TABLE 550-5-2, BY ADDING MEDICAL MARIJUANA DISPENSARIES AS A PERMITTED CONDITIONAL USE IN THE COMMERCIAL GENERAL ZONING DISTRICT, AND BY AMENDING ARTICLE XI, SECTION 550-83, BY ADDING A NEW PARAGRAPH "L" SETTING FORTH SPECIFIC STANDARDS FOR MEDICAL MARIJUANA DISPENSARIES AND RELETTERING THE REMAINING PARAGRAPHS OF THE SECTION

Whereas, the Council of the Borough of Lemoyne, Cumberland County, Pennsylvania, has the authority, pursuant to Section 3301.1 of the Borough Code, 8 Pa.C.S.A. § 3301.1, Section 601 of the Municipalities Planning Code, 53 P.S. § 10601, and Section 550-103 of Chapter 550 of the Lemoyne Borough Code of Ordinances, to enact and amend the Zoning Ordinance of the Borough of Lemoyne to advance the health, safety and welfare of the citizens of the Borough; and

Whereas, the Borough Council wishes to amend the Borough Zoning Ordinance to permit Medical Marijuana Dispensaries, as defined herein, as a permitted conditional use in the Commercial General Zoning District.

Now therefore, it is hereby enacted and ordained by the Council of the Borough of Lemoyne that Chapter 550 of the Lemoyne Borough Code of Ordinances is hereby amended as follows:

Section 1. Section 550-10 is amended to add the following definition of "Medical Marijuana Dispensary":

MEDICAL MARIJUANA DISPENSARY

> A use of property by a person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, holding a permit issued by the Commonwealth of Pennsylvania Department of Health to dispense medical marijuana.

Section 2. Section 550-22, Table 550-5-2, is amended to add "Medical Marijuana Dispensaries" as a permitted conditional use ("CU") in the Commercial General Zoning District.

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Section 3. Section 550-83 is amended to add the following new Paragraph "L":

L. Medical marijuana dispensaries permitted as a conditional use in the Commercial General Zoning District shall meet all of the following conditions:

1) They shall comply at all times with all of the laws and regulations of the Commonwealth of Pennsylvania applicable to medical marijuana dispensaries.

2) They shall comply at all times with all applicable Borough ordinances, including without limitation all Borough zoning, subdivision and land development ordinances.

3) No medical marijuana dispensary shall be located within 1,000 feet of another medical marijuana dispensary.

4) A medical marijuana dispensary may be open to the public only between the hours of 9:00 a.m. and 9:00 p.m.

5) A medical marijuana dispensary must demonstrate it is legally registered in the Commonwealth and possesses a current valid medical marijuana permit from the Department of Health ("DOH"). Should registration be denied or revoked at any time, any conditional use approval shall immediately become void.

6) A medical marijuana dispensary must fully comply with all provisions of the Medical Marijuana Act, as amended from time to time.

7) With the exception of drive-thru and designated curbside a medical marijuana 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.

8) A medical marijuana dispensary may not operate on the same site as a facility used for growing and processing medical marijuana.

9) A dispensary may not be located within 1,000 feet of the nearest point on the property line of a parcel containing a public, private or parochial school or day-care center.

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10) A dispensary may sell medical devices and instruments which are needed to administer medical marijuana under the Medical Marijuana Act, 35 P.S. §§ 10231.106 et seq.

11) A dispensary may sell services approved by the Pennsylvania Department of Health related to the use of medical marijuana.

12) Medical marijuana dispensaries 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.

13) A medical marijuana dispensary shall be a maximum of 15,000 gross square feet and shall have an interior customer waiting area.

14) A medical marijuana dispensary shall:

a) Not have outdoor seating areas;

b) Not have outdoor vending machines; and

c) Prohibit the administering of or the consumption of medical marijuana, or marijuana of any type, on the premises.

15) A medical marijuana dispensary may dispense only medical marijuana to certified patients and caregivers and shall comply with all lawful, applicable health regulations.

16) Absent specific permission from the Borough, no use shall be made of the parking area of a medical marijuana dispensary when the dispensary is not open to the public.

17) Medical marijuana dispensaries may display only those exterior signs on the property which are specifically permitted by the Borough.

18) No sidewalk displays shall be permitted.

19) There shall be no emission of dust, fumes, vapors, or odors which can be seen, smelled, or otherwise perceived from

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beyond the lot line of the property where the medical marijuana dispensary is operating.

20) The building housing a medical marijuana dispensary and its surrounding grounds shall be properly maintained at all times, and no trash or other debris of any kind shall be allowed to accumulate on the property.

21) A medical marijuana dispensary shall submit a disposal plan to, and obtain approval from, the Zoning Officer or his or her designee. Medical marijuana remnants and byproducts shall be disposed of according to the approved plan and shall not be placed within an exterior refuse container.

22) Gambling in any form, including but not limited to the sale of lottery tickets, and games of skill, shall not be permitted in, or in connection with, any medical marijuana dispensary.

23) The Council may attach other conditions to the medical marijuana dispensary use which in, Council's judgment, are reasonable given the circumstances and location of the use.

Section 4. The paragraphs of Section 550-83 currently lettered Paragraphs "L" through "U" shall be relettered Paragraphs "M" through "V".

Section 5. All other sections, parts and provisions of Chapter 550, Zoning, shall remain in full force and effect as previously enacted.

Section 6. The provisions of this Ordinance are severable. If any section, clause, sentence, part or provision thereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not impair the validity of any of the remaining sections, clauses, sentences, parts or provisions of the Ordinance. It is hereby declared to be the intent of the Council of the Borough of Lemoyne that this Ordinance would have been enacted if such illegal, invalid or unconstitutional section, clause, sentence, part or provision had not been included.

Section 7. Any provision of Chapter 550, Zoning, and any other provision of the Borough Code of Ordinances or of any Borough resolution which is in direct conflict with any provision of this Ordinance is hereby repealed to the extent of such conflict.

Section 8. This Ordinance shall become effective immediately in accordance with law.

DULY ENACTED AND ORDAINED into law this 19th day of March, 2026, by the Council of the Borough of Lemoyne, Cumberland County, Pennsylvania, in lawful session, duly assembled.

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COUNCIL OF THE BOROUGH OF LEMOYNE, CUMBERLAND COUNTY, PENNSYLVANIA

By:_____
Gale E. Gallo, Council President

BOROUGH OF LEMOYNE, CUMBERLAND COUNTY, PENNSYLVANIA

By:_____
Kasha Griva, Mayor

ATTEST:

By:_____
Jenn Erickson , Secretary

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