

ORDINANCE NO. 2022-1

AN ORDINANCE OF THE BOROUGH OF DILLSBURG, YORK COUNTY, PENNSYLVANIA AMENDING THE CODE OF THE BOROUGH OF DILLSBURG, BY AMENDING VARIOUS PROVISIONS OF CHAPTER 27, ENTITLED "ZONING", TO PROVIDE FOR, AMONG OTHER THINGS, DEFINITIONAL AMENDMENTS, ADDITIONAL REGULATORY CRITERIA FOR MEDICAL MARIJUANA DISPENSARIES AND MEDICAL MARIJUANA GROWERS/PROCESSORS

WHEREAS, the Borough of Dillsburg Borough Council (the "Council") is authorized to amend its Zoning Ordinance, codified at Chapter 27 of the Code of the Borough of Dillsburg (the "Code"), in accordance with Section 609 of the Pennsylvania Municipalities Planning Code ("MPC"), 53 P.S. § 10609; and

WHEREAS, the Borough of Dillsburg seeks to promote the general health, safety and welfare of the community by adopting and implementing an amendment to the Zoning Ordinance providing for regulatory criteria for medical marijuana dispensaries and medical marijuana growers/processors; and

WHEREAS, the Council of the Borough of Dillsburg, York County, Pennsylvania (the "Borough"), deems it to be in the best interest and general welfare of the citizens and residents of the Borough to amend the Code by amending certain provisions of the Zoning Ordinance as set forth herein.

NOW THEREFORE BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Dillsburg, York County, Pennsylvania, and it is enacted and ordained as follows:

SECTION 1: Section 27-202 of the Code, entitled "Definitions", is amended by adding the following definitions to those listed in Section 27-202 thereof, to be inserted in alphabetical order:

MEDICAL MARIJUANA

Marijuana for certified medical use in the Commonwealth of Pennsylvania as set forth in Act No. 16 of 2016, also known as the "Medical Marijuana Act."

MEDICAL MARIJUANA DISPENSARY

The use of a premises by a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, holding a legal permit issued by the Pennsylvania Department of Health, to dispense medical marijuana in accordance with Act No. 16 of 2016, also known as the "Medical Marijuana Act."

MEDICAL MARIJUANA 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 legal permit from the Pennsylvania Department of Health, to grow and/or process medical marijuana, with all growing and processing activity to be conducted indoors.

SECTION 2: Section 27-442 of the Code, entitled "Basic Use Regulations" for the Commercial Highway Zone shall be amended by adding a new Subsection 25 and 26 thereto, to read as follows:

- (25) Medical Marijuana Dispensary, subject to the following specific standards:
- (a) A medical marijuana dispensary must be legally registered in the Commonwealth and possess a current valid medical marijuana permit from the Pennsylvania Department of Health.
 - (b) 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.
 - (c) A medical marijuana dispensary may not operate on the same site as a facility used for growing and processing medical marijuana.
 - (d) 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.
 - (e) A medical marijuana dispensary shall:
 - (i) Not have a drive-in service;
 - (ii) Not have an outdoor seating area;
 - (iii) Not have an outdoor vending area;
 - (iv) Prohibit the administering of, or the consumption of medical marijuana on the premises; and
 - (v) Not offer direct or home delivery service.
 - (f) A medical marijuana dispensary may dispense only medical marijuana to certified patients and caregivers and shall comply with all lawful, applicable health regulations.
 - (g) The medical marijuana dispensary may not be located within one thousand (1,000) feet of the property line of an educational institution or a day-care center. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of municipality in which it is located.

- (h) Any medical marijuana facility lawfully operating shall not be rendered in violation of these provisions by the subsequent location of any uses referenced in Sections 27-442.(25)(g).
 - (i) Off-street Parking and Loading. Off-street parking, loading and unloading areas shall be provided in accordance with the related regulations of the Code. All loading and off-loading areas shall be within secure environments.
 - (j) All external lighting shall comply with the Code.
- (26) Medical Marijuana Grower/Processor, subject to the following specific standards:
- (a) A medical marijuana grower/processor may only grow medical marijuana in an indoor, enclosed and secure building which includes electronic locking system, electronic surveillance, and other features required by the Department of Health. The grower/processor facility shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreation vehicle or other motor vehicle.
 - (b) The floor area of a medical marijuana grower/processor shall include sufficient space for production, secure storage of marijuana seeds, related finished product cultivation, and marijuana related material used in production and cultivation or for required laboratory testing.
 - (c) 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.
 - (d) Marijuana remnants and by-products shall be secured and properly disposed of in accordance with Department of Health Policy and shall not be placed within any unsecure exterior refuse containers.
 - (e) 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 medical marijuana grower/ processor facilities.
 - (f) The medical marijuana grower/processor may not be located within one thousand (1,000) feet of the property line of an educational institution or a day-care center. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of municipality in which it is located.
 - (g) Any medical marijuana grower/processor lawfully operating shall not be rendered in violation of these provisions by the subsequent location of any uses referenced in 27-442.(26)(f).

(h) Off-street Parking and Loading. Off-street parking, loading and unloading areas shall be provided in accordance with the related regulations of the Code. All loading and off-loading areas shall be within secure environments.

(i) All external lighting shall comply with the Code.

SECTION 3: Section 27-511 of the Code entitled "Signs" is hereby amended by replacing the contents of subsection 2.B.(3), thereof with the following:

(3) A sign may protrude off of a building to project over a public sidewalk area only a maximum of 4 feet, including the sign, from the building and shall be located a minimum of 10 feet off the ground.

SECTION 4: Section 27-511 of the Code entitled "Signs" is hereby amended by replacing the contents of subsection 2.C.(3), thereof with the following:

(3) A sign may be illuminated only if the lighting is so screened that it is not directed or reflected toward any residence or so it does not hinder the vision of motorists.

SECTION 5: Repealer. All provisions of previous Ordinances of the Borough of Dillsburg which are contrary to this Ordinance are expressly repealed.

SECTION 6: Savings Clause. In all other respects, Chapter 27 of the Code, as amended shall remain as previously enacted and ordained.

SECTION 7: Severability. If any word, phrase, sentence, part, section, subsection, or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable and the remaining provisions of this ordinance and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

SECTION 8: Effective Date. This Ordinance shall become effective immediately.

ENACTED, ORDAINED AND APPROVED this 13th day of December, 2022.

BOROUGH OF DILLSBURG



Council President

Attest:



Secretary



Mayor

CERTIFICATE

I, the undersigned, Secretary of the Borough of Dillsburg, York County, Pennsylvania (the "Borough"), certify that: the foregoing is a true and correct copy of an Ordinance of the Borough Council of the Borough (the "Council"), which duly was enacted by affirmative vote of a majority of the members of the Council at a meeting held on **December 13, 2022**; said Ordinance duly has been recorded in the Ordinance Book of the Borough; said Ordinance duly has been published as required by law; and said Ordinance remains in effect, unaltered and unamended, as of the date of this Certificate.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Borough, this **13th day of December 2022**.

(SEAL)



Debbi L Beitzel - Secretary

ORDINANCE NO. 2022-2

TAX ORDINANCE 2023

AN ORDINANCE OF THE BOROUGH OF DILLSBURG, YORK COUNTY, PENNSYLVANIA, FIXING CERTAIN TAX RATES FOR THE NON-EXEMPT REAL PROPERTY AND OCCUPATIONS FOR THE YEAR 2023.

BE IT ENACTED AND ORDAINED by the Council of the Borough of Dillsburg, York County, Pennsylvania, in accordance with the Consolidated Ordinances of the Borough of Dillsburg, and by virtue of the power and authority vested in said Council, as follows:

Section 1: Tax Levy

A. Real Estate: There is hereby imposed and levied on all non-exempt real property located with the Borough of Dillsburg, for the fiscal year 2023, a tax calculated at the rate of 2.87 mills, based upon the assessed valuation as established by the Assessor for the Borough of Dillsburg, or in lieu thereof, as assessed by the York County Assessment Office.

B. Occupational Assessment: There is hereby imposed upon the occupation of all residents of the Borough of Dillsburg, for the fiscal year 2023, a tax collected at the rate of 1200 mills, based upon the assessed valuation as established by the Assessor for the Borough of Dillsburg, or in lieu thereof, as assessed by the York County Assessment Office.

Section 2: Notice and Payment of Tax

On or before the first day of April 2023, the Tax Collector shall send to each person, upon whom tax is imposed in Section 1 hereof, a notice of tax due. Such notice may be consolidated with a notice of any other tax to be collected by the Tax Collector provided, however, that each tax shall be stated separately thereon.

Section 3: Rebated and Penalties

A. Any taxpayer subject to the payment of a tax levied by this Ordinance shall be entitled to a discount of Two Percent (2%) of the amount of such tax upon making payment of the entire amount within two months after the date of the tax notice.

B. A taxpayer subject to payment of a tax levied by this Ordinance who shall fail to make the payment of such tax with four months after the due date of the notice shall be charged a penalty of Ten Percent (10%), which penalty shall be added to the tax by the Tax Collector and shall be collected by the Tax Collector.

C. Real estate taxes, which remain unpaid by January 1st of the year following the year of imposition, shall be returned to the York County Tax Claim Bureau in accordance with the law.

Section 4: Effective Date

This Ordinance and the taxes imposed thereby shall become effective January 1, 2023

Section 5: Repealer and Severability

Any Ordinance or part thereof, conflicting with this Ordinance shall be, and hereby is, repealed insofar as it conflicts with this Ordinance. Further, the provisions of the Ordinance are severable. If any sentence, clause, or section of the Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionally, illegality, or invalidity shall not affect or impair any of the remaining provisions of the Ordinance. It is hereby declared to be the intent of the Borough Council of the Borough of Dillsburg that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, or section not been included herein.

ENACTED AND ORDAINED this 13th day of December 2022.

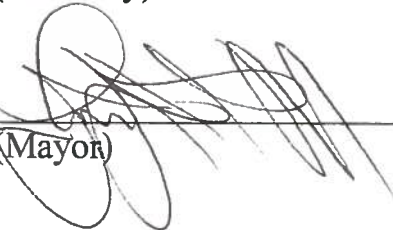
ATTEST:



(Secretary)



(President)



(Mayor)

CERTIFICATE

I, the undersigned, Secretary of the Borough of Dillsburg, York County, Pennsylvania (the "Borough"), certify that: the foregoing is a true and correct copy of an Ordinance of the Borough Council of the Borough (the "Council"), which duly was enacted by affirmative vote of a majority of the members of the Council at a meeting held on **December 13, 2022**; said Ordinance duly has been recorded in the Ordinance Book of the Borough; said Ordinance duly has been published as required by law; and said Ordinance remains in effect, unaltered and unamended, as of the date of this Certificate.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Borough, this **13th day of December 2022.**

(SEAL)



Debbi L Beitzel - Secretary