

**BOROUGH OF WAYNESBORO
FRANKLIN COUNTY, PENNSYLVANIA**

ORDINANCE NO. 1213

AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA, TO AMEND THE CODE OF ORDINANCES OF THE BOROUGH OF WAYNESBORO TO (1) PROVIDE FOR THE USE OF THE SALE AND DISTRIBUTION OF MEDICAL MARIJUANA BY AMENDING ARTICLE V ZONING DISTRICT PERMITTED USES, §295-24B(1) TO ADD “DISPENSARY - MEDICAL MARIJUANA” AS A PERMITTED USE IN THE GI - GENERAL INDUSTRIAL DISTRICT AND AMENDING ARTICLE VII USE REQUIREMENTS TO ADD A NEW SUBSECTION §295-62.2 PROVIDING FOR REGULATIONS FOR SUCH USE; (2) PROVIDE FOR THE USE OF SMOKE SHOPS AND TOBACCO STORES BY AMENDING ARTICLE V ZONING DISTRICT PERMITTED USES, §295-24B(1) TO ADD “SMOKE SHOPS AND TOBACCO STORES” AS A PERMITTED USE IN THE GI - GENERAL INDUSTRIAL DISTRICT AND AMENDING ARTICLE VII USE REQUIREMENTS TO ADD A NEW SUBSECTION §295-62.3 PROVIDING FOR REGULATIONS FOR SUCH USE; (3) AMENDING THE DEFINITION OF HALFWAY HOUSE (4) PROVIDE FOR ELECTRONIC MESSAGE CENTERS AS A CONDITIONAL USE IN THE INSTITUTIONAL DISTRICT AND AMENDING §295-97 OF THE CODE, ENTITLED “SPECIFIC SIGN REGULATIONS”, BY AMENDING THE TABLE IN ATTACHMENT 1 OF THE BOROUGH OF WAYNESBORO ZONING ORDINANCE TO ADD THE INSTITUTIONAL DISTRICT AS A PERMITTED ZONE FOR ELECTRONIC MESSAGE CENTERS SUBJECT TO APPROVAL BY CONDITIONAL USE; (5) TO ADD A NEW SUBSECTION TO THE CODE TO BE NUMBERED §295-74.E TO RESTRICT THE PLACEMENT AND/OR STORAGE OF SHIPPING CONTAINERS UPON PROPERTIES LOCATED IN ALL DISTRICTS EXCEPT THE GC - GENERAL COMMERCIAL/OFFICE DISTRICT AND I - INDUSTRIAL DISTRICT; AND (6) AMEND CHAPTER 250 OF THE CODE, ENTITLED “SUBDIVISION AND LAND DEVELOPMENT” TO PROVIDE FOR THE REQUIREMENT TO INSTALL SEPARATE WATER SERVICE AND SEWER SERVICE LATERALS UPON THE SUBDIVISION OF AN EXISTING DUPLEX.

WHEREAS, the Borough of Waynesboro (the “Borough”) seeks to promote the general health, safety and welfare of the community by adopting and implementing an amendment to the Zoning Ordinance providing for and regulating the use of the sale and distribution of medical marijuana; and

WHEREAS, 35 P.S. §10231.101 *et. seq.*, known as the Pennsylvania Medical Marijuana Act, established a comprehensive State licensing and regulatory framework for the growing, processing, testing, distribution, transportation, and dispensing of medical marijuana; and

WHEREAS, it is the purpose and intent of the Borough to provide for and regulate the use of the sale and distribution of medical marijuana in a manner that is consistent with State law while promoting the health, safety, and general welfare of the residents and businesses within the Borough; and

WHEREAS, the Borough seeks to amend the Code by amending Chapter 295 “Zoning”, Article V Zoning District Permitted Uses, §295-24B(1) to add Dispensary – Medical Marijuana as a Permitted Use in the GI – General Industrial District; and

WHEREAS, the Borough seeks to further amend the Code by amending Article VII Use Requirements to add a new subsection to be numbered §295-62.2, to provide for regulations for Medical Marijuana Dispensaries; and

WHEREAS, the Borough Code and the Pennsylvania Municipalities Planning Code authorize the Borough Council of the Borough of Waynesboro to make, amend, and adopt ordinances that are consistent with the constitution and laws of the Commonwealth when necessary for the proper management, care and control of the Borough and the maintenance of peace, good government, health and welfare of the Borough and its citizens; and

WHEREAS, the Borough Council intends to preserve, maintain, and enhance the community existing within the Borough by adopting and implementing an amendment to the Zoning Ordinance providing for and regulating the use of Smoke Shops and Tobacco Stores; and

WHEREAS, the regulation of Smoke Shops and Tobacco Stores is necessary and in the interests of the public health, safety and general welfare because of the substantial likelihood of the continued establishment and operation of Smoke Shops and Tobacco Stores in the Borough; and

WHEREAS, the Borough seeks to amend the Code by amending Chapter 295 “Zoning”, Article V Zoning District Permitted Uses, §295-24B(1) to add Smoke Shops and Tobacco Stores as a Permitted Use in the GI – General Industrial District ; and

WHEREAS, the Borough seeks to further amend the Code by amending Article VII Use Requirements to add a new subsection to be numbered §295-62.3 to provide for regulations for Smoke Shops and Tobacco Stores; and

WHEREAS, the Borough further deems it to be in the best interest and the general welfare of the citizens and residents of the Borough to update §295-97 of the Code, entitled “Specific sign regulations,” by amending the table in Attachment 1 of the Borough’s Zoning Ordinance, entitled

“Specific sign regulations,” to add the INST – Institutional District as a Permitted Zone for Electronic Message Centers as a Conditional Use; and

WHEREAS, the Borough further deems it to be in the best interest and general welfare of the citizens and residents of the Borough to amend §295-74 of the Code, entitled “Accessory Buildings”, to restrict the placement and/or storage of shipping containers upon properties located in all districts except the GC – General Commercial/Office District and I – Industrial District; and

WHEREAS, Section 501 of the Pennsylvania Municipalities Planning Code (the “MPC”), 53 P.S. § 10501, authorizes the Borough to regulate subdivisions and land development within the Borough by enacting a subdivision and land development ordinance; and

WHEREAS, the Borough has enacted a subdivision and land development ordinance, which is found at Chapter 250 of the Code; and

WHEREAS, the Borough deems it to be in the best interest and general welfare of the citizens and residents of the Borough to amend Section 250-39 of the Code, entitled “Utility improvements”, to provide for the requirement to install separate water service and sewer service laterals upon the subdivision of an existing duplex.

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the Borough Council of the Borough of Waynesboro, Franklin County, Pennsylvania as follows:

SECTION 1. Recitals. The above recitals are incorporated herein by reference.

SECTION 2. Chapter 295 of the Code, Article V, Section 295-24 entitled “GI – General Industrial District”, subsection 295-24B(1) is hereby amended to add a new permitted use identified as (q) to read as follows:

(q) Dispensary – Medical Marijuana, subject to the criteria set forth in §295-62.2.

SECTION 3. Chapter 295 of the Code, Article VII, is hereby amended to add a new subsection to be numbered §295-62.2, to be entitled “Dispensary – Medical Marijuana”, which shall read as follows:

§295-62.2 Dispensary – Medical Marijuana

Except as expressly provided for otherwise in this Chapter, the definitions set forth in 35 P.S. §10231.103, as amended, are incorporated herein by reference. Dispensary – Medical Marijuana shall be a permitted use in the GI – General Industrial District, subject to the following use requirements.

A. Dispensary – Medical Marijuana

- (1) A medical marijuana dispensary must at all times possess a current valid medical marijuana permit from the Department of Health of the Commonwealth of Pennsylvania. A dispensary shall post a copy of its permit in a location within its facility in a manner that is easily observable by patients, caregivers, law enforcement officers and agents of the Department of Health of the Commonwealth of Pennsylvania.
- (2) A medical marijuana dispensary may only dispense medical marijuana in a permanent building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle, or other motor vehicle.
 - a. There shall be no passageways connecting the facility to any other use.
 - b. The building in which the medical marijuana dispensary is located, as well as the operations as conducted therein, shall fully comply with all applicable rules, regulations, and laws including but not limited to, zoning and building codes, the Revenue and Taxation Code, the Americans with Disabilities Act, and the Medical Marijuana Act or any successor legislation permitting the use of medical marijuana by adults.
 - c. Each medical marijuana dispensary facility shall install and maintain continuous video surveillance. Each dispensary is required to retain the recordings onsite or offsite for a period of no less than 180 days.
- (3) A medical marijuana dispensary may not operate on the same site as a facility used for growing and processing medical marijuana.
- (4) 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.
- (5) Permitted hours of operation of a medical marijuana dispensary shall be between the hours of 9:00 a.m. and 9:00 p.m. (of the same calendar day).
- (6) 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 administering of, or the consumption of medical marijuana on the premises; and
 - e. Not offer direct or home delivery service.
- (7) A medical marijuana dispensary may only dispense medical marijuana to certified patients and medical marijuana caregivers in accordance with the provisions of the Pennsylvania Medical Marijuana Act and shall comply with all lawful, applicable state and local health regulations.
- (8) A medical marijuana dispensary may not be located within 1,000 feet of the property line of a public, private, or parochial school, a day-care center, place of worship, playground, public park, or business whose primary clientele are minors. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the dispensary is located or proposed to be located, to the closest property line of the aforementioned uses, regardless of the municipality in which it is located.
- (9) A medical marijuana dispensary shall be a minimum distance of 1,000 feet from the next nearest medical marijuana facility. This does not include complementing or supporting businesses covered by different definitions. This distance shall be measured in a straight line from the closest exterior walls of the buildings or portions thereof in which the businesses are conducted or proposed to be conducted, regardless of the municipality in which it is located. The separation distance does not apply to the distance between the grower/processor and the specific dispensary they service, or with which they partner.
- (10) A medical marijuana dispensary shall have not less than 10 off-street parking spaces, and an additional off-street parking space shall be required for each 250 square feet of a dispensary above 5,000 square feet.
- (11) Screening/buffer planting is required where a medical marijuana dispensary adjoins a residential use or district, with the screening/buffer planting meeting the requirements set forth in Sections 295-84 and 295-89(L) of the Code.

- (12) If a proposed Medical Marijuana Dispensary will generate 50 to 99 new vehicle trips in the peak direction (inbound or outbound) during the site peak traffic hour, the applicant for the proposed dispensary shall be required to perform an abbreviated traffic impact study in accordance with Section 250-46A of the Borough of Waynesboro Subdivision and Land Development Ordinance.
- (13) If a proposed Medical Marijuana Dispensary will generate 100 or more new vehicle trips in the peak direction (inbound or outbound) during the site peak traffic hour, the applicant for the proposed dispensary shall be required to perform a comprehensive traffic impact study in accordance with Section 250-46B of the Borough of Waynesboro Subdivision and Land Development Ordinance.
- (14) All traffic impact studies required to be conducted by a proposed Medical Marijuana Dispensary shall conform to the traffic impact study requirements in accordance with Section 250-46C of the Borough of Waynesboro Subdivision and Land Development Ordinance.
- (15) An applicant for a proposed Medical Marijuana Dispensary shall be responsible for any improvements required to provide safe and convenient ingress and egress to the development site in accordance with Section 250-46D of the Borough of Waynesboro Subdivision and Land Development Ordinance.
- (16) All accesses must secure the appropriate highway occupancy permit, and a clear sight triangle must be maintained and driveways must be designed and improved to the standards expressly described in Section 250-35 of the Borough of Waynesboro Subdivision and Land Development Ordinance.
- (17) Loading space shall follow the requirements as set forth in Section 295-93 "Loading space" of the Borough of Waynesboro Zoning Ordinance. Further requirements for loading areas shall be provided in accordance with the provisions of the Borough of Waynesboro Subdivision and Land Development Ordinance.
- (18) In the advertising and marketing of medical marijuana and medical marijuana products, a medical marijuana dispensary shall be consistent with the Federal regulations governing prescription drug advertising and marketing as provided in 21 CFR 202.1 (relating to prescription-drug advertisements). Promotional, advertising and marketing materials shall be approved by the Department of Health of the Commonwealth of Pennsylvania prior to their use.

- (19) The operators of all medical marijuana dispensaries shall provide the Borough Manager or his or her designee with the name, phone number, and email address of an on-site representative to whom the Borough and the public can provide notice if there are any operational problems associated with the medical marijuana dispensary. This information shall be updated by the operators as necessary so that the information is always kept current.

SECTION 4. Chapter 295 of the Code, Article V, Section 295-24 entitled “GI – General Industrial District”, subsection 295-24B(1) is hereby amended to add a new permitted use identified as (r) to read as follows:

- (r) Smoke Shops and Tobacco Stores, subject to the criteria set forth in §295-62.3.

SECTION 5. Section 295-8 of the Code, entitled “Definitions”, is hereby amended to add the following relevant definitions:

E-CIGARETTE

Any electronically actuated device or inhaler meant to simulate cigarette smoking that uses a heating element to vaporize a liquid solution, popularly referred to as “juice,” and that causes the user to exhale any smoke, vapor, or substance other than that produced by unenhanced human exhalation. The juice used in e-cigarettes typically contains nicotine, therefore, e-cigarettes and their juice can also be classified as a “tobacco product.”

SMOKE SHOPS/TOBACCO STORES

A retail sales or wholesale establishment primarily engaged in selling tobacco and/or tobacco products and/or vaping products. A retail or wholesale establishment which holds itself out as a “tobacco store”, a “smoke shop”, a “vape shop” or similar establishment, shall also be considered a “smoke shop/tobacco store”. Examples of vaping products include, without limitation, vaporizers, vape pens, vapor products, hookah pens, electronic cigarettes, e-cigarettes, e-cigs, e-pipes and any other electronic nicotine delivery systems (“ENDS”). ENDS shall be deemed noncombustible tobacco products.

TOBACCO

Any preparation of the nicotine-rich leaves of the tobacco plant, which are cured by a process of drying and fermentation for use in smoking, chewing, absorbing, dissolving, inhaling, snorting, sniffing, or ingesting by any other means into the body.

TOBACCO PARAPHERNALIA

Any paraphernalia, equipment, device, or instrument that is primarily designed or manufactured for the smoking, chewing, absorbing, dissolving, inhaling, snorting, sniffing, or ingesting by any other means into the body of tobacco, tobacco products, or other controlled substances as defined in the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act, 35 P.S. § 780-102.

TOBACCO PRODUCTS

Any product in leaf, flake, plug, liquid, or any other form, containing nicotine derived from the tobacco plant or otherwise derived, which is intended to enable human consumption of the tobacco or nicotine in the product, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any means. The term "tobacco product" excludes any product that has been specifically approved by the United States Food and Drug Administration (FDA) for sale as a tobacco/smoking cessation product or for other medical purposes, where such product is marketed and sold solely for such and approved purpose.

SECTION 6. Chapter 295 of the Code, Article VII, is hereby amended to add a new subsection to be numbered §295-62.3, to be entitled "Smoke Shops and Tobacco Stores", which shall read as follows:

§295-62.3 Smoke Shops and Tobacco Stores

Smoke Shops and Tobacco Stores shall be a permitted use in the GI – General Industrial District, subject to the following use requirements.

A. Smoke Shops and Tobacco Stores

- (1) No sales to minors may be solicited or conducted on the premises of any Smoke Shop and/or Tobacco Store.
- (2) No self-service tobacco, tobacco product, or tobacco paraphernalia displays shall be permitted.
- (3) No distribution of free or low-cost tobacco, tobacco products, or tobacco paraphernalia shall be permitted.
- (4) Smoke Shops and/or Tobacco Stores shall not be located within 1000 feet, measured property line to property line, from a school (private or public), family day-care home, child-care facility, youth center, community center, recreational facility, park, church or religious institution, hospital, or other similar uses where children regularly gather.
- (5) Smoke Shops and/or Tobacco Stores shall not be located within 1000 feet, measured property line to property line, from another Smoke Shop and/or Tobacco Store.
- (6) No Smoke Shop and/or Tobacco Store shall knowingly allow or permit a minor not accompanied by his or her parent or legal guardian to enter or remain within any Smoke Shop and/or Tobacco Store.

- (7) Smoke Shops and Tobacco Stores shall post clear signage stating that minors may not enter the premises unless accompanied by a parent or legal guardian. At least one such sign shall be placed in a conspicuous location near each public entrance to all such stores. It shall be unlawful for the above-listed store to fail to display and maintain, or fail to cause to be displayed or maintained, such signage.
- (8) All Smoke Shops and Tobacco Stores shall provide and maintain a minimum of one (1) garbage can per entryway, locations as approved by the Borough Zoning Officer.
- (9) Owners shall be responsible for removal of all trash, litter, garbage, etc., as a result of the purchase or use of tobacco related products, from their property and the adjacent rights-of-way within the Borough.
- (10) A Smoke Shop and/or Tobacco Store shall have not less than 10 off-street parking spaces, and an additional off-street parking space shall be required for each 250 square feet of a Smoke Shop and/or Tobacco Store above 5,000 square feet.
- (11) Screening/buffer planting is required where a Smoke Shop and/or Tobacco Store adjoins a residential use or district, with the screening/buffer planting meeting the requirements set forth in Sections 295-84 and 295-89(L) of the Code.
- (12) If a proposed Smoke Shop and/or Tobacco Store will generate 50 to 99 new vehicle trips in the peak direction (inbound or outbound) during the site peak traffic hour, the applicant for the proposed Smoke Shop and/or Tobacco Store shall be required to perform an abbreviated traffic impact study in accordance with Section 250-46A of the Borough of Waynesboro Subdivision and Land Development Ordinance.
- (13) If a proposed Smoke Shop and/or Tobacco Store will generate 100 or more new vehicle trips in the peak direction (inbound or outbound) during the site peak traffic hour, the applicant for the proposed Smoke Shop and/or Tobacco Store shall be required to perform a comprehensive traffic impact study in accordance with Section 250-46B of the Borough of Waynesboro Subdivision and Land Development Ordinance.
- (14) All traffic impact studies required to be conducted by a proposed Smoke Shop and/or Tobacco Store shall conform to the traffic impact study requirements in accordance with Section 250-46C of the Borough of Waynesboro Subdivision and Land Development Ordinance.

- (15) An applicant for a proposed Smoke Shop and/or Tobacco Store shall be responsible for any improvements required to provide safe and convenient ingress and egress to the development site in accordance with Section 250-46D of the Borough of Waynesboro Subdivision and Land Development Ordinance.
- (16) All accesses must secure the appropriate highway occupancy permit or Borough driveway permit, and a clear sight triangle must be maintained and driveways must be designed and improved to the standards expressly described in Section 250-35 of the Borough of Waynesboro Subdivision and Land Development Ordinance.
- (17) Loading space shall follow the requirements as set forth in Section 295-93 “Loading space” of the Borough of Waynesboro Zoning Ordinance. Further requirements for loading areas shall be provided in accordance with the provisions of the Borough of Waynesboro Subdivision and Land Development Ordinance.

SECTION 7. Section 295-8 of the Code, entitled “Definitions”, is hereby amended to delete and replace the following definition:

HALFWAY HOUSE

A rehabilitation center where people who have left an institution, such as a hospital or a prison, or who have voluntarily entered are provided care to help them readjust to living independently in the community. Additionally, a halfway house shall include housing for individuals recovering from drug or alcohol addiction, which provides those individuals with a safe and supportive drug and alcohol-free environment that may include peer support and other recovery support services

SECTION 8. Section 295-97 of the Code, entitled “Specific sign regulations,” is hereby amended by amending the table in Attachment 1 of the Borough’s Zoning Ordinance, entitled “Specific sign regulations,” to add the INST – Institutional District as a Permitted Zone for Electronic Message Centers as a Conditional Use. Only the portion of the table in Attachment 1 regarding “Electronic Message Signs” shall be updated and amended. All other provisions set forth in the table and throughout Attachment 1 shall remain unaffected. The table in Attachment 1 is hereby updated and amended to read as follows:

Sign Type	Maximum Permitted Number	Maximum Permitted Sign Area	Maximum Height of Freestanding Signs	Illumination Permitted	Permitted Zones	Other Requirements	Permit Required
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Electronic Message Signs	See Section 77	32 square feet	See Section 77	See Section 77	GC INST	See Section 77. Must be approved by conditional use	Zoning/ Conditional Use
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SECTION 9. Section 295-8 of the Code, entitled “Definitions”, is hereby amended to add the following relevant definitions:

INTERMODAL TRANSPORTATION

A method of moving freight using two or more modes of transportation, such as trucks, trains, and ships, without transferring the cargo from one container or unit to another during the transfer between modes.

SECTION 10. Section 295-74 of the Code, entitled “Accessory buildings”, is hereby amended to add a new subsection to be numbered § 295-74.E to read as follows:

§ 295-74 Accessory buildings.

Unless elsewhere specified in this chapter, accessory buildings shall conform to the following regulations as to their locations on the lot:

- E. Shipping containers (containers used at one time for Intermodal Transportation of goods and materials) shall not be permitted to be placed and/or stored upon properties located in all districts except the GC – General Commercial/Office District and I – Industrial District, whether placed and/or stored as a principal or accessory building or use.

SECTION 11. Section 250-39 of the Code, entitled “Utility improvements” is hereby amended to establish a new subsection to be numbered §250-39.A(1) to read as follows:

§ 250-39 Utility improvements.

- (1) The developer shall install, to Borough specifications, separate sewer service laterals to each dwelling unit created by the subdivision of an existing duplex.

SECTION 12. Section 250-39 of the Code, entitled “Utility improvements” is hereby amended to establish a new subsection to be numbered §250-39.B(1) to read as follows:

§ 250-39 Utility improvements.

- (1) The developer shall install, to Borough specifications, separate water service to each dwelling unit created by the subdivision of an existing duplex.

SECTION 13. Repealer. All provisions of previous Ordinances of the Borough, which are contrary to this Ordinance, are expressly repealed.

SECTION 14. Savings Clause. In all other respects, the Ordinances of the Borough shall remain as previously enacted and ordained.

SECTION 15. Severability. The provisions of this Ordinance are severable, and if any of its sections, clauses, or sentences shall be held illegal, invalid, or unconstitutional, such provision shall not affect or impair any remaining sections, clauses, or sentences of the same.

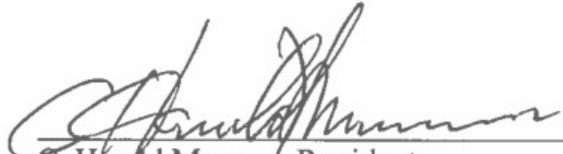
SECTION 16. Effective Date. This Ordinance shall become effective in accordance with law.

ENACTED, ORDAINED, AND APPROVED this 16th day of July, 2025, by the Borough Council of the Borough of Waynesboro, Franklin County, Pennsylvania, in lawful session duly assembled.

ATTEST:

BOROUGH OF WAYNESBORO


Secretary


C. Harold Mumma, President

