PITTSTON TOWNSHIP ORDINANCE NO. 7-02 of 2026

AN ORDINANCE OF PITTSTON TOWNSHIP, LUZERNE COUNTY, PENNSYLVANIA, AMENDING THE PITTSTON TOWNSHIP ZONING ORDINANCE ADOPTED SEPTEMBER 16, 2013 TO DEFINE AND ADD SPECIAL REQUIREMENTS FOR MEDICAL MARIJUANA FACILITIES

WHEREAS, Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. §§ 10601, *et seq.*, authorizes Pittston Township to enact, amend and repeal Zoning Ordinances within Pittston Township; and

WHEREAS, the Pittston Township Board of Supervisors deems it to be in the best interest and general welfare of the residents of Pittston Township to update and amend provisions of the Pittston Township Zoning Ordinance to provide for Medical Marijuana Facilities.

The Board of Supervisors of Pittston Township enacts as follows:

Section 1. The Pittston Township Zoning Ordinance, Article 2, Definitions, Section 202, Definition of Terms is amended as follows by adding:

MEDICAL MARIJUANA FACILITIES:

All uses associated with medical marijuana facilities as regulated by the Medical Marijuana Act (Act 16 of 2026) shall be subject to the requirements of this Ordinance.

Section 2. Medical Marijuana Facilities shall be a conditional use in the B-2 Industrial District. In all other zoning districts, they are not permitted including as an accessory use.

Section 3. The Pittston Township Zoning Ordinance Article 8 is amended by adding Article 80 as follows:

SUPPLEMENTAL REGULATIONS

A. PURPOSE

The purpose of this article is to establish a process and standards for the establishment, construction, and operations of medical marijuana facilities., pursuant to the Pennsylvania "Medical Marijuana Act" (PA Act 16, 2016) to all for the integration of an allowed industry while providing for the protection of the public's health, safety, morals and general welfare.

B. SUPPLEMENTAL DEFINITIONS

1. Academic Clinical Research Center - An accredited medical school within this Commonwealth that operates or partners with an acute care hospital licenses within this Commonwealth.

2. Caregiver - The individual designated by a patient to deliver medical marijuana.

3. Certified Medical Use - The acquisition, possession, use, or transportation of medical marijuana by a patient, or the acquisition, possession delivery, transportation or administration of medical marijuana by a caregiver, for use as part of the treatment of the patient's serious medical condition, as authorized by certification by the Commonwealth.

4. Clinical Registrant - An entity that.

   a. Holds a permit both as a grower/processor and a dispensary; and

   b. Has a contractual relationship with an academic clinical research center under which the academic clinic research center or its affiliate provides advice to the entity, regarding, among other areas, patient health and safety, medical applications and dispensing and management of controlled substances.

5. 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 Department of Health (DOH) of the Commonwealth to dispense medical marijuana.

6. Form of Medical Marijuana - The characteristics of the medical marijuana recommended or limited for a particular patient, including the method of consumption and any particular dosage, strain, variety and quantity or percentage of medical marijuana or particular active ingredient.

7. 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 DOH to grow and process medical marijuana.

8. Identification Card- A document issued by the DOH that permits access to medical marijuana.

9. Medical Marijuana - Marijuana for certified medical use as legal permitted by the Commonwealth of Pennsylvania with Act 16.

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

11. Medical Marijuana Organization or Facility - Any facility used to house delivery vehicles for supplying marijuana plants or seeds to one or more marijuana grower/processors and/or dispensaries.

12. Registry - The registry established by the DOH for all medical marijuana organizations and practitioners.

C. USE REGULATIONS

1. Academic Clinical Research Centers

a. Parking requirements will following the parking schedule found in Article 11 of this Ordinance as listed for Medical or Dental Offices or Clinics.

b. An academic clinical research center may only grow medical marijuana in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the DOH. The grower/processor facility shall not be located in a trailer cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.

c. All external lighting serving an academic clinical research center must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.

d. A ten-foot-wide (10') evergreen buffer strip shall be provide along all side and rear yards that abut any Residential Use as listed in this Ordinance. The initial height of the evergreen planting shall be five feet (5').

D. MEDICAL MARIJUANA GROWER/PROCESSOR

I. A medical marijuana grower/processor may only grow medical marijuana in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the DOH. The grower/processor facility shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.

2. The floor area of a medical marijuana grower/processor shall include sufficient space for production, secure storage of marijuana seed, related finished product cultivation, and marijuana related materials and equipment used in production and cultivation or for required laboratory testing.

3. 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.

4. Marijuana remnants and byproducts shall be secured and properly disposed of in accordance with the DOH Policy and shall not be placed within any unsecure exterior refuse containers.

5. 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.

6. Growers/processors may not locate within 1,000 feet of the property line of a public or private school or child day-care center.

7. All external lighting serving a medical marijuana grower/processor must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.

8. A ten-foot-wide (10') evergreen buffer strip shall be provided along all side and rear yards that abut any Residential District, and/or Residential Use defined by this Ordinance. The initial height of the evergreen planting shall be five feet (5').

9. Entrances and driveways to a medical marijuana grower/processor must be designed to accommodate the anticipated vehicles used to service the facility.

   a. All accesses must secure the appropriate highway occupancy permit (State, County or Township).

10. 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.

E. MEDICAL MARIJUANA TRANSPORT VEHICLE SERVICE

1. A traffic impact study is required where the office is operated.

2. Parking requirements will follow the parking schedule found in Article 11 of this Ordinance for warehouses, freight terminals, and trucking terminals.

3. All external lighting serving a medical marijuana transport vehicle service must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.

4. A ten-foot-wide (10') evergreen buffer strip shall be provided along all side and rear yards that abut any Residential Use defined by this Ordinance. The initial height of the evergreen planting shall be five feet (5').

5. Entrances and driveways to a medical marijuana transport vehicle service must be designed to accommodate the anticipated vehicles used to service the facility.

   a. All accesses must secure the appropriate highway occupancy permit (State, County or Township).

6. If for some reason a medical marijuana product is to be temporarily stored at a medical marijuana transport vehicle service facility, the facility must be secured to the same level as a medical marijuana grower/producer and dispensary.

7. 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.

F. MEDICAL MARIJUANA DISPENSARY

1. A medical marijuana dispensary must be legally registered in the Commonwealth and possess a current valid medical marijuana permit from the DOH.

2. 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.

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 dispensary shall be 8 am to 8 pm of the same calendar day.

6 A medical marijuana dispensary shall be a maximum of 3,000 gross square feet, of which no more than 500 square feet shall be used for secure storage of product, and shall have an interior customer waiting area equal to a minimum of twenty-five (25) percent of the gross floor area.

7. 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.

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

9. A medical marijuana dispensary may not be located within 1,000 feet of the property line of a public or private school or a child 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.

10. 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 building or portions thereof in which the businesses are conducted or proposed to be conducted regardless of municipality in which it is located. This separation distance does not apply to the distance between the grower/processor

or academic clinical research centers and the specific dispensary they serve, or with which they partner.

11. Any medical marijuana facility lawfully operating shall not be rendered in violation of these provisions by the subsequent location of a public, private or parochial school or a day-care center.

12. All external lighting serving a medical marijuana dispensary must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.

13. Parking requirements will follow the parking schedule found in Article 11 of this Ordinance for Medical or Dental Offices or Clinics.

14. All external lighting serving a medical marijuana transport vehicle service must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.

15. A ten-foot-wide (1O') evergreen buffer strip shall be provided along all side and rear yards that abut any Residential Use defined by this Ordinance. The initial height of the evergreen planting shall be five feet (5').

16. Entrances and driveways to a medical marijuana transport vehicle service must be designed to accommodate the anticipated vehicles used to service the facility.

    a. All accesses must secure the appropriate highway occupancy permit (State, County or Township).

17. 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.

Section 4. This Ordinance will be enforced by the Pittston Township Zoning Officer, with appeals therefrom to the Pittston Township Board of Supervisors.

ORDAINED and ENACTED as an Ordinance by the Board of Supervisors of Pittston Township, Luzerne County, Pennsylvania, in lawful session duly assembled, this 20th day of July, 2026.

Attest:

Kyle Rozitski, Township Manager

Pittston Township Board of Supervisors:

Joseph J. Hawk, Jr., Chairman

Deborah Taroli, Vice-Chairwoman

David A. Slezak, Supervisor

SEAL