

ORDINANCE NO. 1004

AN ORDINANCE SUPPLEMENTING AND AMENDING CHAPTER 212, ARTICLE II § 212-2 ENTITLED "DEFINITIONS", ARTICLE IV, § 212-12 ENTITLED "LC LIGHT COMMERCIAL DISTRICT USES", § 212-13 ENTITLED "GC GENERAL COMMERCIAL DISTRICT USES", § 212-15 LI LIGHT INDUSTRIAL DISTRICT USES", § 212-17 ENTITLED "IC INTERCHANGE COMMERCIAL DISTRICT USES" AND AMENDING CHAPTER 212, ARTICLE IV BY ADDING § 212-48.6 PERTAINING TO MEDICAL CANNABIS AND ADULT USE CANNABIS

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called "cannabis" for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (the "Act"), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer; and

WHEREAS, Section 31.a. of the Act authorizes municipalities by ordinance to adopt regulations governing the number of "cannabis establishments" (defined in Section 3 of the Act as "a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer"), and the number of "cannabis distributors" and "cannabis delivery services," that are allowed to operate within their boundaries, as well as the location, manner, and times of operation of such establishments, distributors or delivery services, and to establish civil penalties for the violation of any such regulations; and

WHEREAS, Section 31.b. of the Act stipulates, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (i.e., by August 22, 2021); and

WHEREAS, pursuant to Section 31.b. of the Act, the failure to regulate or prohibit cannabis operations within the 180-day deadline shall mean that, for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be "permitted uses" in all "industrial zones," and the retail selling of cannabis items to consumers shall be a "conditional use" in all "commercial and retail zones"; and

WHEREAS, "medical cannabis", as defined in the Act, has been previously legalized for dispensation to, and use by, registered qualifying patients pursuant to the "Jake Honig Compassionate Use Medical Cannabis Act," P.L.2009, c.307 (N.J.S.A. 24:6I-1, *et seq.*) and P.L.2015, c.158 (N.J.S.A. 18A:40-12.22, *et seq.*); and

WHEREAS, the Act includes numerous amendments to the Jake Honig Compassionate Use Medical Cannabis Act; and

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Carneys Point, in the County of Salem and State of New Jersey, as follows:

Section 1. Chapter 212, Article II § 212-2 entitled "Definitions" of the Code of The Township of Carneys Point is hereby supplemented and amended to include definitions as follows:

Alternative Treatment Center [https://ecode360.com/print/9997318 - 9997318](https://ecode360.com/print/9997318-9997318)

An organization issued a permit pursuant to the "Jake Honig Compassionate Use Medical Cannabis Act," P.L.2009, c.307 (C.24:6I-1 *et al.*) to operate as a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant, as well as any alternative treatment center deemed pursuant to section 7 of that act (C.24:6I-1 *et al.*) to concurrently hold a medical cannabis cultivator permit, a medical cannabis manufacturer permit, and a medical cannabis dispensary permit.

Cannabis

All parts of the plant *Cannabis sativa* L., whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant. This does not include medical cannabis or hemp products.

Cannabis consumption area

A designated location operated by a licensed cannabis retailer or permit holder for dispensing medical cannabis, for which both State and local endorsement has been obtained, that is either: (1) an indoor, structurally enclosed area of the cannabis retailer or permit holder that is separate from the area in which retail sales of cannabis items or the dispensing of medical cannabis occurs; or (2) an exterior structure on the same premises as the cannabis retailer or permit holder, either separate from or connected to the cannabis retailer or permit holder, at which cannabis items or medical cannabis either obtained from the retailer or permit holder, or brought by a person to the consumption area, may be consumed.

Cannabis cultivator

Any licensed person or entity that grows, cultivates, or produces cannabis in this State, and sells, and may transport, this cannabis to other cannabis cultivators, or usable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 1 Cannabis Cultivator license.

Cannabis delivery service

Any licensed person or entity that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by cannabis retailer in order to make deliveries of the items to the consumer. This person or entity shall hold a Class 6 Cannabis Delivery license.

Cannabis distributor

Any licensed person or entity that transports cannabis in bulk intrastate from one licensed cannabis from any one class of licensed cannabis establishment to another class of licensed cannabis establishment. This person or entity shall hold a Class 4 Cannabis Distributor license.

Cannabis manufacturer

Any licensed person or entity that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis, manufacturing =, preparing and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, wholesalers, or retailers, but not consumers. This person or entity shall hold a Class 2 Cannabis Distributor license.

Cannabis retailer

Any licensed person or entity that purchases or otherwise obtains useable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or wholesalers, and sells these ton consumers from a retail store, and may use a cannabis delivery service. This person or entity shall hold a Class 5 Cannabis Retailer license.

Cannabis wholesaler

Any licensed person or entity that purchases or otherwise obtains, stores, sells or otherwise transfers, and may transport, cannabis items for the purpose of resale or other transfer to either another wholesaler or retailer, but not to consumers. This person or entity shall hold a Class 3 Cannabis Wholesalers license.

Cannabis distributor

Any licensed person or entity that transports cannabis in bulk intrastate from one licensed cannabis from any one class of licensed cannabis establishment to another class of licensed cannabis establishment. This person or entity shall hold a Class 4 Cannabis Distributor license.

Section 2. Chapter 212, Article IV§ 212-12 entitled "LC Light Commercial District Uses" of the Code of The Township of Carneys Point is hereby supplemented and amended to include item (17) of subsection (C) of § 212-12 as follows:

C. Conditional uses:

- (1) Public utility uses, except generating or maintenance building; and yards.
- (2) Kennels and animal hospitals.
- (3) Private educational institutions.
- (4) Nonprofit auditoriums, libraries, museums and similar nonprofit agricultural uses.
- (5) Headquarters of public use buildings belonging to nonprofit corporations or associations.
- (6) Nursing homes.
- (7) Retail stores exceeding 5,000 square feet of gross floor area.
- (8) Gasoline service stations or garages.
- (9) Indoor commercial recreations.
- (10) Laundry, dry-cleaning or clothes-pressing establishments.
- (11) Motels, hotels, rooming and boarding houses.
- (12) Printing establishments.
- (13) Motor vehicle sales agencies.
- (14) General service, supply and contractors shops.
- (15) Wholesale establishments, lumber and building supply yards.
- (16) Neighborhood shopping centers.
- (17) Medical cannabis dispensaries, cannabis retailers, cannabis delivery services and cannabis testing facilities in accordance with §§ 212-48.6 and 212-67.

Section 3. Chapter 212, Article IV, § 212-13 entitled "GC General Commercial District Uses" of the Code of The Township of Carneys Point is hereby supplemented and amended to include item (10) of subsection (C) of § 212-13 as follows:

C. Conditional uses:

- (1) Tennis clubs; public or nonprofit swimming clubs.
- (2) Public utility uses, except generating or maintenance building; and yards.
- (3) Cemeteries.
- (4) Kennels and animal hospitals.
- (5) Private educational institutions.
- (6) Nonprofit auditoriums, libraries, museums and similar nonprofit agricultural uses.
- (7) Headquarters of public use buildings belonging to nonprofit corporations or associations.
- (8) Clubs, lodges and assembly halls.
- (9) Nursing homes.
- (10) Medical cannabis dispensaries, cannabis retailers, cannabis delivery services and cannabis testing facilities in accordance with §§ 212-48.6 and 212-67.

Section 4. Chapter 212, Article IV § 212-15 entitled "LI-R Light Industrial-Redevelopment and LI Light Industrial District Uses" of the Code of The Township of Carneys Point is hereby supplemented and amended to include item (5) of subsection (B) of § 212-12 as follows:

B. Conditional uses shall be as follows; subject to the same maximum-minimum standards listed in the Schedule of District Regulations:

- (1) Personal service and minor repair stores and shops, garage in accordance with § 212-48.4.
- (2) Gasoline service stations and public garage in accordance with § 212-47 or garages in accordance with § 212-48.2.
- (3) Motels and hotels in accordance with § 212-48.1.
- (4) Renewable energy facilities in accordance with § 212-48.5B and D.
- (5) Medical cannabis dispensaries, cannabis retailers, medical cannabis wholesalers, cannabis wholesalers, medical cannabis distributors, cannabis distributors, medical cannabis manufacturers, cannabis manufacturers, medical cannabis cultivators, cannabis cultivators, cannabis delivery services and cannabis testing facilities in accordance with §§ 212-48.6 and 212-67.

E. Locational Requirements.

- (1) Adult use cannabis retailers shall not be located or advertised within a Drug-Free School Zone (within 1,000 feet of a school property boundary line), 1,000 feet of a public park and places of worship (i.e., churches, synagogues, mosques, etc.), which shall be measured from the property line. Cultivation, manufacturing, distribution, delivery and testing facilities are not subject to this provision.
- (2) No adult use retail establishment shall be permitted to be located within 1,500 feet from another adult use retail establishment, which shall be measured from the property line.
 - (a) Standalone cultivation centers and manufacturing facilities are not included within this prohibition as long as the secured facility does not contain a dispensary or have public access. Signage for the cultivation center or manufacturing facility shall remain innocuous and part of the general directional signage typically found in industrial manufacturing facilities. Facade signs will be limited to those at the point of entry to the facility and may not be more than six square feet.
- (3) In the event more than one land use application for a dispensary, cultivation center or manufacturing facility of the same classification are submitted to the Township in close proximity to one another, and if the applications comply with all the requirements of this chapter and the Act, the Township is not permitted to approve all of the applications because of the limitations set forth in this subsection. The Township shall first review for approval the application that was first submitted and determined to be a complete and compliant application by the Township Engineer, Township Planner, or Zoning Officer.

F. Specific Requirements. In addition to pertinent requirements of implementing regulations of the Cannabis Regulatory Commission ("Commission"), cannabis establishments shall comply with the following:

- (1) All aspects of a medical cannabis or cannabis establishment relative to the acquisition, cultivation, possession, processing, sales, distribution, dispensing, or administration of cannabis, products containing cannabis, cannabis accessories, related supplies, or educational materials shall take place at a fixed location within a fully enclosed building dedicated to the cultivation of cannabis and shall not be visible from the exterior of the business.
- (2) No unprotected storage of cannabis or related supplies or materials is permitted.
- (3) All Township sign regulations must be complied with.
- (4) Cannabis businesses must limit signage to text on external signage. Use of graphics shall be limited to the logo for the business so long as it does not include a cannabis plant leaf and outward glorification of cannabis consumption.
- (5) Cannabis business signage shall not display on the exterior of the facility or windows advertisements for cannabis or a brand name except for purposes of identifying the building by the permitted name.
- (6) Parking shall be provided in accordance with §212-50, except that:

- (a) Dispensary shall be the same as retail.
 - (b) Cultivation center shall be the same as research laboratories.
- G. Use Regulations. In addition to pertinent requirements of implementing regulations of the Cannabis Regulatory Commission ("Commission"), cannabis establishments shall comply with the following:
 - (1) Uses under this Section and within the Carneys Point Township Code shall only consist of the uses and activities permitted by their definition under State Law.
 - (2) Cannabis Consumption Areas are prohibited within the Township of Carneys Point.
 - (3) No cannabis (medical or adult use) shall be smoked, eaten or otherwise consumed or ingested on the premises of a licensed cannabis establishment.
 - (4) Retail sales of cannabis products and opening of the premises to the public shall occur only during the hours of 8 am to 10 pm, Monday through Sunday.
- H. Security and reporting.
 - (1) Security systems must be in place, along with a 24/7 recording system that records for a minimum thirty day archive. This system shall be shared with the Carneys Point Police Department via web browser. Outside areas of the premises and the perimeter shall be well lit. The Carneys Point Police Department shall be provided the name and phone number of a staff person to notify during suspicious activity during or after operating hours. Security staff is required on the premises during all hours of operation.
 - (2) The premises must only be accessed by authorized personnel and free of loitering.
 - (3) Security personnel must be present during times of operation.
- I. No beer or alcohol on premises. No fermented malt beverages and no alcoholic beverages shall be kept, served or consumed on the premises of a cannabis business.
- J. Storage of products. All products and accessories shall be stored completely in accordance with the enabling Act and the permitting authority regulations.
- K. Storage of currency. All currency over \$1,000 shall be stored within a separate vault or safe, not used for the storage of medical cannabis or adult use cannabis, securely fastened to a wall or floor, as approved by the Township of Carneys Point Police Department.
- L. Prevention of emissions and disposal of materials.
 - (1) Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting the cannabis business premises shall be provided at all times. In the event that any debris, dust, fluids or other substances shall exit the business premises, the property owner and operator shall be jointly and severally responsible for the full cleanup immediately.

- (2) Businesses shall properly dispose of all materials and other substances in a safe and sanitary manner in accordance with state regulations.
 - (3) As applicable, cannabis businesses shall be equipped with odor control filtration and ventilation systems based on the then current industry specific best control technologies and best management practices sufficient in type and capacity to eliminate cannabis odors emanating from the interior to the exterior of the premises discernible by reasonable persons. The ventilation system must be inspected and approved by the Construction Official.
 - (4) All state regulations concerning ventilation systems shall be followed.
 - (5) Additional regulations may be imposed as part of Site Plan Review.
- M. Submittal Requirements. Above and beyond the standard application for Site plan Review, an application under this Section shall include the following:
- (1) Copies of all required licenses or registrations issued to the applicant by the State of New Jersey and any of its agents for the facility.
 - (2) Evidence that the applicant has site control and the right to use the site for a facility in the form of a deed, lease or purchase and sale agreement, and a signed statement from the property owner.
 - (3) In addition to what is normally required by site plan review, submittal shall also include details showing all signage. Exterior proposed security measures for the premises, including cameras, lighting, fencing, gates and alarms, etc. ensuring the safety of employees and patrons and to protect the premises from theft or other criminal activity.
- N. Compliance with other codes. Any cannabis business and the adjacent grounds of the cannabis business shall comply with all zoning, health, building, fire, and other codes and ordinances of the Township as shown by completed inspections and approvals by the Township Planner, Township Engineer, Construction Division, Fire Safety Division, and the Township of Carneys Point Health Department, if applicable.
- O. No harm to public health, safety or welfare. The premises of a cannabis business, and any adjacent grounds thereto, shall be operated in a manner that does not cause any substantial harm to the public health, safety and welfare.
- P. Additional requirements. The Township may impose on the applicant for a cannabis business any condition or fee related to the proposed use that is reasonably related to the protection of the public health, safety or welfare, not inconsistent with the permitting authority requirements, including but not limited to the following:
- (1) Licensing fees
 - (2) Additional security requirements;
 - (3) Limits and requirements on parking and traffic flows;

- (4) Requirements for walls, doors, windows, locks and fences on the premises and adjacent grounds;
 - (5) Limits on cannabis products that may be sold;
 - (6) Requirements and limits on ventilation and lighting;
 - (7) Limits on noise inside the licensed premises or on the adjacent grounds;
 - (8) Prohibitions on certain conduct in the cannabis business;
 - (9) Limits on hours of operation
- Q. Penalty for violation. Each and every person or entity failing to comply with any of the provisions in this chapter shall, upon conviction thereof, be punished by a fine of up to \$2,500 per offense, a term of imprisonment of up to 90 days and/or be required to perform community service for up to 90 days. Each day a violation exists shall constitute a new and separate offense subject to prosecution.
- R. Community Host Agreement will be required and approved by the Township Committee, which shall be reviewed and renewed on an annual basis by the Township.
- S. Discontinuance of Use.
- (1) Any medical cannabis or cannabis establishment permitted under this section shall be required to remove all material, plants, equipment and other paraphernalia in compliance with implementing regulations of the "Commission" prior to the expiration of its operating license or permit issued by the Township and the State of New Jersey or immediately following revocation or voiding of such license or permit.

Section 8. If any article, §, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

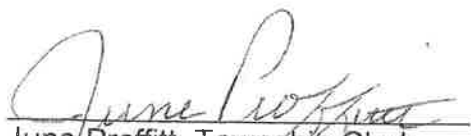
Section 9. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Carneys Point, the provisions hereof shall be determined to govern. All other parts, portions and provisions of The Code of the Township of Carneys Point are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 10. After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of Carneys Point for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64.

Section 11. This ordinance shall take effect immediately upon (1) adoption. ATTEST:
Carneys Point TOWNSHIP COMMITTEE

ATTEST:

CARNEYS POINT TOWNSHIP


June Proffitt, Township Clerk


Kenneth H. Brown, Mayor

COMMITTEE	MOVED	SECONDED	Y	N	ABSTAIN	ABSENT
DENNIS			X			
PELURA			X			
DOWE		X	X			
BOMBA	X		X			
BROWN			X			

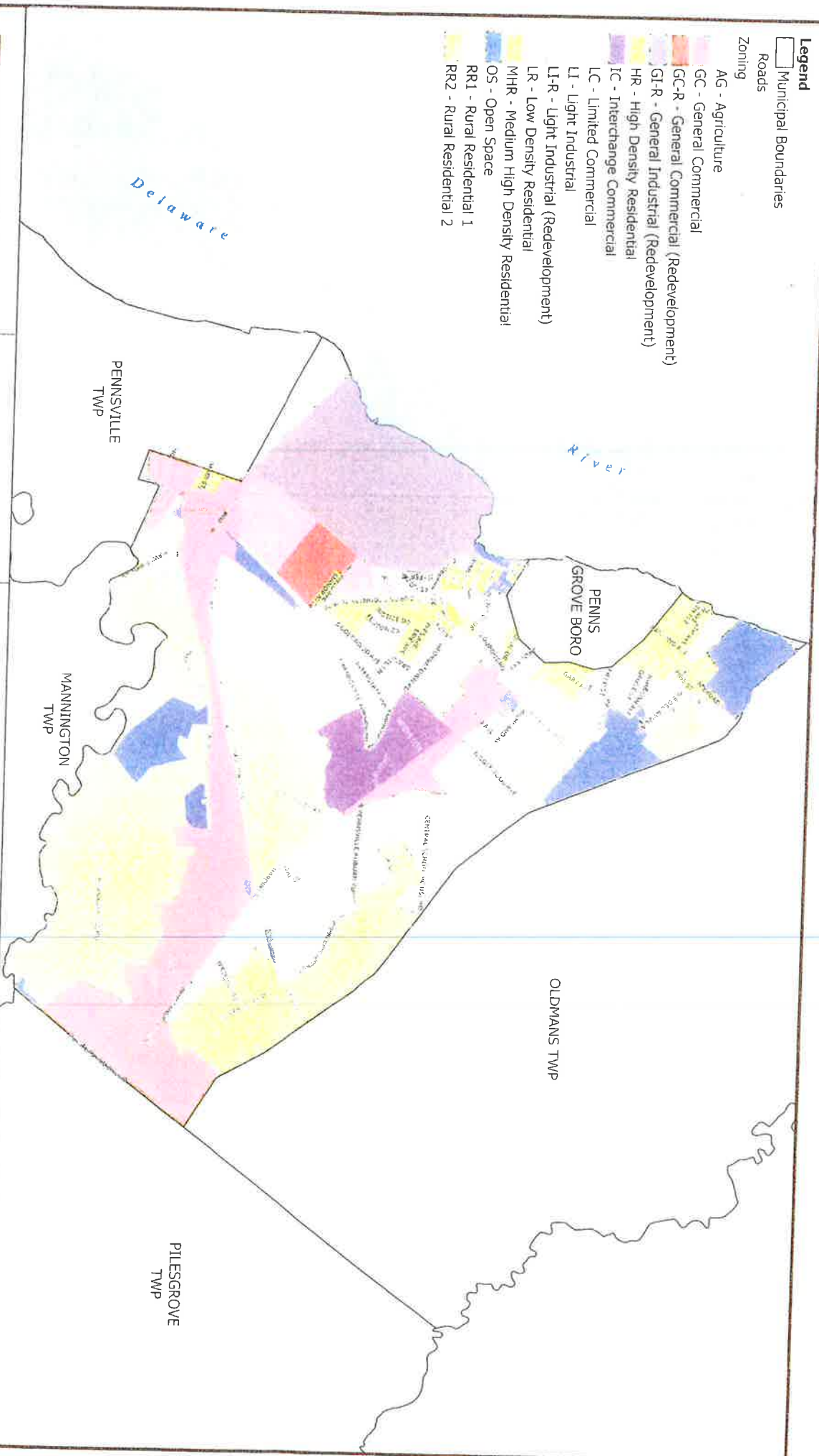
Introduced: May 18, 2022
Published: May 25, 2022
Adopted: June 15, 2022

Legend

☐ Municipal Boundaries
☐ Roads

Zoning

- AG - Agriculture
- GC - General Commercial
- GC-R - General Commercial (Redevelopment)
- GI-R - General Industrial (Redevelopment)
- HR - High Density Residential
- IC - Interchange Commercial
- LC - Limited Commercial
- LI - Light Industrial
- LI-R - Light Industrial (Redevelopment)
- LR - Low Density Residential
- MHR - Medium High Density Residential
- OS - Open Space
- RR1 - Rural Residential 1
- RR2 - Rural Residential 2



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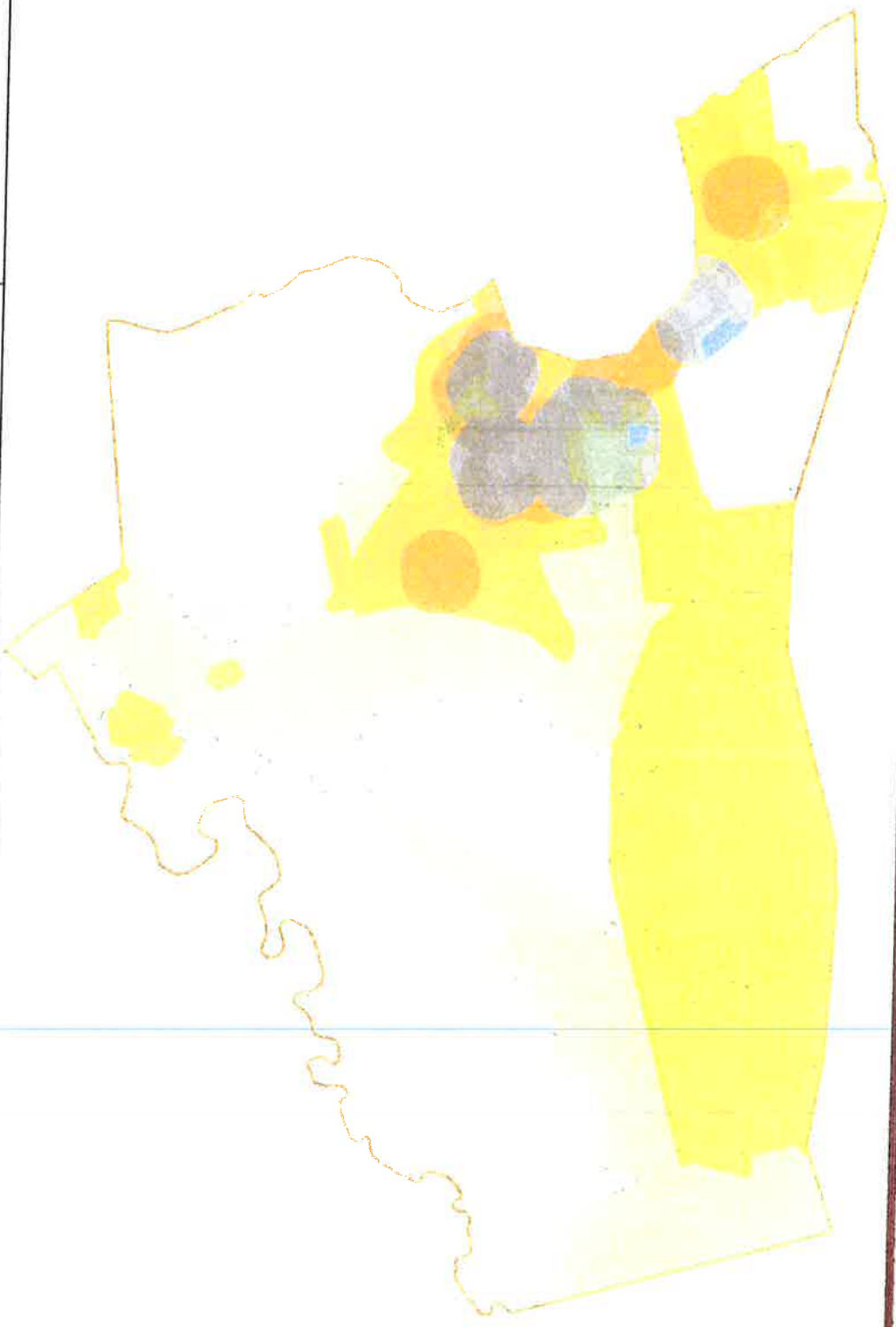
This map was developed using GIS data provided by the Township of Carneys Point, NJ. The map is for informational purposes only and does not constitute a legal document.

Map Data & Source:

Data Source:	SA Department of State Office of Planning Advocacy
Scale:	1" = 1/2 Mile
Date:	April 7, 2011
Drawn by:	C. Bach
Prepared by:	C. Bach

CARNEYS POINT
ZONING MAP





Legend

-  School Buffer 1000 Ft
-  Church Buffer 1000 Ft
-  Residential Buffer 200 Ft
-  Potentially Permitted Areas
-  Municipal Boundary

RETAIL CANNABIS EXCLUSION AND POTENTIALLY PERMITTED AREAS



Township of Carneys Point Salem County, NJ

*This map was developed using NAD83/NAD11P. Geographic information systems adjust data, but data is a secondary product which has not been verified by NAD83/NAD11P and is not authorized.

Map Data & Source:

Data Source: NJGIN	
Scale: 1" = 3,000'	Proj: CT2011.7
Date: June 1, 2011	
Drafted by: Chloe Bach	
Prepared by: Candace Karamphus, PE, AICP	

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