

ORDINANCE 2021-06
AN ORDINANCE AMENDING THE LOWER ALLOWAYS CREEK LAND
USE ORDINANCE, CHAPTER 5, KNOWN AS "ZONING", TO INCLUDE A SECTION ESTABLISHING
REGULATIONS AND REQUIREMENTS FOR IMPLEMENTATION OF THE "NEW JERSEY
CANNABIS REGULATORY, ENFORCEMENT ASSISTANCE, AND MARKETPLACE
MODERNIZATION ACT," N.J.S.A. 24:61-31

WHEREAS, the Township Committee of the Township of Lower Alloways Creek desires to amend the Land Use Code, Chapter 5, known as "Zoning".

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Township Committee of the Township of Lower Alloways Creek that:

Section 1. That the Land Use Code of the Township of Lower Alloways Creek is hereby amended as follows under Section 5.07 **Conditional Uses**:

C. CANNABIS BUSINESSES

1. Definitions.

As used in this section, the following terms shall have the meanings indicated:

ACT

"New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act," codified at N.J.S.A. 24:61-31

CANNABIS

The definition given to "marijuana," as provided in Section 2 of the New Jersey Controlled Dangerous Substances Act, P.L. 1970, c. 226 (effective January 17, 1971), codified at N.J.S.A. 24:21-1 et seq.

CANNABIS BUSINESS or BUSINESS

An organization issued a permit by the Commission to operate as a medical cannabis cultivator, medical cannabis manufacturer, wholesaler, transporter or medical cannabis dispensary. The terms "cannabis business" and "business" shall also mean "medical cannabis alternative treatment center (ATC)" or "alternative treatment center" as defined under the Jake Honig Compassionate Care Act.

CANNABIS CULTIVATOR OR CULTIVATION CENTER

An organization issued a permit by the permitting authority that authorizes the organization to: possess and cultivate cannabis and deliver, transfer, transport, distribute, supply, and sell cannabis and related supplies to other cannabis cultivators and to cannabis manufacturers and dispensaries, as well as to plant, cultivate, grow, and harvest medical cannabis for research purposes. For the purposes of zoning, this shall include the building, structure, or premises used for the cultivation or storage of medical cannabis.

MEDICAL CANNABIS DISPENSARY or DISPENSARY

An organization issued a permit by the permitting authority that authorizes the organization to: purchase or obtain medical cannabis and related supplies from medical cannabis cultivators; purchase or obtain medical cannabis products and related supplies from medical cannabis manufacturers; purchase or obtain medical cannabis, medical cannabis products, and related supplies and paraphernalia from other medical cannabis dispensaries; deliver, transfer, transport, distribute, supply, and sell medical cannabis and medical cannabis products to other medical cannabis dispensaries; furnish medical cannabis, including medical cannabis products, to a medical cannabis handler for delivery to a registered qualifying patient, designated caregiver, or institutional caregiver consistent with the requirements of the Act; and possess, display, deliver, transfer, transport, distribute, supply, sell, and dispense medical cannabis, medical cannabis products, paraphernalia, and related supplies to qualifying patients, designated caregivers, and institutional caregivers. For the purposes of zoning, this shall include the building, structure, or premises used for the dispensing of medical cannabis.

CANNABIS MANUFACTURER OR MANUFACTURING FACILITY

An organization issued a permit by the permitting authority that authorizes the organization to: purchase or obtain cannabis and related supplies from a cannabis cultivator; purchase or obtain cannabis products from another medical cannabis manufacturer; produce, manufacture, or otherwise create medical cannabis products; and possess, deliver, transfer, transport, distribute, supply, and sell cannabis products and related supplies to other medical cannabis manufacturers and dispensaries. For the purposes of zoning, this shall include the building, structure, or premises used for the manufacturing of cannabis products.

MMP IDENTIFICATION CARD

The New Jersey Medical Marijuana Program Identification Card, which identifies registered qualifying patients under the Act.

PARAPHERNALIA

The definition as provided in N.J.S.A. 2C:36-1.

PERMIT

The documents issued by the permitting authority pursuant to the Act granting the legal right to operate as a cannabis business.

PERMITTING AUTHORITY

The entity responsible for the regulation and enforcement of activities associated with the medical use of cannabis. This shall include the New Jersey Department of Health and the Cannabis Regulatory Commission, established pursuant to Section 31 of P.L. 2019, c. 153 (N.J.S.A. 24:6I-24), which shall assume all powers, duties, and responsibilities with regard to the regulation and oversight of activities authorized pursuant to P.L. 2009; c. 307 (N.J.S.A. 24:6I-1 et al.) from the Department of Health for the further development, expansion, regulation, and enforcement of activities associated with the use of cannabis pursuant to P.L. 2009, c. 307 (N.J.S.A. 24:6I-1 et

al.).

QUALIFYING PATIENT or PATIENT

A resident of the State of New Jersey who has been authorized for medical use of cannabis by a health care practitioner, and who has been registered by the permitting authority as a registered qualifying patient.

USABLE CANNABIS

The dried leaves and flowers of cannabis and any mixture or preparation thereof, but does not include the seed, stems, stalks, or roots of the plant.

VERTICAL INTEGRATION

The collocation or combination of the following activities related to the production of usable cannabis for within a single corporate entity: cultivation, manufacturing, and dispensing.

2. Limitation on the type and number of cannabis businesses within the Township to Class 1 (Cultivation), Class 2 (Manufacturing), Class 3 (Wholesale) and Class 4 (Distribution) as defined under the Act.

- a. There will be no permitted Class 5 (Retail Dispensaries) cannabis businesses within the Township's Borders for medical cannabis or otherwise. Additionally, there will be no permitted Class 6 (Delivery) licenses within the Township.
- b. The number of standalone cultivation centers and/or manufacturing facilities permitted within the Township is based on population. A maximum of one cultivation center and/or manufacturing facility shall be permitted for every 1000 people or fraction thereof. Population shall be determined by the most recent data available from the U.S. Census Bureau and the New Jersey Department of Labor, Bureau of Statistics.
- c. Standalone or integrated cultivation centers and manufacturing facilities are permitted businesses 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. In the event more than one land use application for a 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 Planner, or Zoning Officer.

3. Permitted locations.

- a. Dispensaries.
Dispensaries shall be not permitted to be located within Lower Alloways Creek Township, medical or otherwise.
- b. Vertically integrated or stand-alone cultivation centers, manufacturing, wholesale and distribution facilities.
Vertically integrated cultivation centers and manufacturing, wholesale and distribution facilities shall be permitted to be located within the following zones in accordance with this chapter where applicable. For all properties, adherence to the site design standards of the Township Land Development Ordinances through a review by the Zoning Official, and the Township Planning Board where applicable, is required. Issuance of zoning permit and/or site plan approval is required. Zones permitted include Agricultural/Residential (AR) and Commercial (C) as defined under Section 5 “Zoning” of the Township Code.

4. Distance between cultivation, manufacturing, wholesale and distribution facilities, schools and daycare facilities.

- a. Cultivation, manufacturing, wholesale and distribution facilities shall not be located within 1,000 feet of a school or child daycare property.

5. Operation of multiple cannabis businesses at a single location: vertical integration.

A person may vertically integrate a cultivation center, manufacturing, wholesale and distribution facility permitted by this section at a single location as long as it is in full compliance with the requirements of the Act and the Township Land Development Ordinances.

6. Specific requirements for cannabis businesses.

- a. The cultivation of cannabis shall not be permitted on exterior portions of a lot. The cultivation, production or possession of cannabis within a building or unit must not be perceptible from the exterior of the building or unit from a street or residential use. Such use shall adhere to the bulk standards of the underlying zoning.
- b. Cannabis businesses must limit signage to text on external signage, labeling, and brochures. 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.
- c. All Township sign regulations must be complied with.
- d. Cannabis business signage shall not display on the exterior of the facility or windows advertisements for medicinal cannabis or a brand name except for purposes of identifying the building by the permitted name.
- e. In the event of a conflict between the Township bulk standards and the Act or the permitting authority's regulations, the Township shall consider the pertinent statute or regulation as justification of any variance and/or design waiver.

7. Security and reporting.

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 local Police Unit via web browser. Outside areas of the premises and the perimeter shall be well lit. The Local Police Unit 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. Additionally:

- a. The premises must only be accessed by authorized personnel and free of loitering.
- b. All cannabis businesses shall take place in an enclosed, locked facility.
- c. Security personnel must be present during all times.

8. No products to be visible from public places.

Cannabis plants and products, contained in any cannabis business shall not be visible from a public sidewalk, public street or right-of-way, or any other public place. On-site storage of usable cannabis shall comply with 21 CFR 1301.72.

9. 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.

10. Storage of products.

All products and accessories shall be stored completely indoors and all-site in accordance with the Act and the permitting authority regulations.

11. Consumption of cannabis prohibited.

No consumption or smoking of any cannabis products shall be allowed or permitted on the premises or adjacent grounds of a cannabis business.

12. 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, securely fastened to a wall or floor, as approved by the local Police Unit.

13. Prevention of emissions and disposal of materials.

- a. 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.
- b. Businesses shall properly dispose of all materials and other substances in a safe and sanitary manner in accordance with state regulations.
- c. As applicable, cannabis businesses shall be equipped with ventilation systems with carbon filters 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.
- d. If carbon dioxide will be used in any cultivation area, sufficient physical barriers or a negative air pressure system shall be in place to prevent carbon dioxide from moving into the ambient air, into other units in the same building or into an adjacent building in a concentration that would be harmful to any person, including persons with respiratory disease and shall be inspected and approved by the Construction Official and the Fire Marshall.
- e. All state regulations concerning ventilation systems shall be followed.

14. 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, Construction Division, Fire Safety Division, and the Township Health Department, if applicable.

15. 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.

16. Additional requirements,

At the time a site plan approval is granted, amended, or a major change to a cannabis business is approved, the Township may impose on the applicant any condition related to the proposed use that is necessary to protect the public health, safety or welfare, not inconsistent with the permitting authority requirements, including but not limited to the following:

- a. Additional security requirements;
- b. Limits and requirements on parking and traffic flows;
- c. Requirements for walls, doors, windows, locks and fences on the premises and adjacent grounds;
- d. Requirements and limits on ventilation and lighting;
- e. Limits on noise inside the licensed premises or on the adjacent grounds;
- f. Prohibitions on certain conduct in the cannabis business;

17. Penalty for violation.

Any violation' of the provisions of this subsection or the conditions of the zoning permit granted, by a cannabis business shall be punishable by a civil fine of up to \$1,000. Each day that a violation is committed, exists or continues shall be deemed a separate and distinct offense. In addition, any violation of the provisions of this subsection, or any conditions imposed by the zoning permit may result in the revocation of the zoning permit.

- 18.** To the extent any provisions of the Township Ordinance Code, zoning and site plan code or standards conflict with this section, the provisions and standards of this section shall control.

SECTION 2. All Ordinances or parts of Ordinances inconsistent herewith to the extent of such inconsistencies be and the same are hereby repealed to the extent of such inconsistency.

SECTION 3. This Ordinance shall take effect upon its final passage and publication as required by law. The provisions of this Ordinance shall remain in full force and effect until amended or repealed.

Public Hearing on this Ordinance shall be on Tuesday July 20, 2021 at 7:30 p.m., at the Municipal Building, 501 Locust Island Road, Hancock's Bridge, New Jersey.

This Ordinance which was introduced for First Reading on June 15, 2021 shall be published by Title in the South Jersey Times and placed on the Township's Bulletin Board giving notice of said Public Hearing as required by Law.

Introduction: June 15, 2021

COMMITTEE MEMBER	MOVE	SECOND	YES	NO	ABSTAIN	ABSENT
MR. BRADWAY	M		Y			
MR. COLLIER			Y			
MR. PALOMBO		S	Y			
MR. VENABLE			Y			
MAYOR POMPPER			Y			

Final: July 20, 2021

COMMITTEE MEMBER	MOVE	SECOND	YES	NO	ABSTAIN	ABSENT
MR. BRADWAY						
MR. COLLIER						
MR. PALOMBO						
MR. VENABLE						
MAYOR POMPPER						

Attest

Township of Lower Alloways Creek

Ronald L Campbell Sr., Clerk

Mayor, Ellen B. Pompper