

TOWNSHIP OF WATERFORD

ORDINANCE NO. 2021-9

ORDINANCE AMENDING CHAPTER 176 OF THE CODE OF THE TOWNSHIP OF WATERFORD CAPTIONED “LAND USE, DEVELOPMENT AND ZONING”

WHEREAS, the Township of Waterford has adopted a new Chapter captioned “Cannabis” in regard to licensing and regulating approved Cannabis Businesses within the Township; and

WHEREAS, as a result of the enactment of that new Chapter it is necessary to amend the Township’s Land Use Ordinance to include identifying these Businesses and the zoning districts where such Business operations may be permitted.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Committee of the Township of Waterford, County of Camden, State of New Jersey, as follows:

Section 1. Section 176-9 captioned “Definitions” is hereby amended to include the following definitions:

Cannabis - this term shall have the meaning as set forth in N.J.S.A. 24:61-33

Cannabis Cultivator - a person or entity holding a Class 1 Cannabis Cultivator License pursuant to N.J.S.A. 24:61-31 et seq. and any regulations duly adopted by the Cannabis Regulatory Commission. Class 1 Licensee’s primary Business is the growth, cultivation, or production of Cannabis, including the sale and transport of such Cannabis to other Cannabis cultivators, or usable Cannabis to Cannabis manufacturers, Cannabis wholesalers or Cannabis retailers, but not to consumers.

Cannabis Manufacturer - A person or entity holding a Class 2 Cannabis Manufacturer license pursuant to N.J.S.A. 24:61-31 et seq. and any regulations duly adopted by the Cannabis Regulatory Commission. Class 2 licensees' primary Business is processing 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 Cannabis wholesaler or Cannabis retailers, but not to consumers.

Cannabis Wholesaler - A person or entity holding a Class 3 Cannabis Wholesaler license pursuant to N.J.S.A. 24:61-31 et seq. and any regulations duly adopted by the Cannabis Regulatory Commission. Class 3 licensees' primary Business email the purchase or otherwise obtaining, storing, selling and otherwise transferring, and may transport, Cannabis items for the purpose of resale or other transfer to either another Cannabis wholesaler or to a Cannabis retailer, but not to consumers.

Cannabis Distributor - A person or entity holding a Class 4 Cannabis Distributor license pursuant to N.J.S.A. 24:61-31 et seq. and any regulations duly adopted by the Cannabis Regulatory Commission. Class 4 licensees' primary Business is the transportation of Cannabis in bulk intrastate from one licensed Cannabis cultivator to another licensed Cannabis cultivator or transporting Cannabis item in bulk intrastate from any one class of licensed Cannabis establishment to another class of licensed Cannabis establishment. Class 4 Cannabis Distributor's may also engage in the temporary storage of Cannabis or Cannabis items as necessary to carry out transportation activities.

Cannabis Retailer - No provision has been made for a Class 5 Cannabis Retail Business License in any of the Township Zoning Districts and presently it is not a permitted use. The Township reserves its right to reconsider this decision following the promulgation and adoption of the regulations by the Cannabis Regulatory Commission and further review of the Township zoning districts for such a use.

Cannabis Delivery Service - a person or entity holding a Class 6 Cannabis Delivery License, pursuant to N.J.S.A. 24:61-31 et seq. and regulations duly adopted by the Cannabis Regulatory

Commission. Class 6 Licensee's primary Business is the provision of courier services for consumer purchases of Cannabis items and related supplies fulfilled by a Cannabis Retailer in order to make deliveries of the Cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the Cannabis items directly through the Cannabis delivery service, which after presenting the purchase order to the Cannabis Retailer for fulfillment, is delivered to that consumer.

Cannabis Distribution Facility - A facility or other place of Business operated by a Cannabis Distributor or Cannabis Delivery Service in providing services as a Class 4 or Class 6 licensee pursuant to license under N.J.S.A. 24:61-31 et seq. and any regulations adopted by the Cannabis Regulatory Commission, where such person or entity lawfully engages in the bulk distribution or consumer delivery of Cannabis, usable Cannabis or Cannabis products.

Cannabis Establishment - A Business constituting a Cannabis Cultivator, Cannabis Manufacturer, Cannabis Wholesaler or a Cannabis Retailer pursuant to N.J.S.A. 24:61-31 et. seq and any regulations duly adopted by the Cannabis Regulatory Commission.

Consumer - Any person legally qualified to purchase recreational Cannabis pursuant to N.J.S.A. 24:6I-31 et. seq. As of the date of adoption of this Ordinance, New Jersey law requires a consumer as defined herein be at least twenty-one (21) years of age or older and that such purchases of recreational Cannabis are for personal use, not for resale to others. Any future restriction or other modification concerning the qualifications applicable to Cannabis consumers by the State of New Jersey shall constitute a parallel restriction or modification of the qualifications to purchase or possess legalized Cannabis within the Township.

Consumption - means the act of ingesting, inhaling, or otherwise introducing Cannabis items into the human body.

Delivery - The transportation of Cannabis items and related supplies to a consumer. "Delivery" also includes the use by a licensed Cannabis retailer of any third party technology platform to receive process, and fulfill orders by consumers, which third party shall not be required to be a licensed Cannabis establishment, distributor, or delivery service, provided that any physical acts in connection with fulfilling the order and delivery shall be accomplished by a certified Cannabis handler performing work for or on behalf of a licensed Cannabis Retailer, which includes a certified Cannabis handler employed or otherwise working on behalf of a Cannabis Delivery Service making off-premises deliveries of consumer purchases fulfilled by that Cannabis Retailer.

Medical Cannabis - Cannabis dispensed to registered qualifying patients pursuant to the "Jake Honig Compassionate Use Medical Cannabis Act," P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2015, c.158 (C. 18A:40-12.22 et al.). "Medical Cannabis" does not include any Cannabis or Cannabis item which is cultivated, produced, processed, and consumed in accordance with P.L.2021, c.16 (C.24:61-31 et al.).

Cannabis Testing Facility - An independent, third-party entity meeting accreditation requirement established by the Cannabis Regulatory Commission that is licensed to analyze and certify Cannabis items and medical Cannabis for compliance with applicable health, safety, and potency standards.

For the purpose of this chapter, words and phrases herein shall have the same meanings as codified under state law, N.J.S.A. .24:6I-33, et seq., and any amendments or supplements thereto, and the rules and regulations of the Cannabis Regulatory Commission. In the event of a conflict in the meaning of words or phrases as between the Township Code and the foregoing laws or regulations of the State concerning legal Cannabis. State law or regulations shall govern.

Section 2. Section 176-104 captioned "Conditional Uses" is hereby amended to include the following conditional uses:

A Class 1, Class 2, Class 3, Class 4 and Class 6 Cannabis Business as defined herein. A Class 1, Class 2, Class 3, Class 4 and Class 6 Cannabis Business shall only be permitted in an Agricultural (AG) Zoning District.

Subparagraph C captioned “General Requirements” is amended to add a new subparagraph (12) to read:

“C(9), C(10), and C(11) shall not be applicable to a Cannabis Business.”

A new section “W” is hereby added captioned “Cannabis Businesses”.

A Class 1, Class 2, Class 3, Class 4 and Class 6 Cannabis Business is subject to the following requirements:

(i) No permitted Cannabis Business shall be located any closer than Two Hundred Fifty (250) feet from any behavioral care facility or residential medical detoxification center;

(ii) Located no closer than Two Hundred Fifty (250) feet from a residential district or use;

(iii) Located no closer than within Two Hundred Fifty (250) feet of the property line of any existing church, private school, college, child care center, or any existing public park or any public or parochial school not protected as a Drug Free School Zone;

(iv) Measurement of distances shall be conducted in a straight line from the nearest property line to the nearest portion of the building in which the Cannabis related Business is located.

(v) No permitted Cannabis Business shall be located within One Thousand Five Hundred (1,500) Feet of another permitted Cannabis Business which shall be measured in a straight line from the nearest portion of the building in which the center is proposed to be located to the nearest portion of the building in which the other center is to be located.

Bulk area requirements:

- [1] The minimum lot area for a Class 5 Retail Business License shall be determined by the Board based on the zoning district of the Property and scale of operation.
- [2] The minimum lot area for a Class 6 Delivery Business License shall be determined by the Board based on the zoning district of the Property and scale of operation.
- [3] The minimum lot area for a Class 1 Cultivator Business License, a Class 2 Manufacturer Business License, a Class 3 Wholesaler Business License and a Class 4 Distributor Business License shall be not less than 21,780 Square Feet (1/2 Acre).

- [4] The minimum lot width shall be not less than 100 feet.
- [5] The minimum lot frontage shall be not less than 100 feet.
- [6] The minimum lot front yard depth shall be not less than 50 feet.
- [7] The minimum lot side yard width shall be not less than 50 feet.
- [6] The minimum lot rear yard depth shall be not less than 50 feet.

Maximum lot coverage by impervious surfaces, including buildings:
Twenty percent (20%)

A Class 6 Delivery Business Licensee shall be permitted to operate from 9 a.m. to 10 p.m., every day. Time Limit of Operation for a Class 1, Class 2, Class 3, and Class 4 Business Licensees shall be determined by the Township Planning/Land Use Board.

A Class 1, Class 2, and Class 3 Cannabis Business shall be required to have a secure enclosed facility.

The Township Planning/Zoning Board shall determine if a Class 4 or a Class 6 facility should be enclosed.

Satisfactory measures and means shall be taken to prevent smoke, odors, debris, dust, and other substances from exiting the Business premises at all times. These Businesses shall properly dispose of any and all materials and other substances in a safe and sanitary manner.

All wastewater generated by a Class 1 or Class 2 cannabis operation must be managed in accordance with the applicable standards of the New Jersey Department of Environmental Protection. This shall include but not be limited to pre-treatment of wastewater where required, separation, recycling and off site disposal of solvents and oils where required and employing water conservation measures.

Any part of a zoning area not serviced by public sewer must meet the environmental standards of the #2ppm for nitrate dilution at property boundaries. Minimum lot size will be established based upon specific use area required to meet this standard.

Light pollution shall be controlled by glow lamps not more than 0.5 foot candles or less at the property line.

Noise pollution beyond the statutorily permitted decibel level is prohibited.

All indoor facilities must be equipped with ventilation systems with carbon filters sufficient in type and capacity to eliminate marijuana odors emanating from the interior or exterior of the premises discernable by reasonable persons. The ventilation system shall be inspected and approved by the Township Construction Official. Unless approved by the Township Planning/Zoning Board, all equipment, products and accessories shall be stored completely indoors and onsite.

Only authorized personnel or permitted invitees shall have access to the facility and the facility shall not be open to the public.

Security measures shall be identified and maintained at each facility.

Signage: For all Cannabis related businesses signage may contain the name of the business entity only and no signage reflecting a Cannabis leaf or leaves or other symbol will be permitted. The word Cannabis may be used but not “marijuana” or “pot” or any other term for Cannabis. No advertising signs shall be permitted. No display of pricing shall be permitted. Façade signs are limited to point of entry to a facility and shall not be more than six (6) feet square.

Section 3. Section 176-129 captioned “Agricultural Districts”, Section B captioned “Conditinal Uses shall be amended to include the following Conditional Uses:

A Class 1 Cannabis Cultivator Business, a Class 2 Cannabis Manufacturing Business, a Class 3 Cannabis Wholesale Business, a Class 4 Cannabis Distributor Business and a Class 6 Cannabis Delivery Business all as defined herein, subject to the regulations set forth in Section 176-104 and in the Chapter of the Waterford Township Code captioned “Cannabis”.

Section 4. All Ordinances or parts of Ordinances that are inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency only.

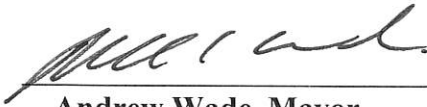
Section 5. The adoption of this Ordinance is subject to the regulations to be adopted by the Cannabis Regulatory Commission.

Section 6. If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a Court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this Ordinance.

Section 7. This Ordinance shall only take effect after final adoption and publication as required by law. This Ordinance is subject to review by the New Jersey Pinelands Commission.



Dawn Liedtka, RMC / CMR Clerk



Andrew Wade, Mayor

Introduced: July 14, 2021
Public Hearing: July 28, 2021
Adopted: 7/28/2021

UPON INTRODUCTION ON JULY 14, 2021					
	GIANGIULIO	ROMOLINI	WILSON	YEATMAN	WADE
YES		X	X	X	X
ABSTAIN					
NO					
ABSENT	X				
UPON ADOPTION ON JULY 28, 2021					
	GIANGIULIO	ROMOLINI	WILSON	YEATMAN	WADE
YES	X	X	X	X	X
ABSTAIN					
NO					
ABSENT					

CERTIFICATION

I, Dawn Liedtka, Clerk of the Township of Waterford, Camden County, New Jersey, do hereby certify the foregoing to be true and exact copy of the Ordinance which was finally adopted by the Mayor and Township Committee of the Township of Waterford at a Meeting held on 28th day of July, 2021.

Dawn H. Liedtka

Dawn Liedtka, RMC / CMR Clerk