

**TOWNSHIP OF WATERFORD
COUNTY OF CAMDEN
STATE OF NEW JERSEY**

ORDINANCE #2022-13

ORDINANCE OF THE TOWNSHIP OF WATERFORD, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, ESTABLISHING RULES AND REGULATIONS FOR "MEDICAL MARIJUANA ALTERNATIVE TREATMENT CENTERS"

WHEREAS, the Township of Waterford ("Township") is a municipal entity organized and existing under the laws of the State of New Jersey and located in Camden County; and

WHEREAS, the New Jersey Compassionate Use Medical Marijuana Act (the "Act"), N.J.S.A. 24:61 et seq., permits the authorized medical use of marijuana; and

WHEREAS, the Township acknowledges the expansion of the medical marijuana program in the State of New Jersey so as to provide needed relief to the many persons suffering from chronic and/or debilitating illnesses who may benefit from this program; and

WHEREAS, the Township further supports and encourages the safe and appropriate siting of marijuana related and supporting businesses within the Township including Alternative Treatment Centers, and Medical Marijuana Cultivation and/or Manufacturing facilities to allow qualifying patients greater access to medical marijuana; and

WHEREAS, the Medicinal marijuana industry can further the goals and objectives of the Township Master Plan through its ability to provide for new economic opportunities, including but not limited to job growth and expansion of the ratable base.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Committee of the Township of Waterford, County of Camden State of New Jersey, that it hereby establishes the following:

MEDICAL MARIJUANA ALTERNATIVE TREATMENT CENTER

SECTION 1

Definitions. As used in this Chapter, the following terms shall have the meanings indicated:

Act. The New Jersey Compassionate Use Medical Marijuana Act, P.L. 2009, c. 307 (approved January 18, 2010), codified at N.J.S.A. 24:61-1 et seq.

Alternative Treatment Center (ATC) or Medical Marijuana Alternative Treatment Center. An organization authorized through licensure issued by the NJ State Department of Health and the Board of Medical Examiners to perform activities necessary to provide registered qualifying patients with usable marijuana and related paraphernalia in accordance with the provisions of the Act. For the purposes of zoning, an ATC is the interface between provider and patient and is synonymous with a Medical Marijuana Dispensary. Medical Marijuana Cultivation and Manufacturing, shall only be permitted within the same structure or property as a dispensary.

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

Medical Marijuana Cultivation Center or Cultivation Center. A building, structure, or premises used for the cultivation or storage of medical marijuana. Includes the planting, propagating, cultivation, growing, harvesting, labeling or manufacturing, compounding and storing of medicinal marijuana for the limited purpose of this chapter. A Cultivation Center may only be physically on-site and associated with licensee's ATC medical marijuana dispensary. When connected-to, or part of, the same property by which an ATC dispenses from, it is considered part of the ATC. This includes greenhouses, commercial/industrial warehouse setups, hydroponic systems, etc.

Medical Marijuana Dispensary or Dispensary. An ATC facility that acquires, possesses, sells, distributes, transmits, gives, dispenses, or otherwise provides medical marijuana to qualifying patients.

Medical Use of Marijuana. The acquisition, possession, transport or use of marijuana or paraphernalia by a registered qualifying patient as authorized by the Act.

Marijuana Licensee. Any person licensed or registered pursuant to the Act and the Township of Waterford.

Medical Marijuana Manufacturing Facility. Facility involved with compounding, making, and processing of medical marijuana in all forms including those that involve food handling.

Medical Marijuana Business. Encompasses all components of the industry as is consistent with the Act. Accordingly, it shall mean any business involved in cultivating, manufacturing, distribution, sales, or testing of Medical Marijuana.

Medical Marijuana Program or "MMP". The program within the Department of Health, which is responsible for the administration and implementation of activities related to the Act.

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

Permit. The documents issued by the Department of Health pursuant to this chapter granting the legal right to operate as an alternative treatment center for a specified time.

Permitting Authority. The Medicinal Marijuana Program within the Department of Health, which the mailing address is P.O. Box 360, Trenton, NJ 08625-0360.

Usable Marijuana. The dried leaves and flowers of the female marijuana plant, and any mixture or preparation thereof, but does not include the seedlings, stems, stalks, or roots of the plant.

Vertical Integration. The co-location or combination of the following activities related to the production of usable marijuana for qualifying patients within a single corporate entity: cultivation, manufacturing, and dispensing.

SECTION 2. Applications/License Required/Fees

A. The application shall be issued as set forth in this Chapter and shall be in accordance with the laws, rules and regulations set forth in this Chapter and all other applicable laws of the State of New Jersey or the United States. The application fee is One Thousand Dollars (\$1,000.00) and is non-refundable. An application must be filed with the Township in order to receive a Resolution of Support/Letter of Support from the Township in accordance with the requirements of this Ordinance. The application form shall be established by Township

Resolution.

B. Initial Issuing Authority. Subject to the authority of the Cannabis Regulatory Commission to approve and issue Cannabis Licenses authorized by law, any applicant desiring to conduct business as an Alternative Treatment Center within the Township shall apply to obtain a license from the Township Committee.

C. All licenses are conditional uses in the Zoning districts identified in this Chapter by the Township.

(i) Upon receipt of a license application and the payment of the appropriate fee, the Township shall issue a letter to the applicant that said license is subject to a conditional use variance to be issued by the Township Planning/Zoning Board and that the applicant has paid the Township fee for such a license and upon receipt, that Letter shall be sent to the Applicant to file a conditional use application for the type of business requested by the Applicant in accordance with the Township Planning/Zoning Board Rules, Regulations and Fees.

(ii) If the Township Planning/Zoning Board approves the conditional use, a memorializing Resolution shall be issued by it to the Township Committee indicating that the Applicant has satisfied the conditional use requirements for an Alternative Treatment Center, which approval shall be subject to any other requirements set forth in this Chapter.

D. No person shall in any manner produce, sell, dispense or distribute cannabis or any cannabis product within the Township without first having obtained a license in accordance with the New Jersey Cannabis Regulatory Commission rules and regulations and the rules and regulations established in this Chapter.

The applicable fee established for each permitted license herein is One Thousand Dollars (\$1,000.00) for each Township license. The License fee is separate and apart from the Application fee. Licenses are required to be renewed on an annual basis for a fee of One Thousand Dollars (\$1,000.00) for each Township license.

SECTION 3. Limitation on Alternative Treatment Dispensaries within the Township.

A. The number of Alternative Treatment Center Dispensaries permitted within the Township shall be two (2). The Center may also have a Retail Business License which is a separate Conditional Use and subject to the same Township approval process for all Retail Licenses. A Retail Business License in an Alternative Treatment Center is in addition to the two (2) permitted Retail Business Licenses in the Township's Cannabis Ordinance.

B. Distance between Alternative Treatment Center Dispensaries Drug Free School Zones. Alternative Treatment Center's shall be located at a minimum of one thousand (1,000) feet from Drug Free School Zones as defined in the statute. Measurement to be conducted in a straight line from the nearest property line of the land used for the school to the nearest portion of the building in which the medical marijuana center is located.

C. No permitted Alternative Treatment Center shall:

1. be any closer than two hundred and fifty (250) feet from any behavioral health care facility or residential medical detoxification center.
2. be any closer than one hundred and fifty (150) feet from a residential district or use.
3. be located within five hundred (500) feet of the property line of any existing church, private school, college, childcare center, or any existing public park.

4. Measurement of distances shall be conducted in a straight line from the nearest property line to the nearest portion of the store, area, or building where the cannabis related business is located.

5. No Alternative Treatment Center 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.

D. Distance between Alternative Treatment Centers. No Alternative Treatment Center shall be located within one thousand five-hundred (1,500) feet from any other Alternative Treatment Center, 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 or the retail marijuana store is located.

E. In the event more than two (2) Applications for an Alternative Treatment Center 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 Ordinance and the NJ State Department of Health and the Board of Medical Examiners, 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.

SECTION 4. Permitted Locations.

A. Alternative Treatment Center (Dispensaries). Alternative Treatment Center dispensaries shall only be permitted to be located within the following zones in accordance with this Ordinance and Chapter 176 of the Township Code “Land Use, Development and Zoning”. Zones permitted include:

PHB Planned Highway Business District §176-126

B. Vertical Alternative Treatment Center (Dispensaries/Cultivation and Manufacturing) Facilities. Vertical Alternative Treatment Centers include dispensary, cultivation and manufacturing. Accordingly, they shall be permitted as one facility to be located within the following zones in accordance with this Ordinance and Chapter 176 of the Township Code “and Use, Development and Zoning”. Zones permitted include:

PHB Planned Highway Business District §176-126

NOTE: Vertical Alternative Treatment Centers (Dispensaries) and Cultivation and Manufacturing Facilities may be located along major road frontages provided that any retail component is located on the frontage.

C. Restrictions on Mobile Facilities and Delivery of Marijuana Products to Patients. No such services shall be permitted unless expressly permitted by the NJ State Department of Health and the Board of Medical Examiners pursuant to the type of Licensure the facility processes.

D. Operation. Alternative Treatment Center dispensaries shall limit their hours of operation to 8:00 a.m. to 10:00 p.m., Monday- Sunday, or as otherwise provided in any Conditional Use Approval and Township License.

SECTION 5. Specific Requirements for Alternative Treatment Centers.

A. The cultivation of Medical Marijuana plants shall not be permitted on exterior portions of a lot. The cultivation, production or possession of marijuana plants 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 district.

B. Samples of Medical Marijuana products offered for sale may be displayed on shelves, counters and display cases. All bulk marijuana products shall be locked within a separate vault or safe (no other items are permitted in this safe), securely fastened to a wall or floor, as approved by the State Agency having jurisdiction over cannabis sales.

C. An Alternative Treatment Center may sell "marijuana paraphernalia" as that term is defined and pertains to Patients only and shall be exempt from the prohibitions contained in any other section of the Zoning Code.

D. You must have an active MMP Identification Card from the NJ Department of Health in order to enter any Alternative Treatment Center.

E. No person without a MMP card is permitted to pick-up a prescription.

F. Alternative Treatment Centers 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 marijuana consumption.

G. Alternative Treatment Center signage shall not display on the exterior of the facility or windows advertisements for medicinal marijuana or a brand name except for purposes of identifying the building by the permitted name.

H. Parking shall be provided as set forth in Section 176-79 of the Township Land Use, Development and Zoning Code. Off-street parking and loading.

SECTION 6. Security and Reporting.

Security systems must be in place, along with a 24/7 recording system that records for a minimum 30-day archive. This system shall be shared with local law enforcement via web browser. Outside areas of the premises and the perimeter shall be well lit. The Township 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. Additionally,

- (1) The premises must only be accessed by authorized personnel and free of loitering.
- (2) All cultivation of marijuana shall take place in an enclosed, locked facility.
- (3) Security personnel must be present during times of operation.

SECTION 7. Specific Requirements for a Medical Marijuana Cultivation Premises.

If co-located with a Medical Marijuana Cultivation Premises, the area of the proposed Licensed Marijuana Premises utilized for cultivation shall be physically separated from the area of the premises open to the public or to patients. Walls, barriers, locks, signage and other means shall be employed to prevent the public or patients from entering the area of the Licensed Marijuana Premises utilized for cultivation of marijuana.

SECTION 8. Workplace Conditions

A. No Products to be Visible from Public Places. Marijuana plants, products, accessories, and associated paraphernalia contained in any Medical Marijuana Business shall not be visible from a public sidewalk, public streets or right-of-way, or any other public place. On-site storage of usable marijuana shall comply with 21 CFR §1301.72.

B. 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 Medical Marijuana Business.

C. Storage of Products. All products and accessories shall be stored completely indoors and on-site.

D. Consumption of Marijuana Prohibited. No consumption or smoking of any Medical Marijuana products shall be allowed or permitted on the premises or adjacent grounds of a Medical Marijuana Business.

E. Storage of Currency. All currency over \$1,000.00 shall be stored within a separate vault or safe (no marijuana in safe), securely fastened to a wall or floor, as approved by the State Agency having jurisdiction over cannabis sales.

SECTION 9. 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 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, Medical Marijuana Businesses shall be equipped with ventilation systems with carbon filters sufficient in type and capacity to eliminate marijuana 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 Official.

E. All State regulations concerning ventilation systems shall be followed.

SECTION 10.

Compliance with Other Codes. All Medical Marijuana Businesses 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 Construction Official, Fire Official, and the Health Department, as applicable.

No Harm to Public Health, Safety or Welfare. The Licensed Marijuana Business Premises and adjacent grounds of a Medical Marijuana Business shall be operated in a manner that does not cause any substantial harm to the public health, safety and welfare.

SECTION 11. Additional Requirements.

At the time Conditional Use and Site Plan Approval is granted, amended, or a major change to a Medical Marijuana Business is approved, the Township may impose on the applicant reasonable conditions related to the proposed use that is necessary to protect the public health, safety or welfare, including but not limited to the

following:

- (1) Additional security requirements;
- (2) Limits and requirements on parking and traffic flows;
- (3) Requirements for walls, doors, windows, locks and fences on the Licensed Marijuana Premises and adjacent grounds;
- (4) Limits on Medical Marijuana Products that may be sold;
- (5) Requirements and limits on ventilation and lighting;
- (6) Limits on noise inside the licensed premises or on the adjacent grounds;
- (7) Prohibitions on certain conduct in the Medical Marijuana Business;
- (8) Limits on hours of operation.

SECTION 12. Suspension or Revocation of License.

A. Grounds for Suspension or Revocation. Any license granted or issued pursuant to this Chapter may be suspended or revoked by the Township Committee after Notice and hearing for any of the following causes:

- i. Any fraud, misrepresentation, or false statement made in the application for a license or in any application presented to the Township Planning/Zoning Board.
- ii. Any violation of this Chapter or the Township Cannabis Ordinance.
- iii. Any violation of the New Jersey Cannabis Regulatory, Enforcement Assistance and Marketplace Modernization Act.
- iv. Any violation of the rules or regulations established by the Cannabis Regulatory Commission.
- v. Any conviction of a licensee of any felony or misdemeanor involving moral turpitude.
- vi. Conducting the business license under this Chapter, through the applicant himself/herself or any of its agents, servants or employees in any unlawful manner or in such a manner as to constitute a breach of peace or to constitute a menace to the health, safety or general welfare of the public.

B. Notice of Hearing. Notice of hearing for suspension or revocation of a license shall be given, in writing, by the Township Clerk setting forth the grounds of the Complaint and the time and place of the hearing. Such Notice shall be mailed by certified and regular mail, to the licensee at the address indicated on the license application, at least five (5) days prior to the date set forth for the hearing unless the 5 day notice would cause a threat to public health and welfare in which case the Township shall take any reasonable action to notify the licensee.

C. Reissuance Following Suspension or Revocation. The Township Committee may issue another license to a person whose license has been revoked, if, after the hearing it is satisfied by clear and convincing evidence that the acts which led to the revocation or suspension will not occur again; otherwise, no person whose license has been revoked, or any person acting for him/her, directly or indirectly shall not be considered for issuance of another license to carry on the same activity for a period of twelve (12) months.

D. Suspension or Revocation of a License shall be in addition to any other penalty which may be imposed for a violation of this Chapter or for a violation of any State law.

E. Proceedings for Suspension or Revocation of any license shall be in accordance with such rules and regulations that may be adopted by the Cannabis Regulatory Commission, or in lieu thereof, the Township Committee.

F. Penalty for Violation. Any violation of the provisions of this Chapter shall be punishable by a Civil fine of up to Two Thousand Dollars (\$2,000). Each day that a violation is committed, exists or continues shall be a separate and distinct offense. In addition, any violation of the provisions of this Chapter, or any conditions imposed

on the licensee may result in the revocation or suspension of the license.

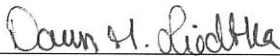
SECTION 13: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 14: 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.

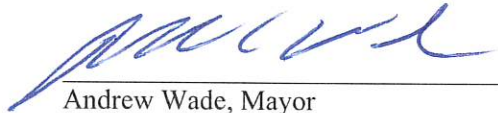
SECTION 15: If the New Jersey Pinelands Commission finds any deficiency with this Ordinance as relates to the Pinelands Comprehensive Management Plan (CMP) as pertains to the zoning districts, the remaining portion of this Ordinance shall remain valid and in effect upon adoption.

SECTION 16: Upon adoption of this Ordinance after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of this Ordinance with the Township Planning Board, the Pinelands Commission and any other agencies as required by law.

SECTION 17: Effective Date. This Ordinance shall take effect upon final passage and publication as provided by law.



Dawn Liedtka, RMC/CMR, Clerk


Andrew Wade, Mayor

Introduced: May 25, 2022

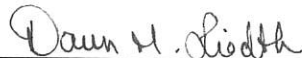
Public Hearing: June 8, 2022

Adopted:

UPON INTRODUCTION ON May 25, 2022					
	GIANGIULIO	ROMOLINI	WILSON	YEATMAN	WADE
YES	X	X	X	X	X
ABSTAIN					
NO					
ABSENT					
UPON ADOPTION ON 6/8 -2022					
	GIANGIULIO	ROMOLINI	WILSON	YEATMAN	WADE
YES	X		X	X	X
ABSTAIN					
NO					
ABSENT		X			

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 8TH day of June, 2022.



Dawn Liedtka, RMC / CMR Clerk