

TOWNSHIP OF WATERFORD

ORDINANCE NO. 2024-7

AN ORDINANCE AMENDING CHAPTER 176 OF THE CODE OF THE TOWNSHIP OF WATERFORD AND REPEALING ORDINANCE 2021-9, ORDINANCE 2021-17 AND ORDINANCE 2022-6

WHEREAS, the Township of Waterford in 2021 adopted a new Chapter in its Code captioned “Cannabis” in regard to licensing and regulating approved Cannabis Businesses within the Township; and

WHEREAS, subsequently, amendments were made to the new Cannabis chapter in 2021-2023; and

WHEREAS, as a result of the enactment of the new Cannabis chapter in its Code, it was necessary in 2021 to amend the Township’s Land Use Ordinances to include identifying these businesses and the zoning districts where such Business operations were permitted; and

WHEREAS, subsequently, amendments were also made to the Land Use Ordinances of the Township Code in 2021 and 2022, specifically Chapter 176; and

WHEREAS, the Mayor and Township Committee now wishe to further amend and consolidate all prior Land Use ordinances and Cannabis Ordinances with respect to Cannabis businesses.

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. Chapter 176 is amended as follows:

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

Agricultural products processing facility- a facility designed, constructed, and operated for the express purpose of processing agricultural products grown in the Pinelands, including washing, grading and packaging of those products.

Alternative Treatment Center - 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-7) to concurrently hold a medical cannabis cultivator permit, a medical cannabis dispensary permit, as set forth by C.24:6I-33.

Cannabis - this term shall have the meaning as set forth in N.J.S.A. 24:6I-33

Cannabis Consumption Area - A designated location operated by a licensed cannabis retailer or permit holder for dispensing medical cannabis, for which both a State and local endorsement has been obtained, subject to the limitations set forth under section 28 of P.L. 2019, c.153 (C.24:6I-21), 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 - a person or entity holding a Class 1 Cannabis Cultivator License pursuant to N.J.S.A. 24:6I-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. 24:6I-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 wholesalers 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. 24:6I-31 et seq. and any regulations duly adopted by the Cannabis Regulatory Commission. Class 3 licensees' primary business is 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. 24:6I-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 items in bulk intrastate from any one class of licensed Cannabis establishment to another class of licensed Cannabis establishment. Class 4 Cannabis Distributors may also engage in the temporary storage of Cannabis or Cannabis items as necessary to carry out transportation activities.

Cannabis Delivery Service - a person or entity holding a Class 6 Cannabis Delivery License, pursuant to N.J.S.A. 24:6I-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. 24:6I-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 Retailer - A person or entity holding a Class 5 Cannabis Retailer license pursuant to N.J.S.A. 24:6I-31 et. seq. and any regulations duly adopted by the Cannabis Regulatory Commission. Class 5 licensees' primary business is purchasing or otherwise obtaining usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and reselling these to consumers either through a retail store or use of a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers.

Cannabis Establishment - A business constituting a Cannabis Cultivator, Cannabis Manufacturer, Cannabis Wholesaler or a Cannabis Retailer pursuant to N.J.S.A. 24:6I-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.

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.

Microbusiness. - A licensed cannabis business with a smaller footprint than a standard cannabis business with respect to its business operations, capacity and quantity of product and as defined in N.J.S.A. 24:6I-33 and operated in accordance with NJAC 17:30-6.7.

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.24:6I-31 et al.).

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.

2. Section 176-104 captioned “Conditional Uses” is hereby amended to add a new

Section W. Titled Cannabis Businesses and shall include the following conditional uses:

- a. A Class 1, Class 2, Class 3, Class 4, Class 5 and Class 6 Cannabis Business as defined herein in Section 176-9. A Class 1, Class 2, Class 3, Class 4, Class 5 and Class 6 Cannabis Business shall be conditionally permitted in the Planned Highway Business District. (PHB) A Class 1 or Class 2 Cannabis business shall be permitted in an Agricultural (AG) Zoning District. A Class 1, Class 2, Class 3, Class 4 or Class 6 cannabis business shall be conditionally permitted in a Planned Unit Industrial (PI) District.
- b. A Class 1, Class 2, Class 3, Class 4, Class 5 or Class 6 Cannabis business is subject to the following requirements:
 - (i) It is located no closer than Two Hundred Fifty (250) feet from any behavioral care facility or residential medical detoxification center;
 - (ii) It is located no closer than One Hundred Fifty (150) feet from a residential district or use;
 - (iii) Located no closer than within Five Hundred (500) 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;
 - (iii) The measurement of distances shall be conducted in a straight line from the nearest property line to the nearest portion of the store, area, or facility where 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;

(vi) Bulk area requirements:

[1] The minimum lot area for a stand-alone 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 stand-alone 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 cannabis businesses that are proposed to be located in areas of the Township that are not serviced by public sewer shall be determined by the method outlined in Section 2 b. (xiii).
- [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.
- [8] The minimum lot rear yard depth shall be not less than 50 feet.

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

(viii) Hours of operation for a Class 5 and Class 6 Cannabis Business are 9:00 am to 10:00 pm Monday through Sunday. Time limit of operation for a Class 1, Class 2, Class 3, and Class 4 Cannabis Business shall be determined by the Township Land Use Board.

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

(x) The Township Land Use Board shall determine if a Class 4 or a Class 6 facility should be enclosed.

(xi) 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.

(xii) 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 offsite disposal of solvents and oils where required and employing water conservation measures.

(xiii) 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.

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

(xv) Noise pollution beyond the statutorily permitted decibel level is prohibited.

(xvi) 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.

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

(xviii) Security measures shall be identified and maintained at each facility.

(xix) 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.

(xx) Within the AG District, Class 1 and Class 2 Cannabis businesses shall be limited to activities that are consistent with the definitions of “Agricultural or Horticultural Purpose or Use” and or “Agricultural Products Processing Facility” as defined in Section 176-9 of this Chapter.

c. **Subparagraph C of section 176-104** captioned “General Requirements” is amended to add a new subparagraph (12) to read:

Subsections C (9) and C (11) shall not be applicable to a Cannabis Business.

3. Section 176-126 captioned “Planned Highway Business”, Section B shall be amended to add a new subsection 10 captioned “Conditional Uses” and shall be amended to include the following Conditional Uses:

A Class I Cannabis Cultivator Business, a Class 2 Cannabis Manufacturing Business, a Class 3 Cannabis Wholesaler Business, a Class 4 Cannabis Distributer Business, a Class 5 Cannabis Retail Business and a Class 6 Cannabis Delivery Business subject to the regulations set forth in Section 176-104 and in the Chapter of the Waterford Township Code captioned “Cannabis”.

4. Section 176-127 captioned “Planned Light Industrial Districts”, Section B shall be

amended to add a new subsection 10 captioned “Conditional Uses” and 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”.

5. Section 176-129 captioned “Agricultural Districts”, Section B shall be amended to add a new subsection 6 captioned “Conditional Uses” and shall be amended to include the following Conditional Uses:

A Class 1 Cannabis Cultivator Business and a Class 2 Cannabis Manufacturing Business, both 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 2. Upon introduction this Ordinance shall be referred to the Township Land Use Board for review, pursuant to N.J.S.A. 40:55D-26.

Section 3. Repealer. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4. Severability. 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 5. 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 6. 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 County Planning Board, the Pinelands Commission and any other agencies as required by law.

Section 7. Effective Date. This Ordinance shall take effect upon final passage and publication as provided by law.

Dawn Liedtka, RMC / CMR Clerk

Thomas Giangiuolo, Mayor

Intro: May 8, 2024
 Public Hearing: May 22, 2024
 Adopted: _____, 2024

UPON INTRODUCTION ON MAY 8, 2024					
	Doney	Jones-Freitag	Thompson	Wade	Giangiuolo
YES	X	X	X	X	X
ABSTAIN					
NO					
ABSENT					
UPON ADOPTION ON MAY 22, 2024					
	Doney	Jones-Freitag	Thompson	Wade	Giangiuolo
YES					
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 the day of _____, 2024.

Dawn Liedtka, RMC / CMR Clerk