ORDINANCE NO.

AN ORDINANCE OF THE TOWNSHIP OF VOORHEES, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AMENDING CHAPTER 152 ZONING DISTRICT TO INCLUDE SECTION 152-170: CANNABIS ESTABLISHMENTS

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

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" ("CREAMMA"), 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 law establishes six specific types of cannabis related businesses that may be licensed by the state and allows each municipality to determine whether or not each of these types of businesses shall be permitted within their municipal boundaries

Class 1: Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;

Class 2: Cannabis Manufacturer license, for facilities involved m 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 Distributor license, for businesses involved in transporting cannabis plants in bulk from one 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 purchased 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.

WHEREAS, CREAMMA Act authorizes municipalities to adopt by ordinance regulations governing the number of Cannabis Establishments, Cannabis distributors and Cannabis Delivery services, except for the delivery of Cannabis items and related supplies by a Cannabis delivery service based and initiated from outside of the municipality; and

WHEREAS, CREAMMA Act, authorizes municipalities to prohibit by ordinance the operation of any one or more classes of Cannabis establishments, distributors or delivery services anywhere in the municipality, except for the delivery of Cannabis items and related supplies by a delivery service based and initiated from outside of the municipality; and

WHEREAS, CREAMMA Act, also stipulates, however that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (i.e. by August 21, 2021); and

WHEREAS, Township of Voorhees adopted its last Master Plan Reexamination Report in August 2012; and

WHEREAS, some of the specific goals of Master Plan include (1) to collaborate with other government, non-government and private entities to create the most efficient and effective means for realizing Voorhees's Master Plan goals, while minimizing the financial burden on the Township; (2) upgrade, preserve and increase the economic and aesthetic vitality of the existing commercial and industrial areas, while being sensitive to adjacent and existing uses; (3) recognize the need to adapt to the changing dynamics and demands of a diverse and increasing globalized economy; and

WHEREAS, CREAMMA ACT, also establishes that failure to adopt any municipal regulation 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 use in all industrial zones and retail selling of Cannabis items to consumers shall be conditional use in all commercial and retail zones; and

WHEREAS, the Mayor and Township Committee of the Township of Voorhees has determined that in light of the foregoing it is in the best interest of the Township to adopt and implement this Ordinance that is in keeping with goals of the Master Plan and is in best interest of the Township and health, safety and welfare of its residents and visitors;

NOW THEREFORE, BE IT ORDAINED by the Mayor and Township Committee of the Township of Voorhees, County of Camden and State of New Jersey that:

Section 1. Amend Chapter 150- General Provisions Section §150.10- Definitions to include the following:

Cannabis - All parts of the plant *Cannabis sativa* and *Cannabis indica*, 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, which are cultivated and, when applicable, manufactured in accordance with P.L.2021, c.16 (C.24:6I-31 et al.) for use in cannabis products, but shall not include the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product.

Cannabis Business - Any person or entity that holds any of the six Classes of licenses established under P.L. 2021, c. 16, the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act." (CREAMMA)

Cannabis Cultivator - Any licensed person or entity that grows, cultivates, or produces cannabis, 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 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. 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 cultivator to another licensed cannabis cultivator, or transports cannabis items in bulk intrastate from any one class of licensed cannabis establishment to another class of licensed cannabis establishment, and may engage in the temporary storage of cannabis or cannabis items as necessary to carry out transportation activities. This person or entity shall hold a Class 4 Cannabis Distributor license.

Cannabis Establishment - A cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer.

Cannabis Establishment License- An establishment with one (1) or many of the licenses to operate as defined by the CREAMMA Act:

Class 1: Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;

Class 2: Cannabis Manufacturer license, for facilities involved m 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 Distributor license, for businesses involved in transporting cannabis plants in bulk from one 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 purchased 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.

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, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 2 Cannabis Manufacturer license.

Cannabis Product - A product containing usable cannabis, cannabis extract, or any other cannabis resin and other ingredients intended for human consumption or use, including a product intended to be applied to the skin or hair, edible cannabis products, ointments, and tinctures. “Cannabis product” does not include: (1) usable cannabis by itself; or (2) cannabis extract by itself; or (3) any other cannabis resin by itself.

Cannabis Retailer - Any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to that consumer. 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 cannabis wholesaler or to a cannabis retailer, but not to consumers. This person or entity shall hold a Class 3 Cannabis Wholesaler license

Section 2. Adding §152-170 – Cannabis Establishment as Conditionally Permitted Use in Overlay Zone”

§152-171 Purpose and Intent

The purpose and intent of the Cannabis Conditionally Permitted Use in Overlay zone is to provide appropriate type of facility in appropriate location within the Township

while promoting economic growth that will preserve and maintain health, safety and welfare of the Township and its residents.

§152-172 Conditional Use: Cannabis Establishments based on the type of licenses shall be permitted as conditionally permitted overlay zone in the following districts:

Type of Class	Zone permitted
Class 1, 2, 3, 4, 5 and 6	MB Zone along Route 73 provided following conditions are met
Class 5	B zone along Haddonfield Berlin Road, east of White Horse Road
Class 1, 3, 4 and 5	O3 zone Along Laurel Oak Road & Voorhees Drive
Class 5	TC Town Center- Redevelopment Plan

Please review the attached map on type of establishments permitted in each zone

§152-173 Conditions of Operation for Cannabis Establishments:

1. All Cannabis Establishments Class 1 through 6, located with the Township shall meet all requirements for licensure and hold the appropriate license issued by the Cannabis Regulatory Commission, Department of Treasury, State of New Jersey.

2. No Cannabis Establishment shall permit on-site consumption of Cannabis or Cannabis related products including no on site sales and consumption of alcohol or tobacco products.

3. No outside storage of any Cannabis, Cannabis products or Cannabis related materials shall be permitted.

4. Hours of operation of any Cannabis Retail Facility shall be limited from 10:00 am to 10:00 pm, seven days a week.

5. For each Cannabis Establishment located within the Township a security plan to be approved by Voorhees Police Department shall be provided to demonstrate how the facility will maintain effective security and control of the operations. The plan should include the following but not limited to
    - Type of security systems to be installed.
    - Installation, operation and maintenance of security camera coverings all interior and exterior parking lots, loading areas and other such areas of the Establishments
    - Tracking and record keeping of products and materials.
    - Type of lighting provided in and around the establishments.
    - Location on site security team and armed guard on premises.

6. Township of Voorhees shall permit a maximum of 10 licenses Cannabis Establishments of any classification from Class 1 through 6. No more than 5 retail Cannabis Establishment Class 5 shall be permitted within the Township.

§152-174 Conditions of Performance Standards:

1. All Cannabis Establishments, particularly Class 1, 2, 3, 4 & 5, shall provide detail information on Odor Control from these sites. This shall include Air treatment systems with sufficient odor absorbing ventilation and exhaust systems such that any odors generated inside the facility are not detectable are not detectable by a person of reasonable sensitivity anywhere on adjacent property, within public rights of way, or within any other unit located in the same building if the use occupies a portion of a building.

2. All Cannabis Establishments shall provide for noise mitigation features designed to minimize disturbance from machinery, processing and or packaging operations, loading and other noise generating equipment or machinery. All licensed facilities must operate within applicable State decibel requirements.

3. Loitering, disruption to/ and or obstruction of the free passage of persons or vehicles in immediate vicinity of the property shall be considered unlawful.

§152-174 Conditions of Site Development Standards

1. All Cannabis Establishment operations such cultivation, manufacturing, wholesale packaging and retail shall be conducted within a building. No operations shall be conducted outside.

2. Class 1, Class 2, Class 3 & Class 4 shall have minimum lot Area of 5 acres.

3. No Cannabis Establishments shall be located within 1000 feet of house of worship, school, day care and residential zones.

4. Parking: The following parking schedule shall be used to calculate the required number of off-street parking spaces per use. Where the calculation results in a fraction of a space, the required number of parking spaces shall be rounded to the nearest whole number.

   Cannabis Cultivator – 1 per every 1,000 square feet of gross floor area or 1 per 2 employees at maximum shift.

   Cannabis Delivery Service – 1 per every 1,000 square feet of gross floor area, plus 1 parking space for every delivery driver or fleet vehicle.

   Cannabis Distributor – 1 per every 1,000 square feet of gross floor area

   Cannabis Manufacturer – 1 per every 1,000 square feet of gross floor area or 1 per 2 employees at maximum shift.

   Cannabis Retailer – 1 per every 300 square feet of gross floor area

   Cannabis Wholesaler - 1 per every 1,000 square feet of gross floor area

5. Signage: Signage shall comply with section §150.15 Signs and Flagpole Regulations of the Land Use Ordinance.

Section 3. It is hereby found and determined that the Cannabis Establishment Ordinance conforms to the Master Plan of the Township of Voorhees.

Section 4. It is hereby found and determined that the Ordinance gives due consideration to the provision of appropriate allowable uses within the areas within Township with special consideration for the health, safety and welfare of the residents of the areas and the Township of Voorhees.

Section 5. In order to facilitate the implementation Ordinance, it is hereby found and determined that this action must be taken by this Township Committee to amend the Township of Voorhees Land Use Ordinance and take appropriate action upon proposals and measures designed to effectuate the same.

Section 6. All Ordinances contrary to the provisions of this section of the Ordinance are hereby repealed to the extent that they are inconsistent herewith.

Section 7. This Ordinance shall take effect upon final passage and publication in accordance with law.

ATTEST: TOWNSHIP OF VOORHEES

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Dee Ober, RMC, Township Clerk By: Michael R. Mignogna, Mayor

I, Dee Ober, Clerk of the Township of Voorhees, hereby certify the foregoing to be a true and correct copy of an Ordinance introduced by the Mayor and Township Committee at their meeting of July 12, 2021 held in the Municipal Building, 2400 Voorhees Town Center, Voorhees, New Jersey.

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Dee Ober, RMC, Township Clerk

INTRODUCED:
ADOPTED:

ORDINANCE NO.

AN ORDINANCE OF THE TOWNSHIP OF VOORHEES, COUNTY OF CAMDEN AND STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT THE CODE OF THE TOWNSHIP OF VOORHEES, TITLE III: ADMINISTRATION, CHAPTER 34, ENTITLED "FINANCE AND TAXATION" TO ESTABLISH NEW SECTION 34.51, "CANNABIS MUNICIPAL TAX" TO COLLECT A STATUTORILY AUTHORIZED TWO PERCENT (2%) MUNICIPAL TRANSFER TAX ON CANNABIS SALES BY CLASS I, II AND V LICENSE HOLDERS AND ONE PERCENT (1%) MUNICIPAL TRANSFER TAX ON CANNABIS SALES BY CLASS III LICENSE HOLDERS

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

WHEREAS, on February 21, 2021, the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act ("CREAMMA") was signed into law; and

WHEREAS, CREEAMA both legalizes and decriminalizes adult use cannabis within New Jersey; and

WHEREAS, the law establishes six (6) specific classes of cannabis businesses that may be licensed by the State and allows each municipality to determine whether or not each of these types of businesses shall be permitted within their municipal boundaries; and

WHEREAS, the Township is concurrently amending its zoning ordinance to permit Class I through VI licensed cannabis businesses to operate within a Cannabis Overlay Zone within the Township; and

WHEREAS, Section 40 of CREAMMA authorizes the imposition of a municipal tax on the lawful sale of cannabis; and

WHEREAS, the Township desires to impose a two percent (2%) municipal transfer tax on revenues generated by the lawful sale of cannabis by Class I, II and V license holders, and a one percent (1%) municipal tax on revenues generated by the lawful sale of cannabis by Class III license holders;

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

SECTION 1. Title III: Administration, Chapter 34 of the Code of the Township of Voorhees, entitled "Finance and Taxation" is hereby amended and supplemented with a new Section 34.51 as follows:

§ 34.51 Cannabis Municipal Tax.

Pursuant to Section 40 of the New Jersey Cannabis Regulatory, Enforcement and Marketplace Modernization Act (CREAMMA), the following municipal tax shall be collected from the following cannabis license holders:

A. A two percent (2%) municipal transfer tax shall be imposed on the lawful sale of cannabis produced by any Class I, II and V license holder.

B. A one percent (1%) municipal transfer tax shall be imposed on the lawful sale of cannabis produced by any Class III license holder.

SECTION 2. This ordinance shall take effect immediately.

ATTEST: TOWNSHIP OF VOORHEES

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Dee Ober, RMC, Township Clerk By: Michael R. Mignogna, Mayor

I, Dee Ober, Clerk of the Township of Voorhees, hereby certify the foregoing to be a true and correct copy of an Ordinance introduced by the Mayor and Township Committee at their meeting of July 12, 2021 held in the Municipal Building, 2400 Voorhees Town Center, Voorhees, New Jersey.

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Dee Ober, RMC, Township Clerk

INTRODUCED:
ADOPTED: