

TOWNSHIP OF PENNSAUKEN

ORDINANCE 2022:16

AN ORDINANCE AMENDING CHAPTERS 141 AND 277 AND ADDING NEW CHAPTER 95 OF THE CODE OF THE TOWNSHIP OF PENNSAUKEN TO FURTHER IMPLEMENT PROVISIONS OF THE NEW JERSEY CANNABIS REGULATORY, ENFORCEMENT ASSISTANCE AND MARKETPLACE MODERNIZATION ACT AND TO PERMIT AND GOVERN MEDICAL CANNABIS OPERATIONS

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” (the “Act”), 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, Section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the location, manner and times of operation of such establishments and establishing civil penalties for the violation of any such regulations; and

WHEREAS, section 40 of the Act authorizes municipalities by ordinance to adopt regulations which establish limited taxation of the above classes of activity within the municipality; and

WHEREAS, on August 5, 2021, the Township Committee of the Township of Pennsauken adopted Ordinance 2021:22 which allows licenses for three classes of recreational cannabis: Class 2- Cannabis Manufacturer, Class 3- Cannabis Wholesaler and Class 5- Cannabis Retailer; and establishes taxation on these three classes of cannabis; and

WHEREAS, the Township has determined that the manufacturing, wholesaling and retailing of recreational cannabis will require additional police and community resources and that licenses must contribute to the cost of these added services through local license fees; and

WHEREAS, the Township now seeks to adopt regulations governing the local licensing, location, manner and times of operation of such establishments in the Township; and

WHEREAS, the State of New Jersey permits in limited circumstances the medical use of cannabis via the Jake Honig Compassionate Use Medical Cannabis Act,” P.L.2009, c.307 (N.J.S.A. 24:6I-1 et al.). This Act permits a municipality to enact regulations governing medical cannabis and provide for a taxation of medical cannabis; and

WHEREAS, the Township Committee wishes to create regulation’s for medical cannabis that can provide medical benefits and promote the health, safety and general welfare of the community; and

NOW, THEREFORE, BE IT ORDAINED AND ADOPTED, by the Township Committee of the Township of Pennsauken, County of Camden, State of New Jersey that Chapter 141 of the Township Code entitled “Development Regulations” and Chapter 277 of the Township Code entitled “Taxation”; are hereby amended and supplemented and a new Chapter 95 entitled “Cannabis” is hereby adopted and shall read as follows;

SECTION 1

The following definitions shall be added to Section 141-4 (Chapter 141 “Development Regulations”, Article I “General Provisions”):

MEDICAL CANNABIS — Cannabis intended for medical use by a qualified patient registered with the New Jersey Cannabis Regulatory Commission pursuant to N.J.S.A. 24:6I-1 et. seq. and N.J.S.A. 18A:40-12.22 et al.

MEDICAL CANNABIS DISPENSARY — An organization issued a permit by the New Jersey Cannabis Regulatory Commission that authorizes the organization to: purchase or obtain medical cannabis and related supplies from medical cannabis cultivators as defined in N.J.S.A. 24:6I-1 et al.; purchase or obtain medical cannabis products and related supplies from medical cannabis manufacturers as defined in N.J.S.A. 24:6I-1 et al.; purchase or obtain medical cannabis, medical cannabis products, and related supplies and paraphernalia from other medical cannabis dispensaries and from clinical registrants as defined in N.J.S.A. 24:6I-1 et al.; 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 subsection i. of N.J.S.A. 24:6I-20; 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. A medical cannabis dispensary permit shall not authorize the permit holder to cultivate medical cannabis, to produce, manufacture, or otherwise create medical cannabis products.

SECTION 2

Section 141-81.A.(3), C-1 Commercial Districts (Chapter 141 “Development Regulations”, Article VII “Zoning Regulations”), shall be amended as follows (deletions are struck through, additions are underlined):

Any one or more of the following uses when authorized as a conditional use by the Planning Board if simultaneous with site plan review, otherwise by the Board of Adjustment if the Board of Adjustment has jurisdiction in accordance with N.J.S.A 40:55D-70d(3):

SECTION 3

Section 141-81.A.(3)(f), which outlines conditional use regulations for Cannabis Retailers in C-1 Commercial Districts (Chapter 141 “Development Regulations”, Article VII “Zoning Regulations”), shall be amended as follows (deletions are struck through, additions are underlined):

(f) Cannabis Retailer, subject to the following conditions:

[1] Such facility shall meet all requirements for licensure, and hold an appropriate Class 5 Cannabis Retailer license issued by the Cannabis Regulatory Commission, Department of Treasury, State of New Jersey. The required ~~Municipal~~ Local Cannabis License(s) must also be obtained from the Township of Pennsauken;

~~[2] Lot, area, and bulk requirements:~~

~~[a] The minimum lot area shall be 5,000 square feet.~~

~~[b] The minimum front yard shall be 10 feet, provided, however, that where off street parking is located in the front yard, the depth shall be not less than 40 feet.~~

~~[c] Side yards shall be provided as follows:~~

~~[i] Where a building adjoins another on the side lot line and a common party wall is used, no side yard shall be required.~~

~~[ii] Where a building is not erected on a side lot line, the side yard not abutting a street shall be not less than 10 feet in width.~~

~~[iii] On a corner lot there shall be a side yard abutting the street having a width not less than 10 feet; provided, however, that where off street parking is located in such side yard, the depth shall be not less than 40 feet.~~

~~[d] The minimum rear yard shall be 35 feet.~~

~~[e] Not more than 50% of the area of any lot shall be occupied by buildings.~~

~~[f] Not more than 85% of the area of any lot shall be occupied by buildings, paving, sidewalks or other impervious materials.~~

[2] The minimum lot area shall be 5,000 square feet.

- [3] Shall not be any closer than 1,000 feet from any public or nonpublic school or preschool or child-care center, alcohol or drug abuse recovery or treatment facility, behavioral health care facility or residential medical detoxification center, as measured in a straight line from the nearest two points of the property lines.
- [4] Shall not be any closer than 350 feet from the R4 and R5 Districts; 400 feet from a R1, R2 or R3 ~~Districts~~ district, residential use, or mixed use containing residential uses, as measured in a straight line from the nearest two points of the property lines.
- [5] Shall not be located within 500 feet of the property line of any existing church or house of worship or any existing public park, ~~or~~ playground or other publicly owned recreational facility, as measured in a straight line from the nearest two points of the property lines.
- [6] No facility may permit on-site consumption of cannabis or cannabis products.
- [7] No outside storage of any cannabis, cannabis products or cannabis paraphernalia shall be permitted.
- ~~[8] A security plan shall be submitted to the Pennsauken Township Police Department which shall demonstrate how the facility will maintain effective security and control of operations. The security plan shall identify the type and manner of 24-hour security, tracking and record-keeping of products and materials, surveillance systems to be utilized, and whether any armed security will be on the premises.~~
- [9 8] Off-street parking shall be provided at a ratio of 1 space for every 100 square feet of gross floor area, with the addition of one parking space for each employee to be present at time of peak staffing.
- ~~[10 9]~~ Shall not be located within 1,000 feet of the right-of-way of U.S. Route 130.
- [10] Blinking or flashing lights shall be prohibited.
- [11] Shall be in full conformance with the signage requirements of this chapter.
- [12] All other provisions that are applicable to the zone district and not in conflict with the foregoing conditional use requirements shall apply; provided, however, that such provisions shall not be applied as conditional use requirements.

SECTION 4

Section 141-83.A.(7), which outlines conditional use regulations for Cannabis Manufacturers and Wholesalers in LI Limited Industrial Districts (Chapter 141 “Development Regulations”, Article VII “Zoning Regulations”), shall be amended as follows (deletions are struck through, additions are underlined):

- (7) A Cannabis Manufacturer and Wholesaler, subject to the following conditions and when authorized as a conditional use by the Planning Board if simultaneous with site plan review, otherwise by the Board of Adjustment if the Board of Adjustment has jurisdiction in accordance with N.J.S.A 40:55D-70d(3):
- (a) Such facility shall meet all of the requirements for licensure, and hold the appropriate Class 2 Cannabis Manufacturer license or Class 3 Cannabis Wholesaler license issued by the Cannabis Regulatory Commission, Department of Treasury, State of New Jersey. The required ~~Municipal~~ Local Cannabis License(s) must also be obtained from the Township of Pennsauken;
- ~~(b) Lot size, yard size, and lot area shall be regulated as specified:~~
- ~~[1] The minimum lot area shall be not less than 1 acre.~~
- ~~[2] The minimum lot width shall be not less than 200 feet.~~
- ~~[3] The minimum lot front yard depth shall be not less than 40 feet.~~
- ~~[4] The minimum lot side yard width shall be not less than 15 feet, and the side yard abutting a street having a width not less than 35 feet.~~
- ~~[5] The minimum lot rear yard depth shall be not less than 25 feet.~~
- ~~[6] Not more than 50% of the area of any lot shall be occupied by buildings.~~
- ~~[7] Not more than 85% of the area of any lot shall be occupied by buildings, paving, sidewalks or other impervious materials.~~
- (b) The minimum lot area shall be not less than one (1) acre.
- (c) Shall not be any closer than 1,000 feet from any public or nonpublic school or preschool or child-care center, alcohol or drug abuse recovery or treatment facility, behavioral health care facility or residential medical detoxification center, as measured in a straight line from the nearest two points of the property lines.
- (d) Shall not be any closer than 350 feet from the R4 and R5 Districts; 400 feet from a R1, R2 or R3 ~~Districts~~ district, residential use, or mixed use

containing residential uses, as measured in a straight line from the nearest two points of the property lines.

- (e) Shall not be located within 500 feet of the property line of any existing church or house of worship or any existing public park, ~~or~~ playground or other publicly owned recreational facility, as measured in a straight line from the nearest two points of the property lines.
- (f) No facility may permit on-site consumption of cannabis or cannabis products.
- (g) No outside storage of any cannabis, cannabis products or cannabis paraphernalia shall be permitted.
- ~~(h) A security plan shall be submitted to the Pennsauken Township Police Department which shall demonstrate how the facility will maintain effective security and control of operations. The security plan shall identify the type and manner of 24-hour security, tracking and record keeping of products and materials, surveillance systems to be utilized, and whether any armed security will be on the premises.~~
- (~~i~~ h) Off-street parking shall be provided at a ratio of 1 space for every 200 square feet of gross floor area.
- (~~j~~ i) Shall not be located within 1,000 feet of the right-of-way of U.S. Route 130.
- (~~j~~ i) Blinking or flashing lights shall be prohibited.
- (~~k~~ j) Shall be in full conformance with the signage requirements of this chapter.
- (~~l~~ k) All other provisions that are applicable to the zone district and not in conflict with the foregoing conditional use requirements shall apply; provided, however, that such provisions shall not be applied as conditional use requirements.

SECTION 5

Section 141-83.A.(8), which outlines conditional use regulations for Cannabis Retailers in LI Limited Industrial Districts (Chapter 141 “Development Regulations”, Article VII “Zoning Regulations”), shall be amended as follows (deletions are struck through, additions are underlined):

- (8) A Cannabis Retailer, subject to the following conditions and when authorized as a conditional use by the Planning Board if simultaneous with site plan review, otherwise by the Board of Adjustment if the Board of Adjustment has jurisdiction in accordance with N.J.S.A 40:55D-70d(3):
- (a) Such facility shall meet all requirements for licensure, and hold the appropriate Class 5 Cannabis Retailer license issued by the Cannabis Regulatory Commission, Department of Treasury, State of New Jersey. The required ~~Municipal~~ Local Cannabis License(s) must also be obtained from the Township of Pennsauken.
 - ~~(b) Lot size, yard size, and lot area shall be regulated as specified:

 - ~~[1] The minimum lot area shall be not less than 1 acre.~~
 - ~~[2] The minimum lot width shall be not less than 200 feet.~~
 - ~~[3] The minimum lot front yard depth shall be not less than 40 feet.~~
 - ~~[4] The minimum lot side yard width shall be not less than 15 feet, and the side yard abutting a street having a width not less than 35 feet.~~
 - ~~[5] The minimum lot rear yard depth shall be not less than 25 feet.~~
 - ~~[6] Not more than 50% of the area of any lot shall be occupied by buildings.~~
 - ~~[7] Not more than 85% of the area of any lot shall be occupied by buildings, paving, sidewalks or other impervious materials.~~~~
 - (b) The minimum lot area shall be not less than one (1) acre.
 - (c) Shall not be any closer than 1,000 feet from any public or nonpublic school or preschool or child-care center, alcohol or drug abuse recovery or treatment facility, behavioral health care facility or residential medical detoxification center, as measured in a straight line from the nearest two points of the property lines.
 - (d) Shall not be any closer than 350 feet from the R4 and R5 Districts; 400 feet from a R1, R2 or R3 ~~Districts~~ district, residential use, or mixed use containing residential uses, as measured in a straight line from the nearest two points of the property lines.
 - (e) Shall not be located within 500 feet of the property line of any existing church or house of worship or any existing public park, ~~or~~ playground or other publicly owned recreational facility, as measured in a straight line from the nearest two points of the property lines.
 - (f) No facility may permit on-site consumption of cannabis or cannabis products.

- (g) No outside storage of any cannabis, cannabis products or cannabis paraphernalia shall be permitted.
- ~~(h) A security plan shall be submitted to the Pennsauken Township Police Department which shall demonstrate how the facility will maintain effective security and control of operations. The security plan shall identify the type and manner of 24-hour security, tracking and record-keeping of products and materials, surveillance systems to be utilized, and whether any armed security will be on the premises.~~
- ~~(i)~~ h) Off-street parking shall be provided at a ratio of 1 space for every 100 square feet of gross floor area, with the addition of one parking space for each employee to be present at time of peak staffing.
- ~~(j)~~ i) Shall not be located within 1,000 feet of the right-of-way of U.S. Route 130.
- ~~(j)~~ i) Blinking or flashing lights shall be prohibited.
- ~~(k)~~ l) Shall be in full conformance with the signage requirements of this chapter.
- ~~(l)~~ m) All other provisions that are applicable to the zone district and not in conflict with the foregoing conditional use requirements shall apply; provided, however, that such provisions shall not be applied as conditional use requirements.

SECTION 6

Section 141-84.A.(3), HI Heavy Industrial Districts (Chapter 141 “Development Regulations”, Article VII “Zoning Regulations”), shall be amended as follows (deletions are struck through, additions are underlined):

Any of the following uses when authorized as a conditional use by the Planning Board if simultaneous with site plan review, otherwise by the Board of Adjustment if the Board of Adjustment has jurisdiction in accordance with N.J.S.A 40:55D-70d(3):

SECTION 7

Section 141-84.A.(3)(f), which outlines conditional use regulations for Cannabis Manufacturers and Wholesalers in HI Heavy Industrial Districts (Chapter 141 “Development Regulations”, Article VII “Zoning Regulations”), shall be amended as follows (deletions are struck through, additions are underlined):

(f) A Cannabis Manufacturer and Wholesaler, subject to the following conditions:

- [1] Such facility shall meet all of the requirements for licensure, and hold the appropriate Class 2 Cannabis Manufacturer license or Class 3 Cannabis Wholesaler license issued by the Cannabis Regulatory Commission, Department of Treasury, State of New Jersey. The required ~~Municipal~~ Local Cannabis License(s) must also be obtained from the Township of Pennsauken;
- ~~[2] Lot size, yard size, and lot area shall be regulated as specified:
 - ~~[a] The minimum lot area shall be not less than 1 acre.~~
 - ~~[b] The minimum lot width shall be not less than 200 feet.~~
 - ~~[c] The minimum lot front yard depth shall be not less than 40 feet.~~
 - ~~[d] The minimum lot side yard width shall be not less than 15 feet, and the side yard abutting a street having a width not less than 35 feet.~~
 - ~~[e] The minimum lot rear yard depth shall be not less than 25 feet.~~
 - ~~[f] Not more than 60% of the area of any lot shall be occupied by buildings.~~
 - ~~[g] Not more than 90% of the area of any lot shall be occupied by buildings, paving, sidewalks or other impervious materials.~~~~
- [2] The minimum lot area shall be not less than one (1) acre.
- [3] Shall not be any closer than 1,000 feet from any public or nonpublic school or preschool or child-care center, alcohol or drug abuse recovery or treatment facility, behavioral health care facility or residential medical detoxification center, as measured in a straight line from the nearest two points of the property lines.
- [4] Shall not be any closer than 350 feet from the R4 and R5 Districts; 400 feet from a R1, R2 or R3 ~~Districts~~ district, residential use, or mixed use containing residential uses, as measured in a straight line from the nearest two points of the property lines.
- [5] Shall not be located within 500 feet of the property line of any existing church or house of worship, or any existing public park, ~~or~~ playground or other publicly owned recreational facility, as measured in a straight line from the nearest two points of the property lines.
- [6] No facility may permit on-site consumption of cannabis or cannabis products.

- [7] No outside storage of any cannabis, cannabis products or cannabis paraphernalia shall be permitted.
- ~~[8] A security plan shall be submitted to the Pennsauken Township Police Department which shall demonstrate how the facility will maintain effective security and control of operations. The security plan shall identify the type and manner of 24 hour security, tracking and record keeping of products and materials, surveillance systems to be utilized, and whether any armed security will be on the premises.~~
- [9 8] Off-street parking shall be provided at a ratio of 1 space for every 200 square feet of gross floor area
- [9] Blinking or flashing lights shall be prohibited.
- [10] Shall be in full conformance with the signage requirements of this chapter.
- [11] All other provisions that are applicable to the zone district and not in conflict with the foregoing conditional use requirements shall apply; provided, however, that such provisions shall not be applied as conditional use requirements.

SECTION 8

Section 141-84.A.(3)(g), which outlines conditional use regulations for Cannabis Retailers in HI Heavy Industrial Districts (Chapter 141 “Development Regulations”, Article VII “Zoning Regulations”), shall be amended as follows (deletions are struck through, additions are underlined):

(g) A Cannabis Retailer, subject to the following conditions:

- [1] Such facility shall meet all requirements for licensure, and hold the appropriate Class 5 Cannabis Retailer license issued by the Cannabis Regulatory Commission, Department of Treasury, State of New Jersey. The required ~~Municipal~~ Local Cannabis License(s) must also be obtained from the Township of Pennsauken.
- ~~[2] Lot size, yard size, and lot area shall be regulated as specified:~~
- ~~[a] The minimum lot area shall be not less than 1 acre.~~
 - ~~[b] The minimum lot width shall be not less than 200 feet.~~
 - ~~[c] The minimum lot front yard depth shall be not less than 40 feet.~~
 - ~~[d] The minimum lot side yard width shall be not less than 15 feet, and the side yard abutting a street having a width not less than 35 feet.~~

~~[e] The minimum lot rear yard depth shall be not less than 25 feet.~~

~~[f] Not more than 60% of the area of any lot shall be occupied by buildings.~~

~~[g] Not more than 90% of the area of any lot shall be occupied by buildings, paving, sidewalks or other impervious materials.~~

[2] The minimum lot area shall be not less than one (1) acre.

[3] Shall not be any closer than 1,000 feet from any public or nonpublic school or preschool or child-care center, alcohol or drug abuse recovery or treatment facility, behavioral health care facility or residential medical detoxification center, as measured in a straight line from the nearest two points of the property lines.

[4] Shall not be any closer than 350 feet from the R4 and R5 Districts; 400 feet from a R1, R2 or R3 ~~Districts~~ district, residential use, or mixed use containing residential uses, as measured in a straight line from the nearest two points of the property lines.

[5] Shall not be located within 500 feet of the property line of any existing church or house of worship or any existing public park, ~~or~~ playground or other publicly owned recreational facility, as measured in a straight line from the nearest two points of the property lines.

[6] No facility may permit on-site consumption of cannabis or cannabis products.

[7] No outside storage of any cannabis, cannabis products or cannabis paraphernalia shall be permitted.

~~[8] A security plan shall be submitted to the Pennsauken Township Police Department which shall demonstrate how the facility will maintain effective security and control of operations. The security plan shall identify the type and manner of 24 hour security, tracking and record keeping of products and materials, surveillance systems to be utilized, and whether any armed security will be on the premises.~~

[9 8] Off-street parking shall be provided at a ratio of 1 space for every 100 square feet of gross floor area, with the addition of one parking space for each employee to be present at time of peak staffing.

[9] Blinking or flashing lights shall be prohibited.

[10] Shall be in full conformance with the signage requirements of this chapter.

[11] All other provisions that are applicable to the zone district and not in conflict with the foregoing conditional use requirements shall apply; provided, however, that such provisions shall not be applied as conditional use requirements.

SECTION 9

New Section 141-81.A.(3)(g), which outlines conditional use regulations for Medical Cannabis Dispensaries in C-1 Commercial Districts (Chapter 141 “Development Regulations”, Article VII “Zoning Regulations”), shall be added to the Township Code as follows:

(g) Medical Cannabis Dispensaries, subject to the following conditions:

[1] Such facility shall meet all requirements for licensure and hold a valid permit from the Cannabis Regulatory Commission, Department of Treasury, State of New Jersey.

[2] The minimum lot area shall be 5,000 square feet.

[3] Shall not be any closer than 1,000 feet from any public or nonpublic school or preschool or child-care center, alcohol or drug abuse recovery or treatment facility, behavioral health care facility or residential medical detoxification center, as measured in a straight line from the nearest two points of the property lines.

[4] Shall not be any closer than 350 feet from the R4 and R5 Districts; 400 feet from a R1, R2 or R3 district, residential use, or mixed use containing residential uses, as measured in a straight line from the nearest two points of the property lines.

[5] Shall not be located within 500 feet of the property line of any existing church or house of worship or any existing public park, playground or other publicly owned recreational facility, as measured in a straight line from the nearest two points of the property lines.

[6] No facility may permit on-site consumption of medical cannabis or medical cannabis products.

[7] No outside storage of any medical cannabis, medical cannabis products or medical cannabis paraphernalia shall be permitted.

- [8] Off-street parking shall be provided at a ratio of 1 space for every 100 square feet of gross floor area, with the addition of one parking space for each employee to be present at time of peak staffing.
- [9] Shall not be located within 1,000 feet of the right-of-way of U.S. Route 130.
- [10] Blinking or flashing lights shall be prohibited.
- [11] Shall be in full conformance with the signage requirements of this chapter.
- [12] A security plan shall be submitted for the review and approval of the Pennsauken Township Committee and the Pennsauken Township Police Department. The security plan shall demonstrate how the facility will maintain effective security and control of operations. At a minimum, it shall identify the type and manner of 24-hour security, tracking and record-keeping of products and materials, surveillance systems to be utilized, and whether any armed security will be on premises. No application to develop a medical cannabis dispensary shall be approved without a security plan that has been reviewed and approved by the Pennsauken Township Committee and the Pennsauken Township Police Department.
- [13] All other provisions that are applicable to the zone district and not in conflict with the foregoing conditional use requirements shall apply; provided, however, that such provisions shall not be applied as conditional use requirements.

SECTION 10

New Section 141-83.A.(9), which outlines conditional use regulations for Medical Cannabis Dispensaries in LI Limited Industrial Districts (Chapter 141 “Development Regulations”, Article VII “Zoning Regulations”), shall be added to the Township Code as follows:

- (9) A Medical Cannabis Dispensary, subject to the following conditions and when authorized as a conditional use by the Planning Board if simultaneous with site plan review, otherwise by the Board of Adjustment if the Board of Adjustment has jurisdiction in accordance with N.J.S.A 40:55D-70d(3):
 - (a) Such facility shall meet all requirements for licensure and hold a valid permit from the Cannabis Regulatory Commission, Department of Treasury, State of New Jersey.
 - (b) The minimum lot area shall be not less than one (1) acre.

- (c) Shall not be any closer than 1,000 feet from any public or nonpublic school or preschool or child-care center, alcohol or drug abuse recovery or treatment facility, behavioral health care facility or residential medical detoxification center, as measured in a straight line from the nearest two points of the property lines.
- (d) Shall not be any closer than 350 feet from the R4 and R5 Districts; 400 feet from a R1, R2 or R3 district, residential use, or mixed use containing residential uses, as measured in a straight line from the nearest two points of the property lines.
- (e) Shall not be located within 500 feet of the property line of any existing church or house of worship or any existing public park, playground or other publicly owned recreational facility, as measured in a straight line from the nearest two points of the property lines.
- (f) No facility may permit on-site consumption of medical cannabis or medical cannabis products.
- (g) No outside storage of any medical cannabis, medical cannabis products or medical cannabis paraphernalia shall be permitted.
- (h) Off-street parking shall be provided at a ratio of 1 space for every 100 square feet of gross floor area, with the addition of one parking space for each employee to be present at time of peak staffing.
- (i) Shall not be located within 1,000 feet of the right-of-way of U.S. Route 130.
- (j) Blinking or flashing lights shall be prohibited.
- (k) Shall be in full conformance with the signage requirements of this chapter.
- (l) A security plan shall be submitted for the review and approval of the Pennsauken Township Committee and the Pennsauken Township Police Department. The security plan shall demonstrate how the facility will maintain effective security and control of operations. At a minimum, it shall identify the type and manner of 24-hour security, tracking and record-keeping of products and materials, surveillance systems to be utilized, and whether any armed security will be on premises. No application to develop a medical cannabis dispensary shall be approved without a security plan that has been reviewed and approved by the Pennsauken Township Committee and the Pennsauken Township Police Department.

- (m) All other provisions that are applicable to the zone district and not in conflict with the foregoing conditional use requirements shall apply; provided, however, that such provisions shall not be applied as conditional use requirements.

SECTION 11

New Section 141-84.A.(3)(h), which outlines conditional use regulations for Medical Cannabis Dispensaries in HI Heavy Industrial Districts (Chapter 141 “Development Regulations”, Article VII “Zoning Regulations”), shall be added to the Township Code as follows:

- (h) A Medical Cannabis Dispensary, subject to the following conditions:
 - [1] Such facility shall meet all requirements for licensure and hold a valid permit from the Cannabis Regulatory Commission, Department of Treasury, State of New Jersey.
 - [2] The minimum lot area shall be not less than one (1) acre.
 - [3] Shall not be any closer than 1,000 feet from any public or nonpublic school or preschool or child-care center, alcohol or drug abuse recovery or treatment facility, behavioral health care facility or residential medical detoxification center, as measured in a straight line from the nearest two points of the property lines.
 - [4] Shall not be any closer than 350 feet from the R4 and R5 Districts; 400 feet from a R1, R2 or R3 district, residential use, or mixed use containing residential uses, as measured in a straight line from the nearest two points of the property lines.
 - [5] Shall not be located within 500 feet of the property line of any existing church or house of worship or any existing public park, playground or other publicly owned recreational facility, as measured in a straight line from the nearest two points of the property lines.
 - [6] No facility may permit on-site consumption of medical cannabis or medical cannabis products.
 - [7] No outside storage of any medical cannabis, medical cannabis products or medical cannabis paraphernalia shall be permitted.

- [8] Off-street parking shall be provided at a ratio of 1 space for every 100 square feet of gross floor area, with the addition of one parking space for each employee to be present at time of peak staffing.
- [9] Blinking or flashing lights shall be prohibited.
- [10] Shall be in full conformance with the signage requirements of this chapter.
- [11] A security plan shall be submitted for the review and approval of the Pennsauken Township Committee and the Pennsauken Township Police Department. The security plan shall demonstrate how the facility will maintain effective security and control of operations. At a minimum, it shall identify the type and manner of 24-hour security, tracking and record-keeping of products and materials, surveillance systems to be utilized, and whether any armed security will be on premises. No application to develop a medical cannabis dispensary shall be approved without a security plan that has been reviewed and approved by the Pennsauken Township Committee and the Pennsauken Township Police Department.
- [12] All other provisions that are applicable to the zone district and not in conflict with the foregoing conditional use requirements shall apply; provided, however, that such provisions shall not be applied as conditional use requirements.

SECTION 12

Section 141-90.1, Cannabis Uses (Chapter 141 “Development Regulations”, Article VII “Zoning Regulations”), shall be amended as follows (deletions are struck through, additions are underlined):

- A. Cannabis Manufacturers, Wholesalers and Retailers, as said terms are defined in N.J.S.A. 24:61-31 (“New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act”) and Section 141-4 of this Code, shall only be permitted uses in the Township as set forth in Chapter 141 – “Development Regulations.” Cannabis Cultivators (Class 1), Cannabis Distributors (Class 4) and Cannabis Delivery services (Class 6), except for the delivery of cannabis items and related supplies by a delivery service, shall be prohibited in all zones in the municipality.
- B. Medical Cannabis Dispensaries, as defined in N.J.S.A. 24:6I-3 (“Jake Honig Compassionate Use Medical Cannabis Act”) and Section 141-4 of this Code shall only be permitted uses in the Township as set forth in Chapter 141 – “Development Regulations.”

- C. Cannabis Manufacturers, Wholesalers, Retailers and Medical Cannabis Dispensaries shall be prohibited within a redevelopment area unless said uses are specifically identified by name as a principal permitted use in the adopted redevelopment plan. For the purposes of this section, inclusion by reference (e.g., “all uses permitted in the HI Zone District” or “all uses permitted in the underlying zone district”) shall not be considered to be specifically identified by name as a principal permitted in the adopted redevelopment plan.
- ~~B D.~~ A maximum of two (2) Class 5 Cannabis Retailer license establishments will be permitted within the Township.
- E. A maximum of two (2) medical cannabis dispensaries will be permitted within the Township.
- ~~E F.~~ Cannabis Manufacturers and Wholesalers shall only be permitted in the LI and HI Districts.
- ~~D G.~~ Cannabis Retailers shall only be permitted in the C1, LI and HI Districts.
- H. Medical Cannabis Dispensaries shall only be permitted in the C1, LI and HI Districts.
- ~~E I.~~ The required ~~Municipal~~ Local Cannabis License(s) for Cannabis Retailers, Cannabis Manufacturers, and Cannabis Wholesalers must also be obtained from the Township of Pennsauken.
- ~~F J.~~ A public or nonpublic school or preschool or child-care center, alcohol or drug abuse recovery or treatment facility, behavioral health care facility or residential medical detoxification center, shall not be within 1,000 feet of an existing cannabis establishment, including, but not limited to, retailers, wholesalers, or manufacturers, or medical cannabis dispensaries.
- ~~G K.~~ A church, house of worship or public park, ~~or playground~~ or other publicly owned recreational facility shall not be within 500 feet of an existing cannabis establishment, including, but not limited to, retailers, wholesalers, or manufacturers, or medical cannabis dispensaries.
- L. Odor Control. Odor control devices and techniques shall be incorporated in all cannabis establishments to ensure that odors from cannabis are not detectable off-site. Cannabis establishments shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the cannabis establishment that is distinctive to its operation is not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other

unit located inside the same building as the cannabis establishment. As such, cannabis establishments must install and maintain the following equipment, or any other equipment which the Board determines is a more effective method or technology:

- (a) An exhaust air filtration system with odor control that prevents internal odors from being emitted externally; or,
- (b) An air system that creates negative air pressure between the cannabis establishment's interior and exterior, so that the odors generated inside the cannabis establishment are not detectable on the outside of the cannabis establishment.

M. Applications to develop Cannabis Manufacturers, Wholesalers, and Retailers shall be accompanied by a written statement, which demonstrates how proposed site and building design relates to the implementation of the security plan approved by the Local Cannabis Licensing Authority and Pennsauken Township Police Department as part of the separate application process for the required Local Cannabis License described in Chapter 95 of this ordinance.

SECTION 13

Article V of Chapter 277, entitled Cannabis Tax, shall be amended as follows (deletions are struck through, additions are underlined):

Article V. Cannabis Tax

§ 277-20. Purpose.

It is the purpose of this article to implement the provisions of ~~P.L. 2021, c. 16~~ N.J.S.A. 24:6I-1 et. seq., N.J.S.A. 24:6I-31, and N.J.S.A. 40:48I-1, which ~~authorizes~~ authorize the governing body of a municipality to adopt an ordinance imposing a local cannabis transfer tax and user tax ~~at a uniform percentage rate not to exceed 2% of the receipts from each sale by a cannabis manufacturer; 1% of the receipts from each sale by a cannabis wholesaler; and 2% of the receipts from each sale by a cannabis retailer~~, which shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity upon the cannabis establishment.

§ 277-21. Definitions.

Unless otherwise defined herein, as used herein, the Township adopts by reference the terms and definitions established by Section 40 of Public Law 2021-16 (N.J.S.A. 24:6I-33), including any revised or new terms and definitions that may result from subsequent amendments thereto.

§ 277-22. Taxes established.

- A. There is hereby established a local cannabis transfer tax in the Township of Pennsauken which shall be fixed at a uniform percentage rate of two percent (2%) of the receipts from each sale by a cannabis manufacturer; one percent (1%) of the receipts from each sale by a cannabis wholesaler; ~~and two percent (2%)~~ of the receipts from each sale by a cannabis retailer; and two percent (2%) of the purchase price of medical cannabis dispensed at a medical cannabis dispensary (including medical cannabis that is furnished by the dispensary to a medical cannabis handler for delivery to a registered qualifying patient or the patient's caregiver) for every occupancy of a cannabis establishment in the Township of Pennsauken.
- B. In addition to the local cannabis transfer tax established for cannabis manufacturers, cannabis wholesalers, cannabis retailers and medical cannabis dispensaries in Subsection A of this section, a user tax, at the equivalent of transfer tax rates, is hereby established on any concurrent license holder, as permitted by Section 33 of P.L. 2021, c. 16 (C.24:6I-46), operating more than one cannabis establishment. The user tax shall be imposed on the value of each transfer or use of cannabis or cannabis items not otherwise subject to the transfer tax imposed pursuant to Subsection A of this subsection, from the license holder's establishment that is located in Pennsauken to any of the other license holder's establishments, whether located in this Township or another municipality.

§ 277-23. Tax in addition to other taxes or fees.

The local cannabis transfer tax and user tax shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity upon property or cannabis establishment.

§ 277-24. Collection.

- A. To facilitate the collection of the local cannabis transfer tax and user tax that are established by this article, the entity operating a cannabis establishment shall designate a specific person who shall be responsible for remitting said taxes. This person may be the entity's chief financial officer, president, chairman, manager, employee, owner, or a similar person affiliated with the entity.
- (a) Notice of designation shall be provided in writing to the Chief Financial Officer of Pennsauken Township and include the signature of the designated person indicating their acceptance of the administrative and financial responsibility for remitting local cannabis transfer taxes and user taxes.

- (b) Notice of designation shall also be provided in writing sent via certified mail to the designated person with a copy of such notice and proof of the designee's receipt provided to the Chief Financial Officer of Pennsauken Township.
- (c) The designation of the specific person shall remain valid until a new designation has been made with notifications of same as described above.
- ~~A~~ B. The transfer tax ~~or~~ and user tax imposed by this article shall be collected or paid, and remitted to Pennsauken Township, by the cannabis establishment from the cannabis establishment purchasing or receiving the cannabis or cannabis item, or from the consumer at the point of sale, on behalf of the Township by the cannabis retailer selling the cannabis item to that consumer. ~~The transfer tax or user tax shall be stated, charged, and shown separately on any sales slip, invoice, receipt, or other statement or memorandum of the price paid or payable, or equivalent value of the transfer, for the cannabis or cannabis item.~~
- C. The transfer tax and user tax imposed by this article shall be stated, charged, and shown separately on any sales slip, invoice, receipt, or other statement or memorandum of the price paid or payable, or equivalent value of the transfer, for the cannabis or cannabis item.
- D. An electronic database record of all transactions subject to transfer tax and user tax shall be maintained for a period covering, at a minimum, the prior six (6) tax years. At a minimum, said record shall include the following information: date of transaction; time of transaction; transaction identification number; total sale amount; total sale amount subject to transfer tax and user tax; total sale amount not subject to transfer tax and user tax; total transfer tax and user tax collected.
- (a) A copy of this electronic database record shall be provided to the Chief Financial Officer of Pennsauken Township upon request for any reason.
- ~~B~~ E. The operator of Every every cannabis establishment required to collect a transfer tax or user tax imposed by ordinance pursuant to this section shall be personally liable for the transfer tax or user tax imposed, collected, or required to be collected under this section. Any cannabis establishment shall have the same right with respect to collecting the transfer tax or user tax from another cannabis establishment or the consumer as if the transfer tax or user tax was a part of the sale and payable at the same time, or with respect to non-payment of the transfer tax or user tax by the cannabis establishment or consumer, as if the transfer tax or user tax was a part of the purchase price of the cannabis or cannabis item, or equivalent value of the transfer of the cannabis or cannabis item, and payable at the same time; provided,

however, that the Chief Financial Officer of Pennsauken shall be joined as a party in any action or proceeding brought to collect the transfer tax or user tax.

€ F. No cannabis establishment required to collect a transfer tax or user tax imposed by this section shall advertise or hold out to any person or to the public in general, in any manner, directly or indirectly, that the transfer tax or user tax will not be separately charged and stated to another cannabis establishment or the consumer, or that the transfer tax or user tax will be refunded to the cannabis establishment or the consumer.

~~D. All revenues collected from a transfer tax or user tax imposed by ordinance pursuant to this section shall be remitted to the Pennsauken Chief Financial Officer on a quarterly basis payable for the prior three month's activities and due at the same time as quarterly dates for the collection of property taxes. The revenues due on February 1 of each year shall include all transfer taxes or user taxes collected for the prior year months of October, November and December. The revenues due on May 1 of each year shall include all transfer taxes and user taxes collected for the immediate prior months of January, February and March. The revenues due on August 1 of each year shall include all transfer taxes and user taxes collected for the immediate prior months of April, May and June. The revenues due on November 1 of each year shall include all transfer taxes and user taxes collected for the immediate prior months of July, August and September.~~

G. Remittance of transfer tax and user tax revenues. Transfer tax and user tax revenues shall be remitted as follows:

(a) All revenues collected from a transfer tax or user tax imposed by ordinance pursuant to this section shall be remitted to the Chief Financial Officer of Pennsauken Township on an annual basis and due before close of business on April 21 of the following year. If April 21 falls on a weekend or legal holiday, revenues shall be due on the following business day.

(b) All remittances shall be accompanied by a "Local Cannabis Transfer Tax and User Tax Return" on forms to be provided by the Chief Financial Officer of Pennsauken Township.

(i) In the event that the remitter subsequently files an amended "Local Cannabis Transfer Tax and User Tax Return" form, with the Chief Financial Officer of Pennsauken Township, the Chief Financial Officer shall assess the deficit or surplus of remittances for the period covered. Deficits shall be payable within 30 days of assessment by the Chief Financial Officer. Surpluses shall be

refunded subject to authorization by the Pennsauken Township Committee.

(c) The remitter shall be permitted to make optional pre-payment of estimated transfer taxes or user taxes at any time.

(i) The Chief Financial Officer of Pennsauken Township will record any such pre-payment and issue receipt to the remitter.

(ii) Pre-Payments will be credited toward the annual tax liability for the year in which they are received.

(iii) Overpayment of the annual tax liability resulting from pre-payment will be refunded subject to authorization by the Pennsauken Township Committee.

H. Revenue collection shall be subject to independent audit by a qualified auditor at the sole discretion of the Township of Pennsauken and for any reason.

(a) The entity that is the subject of the audit shall be held financially responsible for all fees that result from said audit.

(b) To facilitate the conduct of an audit, the licensee shall fully cooperate with any and all requests for information made by the qualified auditor.

§ 277-25. Payment; vendor violations and penalties.

A. The Chief Financial Officer shall collect and administer any transfer tax or user tax imposed to this section.

B. The municipality shall enforce the payment of delinquent taxes or transfer fees imposed pursuant to this section in the same manner as provided for municipal real property taxes.

C. In the event that the transfer tax or user tax imposed by this section is not paid as and when due by a cannabis establishment, the unpaid balance, and any interest accruing thereon, shall be a lien on the parcel of real property comprising the cannabis establishment's premises in the same manner as all other unpaid municipal taxes, fees, or other charges. The lien shall be superior and paramount to the interest in the parcel of any owner, lessee, tenant, mortgagee, or other person, except the lien of municipal taxes, and shall be on a parity with and deemed equal to the municipal lien on the parcel for unpaid property taxes due and owing in the same year.

- D. The A municipality shall file in the office of its tax collector a statement showing the amount and due date of the unpaid balance and identifying the lot and block number of the parcel of real property that comprises the delinquent cannabis establishment’s premises. The lien shall be enforced as a municipal lien in the same manner as all other municipal liens are enforced.

- E. In the event that the unpaid balance of the transfer tax or user tax imposed by this section, as well as any interest accruing thereon, is not paid within ninety (90) days, any Local Cannabis License issued under the terms of Chapter 95 of this ordinance that is associated with the non-paying cannabis establishment shall be subject to revocation at the discretion of the Township of Pennsauken. Revocation of Local Cannabis License(s) shall be separate from and in addition to any lien imposed by this section.

SECTION 14

New Chapter 95, entitled “Cannabis”, shall be added to Part II, entitled “General Legislation”, as follows:

Article 1. Licensing

§ 95-1. Local Cannabis License; Classification & Number of Local Cannabis Licenses

- A. Local Cannabis License Required. No person shall operate a Cannabis Establishment, Distributor or Delivery Service at any time or from any location within the Township unless a currently effective Local Cannabis License for that Person at that Licensed Premises has been issued under this Ordinance.

- B. Classification & Number of Local Cannabis Licenses. The Township, subject to State licensure, may issue the following local cannabis licenses:

<u>Class</u>	<u>Maximum Number</u>
Class 5 — Cannabis Retailer	2
Class 2 — Cannabis Manufacturer	No maximum
Class 3 — Cannabis Wholesaler	No maximum

- C. Dual Local Cannabis Licenses. The licensure and dual operation in multiple classes of Local Cannabis Licenses is permitted so long as all licenses are held by the same Local Cannabis Licensee, all applicable state and local licenses have been issued, such licenses remain valid, active and in compliance with all applicable state and municipal requirements.

- D. Conditional Approval for Local Cannabis License. The number of Conditional Approvals for Local Cannabis Licenses shall not be limited by the provisions of this section.
- E. Medical Cannabis Dispensaries. A Local Cannabis License shall not be required to operate a medical cannabis dispensary within the Township of Pennsauken.

§ 95-2. Local Cannabis Licensing Authority

- A. The Township Administrator is hereby designated to act as the local licensing authority for the Township for all Local Cannabis Licenses. Under all circumstances in which State law requires communication to the Township by the Cannabis Regulatory Commission or any other State agency with regard to cannabis licensing by the State, or in which State law requires any review or approval by the Township of any action taken by the State licensing authority, the exclusive authority for receiving such communications and granting such approvals shall be exercised by the Township Administrator.

§ 95-3. Application Requirements

- A. An application for a Local Cannabis License shall be submitted on current forms provided by the Township with an application fee pursuant to § 95-7. At least one controlling beneficial owner shall sign all applications. However, other owners with day-to-day management authority may be required to sign authorizations, requests to release information and other forms required by licensing authority staff. Applications shall be complete and accurate and must include all attachments, checklists, verifications and supporting documents required by the Township's current application forms before the application will be accepted or considered. The Township may refuse to accept an incomplete application.

§ 95-4. Procedures & Requirements for Approval

- A. Application Review. All Applications for a Local Cannabis License shall be referred to a subcommittee of the Township Committee for the Township of Pennsauken for purpose of reviewing the application and discussing the Applicant's compliance with this Chapter. The Applicant will be provided an opportunity to make a presentation and answer any questions of the members of the subcommittee.
- B. Local Licensing Authority Considerations. The local licensing authority may consider the facts and evidence adduced as a result of the Application Review, as well as any other facts pertinent to the type of license for which the application has been made. Such facts include, but are not limited to: the number, type, and availability of cannabis establishments located in or near the premises under consideration; proposed security measures; and other pertinent matters affecting the qualification of the applicant for the conduct of the type of business proposed, including, but not limited to, the applicant possessing a minority,

women's, or disabled veterans' business certification provided to the Applicant by the Office of Minority, Disabled Veterans, and Women Cannabis Business Development pursuant to N.J.S.A. 24:6I-25.

- C. Conditional Approval. After review and consideration by the subcommittee, the local licensing authority may grant a Conditional Approval if concluded that the applicant has met the requirements set forth in this Chapter. A Conditional Approval shall entitle the Applicant to pursue a State license in the appropriate classification for up to 18 months. A Conditional Approval shall not grant the Applicant any right or privilege to a Local Cannabis License. A Conditional Approval may identify specific conditions or prerequisites for obtaining a Local Cannabis License.
- D. Limitation on Number of Licenses. The number of Local Cannabis Licenses for each class of license are limited pursuant to § 95-1(B). A Local Cannabis License will not be issued to an Applicant that has obtained a Conditional Approval if the maximum number of Local Cannabis Licenses for the same class have been issued by the Township.
- E. Denial of Conditional Approval. The Township shall deny a Conditional Approval to any Applicant who fails to provide information, documentation and assurances as required by this Chapter or as requested by the Township, or who fails to reveal any material fact to qualification, or who supplies information which is untrue or misleading as to a material fact pertaining to the qualification criteria for licensure. The Township shall grant a Conditional Approval upon a determination that the Applicant has met the requirements of this Chapter unless the Township finds by clear and convincing evidence that the Applicant would be manifestly unsuitable to perform the activities for the applicable license class for which Conditional Approval is sought. A written decision with findings supporting the denial of the Conditional Approval shall be sent by certified mail to the applicant at the address shown in the application.
- F. Termination of Conditional Approval. A Conditional Approval shall be valid for 18 months, unless otherwise revoked, from the date of approval.

§ 95-5. Procedures and Requirements for Issuance of Local Cannabis License

- A. Prerequisites. No Local Cannabis License shall be issued until the following prerequisites have been met:
 - (a) the Applicant has received a State license;
 - (b) the Applicant has submitted a security plan for the review and approval of the Local Cannabis Licensing Authority and the Pennsauken Township Police Department. The security plan shall demonstrate how the facility will maintain effective security and control of operations. At a minimum, it shall identify the type and manner of

24-hour security, tracking and record-keeping of products and materials, surveillance systems to be utilized, and whether any armed security will be on premises; and,

(c) the Applicant has satisfied other specific conditions or prerequisites of the Conditional Approval.

B. Notice to Township. An Applicant shall notify the Township upon meeting all conditions of the Conditional Approval. The notice shall include a copy of the State license, a copy of the full application submitted to the State of New Jersey and a statement affirming that the Applicant has not made any material changes to the original application.

C. Issuance of Local Cannabis License. The Township shall issue a Local Cannabis License once satisfied that the conditions of the Conditional Approval have been met.

D. License Duration. Unless revoked or suspended, local licenses shall run concurrently with State licenses. This means that once a Local Cannabis License is issued, such license will expire, unless otherwise revoked as provided for herein, on the same date as the current State license.

§ 95-6. Application Fee

A. At the time of application, each applicant shall pay a nonrefundable application fee to defray the costs associated with the processing of the application. The application fee shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state or Township law or ordinance, including, by way of example, the Annual Licensing Fee pursuant to § 95-8.

B. The Application Fee shall be \$450.00.

§ 95-7. Annual Licensing Fee

A. The Local Cannabis Licensee shall pay an annual licensing fee for each license held as follows:

<u>Class</u>	<u>Annual Licensing Fee</u>
Class 5 — Cannabis Retailer	\$10,000.00
Class 2 — Cannabis Manufacturer	\$20,000.00 up to 10,000 sq ft and \$30,000.00 more than 10,000 sq ft
Class 3 — Cannabis Wholesaler	\$10,000.00
<u>Class 5 — Cannabis Retailer</u>	<u>\$10,000.00</u>

- B. Payment Date. Annual Licensing Fee(s) shall be due and payable on the date the Township issues a Local Cannabis License and shall be payable annually thereafter on the yearly anniversary of the issuance of the license.
- C. Late Fees. The failure of a Local Cannabis Licensee to pay the Annual Licensing Fee when due, will result in the assessment of a Late Fee as follows:
 - (a) One (1) to Seven (7) days late, a late fee equivalent to two (2%) percent of the Annual Licensing Fee.
 - (b) Eight (8) to Fifteen (15) days late, a late fee equivalent to five (5%) percent of the Annual Licensing Fee.
 - (c) Sixteen (16) to Thirty (30) days late, a late fee equivalent to ten (10%) percent of the Annual Licensing Fee.
 - (d) After expiration of Thirty (30) days the Local Cannabis Licensee shall cease operations.

§ 95-8. Local Cannabis License Renewals.

- A. Timing of Renewal Application. An application for renewal of a Local Cannabis License shall be filed at least sixty calendar days prior to the expiration date of the current license.
- B. Renewal Application Procedures. The renewal application shall contain all the information required for new applications. The applicant shall pay a fee pursuant to § 95-7 to cover the costs of processing the renewal permit application. An application for renewal of a Local Cannabis License shall be rejected if any of the following exists:
 - (a) The application is filed less than sixty days before its expiration.
 - (b) The Local Cannabis License is suspended or revoked at the time of the application.
 - (c) The Local Cannabis Licensee has not been in regular and continuous operation in the four months prior to the renewal application.
 - (d) The Local Cannabis Licensee has failed to conform to the requirements of this chapter, or of any regulations adopted pursuant to this chapter.
 - (e) The Local Cannabis Licensee fails or is unable to renew its State of New Jersey license.

- (f) If the Township or State has determined, based on substantial evidence, that the Local Cannabis Licensee is in violation of the requirements of this Chapter, or of the State rules and regulations, and the Township or State has determined that the violation is grounds for termination or revocation of the Local Cannabis License.
- C. Conditions of Renewal. The Local Licensing Authority is authorized to make all decisions concerning the issuance of a renewal license. In making the decision, the Local Licensing Authority is authorized to impose additional conditions to a renewal license, if it is determined to be necessary to ensure compliance with state or local laws and regulations or to preserve the public health, safety or welfare. Appeals from the decision of the cannabis review committee shall be appealable to the Township Committee pursuant to § 95-11.

§ 95-9. Transfer of Local Cannabis License.

- A. Non-Transferable. A Local Cannabis Licensee shall not transfer ownership or control of the Local Cannabis License to another person or entity unless and until the transferee obtains an amendment to the license from the Local Licensing Authority stating that the transferee is now the licensee. Such an amendment may be obtained only if the transferee files an application in accordance with all provisions of this chapter (as though the transferee were applying for an original Local Cannabis License). The proposed transferee's application shall be accompanied by an Application Fee pursuant to § 95-7. No Local Cannabis License may be transferred when the Local Licensing Authority has notified the licensee that the permit has been or may be suspended or revoked.
- B. Change in Ownership. Changes in ownership of a Local Cannabis Licensee's business structure or a substantial change in the ownership of a Local Cannabis Licensee's business entity (i.e., changes that result in a change of more than fifty-one percent of the original ownership) must be approved by the Local Licensing Authority through the transfer process contained in Subsection A of this section. Failure to comply with this provision is grounds for license revocation.
- C. Any attempt to transfer a Local Cannabis License either directly or indirectly in violation of this section is hereby declared void, and such a purported transfer shall be deemed a ground for revocation of the permit.

§ 95-10. Suspension of License

- A. The Local Licensing Authority may revoke, suspend, or decline to renew any Local Cannabis License issued under this Chapter, or for any violation of any law and/or any rule, regulation policy, procedure or regulation in this Chapter. Grounds for revocation, suspension or nonrenewal of a license or permit shall include the following:

- (a) The failure of the Local Cannabis Licensee to comply with the provisions of this chapter or any other law pertaining to commercial cannabis establishments;
 - (b) The giving of false or misleading information by the Local Cannabis Licensee in making application for a Local Cannabis License or in connection with an investigation conducted by the Township or any other state, local or federal agency;
 - (c) Any cause for denying an original Local Cannabis License as set forth in this Chapter;
 - (d) The revocation, suspension, or nonrenewal of associated state licenses/permits, which revocation, suspension or nonrenewal the Local Cannabis Licensee shall disclose immediately to the Local Licensing Authority;
 - (e) The failure of the Local Cannabis Licensee to diligently initiate business operations or to continue to carry on business operations in a manner substantially as set forth in the business plan, safety and security plan and application submitted in support of the Local Cannabis Licensee's original or renewal application to operate.
- B. The determination of the Local Licensing Authority to suspend, revoke or decline to renew a Local Cannabis License shall be made in writing and mailed or delivered to the Local Cannabis Licensee's registered agent. The determination of the Local Licensing Authority shall become effective ten days following the date of the notice of that determination. The Local Cannabis Licensee may, during such ten-day period, appeal the determination of the Local Licensing Authority to the Township Committee. If the Local Cannabis Licensee fails to file the notice of appeal within such ten-day period, the determination of the Local Licensing Authority shall be final and conclusive. If a written notice of appeal is filed with the Township clerk during such ten-day period, the determination of the Local Licensing Authority shall be stayed pending the Township Committee's hearing and decision on the appeal.

§ 95-11. Liability & Indemnification

- A. By accepting a Local Cannabis License issued pursuant to this Chapter, the Local Cannabis Licensee waives and releases the Township, its officers, elected officials, and employees from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of Local Cannabis Licensee's owners, operators, employees, clients or customers for a violation of state or federal laws, rules or regulations.
- B. By accepting a Local Cannabis License issued pursuant to this Chapter, all Local Cannabis Licensees agree to indemnify, defend and hold harmless the Township, its officers, elected officials, employees, and insurers, against all liability, claims or demands arising on account of bodily injury, sickness, disease, death, property loss or damage or any other loss

of any kind, including but not limited to, any claim of diminution of property value by a property owner whose property is located in proximity to a Licensed Property, arising out of, claimed to have arisen out of, or in any manner connected with the operation of a cannabis establishment or use of a cannabis product that is subject to the Local Cannabis License, or any claim based on an alleged injury to business or property by reason of a claimed violation of the federal Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. Section 1964(c) or any other alleged violation of the law.

- C. By accepting a Local Cannabis License issued pursuant to this Chapter, a Local Cannabis Licensee agrees to indemnify, defend and hold harmless the Township, its officers, elected officials, employees and insurers, against all liability, claims, penalties, or demands arising on account of any alleged violation of any existing law including the federal Controlled Substances Act, 21 U.S.C. Section 801 et seq.

§ 95-12. Local Cannabis License as Revocable Privilege

- A. Conditional Approval and Local Cannabis License granted by this Chapter are a revocable privilege granted by the Township and are not a property right. Granting a license does not create or vest any right, title, franchise, or other property interest. Each Local Cannabis License is exclusive to the Local Cannabis Licensee, and a Local Cannabis Licensee or any other person must apply for and receive the Township's approval before a Local Cannabis License is transferred, sold, or purchased. A Local Cannabis Licensee or any other person shall not lease, pledge, or borrow or loan money against a license. The attempted transfer, sale, or other conveyance of an interest in a Local Cannabis License without prior state and local approval is grounds for suspension or revocation of the Local Cannabis License or for other sanction considered appropriate by the Township.

Article 2. Regulations for Cannabis Establishments

§ 95-13. Regulations

Cannabis establishments shall at all times comply with the following operational requirements:

- A. Scope of Operation. Cannabis establishments shall be compliant with all respective applicable codes of the local zoning, building, and health departments. The operator of a cannabis establishment shall hold a valid license issued by the Cannabis Regulatory Commission, Department of Treasury, State of New Jersey and, where applicable, a Local Cannabis License obtained from the Township of Pennsauken.
- B. Security. Cannabis establishments shall at all times maintain a security system that meets State requirements, and shall also include the following:

- (a) Robbery and burglary alarm systems which are professionally monitored and operated twenty-four (24) hours a day, seven (7) days a week and which will contact local law enforcement if triggered;
- (b) All security recordings and documentations shall be preserved for at least one hundred and eighty (180) days and made available to law enforcement upon request for inspection.
- (c) Secure backups of all security recordings shall be maintained. One backup shall be saved on a local storage device located on the premises. One backup shall be saved off-site.

C. Operating Hours. The permitted hours of operation are as follows:

- (a) Cannabis Retailer: Cannabis retailers shall be permitted to operate daily from 9:00 AM to 10:00 PM.
- (b) Cannabis Manufacturer: No restriction.
- (c) Cannabis Wholesaler: No restriction.
- (d) Medical Cannabis Dispensaries: Medical cannabis dispensaries shall be permitted to operate daily from 9:00 AM to 10:00 PM.

D. Sign Restrictions. The following sign restrictions shall apply:

- (a) All signs, posters, placards, devices, graphic displays, and any other form of commercial advertising related to cannabis, cannabis products, or a cannabis establishment shall be installed and maintained by a person or entity holding a license issued by the Cannabis Regulatory Commission, Department of Treasury, State of New Jersey and, where applicable, a Local Cannabis License obtained from the Township of Pennsauken.
- (b) No person shall place, permit, or maintain any off-site sign, poster, placard, device, graphic display, or any other form of commercial advertising for cannabis, cannabis products, or a cannabis establishment in any publicly visible location within:

[1] 1,000 feet from any public or nonpublic school or preschool or child-care center, alcohol or drug abuse recovery or treatment facility, behavioral health care facility or residential medical detoxification center, as measured in a straight line from the nearest two points of the property lines.

- [2] 350 feet from the R4 and R5 districts, as measured in a straight line from the nearest two points of the property lines.
- [3] 400 feet from a R1, R2 or R3 district, residential use, or mixed use containing residential uses, as measured in a straight line from the nearest two points of the property lines.
- [4] 500 feet of the property line of any existing church or house of worship or any existing public park, or playground or other publicly owned recreational facility, as measured in a straight line from the nearest two points of the property lines.
- [5] 1,000 feet of the right-of-way of: U.S. Route 130; NJ Route 73; NJ Route 38; NJ Route 70; NJ Route 90; and NJ Route 30.

(c) The foregoing sign restrictions shall not apply in the following circumstances:

- [1] Any sign advertising cannabis, cannabis products, or a cannabis business placed within a licensed cannabis establishment, unless such sign is affixed to or otherwise visible through a window.
- [2] On commercial vehicles used exclusively for transporting cannabis or cannabis products by a business holding a license issued by the Cannabis Regulatory Commission, Department of Treasury, State of New Jersey or a Local Cannabis License obtained from the Township of Pennsauken.
- [3] The display of public service messages or similar announcements opposing the use of cannabis or cannabis products, or that are designed to encourage minors to refrain from using or purchasing cannabis or cannabis products. However, this subsection shall not be construed to permit an advertisement which purports to oppose the use of cannabis or cannabis products when that message is conveyed in conjunction with the display of a logo, trademark or name used by any person or entity engaged in any commercial cannabis activity for marketing or promotion of cannabis or cannabis products.

(d) None of the forgoing restrictions and exceptions shall be construed to permit any sign.

(e) The signage requirements of §141-86 shall also apply.

E. Permits. All necessary building, electrical, plumbing, and mechanical licenses must be obtained.

- F. Waste Disposal. The operator of a cannabis establishment shall use lawful methods in controlling waste or by-products from any activities. All waste or by-products stored onsite must be contained in a dumpster that is locked or located within a locked enclosure; however, waste products containing tetrahydrocannabinol, which is commonly abbreviated as THC, shall be stored indoors, and disposed of as hazardous waste pharmaceuticals in a manner that is consistent with prevailing state and federal laws and regulations.
- G. Additional Conditions. The Township may impose such reasonable terms and conditions on operators of cannabis establishments, as may be necessary to protect the public health, safety, and welfare, and to obtain compliance with the requirements of this Ordinance and applicable law.

Article 3. Prohibition of Public Consumption and Disposal

§ 95-14. Definitions

CANNABIS —All parts of the plant *Cannabis sativa* L., 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” does not include: medical 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.); marijuana as defined in N.J.S.2C:35-2 and applied to any offense set forth in chapters 35, 35A, and 36 of Title 2C of the New Jersey Statutes, or P.L.2001, c.114 (C.2C:35B-1 et seq.), or marihuana as defined in section 2 of P.L.1970, c.226 (C.24:21-2) and applied to any offense set forth in the “New Jersey Controlled Dangerous Substances Act,” P.L.1970, c.226 (C.24:21-1 et al.); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the “New Jersey Hemp Farming Act,” P.L.2019, c.238 (C.4:28-6 et al.).

CANNABIS PARAPHERNALIA — “Cannabis paraphernalia” means any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing a cannabis item into the human body. “Cannabis paraphernalia” does not include drug paraphernalia as defined in N.J.S.2C:36-1 and which is used or intended for use to commit a violation of chapter 35 or 36 of Title 2C of the New Jersey Statutes.

MEDICAL CANNABIS — Cannabis intended for medical use by a qualified patient registered with the New Jersey Cannabis Regulatory Commission pursuant to N.J.S.A. 24:6I-1 et. seq. and N.J.S.A. 18A:40-12.22 et. al.

PRIVATE PLACE — Any place which is not a public place as herein defined.

PUBLIC PLACE — Any place, either publicly or privately owned, which is or may be frequented by the public.

§ 95-15. Consumption of Cannabis Prohibited in Public Places

No person shall consume cannabis:

- A. While in a public place.
- B. While in a private place of which he or she is not an owner, tenant, or lawful occupant without the permission of any owner, tenant, lawful occupant, or any person having the authority to grant such permission.
- C. While in a private motor vehicle in motion on or parked in any public place or upon any private place of which he or she is not an owner, tenant, or lawful occupant without the express permission of the property owner, tenant, lawful occupant, or other person having the authority to grant such permission.

§ 95-16. Discarding of Cannabis and Cannabis Paraphernalia Prohibited in Public Places

No person shall discard of cannabis or cannabis paraphernalia:

- A. In a public place.
- B. In a private place of which he or she is not an owner, tenant, or lawful occupant without the permission of any owner, tenant, lawful occupant, or any person having the authority to grant such permission.

§ 95-17. Violations and Penalties

Any person who shall violate the provisions of this article shall, upon conviction, be subject to one or more of the following at the discretion of the Municipal Court Judge:

- A. A fine not exceeding \$1,250 or imprisonment in the county jail for a term not exceeding 90 days; or,
- B. A period of community service not exceeding 90 days.

§ 95-18. Enforcement.

The Township of Pennsauken Police Department is hereby charged with the enforcement of this article. All members of the Pennsauken Police Department are hereby designated as enforcement officers for the purpose of enforcement of this article.

SECTION 15

New Section 141-86.H, which outlines supplemental sign regulations for cannabis establishments shall be added to the Township Code as follows:

- H. Cannabis Establishments. The following additional sign regulations shall apply to all cannabis establishments:
- (1) One (1) sign shall be permitted per cannabis establishment; provided, however, that a maximum of two (2) signs shall be permitted if a cannabis establishment is to be located on a corner lot with frontage on two (2) or more public roadways.
 - (2) The maximum total area of all permitted signs shall not exceed an area equal to two square feet for every one lineal foot of building frontage or 75 square feet, whichever is less.
 - (3) Signs shall be permitted on a building wall; provided, however, that no sign shall extend above the roofline.
 - (4) Any sign located in a publicly visible location is encouraged to display only the following information:
 - (a) Name of business
 - (b) Logogram of business
 - (c) Address of business
 - (d) Hours of operation
 - (e) Contact information
 - (f) Any information required by law or required or recommended by a government agency.
 - (5) Signs affixed to building roofs shall be prohibited.

- (6) Banners, steamers, spinners, whirling and similar attention-attracting devices shall be prohibited.
- (7) Portable signs shall be prohibited.
- (8) Digital signs shall be prohibited.
- (9) The foregoing sign regulations supplement and are in addition to all other sign regulations of this code.
- (10) Where a provision in this subsection contradicts another sign regulation of this code, the most restrictive regulation shall apply.
- (11) The sign restrictions of Chapter 95 shall also apply.

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