

## **TOWNSHIP OF HAINESPORT**

### **ORDINANCE NO. 2021-8**

#### **ORDINANCE OF THE TOWNSHIP OF HAINESPORT PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING CHAPTERS 77 AND 104 OF THE CODE OF THE TOWNSHIP OF HAINESPORT**

**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” (the “Act”), which legalizes the recreational use of cannabis 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 Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in 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 Distributer 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**, Section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location, manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

**WHEREAS**, Section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

**WHEREAS**, Section 31b of the 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 22, 2021); and

**WHEREAS**, pursuant to Section 31b of the Act, the failure to do so 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 uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

**WHEREAS**, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

**WHEREAS**, the Township Committee of the Township of Hainesport has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis businesses might have on New Jersey municipalities in general, and on the Township of Hainesport in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Township of Hainesport’s residents and members of the public who visit, travel, or conduct business in the Township of Hainesport, to amend the Township of Hainesport’s zoning regulations to prohibit all manner of cannabis-related land use and development within the geographic boundaries of the Township of Hainesport; and

**WHEREAS**, to ensure that the Township’s interests with respect to the Act are fully protected, both the Township’s general “police power” ordinances and land use ordinances shall be amended.

**NOW THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Hainesport, in Burlington County State of New Jersey, as follows:

## **SECTION I.**

Chapter 77, entitled “Drugs”, shall be renamed “Drugs and Cannabis.”

New Article II, entitled “Cannabis,” shall be added to Chapter 77 of the Code of the Township of Hainesport.

New Section 77-5 shall be added to the Code of the Township of Hainesport as follows:

§ 77-5 Cannabis Establishments Prohibited.

Cannabis Establishments Prohibited. All classes of cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in section 3 of P.L. 2021, c. 16 (“New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act”) shall be prohibited in all zones in the municipality, but the delivery of cannabis items and related supplies by a delivery service is permissible.

**SECTION II.**

Section 104-53(L) of the Code of the Township of Hainesport shall be amended as follows (deletions are struck through and additions are underlined):

§ 104-53 Regulations applicable to all zones.

L. Prohibited uses. Any use not specifically permitted in a zone established by this chapter is hereby specifically prohibited from that zone, and the following uses and activities are specifically prohibited in any zone of the Township of Hainesport:

- (1) Any use of any building or premises in such a manner that the health, safety or welfare of the community may be endangered.
- (2) Any use which emits excessive and objectionable amounts of dust, fumes, noise, odor, smoke, vibrations, glare or waste products.
- (3) Any trade, industry or purpose that is noxious or offensive by reason of the emission of odor, dust, smoke, gas or noise. The standards of the New Jersey State Department of Environmental Protection shall be the enforcement standard for this provision.
- (4) Residential structures without permanent connection to utilities.
- (5) Outdoor storage or display of more than one new or used motor vehicle or trailer coach or any other motor vehicle goods for sale or storage at point of sale or in transit, except in conjunction with authorized dealers, except that a resident of a property may display not more than one motor vehicle on-site during any one six-month period.
- (6) Junkyard, automobile wrecking or disassembly yards, the sorting or bailing of scrap metal, paper, rags or other scrap or waste material.

(7) Yard sales and auctions except as provided in Chapter 144, Sales, of the Code of the Township of Hainesport.

(8) For the purposes of P.L. 2021, c. 16 ("New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act") all classes of cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in section 3 of P.L. 2021, c. 16.

### **SECTION III. SEVERABILITY.**

If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

### **SECTION IV. INCONSISTENT ORDINANCES REPEALED.**

All Ordinances or parts of Ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed, but only to the extent of such inconsistencies.

### **SECTION V. EFFECTIVE DATE.**

This ordinance shall take effect upon its passage and publication and filing with the Burlington County Planning Board, and as otherwise provided for by law.


## NOTICE OF PUBLIC HEARING

### HAINESPORT TOWNSHIP ORDINANCE NO. 2021-8

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The Ordinance published herewith was introduced and passed upon first reading at the regular meeting of the Township Committee of the Township of Hainesport held on July 13, 2021. It will be further considered for passage after a public hearing at the regular meeting to be held on August 10, 2021 at the Municipal Building, One Hainesport Centre, Hainesport, New Jersey at 7:00 PM at which time and place any persons desiring to be heard upon the same will be given an opportunity to be heard. During the week prior to and up to and including the date of such meeting or further consideration, copies of said Ordinance in its entirety may be obtained from the Township Clerk.

Dated: July 13, 2021



Paula L. Kosko, RMC, Township Clerk  
Township Administrator

	Motion	Second	Yes	No	Abstain	Absent
Levinson						X
MacLachlan						X
Clauss	X		X			
Montgomery		X	X			
Gilmore			X			

**NOTICE OF FINAL PASSAGE**

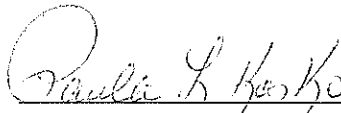
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ORDINANCE NO. 2021-8**

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Notice is hereby given that Ordinance 2021-8 as entitled as above has been finally adopted on final reading by the governing body of Hainesport Township after a public hearing at a meeting held on August 10, 2021. Said Ordinance shall take effect in accordance with the law.

ATTEST:

Dated: August 11, 2021



Paula L. Kosko, RMC, Township Clerk  
Township Administrator

ACKNOWLEDGMENT OF

APPROVAL BY:

Dated: Aug 11, 2021



Leila Gilmore  
Mayor of Hainesport Township

	Motion	Second	Yes	No	Abstain	Absent
Levinson			X			
MacLachlan				X		
Clauss	X		X			
Montgomery		X	X			
Gilmore			X			

Introduced: July 13, 2021  
First Publication: July 18, 2021  
Adoption: August 10, 2021  
Final Publication: August 13, 2021