

Introduced: June 14, 2021

Adopted: July 19, 2021

ORDINANCE NO. 2021-12

**TOWNSHIP OF EASTAMPTON
BURLINGTON COUNTY**

**AN ORDINANCE AMENDING CHAPTER 540 OF THE CODE BOOK OF THE
TOWNSHIP OF EASTAMPTON ENTITLED "ZONING" TO ALLOW THE
OPERATION OF CERTAIN CANNABIS LICENSES WITHIN THE
GEOGRAPHICAL LIMITS OF THE TOWNSHIP OF EASTAMPTON**

BE IT ORDAINED by the Township Council of the Township of Eastampton, Burlington County, State of New Jersey that Chapter 540 known as "Zoning" of the Township of Eastampton be and is hereby amended as follows:

WHEREAS, the amendments to Chapter 540 of the Code of the Township of Eastampton are permitted consistent with the powers granted to the municipality consistent with N.J.S.A. 40:55D et seq., Municipal Land Use Law; and

WHEREAS, pursuant to N.J.S.A. 40:55D et seq., the Eastampton Municipal Land Use Board has approved of said amendments pursuant to the Municipal Land Use Laws.

NOW THEREFORE, BE IT ORDAINED, by the Council of the Township of Eastampton, in the County of Burlington, State of New Jersey, as follows:

The Definitions section of Chapter 540 is revised in the following manner:

§ 540-6 Definitions.

"Cannabis"

Cannabis means 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 for use in cannabis products as set forth in this act, 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, 26c.158 (C.18A:40-12.22 et al.); marijuana as defined in N.J.S.2C:35-272 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 marijuana 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 consumption area"

Cannabis consumption area means, as further described in section 28 of P.L.2019, c.153 (C.24:61-21), a designated location operated by a licensed cannabis retailer or permit holder for dispensing medical cannabis, for which both a State and local endorsement has been obtained, that is either: (1) an indoor, structurally enclosed area of the cannabis retailer or permit holder that is separate from the area in which retail sales of cannabis items or the dispensing of medical cannabis occurs; or (2) an exterior structure on the same premises as the cannabis retailer or permit holder, either separate from or connected to the cannabis retailer or permit holder, at which cannabis items or medical cannabis either obtained from the retailer or permit holder, or brought by a person to the consumption area, may be consumed.

"Cannabis cultivator"

Cannabis cultivator means any licensed person or entity that grows, cultivates, or produces cannabis in this State, 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"

Cannabis delivery service means 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"

Cannabis distributor means 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"

Cannabis establishment means a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer.

"Cannabis extract"

Cannabis extract means a substance obtained by separating resins from cannabis by: (1) a chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane, or propane; (2) a chemical extraction process using the hydrocarbon-based solvent carbon dioxide, if the process uses high heat or pressure; or (3) any other process identified by the Cannabis Regulatory Commission by rule or regulation.

"Cannabis item"

Cannabis item means any usable cannabis, cannabis product, cannabis extract, and any other cannabis resin. "Cannabis item" does not include: any form of medical cannabis dispensed to registered qualifying patients pursuant to the "Jake Honig Compassionate Use Medical Cannabis 5Act," P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2015, c.158 6(C.18A:40-12.22 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 leaf" means the leaf of the plant *Cannabis sativa* L. within the plant family Cannabaceae.

"Cannabis manufacturer"

Cannabis manufacturer means 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 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 2or 362of Title 2C of the New Jersey Statutes.

"Cannabis product" means 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 resin"

Cannabis resin means the resin extracted from any part of the plant *Cannabis sativa* L., including cannabis extract and resin extracted using non-chemical processes, processed, and used in accordance with P.L.2021, c.16. Cannabis resin does not include: any form of 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.); hashish 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 as defined in section 2 of P.L.1970, c.226 (C.24:21-2) and applied to any offense of 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 retailer"

Cannabis retailer means 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 testing facility"

Cannabis testing facility means an independent, third-party entity meeting accreditation requirements established by the Cannabis Regulatory Commission that is licensed to analyze and certify cannabis items and medical cannabis for compliance with applicable health, safety, and potency standards.

"Cannabis wholesaler"

Cannabis wholesaler means 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.

"Commission"

Commission means the Cannabis Regulatory Commission established pursuant to section 31 of P.L.2019, c.153 (C.24:61-24).

"Conditional license"

Conditional license means a temporary license designated as either a Class 1 Cannabis Cultivator; license, a Class 2 Cannabis Manufacturer license, a Class 3 Cannabis Wholesaler license, a Class 4 Cannabis Distributor license, a Class 4 Cannabis Retailer license, or a Class 6 Cannabis Delivery license that allows the holder to lawfully act as a cannabis cultivator¹, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service as the case may be, which is issued pursuant to an abbreviated application process, after which the conditional license holder shall have a limited period of time in which to become fully licensed by satisfying all of the remaining conditions for licensure which were not required for the issuance of the conditional license.

"Consumer"

Consumer means a person 21 years of age or older who purchases, directly or through a cannabis delivery service, acquires, owns, holds, or uses cannabis items for personal use by a person 21 years of age or older, but not for resale to others.

"Consumption"

Consumption means the act of ingesting, inhaling, or otherwise introducing cannabis items into the human body.

"Delivery"

Delivery means the transportation of cannabis items and related supplies to a consumer. Delivery also includes the use by a licensed cannabis retailer of any third party technology platform to receive, process, and fulfill orders by consumers, which third party shall not be required to be a licensed cannabis establishment, distributor, or delivery service, provided that any physical acts in connection with fulfilling the order and delivery shall be accomplished by a certified cannabis handler performing work for or on behalf of the licensed cannabis retailer, which includes a certified cannabis handler employed or otherwise working on behalf of a cannabis delivery service making off-premises deliveries of consumer purchases fulfilled by that cannabis retailer.

"Department"

Department means the News Jersey Department of Health.

“License”

License means a license issued under P.L.2021, c.16, including a license that is designated as either a Class 1 Cannabis Cultivator license, a Class 2 Cannabis Manufacturer license, a Class 3 Cannabis Wholesaler license, a Class 4 Cannabis Distributor license, a Class Cannabis Retailer license, or a Class 6 Cannabis Delivery license. The term includes a conditional license for a designated class, except when the context of the provisions of P.L.2021, c.16, otherwise intend to only apply to a license and not a conditional license.

“Licensee”

Licensee means a person or entity that holds a license issued under P.L.2021, c.16., including a license that is designated as either a Class 1 Cannabis Cultivator license, a Class 2 Cannabis Manufacturer license, a Class 3 Cannabis Wholesaler license, a Class 4 Cannabis Distributor license, a Class 5 Cannabis Retailer license, or a Class 6 Cannabis Delivery license, and includes a person or entity that holds a conditional license for a designated class, except when the context of the provisions of P.L.2021, c.16., otherwise intend to only apply to a person or entity that holds a 16license and not a conditional license.

“Licensee representative”

Licensee representative means an owner, director, officer, manager, employee, agent, or other representative of a licensee, to the extent that the person acts in a representative capacity.

“Manufacture”

Manufacture means the drying, processing, compounding, or conversion of usable cannabis into cannabis products or cannabis resins. Manufacture does not include packaging or labeling.

“Mature cannabis plant” means a cannabis plant that is not an immature cannabis plant.

“Medical cannabis” means cannabis dispensed to registered qualifying patients pursuant to the “Jake Honig Compassionate Use Medical Cannabis Act,” P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.). Medical cannabis does not include any2cannabis or2cannabis item which is cultivated, produced, processed, and consumed in accordance with P.L.2021, c.16.

“Microbusiness”

Microbusiness means a person or entity licensed under P.L.2021, c.16., as a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service that may only, with respect to its business operations, and capacity and quantity of product: (1) employ no more than 10 employees; (2) operate a cannabis establishment

occupying an area of no more than 2,500 square feet, and in the case of a cannabis cultivator, grow cannabis on an area no more than 2,500 square feet measured on a horizontal plane and grow above that plane not higher than 24 feet; (3) possess no more than 1,000 cannabis plants each month, except that a cannabis distributor's possession of cannabis plants for transportation shall not be subject to this limit; (4) acquire each month, in the case of a cannabis manufacturer¹, no more than 11,000 pounds of usable cannabis; (5) acquire or resale each month, in the case of a cannabis wholesaler, no more than 1,000 pounds of usable cannabis, or the equivalent amount in any form of manufactured cannabis product or cannabis resin, or any combination thereof; and (6) acquire for retail sale each month, in the case of a cannabis retailer, no more than 1,000 pounds of usable cannabis, or the equivalent amount in any form of manufactured cannabis product or cannabis resin, or any combination thereof.

"Premises"

Premises or licensed premises includes the following areas of a location licensed under P.L.2021, c.16.: all public and private enclosed areas at the location that are used in the business operated at the location, including offices, kitchens, rest rooms, and storerooms; all areas outside a building that the Cannabis Regulatory Commission has specifically licensed for the production, manufacturing¹, wholesaling, distributing, retail sale, or delivery of cannabis items; and, for a location that the commission has specifically licensed for the production of cannabis outside a building, the entire lot or parcel that the licensee owns, leases, or has a right to occupy.

"Produce"

Produce means the planting, cultivation, growing or harvesting of cannabis. Produce does not include the drying of cannabis by a cannabis manufacturer if the cannabis manufacturer is not otherwise manufacturing cannabis.

"Public place"

Public place means any place to which the public has access that is not privately owned; or any place to which the public has access where alcohol consumption is not allowed, including, but not limited to, a public street, road, thoroughfare, sidewalk, bridge, alley, plaza, park, playground, swimming pool, shopping area, public transportation facility, vehicle used for public transportation, parking lot, public library, or any other public building, structure, or area.

The following sections of Chapter 540 are revised to provide for conditional uses in the following manner:

§ 540-26 CH Commercial Highway District.

C. Conditional uses. The following conditional uses are permitted in the CH District:

(8) Class 5 Cannabis Retailer shall comply with the following requirements:

(a) The cannabis retail establishment shall comply with the following gross floor area (GFA) restrictions:

[1] Minimum GFA shall be 2,500 square feet.

[2] Maximum GFA shall be 10,000 square feet.

(b) The cannabis retail establishment shall be located in the following manner:

[1] In a stand-alone, single use building as permitted in the CH District, or

[2] On the first floor of a commercial building that contains other commercial businesses permitted in the CH District, or

[3] On the first floor of a shopping center consisting of one or more principle buildings.

(c) Signage identifying the cannabis retail establishment shall be restricted in the following manner:

[1] For stand alone, single-use buildings, signage identifying the retail operation shall be limited to one façade sign and one freestanding monument sign. The façade and freestanding monument sign shall comply with the provisions set forth in §§ 540-49 through 53.

[2] For commercial buildings and shopping centers that contain other commercial businesses, signage identifying the retail operation shall be limited to one façade sign and one freestanding monument or pylon

sign for multiple occupants. The façade and freestanding monument sign shall comply with the provisions set forth in §§ 540-49 through 53.

- [3] Window and temporary signs shall be prohibited.
 - [4] Door signs shall be limited to the name of the business, street address, and days and hours of operation.
 - [5] Exterior and interior signage shall be prohibited from containing text and/or images that promote excessive consumption of legal cannabis products.
- (d) A Class 5 Cannabis Retailer shall not be located within a distance of one thousand feet from the boundaries of the property on which the retail operation is located to the boundaries of the property on which the following land uses are located: a public or private school including elementary, vocational, or secondary schools, colleges, and universities; a state-licensed childcare center; a house of worship; and a state-licensed addiction recovery facility.
- (e) A Class 5 Cannabis Retailer shall not be located within a distance of five hundred feet from the boundaries of the property on which the retail operation is located to the boundaries of the property on which another Class 5 Cannabis Retailer is located.
- (f) The days and hours of operation for a Class 5 Cannabis Retailer shall be: Monday – Saturday, 9 a.m. – 9 p.m.; & Sunday, 9 a.m. – 5 p.m.
- (g) The cannabis retail establishment shall be duly licensed as a Class 5 Cannabis Retailer by the State of New Jersey with its license maintained in good standing.
- (h) On-site sales of alcohol or tobacco products are prohibited.
- (i) On-site consumption of food, alcohol, tobacco, or cannabis products by patrons is prohibited.
- (j) Security Requirements for Class 5 Cannabis Retailers:
- [1] All licensed retail establishments shall be equipped with security cameras covering all exterior parking and loading areas, all points of entry into the facilities,

and interior spaces that are open to the public and that are used to store cannabis products.

- [a] Security cameras shall be installed to monitor and record all areas of the premises, except in restrooms, and where persons may gain or attempt to gain access to cannabis products or cash maintained by the Cannabis Retailer. Cameras shall record operations of the business and all potential areas of ingress and egress to the facility with sufficient detail to identify facial features and clothing. Recordings from security cameras shall be maintained for a minimum of forty days in a secure offsite location or through a service over a network that provides on-demand access, commonly referred to as a "cloud." The offsite location shall be submitted to the Eastampton Township Police Department and shall be updated within forty-eight hours of any change of such location.
- [2] All licensed retail establishments shall provide the Eastampton Township Police Department with access to recorded security footage immediately upon request by the Department.
- [3] All licensed retail establishments shall have at least one officer of the Eastampton Township Police Department stationed at each facility during operation and when the facility is open to the public. The expense of providing the police officer shall be paid by the cannabis establishment.
- [4] All licensed retail establishments shall provide a dimensioned floor plan, clearly labeled, showing: the layout of the structure and floor plan in which the retail operation is to be located; the principal uses of the floor area depicted on the floor plan including, but not limited to, public areas, retail areas, storage areas and restricted areas where cannabis products will be located; all points of entry into the facility; and the locations of all security cameras that will be positioned within the facility.

- [5] All licensed retail establishments shall provide a plan for exterior lighting for security purposes.
- [6] All licensed retail establishments shall install and use a safe for storage of any cannabis products and cash on the premises when the business is closed to the public. The safe shall be incorporated into the building structure or securely attached thereto as approved by the Eastampton Township Police Department and Construction Official.
- [7] All licensed retail establishments shall install and use an alarm system that is monitored by a company that is staffed twenty-four hours a day, seven days a week. The name, location and contact information of the company monitoring the alarm shall be provided to the Eastampton Police Department and shall be updated within forty-eight hours of any change of monitoring company. If the alarm system includes a panic alarm, an operable dedicated phone for Eastampton Police Department to respond to the alarm shall be remain on the premises at all times.

(9) The following class cannabis establishments are permitted as conditional uses in the CH District:

| <u>Class</u> | <u>Description</u> |
|--------------|-----------------------|
| 1 | Cannabis Cultivator |
| 2 | Cannabis Manufacturer |
| 3 | Cannabis Wholesaler |
| 4 | Cannabis Distributor |
| 6 | Cannabis Delivery |

The foregoing class cannabis establishments shall comply with the following requirements:

- (a) Class 1, 2, 3, 4 and 6 cannabis establishments shall be located on a single-use site that that shall be devoid of other principal uses. Only one cannabis establishment shall be permitted on the single-use site.
- (b) Cannabis establishments shall comply with the following bulk, area, and yard requirements:

| <u>Description</u> | <u>Requirement</u> |
|--------------------|--------------------|
| Minimum Lot Area | 2 acres |

| | |
|----------------------------------|----------|
| Minimum Lot Frontage | 200 feet |
| Minimum Lot Width | 200 feet |
| Minimum Lot Depth | 400 feet |
| Principal Building Yard Setbacks | |
| Front | 50 feet |
| Side | 50 feet |
| Rear | 50 feet |
| Maximum Building Coverage | 20% |
| Maximum Site Coverage | 65% |
| Maximum Building Height | 40 feet |

- (c) Signage identifying the cannabis establishment shall be restricted in the following manner:
- [1] One façade sign, which complies with §§ 540-49 through 53, shall be permitted.
 - [2] One freestanding monument sign, which complies with §§ 540-49 through 53, shall be permitted.
 - [3] Window and temporary signs shall be prohibited.
 - [4] Door signs shall be limited to the name of the business, street address, and days and hours of operation.
 - [5] Exterior and interior signage shall be prohibited from containing text and/or images that promote excessive consumption of legal cannabis products.
- (d) A Class 1, 2, 3, 4 and 6 cannabis establishment shall not be located within a distance of one thousand feet from the boundaries of the property on which the cannabis establishment is located to the boundaries of the property on which the following land uses are located: a public or private school including elementary, vocational, or secondary schools, colleges, and universities; a state-licensed childcare center; a house of worship; and a state-licensed addiction recovery facility.
- (e) A Class 1, 2, 3, 4 and 6 cannabis establishment shall not be located within a distance of five hundred feet from the boundaries of the property on which the cannabis establishment is located to the boundaries of the property on which another Class 1, 2, 3, 4 and 6 cannabis establishment is located.

- (f) The days and hours of operation for Class 1, 2, 3, 4 and 6 cannabis establishment shall comply with the following requirements:
 - [1] Class 1 Cannabis Cultivator – Sunday through Saturday, 7 a.m. to 7 p.m.
 - [2] Class 2 Cannabis Manufacturer, Class 3 Cannabis Wholesaler and Class 4 Cannabis Distributor – Monday through Friday, 7 a.m. to 7 p.m., and Saturday 7 a.m. to 5 p.m.
 - [3] Class 6 Cannabis Delivery – No requirements.
- (g) The cannabis establishment shall be duly licensed by the State of New Jersey with its license maintained in good standing.
- (h) On-site sales of alcohol or tobacco products are prohibited.
- (i) On-site consumption of food, alcohol, tobacco, or cannabis products by patrons is prohibited.
- (j) Security Requirements for Class 1, 2, 3, 4 and 6 cannabis establishments:
 - [1] All licensed facilities shall be equipped with security cameras covering all exterior parking and loading areas, all points of entry into the facilities, and interior spaces that are open to the public and that are used to store cannabis products.
 - [a] Security cameras shall be installed to monitor and record all areas of the premises, except in restrooms, and where persons may gain or attempt to gain access to cannabis products or cash maintained by the cannabis establishment. Cameras shall record operations of the business and all potential areas of ingress and egress to the facility with sufficient detail to identify facial features and clothing. Recordings from security cameras shall be maintained for a minimum of forty days in a secure offsite location or through a service over a network that provides on-demand

access, commonly referred to as a “cloud.”
The offsite location shall be submitted to the Eastampton Township Police Department and shall be updated within forty-eight hours of any change of such location.

- [2] All licensed cannabis establishments shall provide the Eastampton Township Police Department with access to recorded security footage immediately upon request by the Department.
- [3] All licensed cannabis establishments shall have at least one officer of the Eastampton Township Police Department stationed at each facility during operation. The expense of providing the police officer shall be paid by the cannabis establishment.
- [4] All licensed retail establishments shall provide a dimensioned floor plan, clearly labeled, showing: the layout of the structure and floor plan in which the retail operation is to be located; the principal uses of the floor area depicted on the floor plan including, but not limited to, public areas, processing and manufacturing areas, loading and unloading areas, storage areas and restricted areas where cannabis products will be located, storage areas and restricted areas where cannabis products will be located; all points of entry into the facility; and the locations of all security cameras that will be positioned within the facility.
- [5] All licensed cannabis establishments shall provide a plan for exterior lighting for security purposes.
- [6] All licensed cannabis establishments shall install and use a safe for storage of any cannabis products and cash on the premises when the business is closed. The safe shall be incorporated into the building structure or securely attached thereto as approved by the Eastampton Township Police Department and Construction Official. For cannabis products that require refrigerated storage, the refrigerated container or freezer shall be locked in a manner authorized by the Eastampton Township Police Department.

- [7] All licensed cannabis establishments shall install and use an alarm system that is monitored by a company that is staffed twenty-four hours a day, seven days a week. The name, location and contact information of the company monitoring the alarm shall be provided to the Eastampton Police Department and shall be updated within forty-eight hours of any change of monitoring company. If the alarm system includes a panic alarm, an operable dedicated phone for Eastampton Police Department to respond to the alarm shall be remain on the premises at all times.

- [8] The perimeter of the parcel of land on which the cannabis establishment is located shall be fenced in the following manner:
 - [a] An eight (8)-foot high chain link fence shall circumscribe the cannabis establishment by enclosing the rear and side yards of the parcel of land and connecting to the building and/or buildings in which the cannabis establishment operates so as to avoid locating the fence in the front yard.

 - [b] An eight (8)-foot high gate shall be provided as the single point of access in the driveway from the public road to the cannabis establishment. The gate shall be incorporated into the eight (8)-foot high fence that circumscribes the cannabis establishment. A security camera, which is previously described in this section, shall be provided to monitor, and record all vehicles and pedestrians moving through the gate.

 - [c] The chain link openings of the fence fabric shall be restricted to a size that prohibits the ability of adults and children to climb the fence. The Township Engineer shall approve the chain link openings of the fence fabric before it is installed.

§ 540-27 BP Business Park District.

N. Permitted conditional uses in the BP District.

- (1) The following class cannabis establishments are permitted as conditional uses in the BP District:

| <u>Class</u> | <u>Description</u> |
|--------------|-----------------------|
| 1 | Cannabis Cultivator |
| 2 | Cannabis Manufacturer |
| 3 | Cannabis Wholesaler |
| 4 | Cannabis Distributor |
| 6 | Cannabis Delivery |

The foregoing class cannabis establishments shall comply with the following requirements:

- (a) Class 1, 2, 3, 4 and 6 cannabis establishments shall be located on a single-use site that shall be devoid of other principal uses. Only one cannabis establishment shall be permitted on the single-use site.
- (b) Cannabis establishments shall comply with the following bulk, area, and yard requirements:

| <u>Description</u> | <u>Requirement</u> |
|----------------------------------|--------------------|
| Minimum Lot Area | 2 acres |
| Minimum Lot Frontage | 200 feet |
| Minimum Lot Width | 200 feet |
| Minimum Lot Depth | 400 feet |
| Principal Building Yard Setbacks | |
| Front | 50 feet |
| Side | 50 feet |
| Rear | 50 feet |
| Maximum Building Coverage | 20% |
| Maximum Site Coverage | 65% |
| Maximum Building Height | 40 feet |

- (c) Signage identifying the cannabis establishment shall be restricted in the following manner:

[1] One façade sign, which complies with §§ 540-49 through 53, shall be permitted.

- [2] One freestanding monument sign, which complies with §§ 540-49 through 53, shall be permitted.
 - [3] Window and temporary signs shall be prohibited.
 - [4] Door signs shall be limited to the name of the business, street address, and days and hours of operation.
 - [5] Exterior and interior signage shall be prohibited from containing text and/or images that promote excessive consumption of legal cannabis products.
- (d) A Class 1, 2, 3, 4 and 6 cannabis establishment shall not be located within a distance of one thousand feet from the boundaries of the property on which the cannabis establishment is located to the boundaries of the property on which the following land uses are located: a public or private school including elementary, vocational, or secondary schools, colleges, and universities; a state-licensed childcare center; a house of worship; and a state-licensed addiction recovery facility.
- (e) A Class 1, 2, 3, 4 and 6 cannabis establishment shall not be located within a distance of five hundred feet from the boundaries of the property on which the cannabis establishment is located to the boundaries of the property on which another Class 1, 2, 3, 4 and 6 cannabis establishment is located.
- (f) The days and hours of operation for Class 1, 2, 3, 4 and 6 cannabis establishment shall comply with the following requirements:
- [1] Class 1 Cannabis Cultivator – Sunday through Saturday, 7 a.m. to 7 p.m.
 - [2] Class 2 Cannabis Manufacturer, Class 3 Cannabis Wholesaler and Class 4 Cannabis Distributor – Monday through Friday, 7 a.m. to 7 p.m., and Saturday 7 a.m. to 5 p.m.
 - [3] Class 6 Cannabis Delivery – No requirements.

- (g) The cannabis establishment shall be duly licensed by the State of New Jersey with its license maintained in good standing.
- (h) On-site sales of alcohol or tobacco products are prohibited.
- (i) On-site consumption of food, alcohol, tobacco, or cannabis products by patrons is prohibited.
- (j) Security Requirements for Class 1, 2, 3, 4 and 6 cannabis establishments:
 - [1] All licensed facilities shall be equipped with security cameras covering all exterior parking and loading areas, all points of entry into the facilities, and interior spaces that are open to the public and that are used to store cannabis products.
 - [a] Security cameras shall be installed to monitor and record all areas of the premises, except in restrooms, and where persons may gain or attempt to gain access to cannabis products or cash maintained by the cannabis establishment. Cameras shall record operations of the business and all potential areas of ingress and egress to the facility with sufficient detail to identify facial features and clothing. Recordings from security cameras shall be maintained for a minimum of forty days in a secure offsite location or through a service over a network that provides on-demand access, commonly referred to as a "cloud." The offsite location shall be submitted to the Eastampton Township Police Department and shall be updated within forty-eight hours of any change of such location.
 - [2] All licensed cannabis establishments shall provide the Eastampton Township Police Department with access to recorded security footage immediately upon request by the Department.
 - [3] All licensed cannabis establishments shall have at least one officer of the Eastampton Township Police Department stationed at each facility during operation.

The expense of providing the police officer shall be paid by the cannabis establishment.

- [4] All licensed retail establishments shall provide a dimensioned floor plan, clearly labeled, showing: the layout of the structure and floor plan in which the retail operation is to be located; the principal uses of the floor area depicted on the floor plan including, but not limited to, public areas, processing and manufacturing areas, loading and unloading areas, storage areas and restricted areas where cannabis products will be located, storage areas and restricted areas where cannabis products will be located; all points of entry into the facility; and the locations of all security cameras that will be positioned within the facility.
- [5] All licensed cannabis establishments shall provide a plan for exterior lighting for security purposes.
- [6] All licensed cannabis establishments shall install and use a safe for storage of any cannabis products and cash on the premises when the business is closed. The safe shall be incorporated into the building structure or securely attached thereto as approved by the Eastampton Township Police Department and Construction Official. For cannabis products that require refrigerated storage, the refrigerated container or freezer shall be locked in a manner authorized by the Eastampton Township Police Department.
- [7] All licensed cannabis establishments shall install and use an alarm system that is monitored by a company that is staffed twenty-four hours a day, seven days a week. The name, location and contact information of the company monitoring the alarm shall be provided to the Eastampton Police Department and shall be updated within forty-eight hours of any change of monitoring company. If the alarm system includes a panic alarm, an operable dedicated phone for Eastampton Police Department to respond to the alarm shall be remain on the premises at all times.
- [8] The perimeter of the parcel of land on which the cannabis establishment is located shall be fenced in the following manner:

- [a] An eight (8)-foot high chain link fence shall circumscribe the cannabis establishment by enclosing the rear and side yards of the parcel of land and connecting to the building and/or buildings in which the cannabis establishment operates so as to avoid locating the fence in the front yard.
- [b] An eight (8)-foot high gate shall be provided as the single point of access in the driveway from the public road to the cannabis establishment. The gate shall be incorporated into the eight (8)-foot high fence that circumscribes the cannabis establishment. A security camera, which is previously described in this section, shall be provided to monitor, and record all vehicles and pedestrians moving through the gate.
- [c] The chain link openings of the fence fabric shall be restricted to a size that prohibits the ability of adults and children to climb the fence. The Township Engineer shall approve the chain link openings of the fence fabric before it is installed.

The non-residential component of the Eastampton Town Center: Phase Two Redevelopment Plan adopted December 12, 2011 (Ordinance 2011-14) for the TCM3-C1 and TCM3-C2 overlay zones of the TCD Town Center District, and the non-residential component of the Eastampton Village Center Redevelopment Plan adopted June 25, 2012 (Ordinance 2012-6) for the TCO overlay zone of the TCD Town Center District are revised in the following manner:

- A. The TCM3-C1 and TCO overlay zones shall have the following conditional use:
 - (1) Class 5 Cannabis Retailer, which shall be restricted to being a microbusiness, shall comply with the following requirements:
 - (a) The cannabis retail establishment shall be restricted to the ground floor of a commercial building or a mixed-use building.
 - (b) The gross floor area of the cannabis retail establishment shall not exceed 2,500 square feet.

- (c) Signage identifying the cannabis retail establishment shall be restricted in the following manner:
 - [1] Signage shall be limited to a façade sign that shall not exceed 5 percent of the area of the façade of the building on which the sign is attached or 50 square feet whichever is less.
 - [2] Window and temporary signs shall be prohibited.
 - [3] Door signs shall be limited to the name of the business, street address, and days and hours of operation.
 - [4] Exterior and interior signage shall be prohibited from containing text and/or images that promote excessive consumption of legal cannabis products.
 - [5] Signage shall comply with §§ 540-49 through 53.
- (d) A Class 5 Cannabis Retailer shall not be located within a distance of one thousand feet from the boundaries of the property on which the retail operation is located to the boundaries of the property on which the following land uses are located: a public or private school including elementary, vocational, or secondary schools, colleges, and universities; a state-licensed childcare center; a house of worship; and a state-licensed addiction recovery facility.
- (e) A Class 5 Cannabis Retailer shall not be located within a distance of five hundred feet from the boundaries of the property on which the retail operation is located to the boundaries of the property on which another Class 5 Cannabis Retailer is located.
- (f) The days and hours of operation for a Class 5 Cannabis Retailer shall be: Monday – Saturday, 9 a.m. – 9 p.m.; & Sunday, 9 a.m. – 5 p.m.
- (g) The cannabis retail establishment shall be duly licensed as a Class 5 Cannabis Retailer by the State of New Jersey with its license maintained in good standing.
- (h) On-site sales of alcohol or tobacco products are prohibited.
- (i) On-site consumption of food, alcohol, tobacco, or cannabis products by patrons is prohibited.

(j) Security Requirements for Class 5 Cannabis Retailers:

- [1] All licensed retail establishments shall be equipped with security cameras covering all exterior parking and loading areas, all points of entry into the facilities, and interior spaces that are open to the public and that are used to store cannabis products.
 - [a] Security cameras shall be installed to monitor and record all areas of the premises, except in restrooms, and where persons may gain or attempt to gain access to cannabis products or cash maintained by the Cannabis Retailer. Cameras shall record operations of the business and all potential areas of ingress and egress to the facility with sufficient detail to identify facial features and clothing. Recordings from security cameras shall be maintained for a minimum of forty days in a secure offsite location or through a service over a network that provides on-demand access, commonly referred to as a "cloud." The offsite location shall be submitted to the Eastampton Township Police Department and shall be updated within forty-eight hours of any change of such location.
- [2] All licensed retail establishments shall provide the Eastampton Township Police Department with access to recorded security footage immediately upon request by the Department.
- [3] All licensed retail establishments shall have at least one officer of the Eastampton Township Police Department stationed at each facility during operation and when the facility is open to the public. The expense of providing the police officer shall be paid by the cannabis establishment.
- [4] All licensed retail establishments shall provide a dimensioned floor plan, clearly labeled, showing: the layout of the structure and floor plan in which the retail operation is to be located; the principal uses of the floor area depicted on the floor plan including, but not limited to, public areas, retail areas, storage areas

and restricted areas where cannabis products will be located; all points of entry into the facility; and the locations of all security cameras that will be positioned within the facility.

- [5] All licensed retail establishments shall provide a plan for exterior lighting for security purposes.
- [6] All licensed retail establishments shall install and use a safe for storage of any cannabis products and cash on the premises when the business is closed to the public. The safe shall be incorporated into the building structure or securely attached thereto as approved by the Eastampton Township Police Department and Construction Official.
- [7] All licensed retail establishments shall install and use an alarm system that is monitored by a company that is staffed twenty-four hours a day, seven days a week. The name, location and contact information of the company monitoring the alarm shall be provided to the Eastampton Police Department and shall be updated within forty-eight hours of any change of monitoring company. If the alarm system includes a panic alarm, an operable dedicated phone for Eastampton Police Department to respond to the alarm shall be remain on the premises at all times.

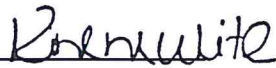
Section 2. Any article, section, paragraph, subsection, clause, or other provision of the Code of the Township of Eastampton inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.


Section 3. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Section 4. This ordinance shall take effect upon its passage and publication and filing with the County of Burlington Planning Board, and as otherwise provided for by law.

Adoption: July 19, 2021

ATTEST:


 Kim-Marie White,
 Municipal Clerk


 Dominic F. Santillo,
 Mayor

Introduction: June 14, 2021

| Council | Motion | 2 nd | Ayes | Nays | Abstain | Absent |
|---------------------|--------|-----------------|------|------|---------|--------|
| Councilman Apgar | ✓ | | ✓ | | | |
| Councilman Besko | | | ✓ | | | |
| Councilman Springer | | ✓ | ✓ | | | |
| Councilman Zeno | | | ✓ | | | |
| Mayor Santillo | | | ✓ | | | |
| | | VOTE | 5 | 0 | | |

Adoption: July 19, 2021

| Council | Motion | 2 nd | Ayes | Nays | Abstain | Absent |
|---------------------|--------|-----------------|------|------|---------|--------|
| Councilman Apgar | ✓ | | ✓ | | | |
| Councilman Besko | | ✓ | ✓ | | | |
| Councilman Springer | | | ✓ | | | |
| Councilman Zeno | | | ✓ | | | |
| Mayor Santillo | | | ✓ | | | |
| | | VOTE | 5 | 0 | | |