

**TOWNSHIP OF HAMILTON
COUNTY OF MERCER, NEW JERSEY**

ORDINANCE

No. **21-069**

1ST READING	<u>December 7, 2021</u>	DATE TO MAYOR	_____
2ND READING & PUBLIC HEARING	<u>Dec. 21, 2021</u>	DATE RESUBMITTED TO COUNCIL	_____
WITHDRAWN _____	LOST _____	DATE EFFECTIVE	_____

APPROVED AS TO FORM AND LEGALITY _____ FACTUAL CONTENTS CERTIFIED TO BY _____

TOWNSHIP ATTORNEY _____ TITLE

ORDINANCE AMENDING AND SUPPLEMENTING THE *CODE OF THE TOWNSHIP OF HAMILTON, NEW JERSEY, PART III, LAND USE LEGISLATION, CHAPTER 550, LAND DEVELOPMENT, ARTICLE III, DISTRICT REGULATIONS, AND ARTICLE IV, GENERAL REGULATIONS AND DESIGN STANDARDS*

Be It Ordained by the Council of the Township of Hamilton, in the County of Mercer and State of New Jersey, that the *Code of the Township of Hamilton, New Jersey, Chapter 550, Land Development, Article III, District Regulations, and Article IV, General Regulations and Design Standards*, as amended and supplemented, be further amended and supplemented as follows:

Chapter 550

LAND DEVELOPMENT

ARTICLE V III. DISTRICT REGULATIONS

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§ 550-81. REO-2, REO-4, REO-5 Research, Engineering and Office Districts, and RD Research and Development Districts.

A. Principal permitted uses on the land and in buildings.

(1) REO and RD Districts:

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(2) In addition to the above, the following are permitted, but only in the RD Districts, except as provided in Subsection A(2)(g)1. Below:

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(a) Pharmaceutical products operations.

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(h) Indoor recreation.

(i) Cannabis Establishments, Medical Cannabis Establishments and Class 6 Cannabis Delivery Services (as defined in Chapter 153) and subject to the conditions set forth in § 550-143. There shall be no outdoor cultivation of cannabis or medical cannabis.

B. Accessory uses permitted:

EXPLANATION Matter UNDERLINED thus in this legislation is new matter.
Matter contained in **BRACKETS [thus]** is to be omitted from the law.

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§ 550-82. MFG Manufacturing and I Industrial Districts.

In the MFG Manufacturing and I Industrial Districts, the following shall apply:

- A. Purpose. The MFG and I areas are proposed to permit a full spectrum of industrially related uses, including warehouses and wholesale distribution centers, but excluding activities which synthesize chemical products for direct industrial sale.

- B. Principal permitted uses on the land and in buildings. Any manufacturing, processing or industrial use listed below, provided that the use meets the performance requirements of Hamilton Township, meets applicable state and federal environmental standards and does not have inherent characteristics which are noxious, injurious, offensive or hazardous to the health, safety or general welfare of the community. All uses permitted in the REO and RD Districts are also permitted in the MFG and I Districts. Uses permitted exclusively in the REO and RD research parks are also permitted exclusively in industrial parks.
 - (1) Office buildings or offices for executive administrative purposes.

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 - (49) Repurposing used oils into biodegradable clean fuels.

 - (50) Cannabis Establishments, Medical Cannabis Establishments and Class 6 Cannabis Delivery Services (as defined in Chapter 153) and subject to the conditions set forth in § 550-143. There shall be no outdoor cultivation of cannabis or medical cannabis.

- C. Accessory uses permitted:
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ARTICLE IV. GENERAL REGULATIONS AND DESIGN STANDARDS

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§ 550-143. Cannabis and Medical Cannabis Establishments

- A. In addition to all other applicable land use regulations and design standards articulated in this Article, no person or entity may conduct cannabis establishments, cannabis delivery services or medical cannabis establishments, as defined in Chapter 153 without first obtaining:
 - (1) Site plan approval or site plan waiver from the Planning Board or Zoning Board of Adjustment;

 - (2) A municipal permit for the Cannabis Establishment or License for the Medical Cannabis Establishment pursuant to Chapter 153, which shall not be issued until after site plan approval or site plan waiver has been granted by the Planning Board or Zoning Board of Adjustment, which municipal permit or license will not become effective until a municipal zoning permit has been issued for the operation; and

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- (3) A CRC-issued license or permit for the operation.
- B. Only a resolution of the governing body or a municipal permit for the cannabis establishment or a cannabis delivery service or a municipal license for a medical cannabis establishment shall constitute “written municipal approval” pursuant to CREAMMA, N.J.S.A. 24:6I-36(b)(1)(c)(i) and 24:6I-45(c) or the Honig Act, N.J.S.A. 24:6I-7.
- C. A new zoning permit must be requested and obtained annually through approval of Council for the operation prior to, and as a condition of, permit or license renewal pursuant to Chapter 153. Only the municipal permit or license, annually renewed pursuant to Chapter 153, shall constitute the annually required written municipal approval required by the operation pursuant to the Cannabis Regulatory Commission (CRC). Other written statements, letters, resolutions, or other documents issued by the Township or any official, employee, or other representative shall not constitute annual or renewed “written municipal approval” for purposed of the CRC.
- D. Any suspension, revocation or non-renewal of the municipal permit or license pursuant to Chapter 153, or any suspension, revocation or non-renewal of a CRC-issued license or permit for the operation, or adjudication of felony criminal guilt by the operation or its principals shall constitute an automatic revocation of the municipal zoning permit for the operation, at which time the operation must cease. With respect to a suspension, revocation or non-renewal of a Township or CRC issued permit or license, the operation may not reinstate its municipal zoning permit until the Township and/or CRC permit or licenses are reinstated. A criminal adjudication voids and prohibits any future reinstatement of Township permits.
- E. Cannabis and Medical Cannabis Establishments shall be permitted, pursuant to this Chapter, only if the following requirements are met:
- (1) The regulation of this Section are subject to the enabling authority of the State of New Jersey, by and through the CRC, and are subject to compliance with all statutes and/or regulations promulgated and adopted by the State of New Jersey or its instrumentalities. If any provision of this Section is inconsistent with the statutes and/or regulations of the State of New Jersey, the State statutes and/or regulations shall prevail.
- (2) Odor. Cannabis and Medical Cannabis establishments shall have equipment to mitigate odor. The building shall be equipped with a ventilation system sufficient in type and capacity to mitigate cannabis odors emanating from the interior of the premises.
- (3) Noise. Outside generators and other mechanical equipment used for any kind of power supply, cooling or ventilation shall be enclosed and have appropriate baffles, mufflers, and/or other noise reduction systems to mitigate noise pollution.
- (4) Security. All cannabis establishments shall be secured in accordance with State of New Jersey statutes and regulations, including but not limited to the requirements of N.J.A.C. 17:30-9.10 and 17:30-9.12; shall have a round-the-clock video surveillance system, 365 days a year; shall have security fencing and gates around the perimeter of the premises or should fencing or gates be impracticable, then the cannabis establishment shall provide a satisfactory alternative; and shall

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have trained security personnel onsite at all times during operating hours.

- (5) No Cannabis Establishment, Cannabis Retailer, Cannabis Delivery Service, [or] Medical Cannabis Establishment, or Medical Cannabis Dispensary shall be located within 1,000 feet measured by walking legally from door to door to, [from any school] nor shall the establishment be located within a 500 feet radius from, any school, recreation center, child care establishment, house of worship, residence within an R-zone, or public park. In addition, the cannabis and medical cannabis establishment, retailer and/or dispensary shall erect physical barriers to block sight lines from the schools, recreation centers, child care establishments, houses of worship, residence, playgrounds or public parks.
- (6) No Cannabis Cultivators; Cannabis Manufactures; Cannabis Wholesalers; and/or Cannabis Distributors shall be located within a 250 foot radius from any school nor shall the establishment located within a 250 foot radius from any recreation center, child care establishment, house of worship, playground or public park.
- [(6)](7) Signage. Signage design shall not include artistic or photographic renderings of cannabis plants. Signage at the cannabis establishment, other than a retail establishment, shall communicate that the establishment is not open to the public.

F. Cannabis delivery services shall be permitted, pursuant to this Chapter, only if in addition to all other land use regulations, the following requirements are met:

- (1) The regulation of this Section are subject to the enabling authority of the State of New Jersey, by and through the CRC, and are subject to compliance with all statutes and/or regulations promulgated and adopted by the State of New Jersey or its instrumentalities. If any provision of this Section is inconsistent with the statutes and/or regulations of the State of New Jersey, the State statutes and/or regulations shall prevail.
- (2) Security. The office or dispatch of the cannabis delivery services shall be secured in accordance with State of New Jersey statutes and regulations; shall have a round-the-clock video surveillance system, 365 days a year. If cannabis will be onsite, it shall have security fencing and gates around the perimeter of the premises, unless that is impracticable in which case the establishment shall provide a satisfactory alternative; and shall have trained security personnel onsite at all times during operating hours.
- (3) Cannabis items shall not be stored or housed at the office or dispatch without trained security personnel guarding the items. Cannabis items must not be left unattended in vehicles.
- (4) Signage. In addition to the requirements of §550-124, signage design shall not include artistic or photographic renderings of cannabis plants. Signage at the cannabis delivery service shall communicate that the facility is not open to the public. Window signs and advertisements are prohibited.

G. No cannabis establishment or cannabis delivery service shall be permitted to operate as a home occupation or a live/work unit.

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§ 550-144 through § 550-160. (Reserved)

Any Ordinance or Ordinances in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

PRESIDENT

MUNICIPAL CLERK

RECORD OF VOTE													
First Reading							Second Reading						
COUNCIL	AYE	NAY	NV	AB	ORD	SEC	COUNCIL	AYE	NAY	NV	AB	ORD	SEC
ANTHONY P. CARABELLI, JR.							ANTHONY P. CARABELLI, JR.						
RICHARD L. TIGHE, JR.							RICHARD L. TIGHE, JR.						
CHARLES F. WHALEN							CHARLES F. WHALEN						
NANCY PHILLIPS							NANCY PHILLIPS						
PASQUALE "PAT" PAPERIO, JR.							PASQUALE "PAT" PAPERIO, JR.						

X - Indicates Vote A.B. - Absent N.V. - Not Voting ORD. - Moved SEC. - Seconded

REJECTED _____

JEFFREY S. MARTIN, MAYOR

DATE

APPROVED _____

RECONSIDERED BY COUNCIL _____

OVERRIDE VOTE

AYE _____

NAY _____

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