

ORDINANCE NO. 2021- 44

ORDINANCE AMENDING ORDINANCE 86-38, AS AMENDED, CHAPTER 425 OF THE CODE OF THE CITY OF VINELAND ENTITLED LAND USE SO AS TO PROVIDE FOR THE MEDICAL AND ADULT USE CANNABIS IN CERTAIN ZONES AND TO SET FORTH THE REGULATIONS AND STANDARDS THEREFOR

WHEREAS, the State of New Jersey adopted the New Jersey Compassionate Use Medical Marijuana Act (N.J.S.A. 24:6I-1 et al.) in 2009, which law established a system whereby marijuana could be dispensed for the treatment of designated medical conditions; and

WHEREAS, in 2018, Vineland placed a referendum on the November ballot to ascertain public opinion which revealed that over 60% of voters supported medical marijuana; and

WHEREAS, subsequently, the State approved an application for a medical marijuana alternative treatment center in the community; and

WHEREAS, the City of Vineland Land Use Ordinance was amended in 2019 to enact regulations related to medical marijuana. The current ordinance permits a medical marijuana alternative treatment center as a conditional use in I-2 Industrial Zones and a medical marijuana dispensary facility as a conditional use in B-3 Zones. The current ordinance permits only one (1) alternative treatment center. In Vineland, the one (1) alternative treatment center has its cultivation and dispensary facilities at different locations, which is permitted; and.

WHEREAS, on November 4, 2020, prior to introduction of this legislation, the State placed a referendum before the public to ascertain public opinion on adult use cannabis and the results of the public question is that 68% of the public approved the adult use of cannabis and in Vineland, 67% of voters were supportive of legalization; and

WHEREAS, in February of 2021, the State of New Jersey adopted the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernizations Act (the Act), which legalizes adult use cannabis; and

WHEREAS, the Act served to repeal any prior municipal legislation regarding cannabis and it is now necessary to replace the repealed municipal legislation regarding medical cannabis and consider provisions to regulate both medical and adult use cannabis; and

WHEREAS, according to the new legislation, medical cannabis alternative treatment centers are automatically deemed eligible for all adult use cannabis licenses and Council finds that the adoption of an ordinance is necessary to maintain the previously enacted provisions related to medical cannabis and permitting an unlimited number of cannabis cultivators, manufacturers, wholesalers, and distributors in all industrial zones and one (1) cannabis retailer in B-3 Business Zones as a conditional use.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VINELAND that Chapter 425 of the Code of the City of Vineland entitled Land Use is hereby amended as follows:

Amend §425-270 Word usage; definitions.

Delete the definition of ‘medical marijuana alternative treatment center (ATC)’.

Add the following definition:

CANNABIS (MEDICAL AND ADULT USE)

All parts of the plant *Cannabis sativa L.* All definitions related to the regulation of medical and adult use cannabis are contained in Article XXVII Medical and Adult Use Cannabis. As with N.J.S.A. 24:6I-1 et al., the governing statutes, the term ‘cannabis’ relates to adult use, so as to contrast with ‘medical cannabis’.

Amend §425-288 I-1 Industrial Zone standards.

Add the following permitted uses and re-number balance of list:

- B(19) Cannabis cultivator.
- B(20) Cannabis manufacturer.
- B(21) Cannabis wholesaler.
- B(22) Cannabis distributor.
- B(23) Cannabis delivery service.

Amend §425-292 I-4 Industrial Zone standards.

Add the following permitted uses and re-number balance of list:

- B(7) Cannabis cultivator.
- B(8) Cannabis manufacturer.
- B(9) Cannabis wholesaler.
- B(10) Cannabis distributor.
- B(11) Cannabis delivery service.

Amend §425-295 B-3 Business Zone standards.

Add the following conditional use:

- D(3) Cannabis retailer.

Amend §425-304 Conditional uses.

Amend A(11) as follows:

Medical cannabis alternative treatment center.

Amend A(12) as follows:

Medical cannabis dispensary.

Add the following conditional use:

- A(13) Cannabis retailer.

Amend §425-304 Conditional uses.

Re-name C(4) Article XXVII, Medical and Adult Use Cannabis.

Amend Zoning Schedule, Sheet 2 - Conditional Use Specific Standards.

See attachment.

Repeal Article XXVII Medical Marijuana Alternative Treatment Center and replace with Article XXVII Medical and Adult Use Cannabis.

Article XXVII Medical and Adult Use Cannabis

§425-372 Definitions.

As used in this article, the following terms shall have the meanings indicated:

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 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 N.J.S.A. 24:6I-1 et al. and N.J.S.A. 18A:40-12.22 et al.; marijuana as defined N.J.S. 2C:35-2; or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to N.J.S.A. 4:28-6 et al.

CANNABIS CULTIVATOR

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

Any licensed person or entity that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by a cannabis retailer in order to make deliveries of the cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the cannabis items directly through the cannabis delivery service, which after presenting the purchase order to the cannabis retailer for fulfillment, is delivered to that consumer. This person or entity shall hold a Class 6 Cannabis Delivery license.

CANNABIS DISTRIBUTOR

Any licensed person or entity that transports cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed 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 MANUFACTURER

Any licensed person or entity that processes cannabis items in this state by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 2 Manufacturer license.

CANNABIS PARAPHERNALIA

Any equipment, products, or materials of any kind that 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 PRODUCT

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

CANNABIS RETAILER

Any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service that will be delivered by the cannabis delivery service to that consumer. This person or entity shall hold a Class 5 Cannabis Retailer license.

CANNABIS WHOLESALER

Any licensed person or entity that purchases or otherwise obtains, stores, sells or otherwise transfers, and may transport, cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers. This person or entity shall hold a Class 3 Cannabis Wholesaler license.

COMMISSION

The Cannabis Regulatory Commission established pursuant to N.J.S.A. 24:6I-24(31).

CONSUMPTION AREA

A designated location operated by a licensed cannabis retailer or permit holder for dispensing medical cannabis, for which both a State & 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.

LICENSE

A license issued under N.J.S.A. 24:6I-1 et al, 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.

MEDICAL CANNABIS

Cannabis dispensed to registered qualifying patient pursuant to N.J.S.A.24:6I-1 et al. and N.J.S.A. 18A:40-12.22 et al. Medical cannabis does not include any adult use cannabis or cannabis item that is cultivated, produced, processed, and consumed.

MEDICAL CANNABIS ALTERNATIVE TREATMENT CENTER OR ALTERNATIVE TREATMENT CENTER

An organization issued a permit, including a conditional permit, by the Cannabis Regulatory Commission to operate as a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant.

MEDICAL CANNABIS CLINICAL REGISTRANT

An entity that has a written contractual relationship with an academic medical center in the region in which it has its principal place of business, which includes provisions whereby the parties will engage in clinical research related to the use of medical cannabis and the academic medical center or its affiliate will provide advice to the entity regarding patient health and safety, medical applications, and dispensing and managing controlled dangerous substances, among other areas.

MEDICAL CANNABIS CULTIVATOR

An organization holding a permit issued by the commission that authorizes the organization to: possess and cultivate cannabis and deliver, transfer, transport, distribute, supply, and sell medical cannabis and related supplies to other medical cannabis cultivators and to medical cannabis manufacturers, clinical registrants, and medical cannabis dispensaries, as well as to plant, cultivate, grow, and harvest medical cannabis for research purposes. A medical cannabis cultivator permit shall not authorize the permit holder to manufacture, produce, or otherwise create medical cannabis products, or to deliver, transfer, transport, distribute, supply, sell or dispense medical cannabis, medical cannabis products, paraphernalia, or related supplies to qualifying patients, designated caregivers, or institutional caregivers.

MEDICAL CANNABIS DISPENSARY

An organization issued a permit by the commission that authorizes the organization to: purchase or obtain medical cannabis and related supplies from medical cannabis cultivators; purchase or obtain medical cannabis products and purchase or obtain medical cannabis related supplies from medical cannabis manufacturers; purchase or obtain medical cannabis, medical cannabis products, and related supplies and paraphernalia from other medical cannabis dispensaries and from clinical registrants; 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 N.J.S.A. 24:6I-20(27)(i); 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.

MEDICAL CANNABIS MANUFACTURER

An organization issued a permit by the commission that authorizes the organization to: purchase or obtain medical cannabis and related supplies from a medical cannabis cultivator or a clinical registrant; purchase or obtain medical cannabis products from another medical cannabis manufacturer or a clinical registrant; produce, manufacture, or otherwise create medical cannabis products; and possess, deliver, transfer, transport, distribute, supply, and sell medical cannabis products and related supplies to other medical cannabis manufacturers and to medical cannabis dispensaries and clinical registrants. A medical cannabis manufacturer permit shall not authorize the permit holder to cultivate medical cannabis or to deliver, transfer, transport, distribute, supply, sell, or dispense medical

cannabis, medical cannabis products, paraphernalia, or related supplies to registered qualifying patients, designated caregivers, or institutional caregivers.

PERMIT

A permit issued under N.J.S.A. 24:6I-1 et al, that is designated as either a medical cannabis alternative treatment center permit, a medical cannabis cultivator permit, a medical cannabis manufacturer permit, a medical cannabis dispensary permit, or a medical cannabis clinical registrant permit.

PREMISES OR LICENSED PREMISES

Include the following areas of a location licensed under N.J.S.A. 24:6I-1 et al.: all public and private enclosed areas at the location that are used in the business operated at the location, including offices, kitchens, restrooms, and storerooms; all areas outside the building that the Cannabis Regulatory Commission has specifically licensed for the production, manufacturing, 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.

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.

§425-373 Purpose.

The purpose of this article is to:

- A. Provide regulations and standards for the establishment and operation of medical and adult use cannabis businesses.
- B. Provide appropriate locations for medical and adult use cannabis businesses, by permit type for medical cannabis (medical cannabis alternative treatment center, medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, and medical cannabis clinical registrant) and license type for adult use cannabis (cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, and cannabis retailer), that will minimize conflicts with other uses, thereby advancing public health, safety and welfare.

§425-374 Statutory authority.

This article is authorized under N.J.S.A. 24:6I-1 et al., pertaining to medical and adult use cannabis, and N.J.S.A. 40:55D-1 et seq., pertaining to land use.

§425-375 Permitted uses.

Permitted uses shall be as follows:

- A. Medical cannabis alternative treatment center, in accordance with this chapter.
- B. Medical cannabis cultivator, in accordance with this chapter.
- C. Medical cannabis manufacturer, in accordance with this chapter.
- D. Medical cannabis dispensary, in accordance with this chapter.
- E. Medical cannabis clinical registrant, in accordance with this chapter.
- F. Cannabis cultivator, in accordance with this chapter.
- G. Cannabis manufacturer, in accordance with this chapter.
- H. Cannabis wholesaler, in accordance with this chapter.
- I. Cannabis distributor, in accordance with this chapter.
- J. Cannabis retailer, in accordance with this chapter.

§425-376 Permitted accessory uses.

Permitted accessory uses shall be as follows:

- A. Administrative office for business on site.
- B. Environmental equipment, as may be required by the Environmental Protection Agency or by the Department of Environmental Protection.
- C. Parking.
- D. Trash enclosure for solid waste and recyclables.
- E. Fencing.
- F. Signage.

§425-377 Prohibited uses.

The following uses shall be prohibited:

- A. Outdoor grow area.
- B. Agricultural greenhouse.
- C. Sale of non-cannabis food, non-cannabis beverages, alcohol or tobacco or consumption of food, beverages, alcohol or tobacco on the premises of a medical cannabis dispensary or a cannabis retailer.
- D. Consumption area for either a medical cannabis dispensary or a cannabis retailer.
- E. Any residential use of the property.

§425-378 Signs.

Signage for medical cannabis businesses shall be in accordance with the standards in this chapter, in addition to N.J.A.C. 8:64-12.1. Standards specific to medical cannabis alternative treatment centers are as follows:

1. Alternative treatment centers shall restrict signage to black text on a white background on external signage.
2. Alternative treatment center signage shall not be illuminated at any time.
3. Alternative treatment centers shall not display on the exterior of the facility advertisements for medical cannabis or a brand name except for the purposes of identifying the building by the permitted name.
4. Cannabis and paraphernalia shall not be displayed or clearly visible to a person from the exterior of an alternative treatment center.
5. Signs restricting access to the medical cannabis alternative treatment center shall be installed at the entrance drive and at the public entrance to the building.

In the absence of any specific sign standards adopted by the Cannabis Regulatory Commission for other medical cannabis businesses or for adult use cannabis businesses, the signage standards in the Land Use Ordinance shall be utilized. Should the Cannabis Regulatory Commission develop standards, the more stringent of the State or municipal standards shall prevail.

§425-379 Construction standards.

- A. A medical or adult use cannabis business shall be developed in accordance with the standards in this chapter. In the event there is a conflict with a provision in this article, the provision in this article shall govern.
- B. All medical and adult use cannabis business activities shall be conducted indoors.

§425-380 Security.

Security shall be provided in accordance with N.J.A.C. 8:64-9.7.

§425-381 Parking.

- A. The parking requirement for a medical or adult use cannabis business, with the exception of a medical cannabis dispensary or a cannabis retailer, shall be one (1) space per employee on the main work shift.
- B. The parking requirement for a medical cannabis dispensary or a cannabis retailer shall be one (1) space per 200 square feet of gross floor area.
- C. The parking requirement for a medical cannabis alternative treatment center, which may be a vertically integrated operation, shall be one (1) space per 200 square feet of gross floor area devoted to the dispensary function and one (1) space per employee on the main work shift for the other functions.

§425-382 Buffers, screening, fencing and landscaping.

- A. Buffers along side and rear property lines shall be a minimum of 25 feet, while buffers along front property lines shall be a minimum of 30 feet.
- B. Screening shall not be required because of the heightened need for security for a cannabis business.
- C. Fencing, a minimum of eight (8) feet tall, shall be installed around the developed portion of the site that is restricted from public access. Fencing may be installed around the entire site behind the required 30-foot front buffer for a cannabis business, other than a medical cannabis dispensary or a cannabis retailer.
- D. The 30-foot front buffer shall be an irrigated landscaping bed. Vegetation in this bed shall not exceed a height of three (3) feet. Additional landscaping shall not be required because of the heightened need for security for a cannabis business.

§425-383 Zoning, location, and other restrictions.

- A. No medical cannabis dispensary or cannabis retailer shall be located closer than 500 feet to a daycare center, park, church, liquor store or other medical cannabis dispensary or cannabis retailer, or closer than 1,000 feet to a school (public, charter, parochial, private, vocational or college), as measured by the shortest distance property line to property line.

- B. No medical dispensary or cannabis retailer shall be located further than 15,000 feet from a N.J. Route 55 interchange. Said distance shall be measured from a point at the center of the 300 foot Route 55 right-of-way (additional right-of-way devoted to ramps excluded) and the center of the intersecting road right-of-way.
- C. Only one (1) medical cannabis alternative treatment center having a State permit shall be permitted in the City. A medical cannabis dispensary may or may not be located on the same site as the medical cannabis cultivation facility. It is recognized that a medical cannabis alternative treatment center is deemed eligible to apply for adult use cannabis licenses.
- D. No cannabis retailer's premises shall be located in or upon any premises in which operates a grocery store, delicatessen, indoor food market, or other store engaging in retail sales of food, or in or upon any premises in which operates a store that engages in licensed retail sales of alcoholic beverages.
- E. Only one (1) cannabis retailer having a State license shall be permitted in the City.
- F. There shall be no limitation on the number of cannabis cultivators, manufacturers, wholesalers, or distributors having a State license permitted in the City.
- G. For a medical cannabis dispensary or a cannabis retailer, hours of operation shall be limited to 8:00 AM to 10:00 PM.

§425-384 Enforcement.

- A. The State shall enforce the provisions of the medical cannabis alternative treatment center facility permit.
- B. The Zoning Officer shall enforce the zoning and site plan provisions of this ordinance.

BE IT FURTHER ORDAINED that the balance of Ordinance not amended hereby shall remain in full force and effect.

BE IT FURTHER ORDAINED that should any portion of this Ordinance be deemed unenforceable by a court of competent jurisdiction, that portion so determined to be unenforceable, shall be void and the balance hereof shall remain in full force and effect.

BE IT FURTHER ORDAINED that the balance of Ordinance not amended hereby shall remain in full force and effect.

BE IT FURTHER ORDAINED that should any Ordinance or portion thereof be inconsistent herewith, such Ordinance or portion thereof shall be void to the extent of such inconsistencies.

This Ordinance shall take effect upon adoption and publication according to law.

Passed first reading:

Passed final reading:

President of Council

Approved by the Mayor:

Mayor

ATTEST:

City Clerk