

ORDINANCE No. 1140

*****This ordinance is being tabled pending further investigation*****

ORDINANCE OF THE BOROUGH OF BARRINGTON, COUNTY OF CAMDEN AND STATE OF NEW JERSEY, AMENDING CHAPTER 120, VEHICLES AND TRAFFIC, IN THE BOROUGH CODE

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Barrington, County of Camden, and State of New Jersey, that Chapter 120, Vehicles and Traffic of the Code of the Borough of Barrington is hereby amended as follows:

ARTICLE I.

ARTICLE IX. SECTION 120-16

Schedule I: No Parking

In accordance with § 120-5, the following locations designated as no-parking areas are amended as follows:

- (1) the designations in the following specified locations are repealed:

<u>NAME OF STREET</u>	<u>SIDE</u>	<u>LOCATION</u>
Chesterfield Road	North	From a point 162 feet east of easterly curb line of Clements Bridge Road to a point 910 feet east thereof.
Chesterfield Road	South	From easterly curb line of Clements Bridge Road to a point 82 feet east thereof.
Chesterfield Road	South	From a point 145 feet east of the easterly curb line of Clements Bridge Road to a point 928 feet east thereof.

- (2) the designations in the following specified locations are repealed:

<u>NAME OF STREET</u>	<u>SIDE</u>	<u>LOCATION</u>
Chesterfield Road	North	From the easterly curb line of Clements Bridge Road to a point 991 feet east thereof.
Chesterfield Road	South	From the easterly curb line of Clements Bridge Road to a point 50 feet east thereof.
Chesterfield Road	South	From a point 519 feet east of the easterly curb line of Clements Bridge Road to a point 485 feet east thereof.

ARTICLE II.

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

ARTICLE III.

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

BOROUGH OF BARRINGTON

Introduced: May 11, 2021

Adopted:

BY: _____
Patti Harris, Mayor

Attest: _____
Terry Shannon, Borough Clerk

ORDINANCE NO. 1141

ORDINANCE OF THE BOROUGH OF BARRINGTON, COUNTY OF CAMDEN, STATE OF NEW JERSEY AMENDING CHAPTER 59, FIRE PREVENTION, IN THE CODE OF THE BOROUGH OF BARRINGTON

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Barrington, County of Camden, and State of New Jersey that Chapter 59, Fire Prevention, is hereby amended in the Code of the Borough of Barrington, as follows:

ARTICLE I. SECTION 59-1 Local Enforcement.

Pursuant to the New Jersey Uniform Fire Safety Act,^[1] the New Jersey Uniform Fire Code shall be locally enforced in the municipalities participating in the Regional Fire Prevention Alliance (Boroughs of Barrington, Hi-Nella, Lawnside, Mount Ephraim and Oaklyn).

ARTICLE II. SECTION 59-8 Permit Fees.

<u>A. Permit Type</u>	<u>Fee</u>
Type I	\$ 64.00
Type I (Open flame public gatherings)	\$ 64.00
Type I (Unoccupied or vacant bldgs., structures 2500 sq ft or more but less than 12,000 sq engrossed floor area)	\$ 64.00
Type II (Propane exchange)	\$ 258.00
Type II (Propane Forklift exchange)	\$ 258.00
Type II (Fumigation/Fogging)	\$ 258.00
Type II (Unoccupied or vacant bldgs, structures 12,000 sq or more but less than 100,000 engrossed floor area)	\$ 258.00
Type III	\$ 499.00
Type III (Unoccupied or vacant bldgs, structures 100,000 engrossed floor area)	\$ 499.00
Type IV	\$ 767.00
Total for both report and photos	\$190.00

ARTICLE III. SECTION 59-9 Inspection of non-life hazard uses.

B. Smoke and carbon monoxide alarm inspections.

(1) Smoke and carbon monoxide alarm inspections, to be conducted on all one- and two-family residential dwellings for resale being sold within our local L.E.A. shall be charged as follows:

- | | | |
|-----|--|----------|
| (a) | Request received 14+ business days prior | \$56.00 |
| (b) | Request received 8 to 13 business days prior | \$64.00 |
| (c) | Request received 4 to 7 business days prior | \$96.00 |
| (d) | Request received 3 business days or less prior | \$161.00 |

(2) The above fee entitles the applicant to one (1) inspection and one (1) re-inspection. A third (3rd) visit requires a new application and new fee.

(3) A certificate is valid for a period of six months from the date of issuance.

ARTICLE IV. SECTION 59-13 Violations and penalties.

Any person, firm or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be punishable as provided in the New Jersey Uniform Fire Safety Act.

ARTICLE V.

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

ARTICLE VI.

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

BOROUGH OF BARRINGTON

Introduced: May 11, 2021

Adopted: June 10, 2021

By: _____
Patti Harris, Mayor

Attest: _____
Terry Shannon, Borough Clerk

BOROUGH OF BARRINGTON, NEW JERSEY

ORDINANCE 2021-1142

BOND ORDINANCE AUTHORIZING THE COMPLETION OF VARIOUS CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT IN AND FOR THE BOROUGH OF BARRINGTON, COUNTY OF CAMDEN, NEW JERSEY; APPROPRIATING THE SUM OF \$2,921,350 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE BOROUGH OF BARRINGTON, COUNTY OF CAMDEN, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$2,775,283, MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

BE IT ORDAINED by the Borough Council of the Borough of Barrington, County of Camden, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, constituting Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The purposes described in Section 7 hereof are hereby authorized as general improvements to be made or acquired by the Borough of Barrington, County of Camden, New Jersey ("Borough").

Section 2. It is hereby found, determined and declared as follows:

- (a) the estimated amount to be raised by the Borough from all sources for the purposes stated in Section 7 hereof is \$2,921,350;
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$2,775,283; and
- (c) a down payment in the amount of \$146,067 for the purposes stated in Section 7 hereof is currently available in accordance with the requirements of Section 11 of the Local Bond Law, N.J.S.A. 40A:2-11.

Section 3. The sum of \$2,775,283, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$146,067, which amount represents the required down payment, are hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the Borough in an amount not to exceed \$2,775,283 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

Section 5. In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the Borough in an amount not to exceed \$2,775,283 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell all or part of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase

price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, N.J.S.A. 40A:2-20, shall not exceed the sum of \$600,000.

Section 7. The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the amount of down payment for each said purpose; the amount of available grants; the maximum amount of obligations to be issued for said purpose and the period of usefulness of said purpose within the limitations of the Local Bond Law are as follows:

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Useful ness</u>
A. Reconstruction and/or Repaving of Various Borough Roads including, but not limited to, Improvements to Austin Avenue, Third Avenue and Oak Avenue, all pursuant to the Capital Improvement Plan on file in the Borough Clerk's office, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$918,000	\$45,900	\$872,100	10 years
B. Acquisition of Various Equipment for the Police Department including, but not limited to, Tasers, Speed Study Equipment, Thermal Imaging Camera and Sign Board, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	85,000	4,250	80,750	5 years
C. Acquisition of Various Equipment for the Fire Department including, but not limited to, Fire Engine Apparatus, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	600,000	30,000	570,000	10 years
D. Acquisition of Various Equipment for the Fire Department including, but not limited to, a Command Vehicle, Turnout Gear and SCBA Air Filling System, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	152,650	7,632	145,018	5 years
E. Acquisition of Various Replacement Equipment for the Department of Public Works including, but not limited to, two (2) Dump Trucks and Utility Loader, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	331,000	16,550	314,450	15 years

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Useful ness</u>
F. Acquisition of Various Equipment for the Department of Public Works including, but not limited to, Storage Containers and Gate Lift, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$47,700	\$2,385	\$45,315	5 years
G. Various Improvements to Various Borough Facilities including, but not limited to, Borough Hall, Police Station, Recreation Building and Department of Public Works Building, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	787,000	39,350	747,650	15 years
TOTAL	\$2,921,350	\$146,067	\$2,775,283	

Section 8. Grants or other monies received from any governmental entity, if any, will be applied to the payment of, or repayment of obligations issued to finance the costs of the purposes described in Section 7 above.

Section 9. The average period of useful life of the purposes for the financing of which the Bond Ordinance authorizes the issuance of bonds or bond anticipation notes authorized for such several purposes, is not less than 11.42 years.

Section 10. The supplemental debt statement provided for in Section 10 of the Local Bond Law, N.J.S.A. 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the Borough, as defined in Section 43 of the Local Bond Law, N.J.S.A. 40A:2-43, is increased by this Bond Ordinance by \$2,775,283 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 11. The full faith and credit of the Borough are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance, and to the extent payment is not otherwise provided, the Borough shall levy ad valorem taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 12. The Capital Budget is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

Section 13. The Borough hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation

Section 1.150-2(c)(2), made by the Borough prior to the issuance of such bonds or bond anticipation notes.

Section 14. The Borough hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

(c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 15. The improvements authorized hereby are not current expenses and are improvements that the Borough may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

Section 16. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of any such inconsistency.

Section 17. In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

Date of Introduction: May 11, 2021

Date of Final Adoption: June 10, 2021

Approved: _____
Mayor Patti Harris

Attest: _____
Terry Shannon, Borough Clerk

ORDINANCE NO. 1143

BOROUGH OF BARRINGTON, COUNTY OF CAMDEN, NEW JERSEY

REFUNDING BOND ORDINANCE PROVIDING FOR THE REFUNDING OF UP TO ALL OF THE BOROUGH'S OUTSTANDING CALLABLE: (i) GENERAL OBLIGATION BONDS, SERIES 2010, DATED JUNE 7, 2010; AND (ii) TAXABLE GENERAL OBLIGATION BONDS, SERIES 2014, DATED JULY 22, 2014, AUTHORIZING THE ISSUANCE OF UP TO \$5,600,000 OF GENERAL OBLIGATION REFUNDING BONDS OF THE BOROUGH OF BARRINGTON, COUNTY OF CAMDEN, NEW JERSEY, IN ONE OR MORE SERIES ON A TAX-EXEMPT OR TAXABLE BASIS, TO FINANCE THE COSTS THEREOF; MAKING CERTAIN DETERMINATIONS AND COVENANTS IN CONNECTION THEREWITH; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

BE IT ORDAINED by the Borough Council ("Council") of the Borough of Barrington, County of Camden, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The Borough of Barrington, County of Camden, New Jersey ("Borough"), is hereby authorized to refund up to all of its outstanding callable General Obligation Bonds, Series 2010, dated June 7, 2010, in the aggregate principal amount of \$2,205,000, and maturing as follows (collectively, the "2010 Callable Bonds"):

<u>Maturity Date</u>	<u>Principal Amount</u>
November 1, 2022	\$400,000
November 1, 2023	450,000
November 1, 2024	450,000
November 1, 2025	450,000
November 1, 2026	455,000

The Borough is hereby authorized to refund up to all of its outstanding callable Taxable General Obligation Bonds, Series 2014, dated July 22, 2014, in the aggregate principal amount of \$2,790,000 and maturing as follows (collectively, the "2014 Callable Bonds"; together with the 2010 Callable Bonds, the "Callable Bonds"):

<u>Maturity Date</u>	<u>Principal Amount</u>
July 15, 2024	\$160,000
July 15, 2025	160,000
July 15, 2026	160,000
July 15, 2027	160,000
July 15, 2028	180,000
July 15, 2029	180,000
July 15, 2030	180,000
July 15, 2031	180,000
July 15, 2032	180,000
July 15, 2033	180,000
July 15, 2034	180,000
July 15, 2035	180,000
July 15, 2036	180,000
July 15, 2037	180,000

July 15, 2038	180,000
July 15, 2039	170,000

The exact principal amount of Callable Bonds to be refunded (which may be less than all of the Callable Bonds) shall be determined pursuant to a resolution adopted by the Council by not less than two-thirds of all the members thereof.

Section 2. To effectuate the refunding of up to all of the Callable Bonds, negotiable general obligation refunding bonds of the Borough are hereby authorized to be issued in one or more series, on a tax-exempt or taxable basis, in an aggregate principal amount not to exceed \$5,600,000 ("Refunding Bonds"), pursuant to the Local Bond Law. The exact principal amount of Refunding Bonds to be issued and terms thereof (including whether to issue such Refunding Bonds on a tax-exempt or taxable basis) shall be determined pursuant to a resolution adopted by the Council by not less than two-thirds of all the members thereof.

Section 3. An aggregate amount not exceeding \$250,000 for the items of expense listed in and permitted by Section 51.b. of the Local Bond Law, N.J.S.A. 40A:2-51.b., has been included in the aggregate principal amount of the Refunding Bonds authorized herein.

Section 4. The purpose of the Refunding Bonds is to effect an interest cost savings for the Borough.

Section 5. Each Refunding Bond authorized herein shall be designated, substantially, "Borough of Barrington, County of Camden, New Jersey, [Taxable] General Obligation Refunding Bond, Series 202_" and shall be in the form prescribed and permitted by the Local Bond Law, as Bond Counsel may advise, and as the Borough shall approve.

Section 6. The Refunding Bonds may be sold at public or private sale pursuant to a resolution of the Council adopted by not less than two-thirds of the full members thereof.

Section 7. The supplemental debt statement provided for in Section 10 of the Local Bond Law, N.J.S.A. 40A:2-10, was duly filed in the office of the Clerk of the Council prior to the passage of this refunding bond ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey.

Section 8. A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption, together with a complete statement in the form prescribed by the Director and signed by the Borough Chief Financial Officer as to the outstanding indebtedness to be refunded by the issuance of the Refunding Bonds.

Section 9. This refunding bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law, provided that the consent of the Local Finance Council has been endorsed upon a certified copy of this refunding bond ordinance as finally adopted.

BOROUGH OF BARRINGTON

Date of Introduction: May 11, 2021
Date of Adoption: June 10, 2021

By: _____
Patti Harris, Mayor

Attest: _____
Terry Shannon, Borough Clerk

ORDINANCE NO. 1144

AMENDING CHAPTER 64, RECYCLING, IN THE BOROUGH CODE

BE IT HEREBY RESOLVED by the Governing Body of the Borough of Barrington that the following Section of Chapter 64, Recycling, is amended as follows:

ARTICLE I. SECTION 64-7. Separation requirements.

- B. Commingled: to be placed in a recycle container and/or other container of not more than 32 gallons and weighing not more than 50 pounds. All items should be rinsed. The labels may be left on. Any lids on glass containers are to be disposed of in the trash.
- C. Corrugated cardboard: to be flattened and bundled.
- D. Mixed paper: to be placed in a recycle container and/or other container of not more than 32 gallons and weighing not more than 50 pounds.
- E. Newspaper: to be placed in a recycle container and/or other container of not more than 32 gallons and weighing not more than 50 pounds.
- F. Vegetative waste: to be placed in a recycle container and/or other container of not more than 20 gallons and weighing not more than 50 pounds. Pickup of vegetative waste shall occur year-round, weather permitting.
- G. White goods and scrap metal: to be placed curbside with all sharp edges removed. Refrigerators are to have doors removed. Public Works must be notified by 12:00 noon the day prior to schedule a pickup.
- H. Concrete/block/brick. Small piles of debris not to exceed 500 pounds in aggregate per pickup and pieces may not exceed 50 pounds per piece. Public Works must be notified by 12:00 noon the day prior to schedule a pickup. If the homeowner and/or contractor is replacing driveway, apron, curb, sidewalk or any other type of renovations, arrangements must be made for private disposal of all resulting debris.
- I. Leaves. There shall be a fall pickup during the month(s) of October, November and December. The fall pickup shall consist of a loose and containerized leaf pickup. Brown paper bags specifically designed for yard waste are also acceptable but weighing no more than 50 pounds. There shall also be a spring leaf pickup consisting of loose-leaf pickup only during the first week of April. Loose leaves shall be piled at curbside for pickup but are prohibited from being placed at the curb or alongside the street more than seven days prior to scheduled collection or being placed within 10 feet of any storm sewer inlet along the street. Leaves shall be put in containers of no more than thirty-gallon capacity and not exceeding 50 pounds total weight or brown paper bags specifically designed for vegetative waste.
- J. Waste oil. Residents only may dispose of waste motor oil at the Department of Public Works facility between the hours of 7:30 a.m. and 3:30 p.m., Monday through Friday. No other type of waste will be accepted.
- K. Stumps in excess of 12 inches in diameter. Public Works must be notified by 12:00 noon the day prior to schedule a pickup. Limit is two stumps per week. If any of the resulting debris is due to a tree removal by the homeowner and/or contractor, the homeowner and/or contractor shall make arrangements for private disposal of all resulting debris.

ARTICLE II.

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

ARTICLE III.

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

BOROUGH OF BARRINGTON

Date of introduction: June 10, 2021

Date of adoption:

Approved: _____
Mayor Patti Harris

Attest: _____
Terry Shannon, Borough Clerk

ORDINANCE NO. 1145

ORDINANCE OF THE BOROUGH OF BARRINGTON, COUNTY OF CAMDEN AND STATE OF NEW JERSEY PERMITTING THE OPERATION OF CLASS 5 CANNABIS BUSINESSES AND PROHIBITING THE OPERATION OF ALL OTHER CLASSES OF CANNABIS BUSINESSES WITHIN THE BOROUGH OF BARRINGTON

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 marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, 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 Distributor license, for businesses involved in transporting cannabis plants in bulk from on 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 purchases 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 31(a) 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 31(b) 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 31(b) 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 31(b) 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

NOW THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Barrington, as follows:

1. Pursuant to Section 31(b) of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), cannabis retail establishments referred to as Class 5 businesses in the statute, subject to the provisions of Chapter 125 of the Code of the Borough of Barrington, are permitted to operate in the Borough of Barrington; and

2 Pursuant to Section 31(b) of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), cannabis establishments, cannabis distributors or cannabis delivery services referred to as Class 1, Class 2, Class 3, Class 4 and Class 6 businesses in the statute, are hereby prohibited from operating anywhere in the Borough of Barrington, except for the delivery of cannabis items and related supplies by a delivery service.

3 Chapter 128, Zoning, of the Code of the Borough of Barrington is hereby amended by adding to the list of prohibited uses, the following: "All classes of cannabis establishments, cannabis distributors or cannabis delivery services referred to as Class 1, Class 2, Class 3, Class 4 and Class 6 businesses in the statute, as said terms are defined in section 3 of P.L. 2021, c. 16, but not the delivery of cannabis items and related supplies by a delivery service."

4 Any article, section, paragraph, subsection, clause, or other provision of the Code of the Borough of Barrington inconsistent with the provisions of this ordinance is hereby

repealed to the extent of such inconsistency.

5. 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.

6. This ordinance shall take effect upon its passage and publication, and as otherwise provided for by law.

THE BOROUGH OF BARRINGTON

BY: _____
PATTI HARRIS, MAYOR

ATTEST:

TERRY SHANNON, BOROUGH CLERK

The foregoing Ordinance was introduced by Mayor and Council at the regular meeting held on _____, 2021. This Ordinance will be considered for adoption on final reading and public hearing to be held on _____, 2021 at 7:30 p.m. in the Council Meeting Room, Barrington Borough Hall, 229 Trenton Avenue, Barrington, New Jersey.

The purpose of this Ordinance is to make certain revisions to Chapter 128 in the Code of the Borough of Barrington to permit Class 5 Cannabis businesses in the Borough of Barrington, and to prohibit Class 1, Class 2, Class 3, Class 4 and Class 6 businesses in the statute, in the Borough of Barrington, except for the delivery of cannabis items and related supplies by a delivery service. A copy of this Ordinance is available at no charge to the general public between the hours of 9:00 AM to 4:00 PM, Monday through Friday (Legal Holidays excluded), at the Office of the Borough Clerk, Barrington Borough Hall, 229 Trenton Avenue, Barrington, New Jersey.

ORDINANCE 1146

ORDINANCE OF THE BOROUGH OF BARRINGTON, COUNTY OF CAMDEN, STATE OF NEW JERSEY, AMENDING CHAPTER 128, ZONING, IN THE CODE OF THE BOROUGH OF BARRINGTON

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Barrington, County of Camden, and State of New Jersey that Chapter 128, Zoning, is hereby amended in the Code of the Borough of Barrington, as follows:

ARTICLE I. ARTICLE I. SECTION 128-9 Prohibited Uses.

C. Alternative Treatment Centers which are authorized to grow and provide registered qualifying patients with usable marijuana and related paraphernalia (including cultivation, manufacturing, and/or dispensing of medical marijuana), in accordance with the provisions of the "New Jersey Compassionate Use Marijuana Act, N.J.S.A. 24:61-I et seq. and Authorized Recreational Marijuana Retail Facility, involving the sale of marijuana and related paraphernalia for recreational purposes to members of the general public, if permitted by State Law are prohibited uses in the all of the residential and commercial zoning districts of the Borough of Barrington.

ARTICLE II. ARTICLE IV. SECTION 128-28 M-1 Light Manufacturing and Research District.

F. Conditional use. The purpose of this section is to set forth the requirements and procedures applicable to conditional uses in the M-1 Light Manufacturing and Research District in accordance with N.J.S.A. 40:55D-67. A conditional use shall not be approved for any site unless the use is specifically approved as a conditional use in the zone for which it is proposed by the Planning Board. Conditional uses shall be permitted in the M-1 Light Manufacturing and Research District as follows:

1. Alternative Treatment Centers which are authorized to grow and provide registered qualifying patients with usable marijuana and related paraphernalia (including cultivation, manufacturing, and/or dispensing of medical marijuana), in accordance with the provisions of the "New Jersey Compassionate Use Marijuana Act, N.J.S.A. 24:61-I et seq., provided the following conditions are met:

a. No Alternate Treatment Center shall be located within 200 feet of any property used for school purposes or which is owned by or leased to any elementary school secondary school or school board;

b. No Alternate Treatment Center shall be located within 50 feet of any R-1, R-2, R-3, R-4 and RC-5 residential zoning districts;

c. No Alternate Treatment Center shall be located within 200 feet of another similar facility (i.e., Alternative Treatment Center or Authorized Recreational Marijuana Retail Facility);

d. Notice of the application has been given, and publication made,

pursuant to N.J.S.A. 40:55D-12;

e. A site plan application has been made for the lot, and the Planning Board has approved such conditional use, and the requirements and conditions of site plan/conditional use have been met.

f. The proposed facility shall be so located and of such size and character that, in general, it shall be in harmony with the existing development in the general area in which it is proposed to be situated, particularly if it is located in the Historic District, and the use shall be free of nuisance characteristics detectable to normal senses beyond the boundaries of the property (including noise, vibration, dust, odor and sanitation).

g. In addition to the above:

(1) The location, size, activity, site layout, street access, pedestrian and vehicular movement and possible assembly of people shall be harmonious with surrounding land uses;

(2) The location and height of buildings, fences and landscaping shall not discourage the appropriate development and use or materially affect property values of the adjacent properties.

h. Hours of Operation shall be restricted to 9:00 am to 8:00 p.m.

i. Use or consumption in any manner of marijuana is not permitted on the premises of any medical marijuana dispensary at any time.

j. Persons under the age of eighteen years of age are not permitted to be on the premises of any medical marijuana dispensary at any time unless they are a qualified patient or a primary caregiver, and they are in the presence of their parent or guardian.

k. Advertisements, displays of merchandise, signs or any other exhibit depicting the activities of the dispensary placed within the interior of buildings or premises shall be arranged or screened to prevent public viewing from outside such building or premises; and

l. Outdoor loudspeakers or other outdoor sound equipment advertising or directing attention to a dispensary, including but not limited to prerecorded or live music or sounds, are prohibited.

2. Authorized Recreational Marijuana Retail Facility, involving the sale of marijuana and related paraphernalia for recreational purposes to members of the general public, if permitted by State Law, provided the following conditions are met:

a. No Authorized Recreational Marijuana Facility shall be located within 200 feet of any property used for school purposes or which is owned by or leased to any elementary school secondary school or school board;

b. No Authorized Recreational Marijuana Facility shall be located within 50 feet of any R-1, R-2, R-3, R-4 and RC-5 residential zoning districts;

c. No Authorized Recreational Marijuana Facility shall be located within 200 feet of another similar facility (i.e., Alternative Treatment Center or Authorized Recreational Marijuana Retail Facility);

d. Notice of the application has been given, and publication made, pursuant to N.J.S.A. 40:55D-12;

e. A site plan application has been made for the lot, and the Planning Board has approved such conditional use, and the requirements and conditions of site plan/conditional use have been met; and

f. The proposed facility shall be so located and of such size and character that, in general, it shall be in harmony with the existing development in the general area in which it is proposed to be situated, particularly if it is located in the Historic District, and the use shall be free of nuisance characteristics detectable to normal senses beyond the boundaries of the property (including noise, vibration, dust, odor and sanitation).

g. In addition to the above:

(1) The location, size, activity, site layout, street access, pedestrian and vehicular movement and possible assembly of people shall be harmonious with surrounding land uses;

(2) The location and height of buildings, fences and landscaping shall not discourage the appropriate development and use or materially affect property values of the adjacent properties.

h. Hours of Operation shall be restricted to 9:00 am to 8:00 p.m.

i. Use or consumption of marijuana is permitted on the premises of an authorized recreational marijuana retail facility only if it is used or consumed indoors and only if the product is purchased at that retail facility. No outside purchases may be consumed on the premises.

j. Persons under the age of twenty-one (21) years of age are not permitted to be on the premises of any authorized recreational marijuana retail facility at any time unless they are a qualified patient or a primary caregiver, and they are in the presence of their parent or guardian.

k. Advertisements, displays of merchandise, signs or any other exhibit depicting the activities of the dispensary placed within the interior of buildings or premises shall be arranged or screened to prevent public viewing from outside such building or premises.

l. Outdoor loudspeakers or other outdoor sound equipment advertising or directing attention to a dispensary, including but not limited to prerecorded or live music or sounds, are prohibited.

ARTICLE III. ARTICLE IV. SECTION 128-29 M-2 Manufacturing District.

D. Conditional use. The purpose of this section is to set forth the requirements and procedures applicable to conditional uses in the M-2 Manufacturing District in accordance with N.J.S.A. 40:55D-67. A conditional use shall not be approved for any site unless the use is specifically approved as a conditional use in the zone for which it is proposed by the Planning Board. Conditional uses shall be permitted in the M-2 Manufacturing District, as follows:

1. Alternative Treatment Centers which are authorized to grow and provide registered qualifying patients with usable marijuana and related paraphernalia (including cultivation, manufacturing, and/or dispensing of medical marijuana), in accordance with the provisions of the "New Jersey Compassionate Use Marijuana Act, N.J.S.A. 24:61-1 et seq., provided the following

conditions are met:

- a. No Alternate Treatment Center shall be located within 200 feet of any property used for school purposes or which is owned by or leased to any elementary school secondary school or school board;
- b. No Alternate Treatment Center shall be located within 50 feet of any R-1, R-2, R-3, R-4 and RC-5 residential zoning districts;
- c. No Alternate Treatment Center shall be located within 200 feet of another similar facility (i.e., Alternative Treatment Center or Authorized Recreational Marijuana Retail Facility);
- d. Notice of the application has been given, and publication made, pursuant to N.J.S.A. 40:55D-12;
- e. A site plan application has been made for the lot, and the Planning Board has approved such conditional use, and the requirements and conditions of site plan/conditional use have been met.
- f. The proposed facility shall be so located and of such size and character that, in general, it shall be in harmony with the existing development in the general area in which it is proposed to be situated, particularly if it is located in the Historic District, and the use shall be free of nuisance characteristics detectable to normal senses beyond the boundaries of the property (including noise, vibration, dust, odor and sanitation).
- g. In addition to the above:
 - (1) The location, size, activity, site layout, street access, pedestrian and vehicular movement and possible assembly of people shall be harmonious with surrounding land uses;
 - (2) The location and height of buildings, fences and landscaping shall not discourage the appropriate development and use or materially affect property values of the adjacent properties.
- h. Hours of Operation shall be restricted to 9:00 am to 8:00 p.m.
- i. Use or consumption in any manner of marijuana is not permitted on the premises of any medical marijuana dispensary at any time.
- j. Persons under the age of eighteen years of age are not permitted to be on the premises of any medical marijuana dispensary at any time unless they are a qualified patient or a primary caregiver, and they are in the presence of their parent or guardian.
- k. Advertisements, displays of merchandise, signs or any other exhibit depicting the activities of the dispensary placed within the interior of buildings or premises shall be arranged or screened to prevent public viewing from outside such building or premises; and
- l. Outdoor loudspeakers or other outdoor sound equipment advertising or directing attention to a dispensary, including but not limited to prerecorded or live music or sounds, are prohibited.

2. Authorized Recreational Marijuana Retail Facility, involving the sale of marijuana and related paraphernalia for recreational purposes to members of the general public, if permitted by State Law, provided the following conditions are met:

a. No Authorized Recreational Marijuana Facility shall be located within 200 feet of any property used for school purposes or which is owned by or leased to any elementary school secondary school or school board;

b. No Authorized Recreational Marijuana Facility shall be located within 50 feet of any R-1, R-2, R-3, R-4 and RC-5 residential zoning districts;

c. No Authorized Recreational Marijuana Facility shall be located within 200 feet of another similar facility (i.e., Alternative Treatment Center or Authorized Recreational Marijuana Retail Facility);

d. Notice of the application has been given, and publication made, pursuant to N.J.S.A. 40:55D-12;

e. A site plan application has been made for the lot, and the Planning Board has approved such conditional use, and the requirements and conditions of site plan/conditional use have been met; and

f. The proposed facility shall be so located and of such size and character that, in general, it shall be in harmony with the existing development in the general area in which it is proposed to be situated, particularly if it is located in the Historic District, and the use shall be free of nuisance characteristics detectable to normal senses beyond the boundaries of the property (including noise, vibration, dust, odor and sanitation).

g. In addition to the above:

(1) The location, size, activity, site layout, street access, pedestrian and vehicular movement and possible assembly of people shall be harmonious with surrounding land uses;

(2) The location and height of buildings, fences and landscaping shall not discourage the appropriate development and use or materially affect property values of the adjacent properties.

h. Hours of Operation shall be restricted to 9:00 am to 8:00 p.m.

i. Use or consumption of marijuana is permitted on the premises of an authorized recreational marijuana retail facility only if it is used or consumed indoors and only if the product is purchased at that retail facility. No outside purchases may be consumed on the premises.

j. Persons under the age of twenty-one (21) years of age are not permitted to be on the premises of any authorized recreational marijuana retail facility at any time unless they are a qualified patient or a primary caregiver, and they are in the presence of their parent or guardian.

k. Advertisements, displays of merchandise, signs or any other exhibit depicting the activities of the dispensary placed within the interior of buildings or premises shall be arranged or screened to prevent public viewing from outside such building or premises.

l. Outdoor loudspeakers or other outdoor sound equipment advertising or directing attention to a dispensary, including but not limited to prerecorded or live music or sounds, are prohibited.

ARTICLE III.

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

ARTICLE IV.

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

THE BOROUGH OF BARRINGTON

BY: _____
PATTI HARRIS, MAYOR

ATTEST:

TERRY SHANNON, BOROUGH CLERK

The foregoing ordinance was introduced by Mayor and Council at its meeting held on June 10, 2021. This Ordinance will be considered for adoption on final reading and public hearing to be held on July 19, 2021 at 6:30 p.m. in the Council Chambers, 229 Trenton Avenue, Barrington, New Jersey.

The purpose of this Ordinance is to permit as conditional uses, in the M-1 Light Manufacturing and Research District and M-2 Manufacturing District, certain uses consistent with the New Jersey Compassionate Use Marijuana Act, N.J.S.A. 24:6I-1 et seq., and the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, N.J.S.A. 24:6I-31 et seq., within the Borough of Barrington. A copy of this Ordinance is available at no charge to the general public between the hours of 9:00 AM to 4:00 PM, Monday through Thursday (Legal Holidays excluded), at the Office of the Borough Clerk, Barrington Borough Hall, 229 Trenton Avenue, Barrington, New Jersey.

Introduced: June 10, 2021

Adopted: