

## **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 32 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.

**BOROUGH OF BARRINGTON**

**Introduced: June 10, 2021**

**Adopted:**

**Approved:** \_\_\_\_\_  
**Mayor Patti Harris**

**Attest:** \_\_\_\_\_  
**Terry Shannon, Borough Clerk**

## **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. 24:61-1 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. 24:61-1 et seq., provided the following conditions are met:

a.      No Alternate Treatment Center shall be located within 200 feet of any building used for education purposes;

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 twenty-one (21) 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 building 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-l et seq., provided the following conditions are met:

a. No Alternate Treatment Center shall be located within 200 feet of any



building 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 twenty-one (21) 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 building 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

**Introduced: June 10, 2021**

**Adopted:**