ORDINANCE NO. 1254

ORDINANCE OF THE BOROUGH OF BARRINGTON, COUNTY OF CAMDEN AND STATE OF NEW JERSEY CLARIFYING AND AMENDING ORDINANCES NO. 1145 TO PERMIT THE OPERATION OF CERTAIN CANNABIS BUSINESSES IN THE C-2 BUSINESS COMMERCIAL DISTRICT AND THE M-2 MANUFACTURING DISTRICTS, 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 fulfillmentby a retailer and then delivered to a consumer.

WHEREAS, Section 3l(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

WHEREAS, the Borough Council of the Borough of Barrington, by Ordinance No. #1145, dated July 13, 2021, Ordinance No. #1245, dated September 8, 2026 and Ordinance No. #1246, dated September 8, 2026, which permitted the operation of Class 3, Class 5 and Class 6 Cannabis businesses in the C-2 Business Commercial District in the Borough of Barrington, and permitted the operation of Class 1, Class 2, Class 4, and Class 6 businesses in the M-2 Manufacturing District in the Borough of Barrington, except for the delivery of cannabis items and related supplies by a delivery service; and

WHEREAS, the Borough Council of the Borough of Barrington now wish to amend Ordinance No. #1145 to permit, in addition to as stated above, the operation of Class 3 and Class 5 Cannabis businesses in the M-2 Manufacturing District in the Borough of Barrington, while continuing to prohibit the operation of Class 1, Class 2 and Class 4 Cannabis businesses in the C-2 Business Commercial District in the Borough of Barrington, except for the delivery of cannabis items and related supplies by a delivery service; 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 wholesaler establishments referred to as Class 3 businesses in the statute, in addition to cannabis retail establishments referred to as Class 5 businesses in the statute, subject to the provisions of Chapter 390 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 and Class 4 are prohibited from operating in the C-2 Business Commercial District provided that nothing in this Ordinance prohibits the delivery of cannabis items and related supplies by a delivery service licensed by the Cannabis Regulatory Commission.

3. Ordinance No. #1145, dated July 13, 2021 and its subsequent amending Ordinance No. #1245, dated September 8, 2026 and Ordinance No. #1246, dated September 8, 2026, are hereby clarified and amended to permitted the operation of Class 3, Class 5 and Class 6 Cannabis businesses in the C-2 Business Commercial District in the Borough of Barrington while prohibiting the operation of Class 1, Class 2 and Class 4 Cannabis businesses in the C-2 Business Commercial District in the Borough of Barrington; and

4. Ordinance No. #1145, dated July 13, 2021 and its subsequent amending Ordinance No. #1245, dated September 8, 2026 and Ordinance No. #1246, dated September 8, 2026, are hereby clarified and amended to permit the operation of Class 1, Class 2, Class 3, Class 4, Class 5 and Class 6 Cannabis businesses in the M-2 Manufacturing District in the Borough of Barrington, and

5. Chapter 360, Zoning, of the Code of the Borough of Barrington is hereby amended consistent with the language of this Ordinance, and

6. 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.

7. 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.

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

THE BOROUGH OF BARRINGTON

DATE OF FIRST READING: November 10, 2026
DATE OF ADOPTION:

APPROVED:

_____
KYLE HANSON, MAYOR

ATTEST:

_____
DENISE MOULES, BOROUGH CLERK

The foregoing Ordinance 1254 was introduced by Mayor and Council at the regular meeting held on November 10, 2026. This Ordinance will be considered for adoption on final reading and public hearing to be held on December 8, 2026 at 6:00 p.m. in the Council Meeting Room, Barrington Borough Hall, 229 Trenton Avenue, Barrington, New Jersey.

The purpose of this Ordinance is to clarify and amend Ordinance No. #1145, dated July 13, 2021 and its subsequent amending Ordinance No. #1245, dated September 8, 2026 and Ordinance No. #1246, dated September 8, 2026, making certain revisions to Chapter 360, Zoning, in the Barrington Borough Code to permit the operation of Class 3, Class 5 and Class 6 Cannabis businesses in the C-2 Business Commercial District, to permit the operation of Class 5 M-1 Light Manufacturing and Research District and permit the operation of Class 1, Class 2, Class 3, Class 4, Class 5 and Class 6 Cannabis businesses in the M-2 Manufacturing District in 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 4:30 PM, Monday through Thursday (Legal Holidays excluded), at the Office of the Borough Clerk, Barrington Borough Hall, 229 Trenton Avenue, Barrington, New Jersey.

Ordinance is also available on the Borough website:
https://barringtonboro.com/government/council-business-dates/