

**TOWNSHIP OF ROCKAWAY
COUNTY OF MORRIS, STATE OF NEW JERSEY**

ORDINANCE NO. O-21-23

AN ORDINANCE AMENDING CHAPTER 54 ENTITLED “LAND USE AND DEVELOPMENT” OF THE CODE OF THE TOWNSHIP OF ROCKAWAY TO PERMIT MEDICAL AND RECREATIONAL CANNABIS FACILITIES

WHEREAS, the New Jersey State Legislature passed the New Jersey Compassionate Use Medical Marijuana Act in 2010 to allow New Jersey residents suffering from certain debilitating and life-threatening illnesses to use and possess medical cannabis with a doctor’s recommendation; and

WHEREAS, the New Jersey State Legislature subsequently passed additional legislation in 2021 to legalize and regulate cannabis use and possession for adults 21 years and older; and

WHEREAS, the Township Council of the Township of Rockaway seeks to create land use regulations and requirements for medical and recreational cannabis uses; and

WHEREAS, it is in the best interest of the Township of Rockaway to be proactive in establishing such local land use regulations and requirements for medical and recreational cannabis uses in advance of the issuance of additional licenses by the state to facilitate the opportunity for such businesses to establish operations, provide medicinal benefits and make recreational cannabis legally available for use within the Township of Rockaway.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Rockaway, County of Morris and State of New Jersey, that the following amendments and revisions are made to the Revised General Ordinances of the Township of Rockaway, Chapter 54 entitled “Land Use and Development Regulations.”

Section 1. Chapter 54 of the Code of the Township of Rockaway, Land Use and Development, Section 4.1, Definition, is amended by adding the following new definitions.

CANNABIS CONSUMPTION AREA – a designated location operated by a licensed cannabis retailer or permit holder for dispensing medical cannabis, for which both a State and 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.

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.

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.

CANNABIS DISTRIBUTOR – any licensed person or entity that transports cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed cannabis 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.

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.

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 which will be delivered by the cannabis delivery service to that consumer.

CANNABIS TESTING FACILITY – an independent, third-party entity meeting accreditation requirements established by the Cannabis Regulatory Commission that is licensed to analyze and certify cannabis items and medical cannabis for compliance with applicable health, safety, and potency standards.

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.

Section 2. Chapter 54 of the Code of the Township of Rockaway, Land Use and Development, Section 54-30.6, General provisions, is amended by adding the new Subsection K, entitled Cannabis.

- K. Cannabis. All classes of cannabis establishments, cannabis distributors, cannabis delivery services, and medical cannabis alternative treatment centers as said terms are defined in Section 3 of P.L. 2021, c. 16 shall be prohibited in all zone districts of the Township unless otherwise specifically permitted by this Chapter. This shall not be construed to

prohibit the delivery of cannabis items and related supplies in all zone districts by a state and municipally licensed cannabis delivery service.

Section 3. Chapter 54 of the Code of the Township of Rockaway, Land Use and Development, Section 54-30.15, Regulations governing conditional uses, is amended by adding the new Subsection O, entitled Indoor Cannabis Consumption Areas.

- O. Indoor Cannabis Consumption Areas. Indoor Cannabis Consumption Areas operated in conjunction with an Alternative Treatment Center or a Cannabis Retailer are permitted in the PED, I, and R-B Districts only if the following requirements are complied with:
- (1) Indoor Cannabis Consumption Areas are subject to the enabling authority of the State of New Jersey and are subject to compliance with all statutes and/or regulations adopted by the State of New Jersey or its instrumentalities. If any provision of this Ordinance is inconsistent with the statutes and/or regulations of the State of New Jersey, the State statutes and/or regulations shall govern.
 - (2) Prior to the operation of any Indoor Cannabis Consumption Area, a license for such use must be obtained from the State of New Jersey and from the Township of Rockaway.
 - (3) Site plan approval must be obtained from the Township of Rockaway Planning Board, or Board of Adjustment as the case may be.
 - (4) An Indoor Cannabis Consumption Area shall, at all times, operate in complete compliance with the terms and conditions of its license(s) set forth by the State of New Jersey and the Township of Rockaway.
 - (5) No Indoor Cannabis Consumption Area shall be housed in a vehicle or any movable or mobile structure.
 - (6) There shall be a minimum setback of 200 feet from any Indoor Cannabis Consumption Area to any public or private school, house of worship, child care center, day care center, or residential building as measured from building to building.
 - (7) It shall be unlawful for any person to dispense cannabis or cannabis products at any time other than between the hours of 8:00 am and 10:00 pm.
 - (8) Any Indoor Cannabis Consumption Area must be located in an indoor, structurally enclosed area of a 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.
 - (9) Nothing in this ordinance shall be construed as to permit an outdoor cannabis consumption area in any zone district of the Township.

Section 4. Chapter 54 of the Code of the Township of Rockaway, Land Use and Development, Section 30.62, PED Planned Economic District, Subsection A, Permitted Principal Uses, is hereby amended as follows. Added text is underlined, and text being eliminated is ~~struck through~~.

- A. Permitted principal uses. The PED district is designed for:
- (1) Restricted manufacturing and industrial operations.
 - (2) Warehousing.
 - (3) Wholesale distribution centers.
 - (4) Office buildings.
 - (5) Commercial Planned Village Center, subject to the regulatory controls set forth in Subsection 54-30.62G below.
 - (6) Medical Cannabis Alternative Treatment Centers, including:
 - (a) Medical Cannabis Clinical Registrants.
 - (b) Medical Cannabis Cultivators.
 - (c) Medical Cannabis Dispensaries.
 - (d) Medical Cannabis Manufacturers.
 - (7) Cannabis Research and Development Facilities.
 - (8) Recreational Cannabis Uses, including:
 - (a) Cannabis Cultivators
 - (b) Cannabis Manufacturers
 - (c) Cannabis Wholesalers
 - (d) Cannabis Distributors
 - (e) Cannabis Retailers
 - (f) Cannabis Delivery Services
 - (9) Cannabis Testing Facilities

Section 5. Chapter 54 of the Code of the Township of Rockaway, Land Use and Development, Section 30.62, PED Planned Economic District, Subsection E, Required Conditions, is amended as follows. Added text is underlined, and text being eliminated is ~~struck through~~.

- E. Required conditions:
- (1) Minimum lot area. There shall be a minimum lot area of two acres.
 - (2) Minimum lot frontage. Each lot shall have a minimum lot frontage of 150 feet, measured along the front street right-of-way line.

- (3) Minimum Front Yard. No building shall be closer to the front street right-of-way line than 100 feet.
- (4) Minimum side and rear yards. No building shall be closer to a side or rear property line than 1.5 times the height of the building; provided no such setback shall be less than 50 feet, and further provided, no building shall be closer than 100 feet from a residential zone district boundary line or residential lot line.
- (5) Minimum distance between buildings. The minimum distance between buildings shall be a distance that is equal to the sum of the heights of the two buildings.
- (6) Maximum height. No building shall exceed a height of 50 feet.
- (7) Maximum impervious coverage. The total impervious coverage on any lot shall not exceed 60% of the total lot area; provided that if the lot is also located within the CWR district, the total impervious coverage shall not exceed 45% of the total lot area.
- (8) Additional conditions for Medical Cannabis Alternative Treatment Centers, ~~including~~ (which shall include Medical Cannabis Clinical Registrants, Medical Cannabis Cultivators, Medical Cannabis Dispensaries, and Medical Cannabis Manufacturers), and for Recreational Cannabis Uses (which shall include Cannabis Cultivators, Cannabis Manufacturers, Cannabis Wholesalers, Cannabis Distributors, Cannabis Retailers, and Cannabis Delivery Services), Cannabis Testing Facilities, and as well as Cannabis Research and Development Facilities are as follows:
 - (a) The requirements of this Ordinance are subject to the enabling authority of the State of New Jersey and are subject to compliance with all statutes and/or regulations adopted by the State of New Jersey or its instrumentalities. If any provision of this Ordinance is inconsistent with the statutes and/or regulations of the State of New Jersey, the State statutes and/or regulations shall govern.
 - (b) Prior to the operation of any Alternative Treatment Center, any Recreational Cannabis Use, any Cannabis Testing Facility, or including Medical Cannabis Clinical Registrants, Medical Cannabis Cultivators, Medical Cannabis Dispensaries, or Medical Cannabis Manufactures, and prior to the operation of any Cannabis Research and Development Facility, a license for such use must be obtained from the State of New Jersey and from the Township of Rockaway.
 - (c) Site plan approval must be obtained from the Township of Rockaway Planning Board, or Board of Adjustment as the case may be.

- (d) An Alternative Treatment Center, a Recreational Cannabis Use, a Cannabis Testing Facility, or a Cannabis Research and Development Facility shall, at all times, operate in complete compliance with the terms and conditions of its license(s) set forth by the State of New Jersey and the Township of Rockaway.
- (e) No Alternative Treatment Center, no Recreational Cannabis Use, no Cannabis Testing Facility, and no Cannabis Research and Development Facility shall be housed in a vehicle or any movable or mobile structure.
- (f) There shall be a minimum setback of 200 feet from any Medical Cannabis Alternative Treatment Center, Recreational Cannabis Use, Cannabis Testing Facility, and/or including Medical Cannabis Clinical Registrants, Medical Cannabis Cultivators, Medical Cannabis Dispensaries, and Medical Cannabis Manufacturers, or any Cannabis Research and Development Facility, to any public or private school, house of worship, child care center, or day care center, as measured from building to building.
- (g) It shall be unlawful for any person to dispense cannabis or cannabis products at a licensed Alternative Treatment Center or Recreational Cannabis Use Location at any time other than between the hours of 8:00 am and 10:00 pm.
- (h) All Alternative Treatment Centers, Recreational Cannabis Uses, Cannabis Testing Facilities, and/or Cannabis Research and Development Facilities shall be located in an indoor, structurally enclosed area.

Section 6. Chapter 54 of the Code of the Township of Rockaway, Land Use and Development, Section 30.62, PEP Planned Economic District, Subsection F, Performance Standards, Item 11, is hereby amended as follows. Added text is underlined, and text being eliminated is ~~struck through~~.

(11) Additional standards for Medical Cannabis, Recreational Cannabis, Cannabis Testing Facilities, and Cannabis Research and Development Facilities. In addition to the above, the following additional performance standards are established for Alternative Treatment Centers, ~~including Medical Cannabis Alternative Treatment Center, including (which shall include~~ Medical Cannabis Clinical Registrants, Medical Cannabis Cultivators, Medical Cannabis Dispensaries, and Medical Cannabis Manufacturers), Recreational Cannabis Uses (which shall include Cannabis Cultivators, Cannabis Manufacturers, Cannabis Wholesalers, Cannabis Distributors, Cannabis Retailers, and Cannabis Delivery Services), Cannabis Testing Facilities, and as well as any Cannabis Research and Development Facility Facilities are as follows:

- (a) Odor. An Alternative Treatment Center, Recreational Cannabis Use, Cannabis Testing Facility, or Cannabis Research and Development Facility shall have equipment to mitigate cannabis-related odor. The

building shall be equipped with a ventilation system with carbon filters sufficient in type and capacity to eliminate cannabis odors emanating from the interior of the premises. The carbon filters are required to be replaced regularly for the best effectiveness to mitigate odor. The ventilation system must be approved by the Township of Rockaway Division of Health and Building Department and may be subject to periodic inspection.

- (b) Noise. Outside generators and other mechanical equipment used for any kind of power supply, cooling or ventilation shall be enclosed and have appropriate baffles, mufflers, and/or other noise reduction systems to mitigate noise pollution.
- (c) Security. All facilities associated with cannabis shall be secured and shall have fulltime security protocols. Security protocols shall be submitted to the Township of Rockaway Police Department for compliance review with all safety and security standards established by the State of New Jersey for Alternative Treatment Centers, Recreational Cannabis Uses, Cannabis Testing Facilities, and/or Cannabis Research and Development Facilities. The Rockaway Township Police Department may, at their discretion and upon review of the proposed location, recommend or require additional safety and security measures.

Section 7. Chapter 54 of the Code of the Township of Rockaway, Land Use and Development, Section 30.63, I Industrial District, Subsection A, Permitted Principal Uses, is amended as follows. Added text is underlined, and text being eliminated is ~~struck-through~~.

F. Permitted principal uses. The I district is designed for:

- (1) Limited manufacturing and industrial operations.
- (2) Office buildings.
- (3) Restaurants.
- (4) Banks.
- (5) Medical Cannabis Alternative Treatment Centers, including:
 - (a) Medical Cannabis Clinical Registrants.
 - (b) Medical Cannabis Cultivators.
 - (c) Medical Cannabis Dispensaries.
 - (d) Medical Cannabis Manufacturers.
- (6) Cannabis Research and Development Facilities.
- (7) Recreational Cannabis Uses, including:
 - (a) Cannabis Cultivators
 - (b) Cannabis Manufacturers

- (c) Cannabis Wholesalers
- (d) Cannabis Distributors
- (e) Cannabis Retailers
- (f) Cannabis Delivery Services

(8) Cannabis Testing Facilities

Section 8. Chapter 54 of the Code of the Township of Rockaway, Land Use and Development, Section 30.63, I Industrial District, Subsection E, Required Conditions, is amended as follows. Added text is underlined, and text being eliminated is ~~struck through~~.

E. Required conditions

- (1) Minimum lot area. There shall be a minimum lot area of 60,000 square feet.
- (2) Minimum front yard. No building shall be closer to any public road right-of-way than 100 feet.
- (3) Minimum side and rear yards. No building shall be closer to a side or rear property line than 1.5 times the height of the building; provided, no such setback shall be less than 50 feet, and further provided, no building shall be closer than 100 feet from a residential district boundary line or a residential lot line.
- (4) Minimum distance between buildings. There shall be a minimum distance between buildings a distance that is not less than the sum of the heights of the two buildings.
- (5) Maximum height. No building shall exceed a height of 50 feet.
- (6) Maximum impervious coverage. The total impervious coverage on any lot shall not exceed 60% of the total lot area; provided that if the lot is also located within the CWR district, the total impervious coverage shall not exceed 45% of the total lot area.
- (7) Additional conditions for Medical Cannabis Alternative Treatment Centers ~~including~~ (which shall include Medical Cannabis Clinical Registrants, Medical Cannabis Cultivators, Medical Cannabis Dispensaries, and Medical Cannabis Manufacturers), Recreational Cannabis Uses (which shall include Cannabis Cultivators, Cannabis Manufacturers, Cannabis Wholesalers, Cannabis Distributors, Cannabis Retailers, and Cannabis Delivery Services), Cannabis Testing Facilities, and ~~as well as~~ and Cannabis Research and Development Facilities.
 - (a) The requirements of this Ordinance are subject to the enabling authority of the State of New Jersey and are subject to compliance with all statutes and/or regulations adopted by the State of New Jersey or its instrumentalities. If any provision of

this Ordinance is inconsistent with the statutes and/or regulations of the State of New Jersey, the State statutes and/or regulations shall govern

- (b) Prior to the operation of any Alternative Treatment Center, any Recreational Cannabis Use, any Cannabis Testing Facility, or including Medical Cannabis Clinical Registrants, Medical Cannabis Cultivators, Medical Cannabis Dispensaries, or Medical Cannabis Manufactures, and prior to the operation of any Cannabis Research and Development Facility, a license for such use must be obtained from the State of New Jersey and from the Township of Rockaway.
- (c) Site plan approval must be obtained from the Township of Rockaway Planning Board, or Board of Adjustment as the case may be.
- (d) An Alternative Treatment Center, a Recreational Cannabis Use, a Cannabis Testing Facility, or a Cannabis Research and Development Facility shall, at all times, operate in complete compliance with the terms and conditions of its license(s) set forth by the State of New Jersey and the Township of Rockaway.
- (e) No Alternative Treatment Center, no Recreational Cannabis Use, no Cannabis Testing Facility, and no Cannabis Research and Development Facility shall be housed in a vehicle or any movable or mobile structure.
- (f) There shall be a minimum setback of 200 feet from any Medical Cannabis Alternative Treatment Center, Recreational Cannabis Use, Cannabis Testing Facility, and/or including Medical Cannabis Clinical Registrants, Medical Cannabis Cultivators, Medical Cannabis Dispensaries, and Medical Cannabis Manufacturers, or any Cannabis Research and Development Facility, to any public or private school, house of worship, child care center, or day care center, as measured from building to building.
- (g) It shall be unlawful for any person to dispense cannabis or cannabis products at a licensed Alternative Treatment Center or Recreational Cannabis Use at any time other than between the hours of 8:00 am and 10:00 pm.
- (h) All Alternative Treatment Centers, Recreational Cannabis Uses, Cannabis Testing Facilities, and/or Cannabis Research and Development Facilities shall be located in an indoor, structurally enclosed area.

Section 9. Chapter 54 of the Code of the Township of Rockaway, Land Use and Development, Section 30.63, I Industrial District, Subsection F, Performance standards, is amended by adding the new item (12).

(12) Additional standards for Medical Cannabis, Recreational Cannabis, Cannabis Testing Facilities, and Cannabis Research and Development Facilities. In addition to the above, the following additional performance standards are established for Alternative Treatment Centers, ~~including Medical Cannabis Alternative Treatment Center, including~~ (which shall include Medical Cannabis Clinical Registrants, Medical Cannabis Cultivators, Medical Cannabis Dispensaries, and Medical Cannabis Manufacturers), Recreational Cannabis uses (which shall include Cannabis Cultivators, Cannabis Manufacturers, Cannabis Wholesalers, Cannabis Distributors, Cannabis Retailers, and Cannabis Delivery Services), Cannabis Testing Facilities, and ~~as well as any Cannabis Research and Development Facility Facilities~~.

- (a) Odor. An Alternative Treatment Center, Recreational Cannabis Use, Cannabis Testing Facility, or Cannabis Research and Development Facility shall have equipment to mitigate cannabis-related odor. The building shall be equipped with a ventilation system with carbon filters sufficient in type and capacity to eliminate cannabis odors emanating from the interior of the premises. The carbon filters are required to be replaced regularly for the best effectiveness to mitigate odor. The ventilation system must be approved by the Township of Rockaway Division of Health and Building Department and may be subject to periodic inspection.
- (b) Noise. Outside generators and other mechanical equipment used for any kind of power supply, cooling or ventilation shall be enclosed and have appropriate baffles, mufflers, and/or other noise reduction systems to mitigate noise pollution.
- (c) Security. All facilities associated with cannabis shall be secured and shall have fulltime security protocols. Security protocols shall be submitted to the Township of Rockaway Police Department for compliance review with all safety and security standards established by the State of New Jersey for Alternative Treatment Centers, Recreational Cannabis Uses, Cannabis Testing Facilities, and/or Cannabis Research and Development Facilities. The Rockaway Township Police Department may, at their discretion and upon review of the proposed location, recommend or require additional safety and security measures.

Section 10. Chapter 54 of the Code of the Township of Rockaway, Land Use and Development, Section 30.51, R-B Regional Business District, Subsection A, Permitted Principal Uses, is hereby amended as follows. Added text is underlined, and text being eliminated is ~~struck through~~.

- A. Permitted principal uses. The R-B District is intended to permit a building or group of buildings, whether owned by one or more parties, developed

as an integral mall entity and located within the ring road, or one or more buildings located between the ring road and a public thoroughfare. No building shall be erected, enlarged, altered, arranged or designed to be used, in whole or in part, except for one or more of the following uses:

- (1) Retail sales and service businesses and operations;
- (2) Public repair garages, where such garages are an integral part of a tire, battery and automobile accessory sales establishment operated by and in conjunction with a department store located inside the ring road, which department store has a total floor area of not less than 100,000 square feet. Each such tire, battery and automobile accessory sales establishment shall be limited to one vehicular entrance and exit doorway for each 10 automobile service bays within the building;
- (3) Business and professional offices, banks, savings and loan, small loan and other financial institutions and operations;
- (4) Hotels and motels as hereinafter defined and regulated, including accessory uses incidental to their operation, such as convention facilities, restaurants, kitchens, cafeterias, bars, nightclubs, gift shops, newspaper stands, cigar stores, barber shops, beauty parlors, swimming pools, sauna baths, gymnasiums and health clubs. Hotels and motels as herein regulated will be permitted only between the ring road and a public thoroughfare;
- (5) Food and beverage operations, including cocktail lounges, cafeterias and restaurants, as well as accessory outdoor dining areas as regulated at Subsection 54-30.51E(16); and
- (6) Theaters and bowling alleys subject to the limitations set forth in paragraph E, below;
- (7) Medical Cannabis Dispensaries;
- (8) Cannabis Retailers; and
- (9) Cannabis Delivery Services.

Section 11. Chapter 54 of the Code of the Township of Rockaway, Land Use and Development, Section 30.51, R-B Regional Business District, Subsection E, Required Conditions, is amended by adding the new item (17).

- (17) Medical Cannabis Dispensaries, Cannabis Retailers, and Cannabis Delivery Services. Medical Cannabis Dispensaries, Cannabis Retailers, and, in specified circumstances, Cannabis Delivery Services shall be subject to the following regulations.
 - (a) The requirements of this Ordinance are subject to the enabling authority of the State of New Jersey and are subject to compliance with all statutes and/or regulations adopted by the State of New Jersey or its instrumentalities. If any provision of this Ordinance is

inconsistent with the statutes and/or regulations of the State of New Jersey, the State statutes and/or regulations shall govern.

- (b) Prior to the operation of any Medical Cannabis Dispensary, Cannabis Retailer, or Cannabis Delivery Service, a license for such use must be obtained from the State of New Jersey and from the Township of Rockaway.
- (c) Site plan approval must be obtained from the Township of Rockaway Planning Board, or Board of Adjustment as the case may be.
- (d) Any Medical Cannabis Dispensary, Cannabis Retailer, or Cannabis Delivery Service shall, at all times, operate in complete compliance with the terms and conditions of its license(s) set forth by the State of New Jersey and the Township of Rockaway.
- (e) No Medical Cannabis Dispensary or Cannabis Retailer, shall warehouse products or conduct operations from or in a vehicle or any movable or mobile structure.
- (f) A Cannabis Delivery Service shall only be authorized to deliver cannabis or related products which have been ordered by consumers from a licensed Cannabis Retailer.
- (g) There shall be a minimum setback of 200 feet from any Medical Cannabis Dispensary, Cannabis Retailer, to any public or private school, house of worship, child care center, or day care center, as measured from building to building.
- (h) It shall be unlawful for any person to dispense cannabis or cannabis products at a licensed Medical Cannabis Dispensary or Cannabis Retailer at any time other than between the hours of 8:00 am and 10:00 pm.
- (i) All Medical Cannabis Dispensaries and Cannabis Retailers, shall be located in an indoor, structurally enclosed area.
- (j) Performance Standards.

[1] Odor. A Medical Cannabis Dispensary and a Cannabis Retailer, shall have equipment to mitigate cannabis-related odor. The building shall be equipped with a ventilation system with carbon filters sufficient in type and capacity to eliminate cannabis odors emanating from the interior of the premises. The carbon filters are required to be replaced regularly for the best effectiveness to mitigate odor. The ventilation system must be approved by the Township of Rockaway Division of Health and Building Department and may be subject to periodic inspection.

[2] Noise. Outside generators and other mechanical equipment used for any kind of power supply, cooling or ventilation shall be enclosed and have appropriate baffles, mufflers, and/or other noise reduction systems to mitigate noise pollution.

- [3] Security. All facilities associated with cannabis shall be secured and shall have fulltime security protocols. Security protocols shall be submitted to the Township of Rockaway Police Department for compliance review with all safety and security standards established by the State of New Jersey for Medical Cannabis Dispensaries, Cannabis Retailers, and Cannabis Delivery Services. The Rockaway Township Police Department may, at their discretion and upon review of the proposed location, recommend or require additional safety and security measures.

Section 12.

All ordinances, resolutions, and regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 13.

If any section, paragraph, article, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to this action, paragraph, article, subdivision, clause or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

Section 14

This ordinance shall take effect as required by law.

Certification

I hereby Certify the foregoing to be a true copy of the ordinance introduced by the Township at a duly convened meeting held on the date of May 11, 2021, and adopted on May 25, 2021.


Date: May 25, 2021


Christina Clipperton, Township Clerk

Date: May 25, 2021


Michael Puzio, Mayor

Date: May 25, 2021


Joe Jackson, Council President

Purpose

The Purpose of this ordinance is to authorize licensed State Cannabis Facilities to conduct recreational cannabis operations in prescribed areas of Rockaway Township which have been previously zoned for Medical Marijuana business operations with such usages being allowed only under conditions that Governing Body has deemed will ensure compliance with all applicable laws and have the least impact on the day to day activities of the residents.