

BOROUGH OF FOLSOM

ORDINANCE NO.: #07-2025

AN ORDINANCE AMENDING ORDINANCES #9- 2021, #5-2022, #10-2022 AND #4- 2025 AND CHAPTER 200, ZONING, ARTICLE X1- CANNABIS REGULATION

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 Distributer license, for businesses involved in transporting cannabis plants in bulk from one 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 purchased 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; and

WHEREAS, the Council of the Borough of Folsom adopted cannabis ordinances # 09-2021, #5-2022, #10-2022 and #4-2025 permitting Classes 1-6 of cannabis businesses as uses within the Borough; and

WHEREAS, the Council now wishes to amend the ordinances to classify all Classes 1-6 of cannabis businesses as conditional uses within the Borough; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, a municipality may amend an ordinance as it deems necessary and proper for good government, order and protection of persons and property and for the presentation of the public health, safety and welfare of its inhabitants.

NOW THEREFORE, BE IT ORDAINED, by the Council of the Borough of Folsom, in the County of Atlantic, State of New Jersey, as follows:

Section 1. Chapter 200 Zoning, Article XI titled Cannabis Regulation is hereby amended as follows:

A. Class 1, Cannabis Cultivation establishments shall be permitted as a conditional use in the following zoning districts in accordance with the standards of Subsection D, below:

- (1) FCR Forest Commercial Receiving
- (2) FCS Forest Commercial Sending
- (3) RDC Rural Development Commercial
- (4) VI Village Industrial

B. Class 2, Cannabis Manufacturing, Class 3, Cannabis Wholesale and Class 4, Cannabis Distribution, establishments shall be permitted as a conditional use in the following zoning districts in accordance with the standards of Subsection D, below:

- (1) RDC Rural Development Commercial except for:
 - a. Block 3401 Lots 50,51, 52 and 53;
 - b. Block 3407 Lot 12 ;
 - c. Block 3408 Lots 1,2,3,4,5;
 - d. Block 3302 Lots 1 and 6;
 - e. Block 3301 Lot 5
- (2) VI Village Industrial
- (3) FCS Forest Commercial Sending

(4) FCR Forest Commercial Receiving

C. Class 5, Cannabis Retail and Class 6 Cannabis Delivery establishments shall be permitted as a conditional use in the following zoning districts in accordance with the standards of Subsection D, below:

1. RDC Rural Development Commercial except for;
 - a. Block 3401, Lots 50, 51 and 52 and 53 and
 - b. Block 3407 Lot 12

D. A Class 1, Class 2, Class 3, Class 4, Class 5 or Class 6 cannabis business is subject to the following conditions:

- (1) It is located no closer than Two Hundred Fifty (250) feet from any behavioral care facility or residential medical detoxification center;
- (2) It is located no closer than Five Hundred (500) feet of the property line of any existing church, private school, college, child -care center, or any existing public park or any public or parochial school not protected as a Drug Free School zone;
- (3) The measurement of distances shall be conducted in a straight line from the nearest property line to the nearest portion of the store, area, or facility where the cannabis business is located;
- (4) No permitted cannabis business shall be located within One Thousand Five Hundred (1,500) feet of another permitted cannabis business which shall be measured in a straight line from the nearest portion of the building in which the center is proposed to be located to the nearest portion of the building in which the other center is to be located;
- (5) Bulk area requirements:
 - [a] The minimum lot area for a Class 5 Retail cannabis business, Class 6, delivery cannabis business, Class 1 cannabis cultivator business a Class 2, cannabis manufacturing business, Class 3 cannabis wholesale business and Class 4 cannabis distributor business shall be determined by the Land Use Board based on the zoning district of the property and scale of operation.

[b] The minimum setbacks for Classes 1,2,3,4,5,6 shall be determined by the Land Use Board based on the zoning districts of the property and scale of operation.

(6) Hours of operation for a Class 5 and Class 6 Cannabis Business are 9:00 am to 9:00 pm Monday through Sunday. Time limit of operation for a Class 1, Class 2, Class 3, and Class 4 Cannabis Business shall be determined by the Land Use Board.

(7) A Class 1, Class 2, and Class 3 Cannabis Business shall be required to operate within a fully enclosed, rigid structure. Greenhouses and hoop houses are not permitted.

(8) The Borough Land Use Board shall determine if a Class 4 or a Class 6 facility should be enclosed.

(9) Satisfactory measures and means shall be taken to prevent smoke, odors, debris, dust, and other substances from exiting the business premises at all times. These businesses shall properly dispose of any and all materials and other substances in a safe and sanitary manner.

(10) All wastewater generated by a Class 1 or Class 2 cannabis operation must be managed in accordance with the applicable standards of the New Jersey Department of Environmental Protection. This shall include but not be limited to pre-treatment of wastewater where required, separation, recycling and offsite disposal of solvents and oils where required and employing water conservation measures.

(11) Notwithstanding the minimum lot area set forth above, no such minimum lot area for a cannabis business within the AG, F-30, F-20, FC, RD or RDC Districts shall be less than that needed to meet the water quality standards of §200-47B (4), whether or not the lot may be served by a centralized sewer treatment or collection system.

(12) Noise pollution beyond the statutorily permitted decibel level is prohibited.

(13) All indoor facilities must be equipped with ventilation systems with carbon filters sufficient in type and capacity to eliminate marijuana odors emanating from the interior or exterior of the premises discernable by reasonable persons. The ventilation system shall be inspected and approved by the Borough or State of New Jersey Construction Official.

(14) All security measures shall be identified and maintained at each facility.

(15) For all Cannabis related businesses, signage may contain the name of the business entity only and no signage reflecting a Cannabis leaf or leaves or other symbol will be permitted. The word Cannabis may be used but not “marijuana” or “pot” or any other term for Cannabis. No advertising signs shall be permitted. No display of pricing shall be permitted. Façade signs are limited to point of entry to a facility and shall not be more than six (6) feet square.

(16) Within the FC District, Class 1 Cannabis businesses shall be limited to activities that are consistent with the definition of “Farm, Principles Uses” as defined in Section 200-6 of this Chapter.

(17) Within the RDC District, Class 1, 2,3 and 4, cannabis businesses shall be permitted except for Block 3401, lots 50,51 52 and 53, Block 3407 lot 12, Block 3408 lots 1,2,3,4 and 5 and Block 3302 lots 1 and 6 and Block 3301 lot 5.

(18) Within the RDC District, Class 5 and Class 6 cannabis businesses are permitted on Block 2511, Lots 13, 14 and 14.01. but are prohibited on Block 3401, lots 50,51, 52 and 53 and Block 3407 lot 12.

(19) No licensee or employee of a licensee shall sell, dispense or deliver directly or indirectly any cannabis, usable cannabis or cannabis products to any person under the influence, intoxicated person, or any person under the legal age to purchase cannabis, useable cannabis or cannabis products as a consumer pursuant to N.J.S.A. 24:6!-33, nor permit such categories of persons to congregate in or about the licensed premises.

(20) On-site Consumption is Prohibited. No licensee shall be permitted to operate or maintain a cannabis consumption area as further described in N.J.S.A. 24:6-31 on licensed premises or otherwise allow any person to consume usable cannabis or cannabis products on or within any licensed premises within the Township.

Section 2. Repealer

Any article, section, paragraph, subsection, clause, or other provision of the Code of the Borough of Folsom inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

Section 3. Severability

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.

Section 4. Effective Date

This ordinance shall take effect upon its passage and publication and filing with the County of Atlantic Planning Board, and as otherwise provided for by law.

Date:

ATTEST:

BOROUGH OF FOLSOM

By: _____
Patricia Gatto, Borough of Folsom Clerk

By: _____
Glenn Smith, Mayor

Adopted

NOTICE is hereby given that the above ordinance was introduced and passed upon first reading at a meeting of the Mayor and Council of the Borough of Folsom, in the County of Atlantic, New Jersey, held on _____. It will be further considered for final passage after public hearing at a meeting of the Mayor and Council to be held in the Municipal Building 1700 Route 54, Folsom, NJ 08037 on _____, 2025, at 6:00 P.M., and during the preceding week copies of the ordinance will be made available at the Clerk's office in the Municipal Building to members of the general public.

Patricia Gatto, Clerk