

BOROUGH OF WRIGHTSTOWN
COUNTY OF BURLINGTON, NEW JERSEY
ORDINANCE # 2023-04

**ORDINANCE OF THE BOROUGH OF WRIGHTSTOWN PERMITTING THE
OPERATION OF AND TAXING OF CLASS 1 CULTIVATOR AND CLASS 5 RETAIL
CANNABIS BUSINESSES ON CERTAIN PROPERTIES, WITH CONDITIONS, AND
AMENDING CHAPTERS 4, 53 AND 219 OF THE CODE OF THE BOROUGH OF
WRIGHTSTOWN**

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 cannabis 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 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.

WHEREAS, Section 31a 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 31b 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, on June 23, 2021, the Borough Council of the Borough of Wrightstown adopted Ordinance No. 2021-03, in which the Borough “opted out” of all six cannabis license types; and

WHEREAS, Ordinance No. 2021-03 stated in pertinent part:

WHEREAS, the Borough Council of the Borough of Wrightstown has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more of the six marketplace classes of cannabis businesses might have on New Jersey municipalities in general, and on the Borough of Wrightstown in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Borough of Wrightstown’s residents and members of the public who visit, travel, or conduct business in the Borough of Wrightstown, to amend the Borough of Wrightstown’s zoning regulations to prohibit all cannabis-related land use and development within the geographic boundaries of the Borough of Wrightstown; and

WHEREAS, on September 20, 2021, the New Jersey Cannabis Regulatory Commission (CRC) issued the initial rules (N.J.A.C. 17:30 et seq.) implementing the Act; and

WHEREAS, the Borough Council has reviewed the rules and has had opportunity to observe and digest the cannabis business landscape in New Jersey since the Act was adopted in February 2021; and

WHEREAS, the Economic Development Committee of the Borough of Wrightstown has considered the impact of the regulations and whether the Borough should consider permitting cannabis businesses to operate in the Borough, and, if so, how such businesses should be regulated;

WHEREAS, the Economic Development Committee met on several occasions, and ultimately determined to recommend to the Borough Council that the Borough should permit Class 1 Cannabis Cultivators and Class 5 Cannabis Retailers in the Borough, with conditions and restrictions; and

WHEREAS, the Borough Council considered the recommendation of the Economic Development Committee, and have at this time found it necessary and appropriate, and in the best interest of the health, safety and welfare of the Borough’s residents and members of the public who visit, travel, or conduct business in the Borough, to permit certain classes of cannabis-related land use and development within the geographic boundaries of the Borough, and to amend the Borough’s general police powers and zoning regulations accordingly; and

WHEREAS, the Borough Council desires to amend the Borough Code to permit one Class 1 Cannabis Cultivator establishment and one Class 5 Cannabis Retailer establishment, with strict requirements and conditions to ensure the health, safety and welfare of the Borough’s residents; and

WHEREAS, section 40 of the Act authorizes municipalities by ordinance to adopt regulations which establish limited taxation of the above classes of activity within the municipality; and

WHEREAS, the Borough Council has determined that it is appropriate to implement these measures as permitted by law.

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

SECTION I.

Chapter 53 (“Cannabis”) of the Code of the Borough of Wrightstown shall be amended to read as follows:

§ 53-1 shall be repealed in its entirety and shall be replaced with the following:

§ 53-1 Purpose

This chapter is enacted to regulate the commercial production, storage, sale and dispensing of regulated cannabis in the Borough of Wrightstown in accordance with the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act comprising Chapter 16 of the Laws of 2021, its supplements and amendments, and also comprising N.J.S.A. 24:6I-31 et seq., and any amendments or supplements thereto, and in accordance with the rules and regulations of the Cannabis Regulatory Commission, and to further provide rules governing the local licensure of cannabis establishments and distributors, as well as, regulations governing the location, manner, and times of operation of such businesses operating within the Borough.

§ 53-2 Cannabis Uses

A. Cannabis Manufactures, Wholesalers, Distributors, and Delivery Services Prohibited.

1. Cannabis manufacturers, wholesalers, distributors, and delivery services, as said terms are defined in section 3 of P.L. 2021, c.16 (“New Jersey Cannabis Regulatory, Enforcement

Assistance, and Marketplace Modernization Act”) shall be prohibited in all zones of the municipality, but the delivery of cannabis items and related supplies by a delivery service is permissible.

B. Cannabis Cultivators and Cannabis Retailers Permitted.

1. Cannabis cultivators and cannabis retailers as said terms are defined in the New Jersey Cannabis Regulatory, Enforcement Assistance and Marketplace Modernization Act shall only be conditional uses as set forth in this Chapter and in Chapter 219 (“Zoning and Land Development”).

2. The number of cannabis businesses in the Borough shall not exceed two (2). A total of one (1) Cannabis Cultivator and one (1) Cannabis Retailer shall be permitted in the Borough. A single entity shall not be permitted to hold multiple licenses within the Borough

§ 53-3 Definitions

A. As used in this chapter, the following terms shall have the meanings indicated:

CANNABIS - All parts of the plant *Cannabis sativa* L., whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant, which are cultivated and, when applicable, manufactured in accordance with P.L.2021, c.16 (C.24:6I-31 et al.) for use in cannabis products, but shall not include the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product.

CANNABIS BUSINESS - Any person or entity that holds any of the six Classes of licenses established under P.L. 2021, c. 16, the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act.”

CANNABIS CULTIVATOR - Any licensed person or entity that grows, cultivates, or produces cannabis, 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. This person or entity shall hold a Class 1 Cannabis Cultivator license.

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. This person or entity shall hold a Class 6 Cannabis Delivery license.

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. This person or entity shall hold a Class 4 Cannabis Distributor license.

CANNABIS ESTABLISHMENT - A cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer.

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. This person or entity shall hold a Class 2 Cannabis Manufacturer license.

CANNABIS PRODUCT - A product containing usable cannabis, cannabis extract, or any other cannabis resin and other ingredients intended for human consumption or use, including a product intended to be applied to the skin or hair, edible cannabis products, ointments, and tinctures. “Cannabis product” does not include: (1) usable cannabis by itself; or (2) cannabis extract by itself; or (3) any other cannabis resin by itself.

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. This person or entity shall hold a Class 5 Cannabis Retailer license.

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. This person or entity shall hold a Class 3 Cannabis Wholesaler license.

CONSUMER - Any person legally qualified to purchase recreational cannabis pursuant to N.J.S.A. 24:6I-31 et seq. As of the date of adoption of this chapter, New Jersey law requires a

consumer as defined herein be at least 21 years of age or older and that such purchases of recreational cannabis are for personal use, not for resale to others. Any future restriction or other modification concerning the qualifications applicable to cannabis consumers by the State of New Jersey shall constitute a parallel restriction or modification of the qualifications to purchase or possess legalized cannabis within the Borough.

CONSUMPTION - The act of ingesting, inhaling, or otherwise introducing cannabis items into the human body.

DELIVERY - The transportation of cannabis items and related supplies to a consumer. "Delivery" also includes the use by a licensed cannabis retailer of any third-party technology platform to receive, process, and fulfill orders by consumers, which third party shall not be required to be a licensed cannabis establishment, distributor, or delivery service, provided that any physical acts in connection with fulfilling the order and delivery shall be accomplished by a certified cannabis handler performing work for or on behalf of the licensed cannabis retailer, which includes a certified cannabis handler employed or otherwise working on behalf of a cannabis delivery service making off-premises deliveries of consumer purchases fulfilled by that cannabis retailer.

B. For the purpose of this chapter, words and phrases herein shall have the same meanings as codified under state law, N.J.S.A. 24:61-33, et seq., and any amendments or supplements thereto, and the rules and regulations of the Cannabis Regulatory Commission. In the event of a conflict in the meaning of words or phrases as between the Borough Code and the foregoing laws or regulations of the State concerning legal cannabis, State law or regulations shall govern.

§ 53-4 Proof Required For Local Support

A. Any request for a resolution of local support, pursuant to N.J.S.A 24:6I-7.2, shall include a concept plan indicating how the applicant intends on complying with the Borough's zoning ordinances, and documentation demonstrating that the applicant has or will have final site control of the premises established by ownership, lease, or other means and as evidenced by a lease agreement, contract for sale, title, deed, or similar documentation.

B. After submitting the documents required in Section 53-4(A) of this Code, all applicants shall appear before the Borough Council to present its request for support.

C. A resolution of local support does not constitute final approval for local licensure. A local license shall only be granted as set forth in Section 53-6 of this Code.

D. The Borough Council shall consider proposals for a resolution for local support in the order that the proposals are submitted.

§ 53-5 Licensing

A. Laws applicable. All applications for licenses, all licenses issued and all proceedings under this chapter shall be in accordance with the laws, rules and regulations referred to in § 53-1, and all other applicable laws of the State of New Jersey or the United States.

B. Under no circumstances shall a local license issued to a cannabis business be effective until the State has issued the requisite licenses to operate such a business. It is the intent of this Chapter that no cannabis business may lawfully operate in the Borough of Wrightstown without the issuance of a State license and full regulatory oversight of the cannabis business by the Cannabis Regulatory Commission or other state licensing authority, as well as oversight and issuance of a license by the Borough in accordance with the provisions of this Chapter.

C. Local Licensing Authority Subject to the authority of the Cannabis Regulatory Commission to approve and issue cannabis licenses authorized by law, any applicant desiring to conduct business as a cannabis establishment or distributor within the Borough shall be required to separately obtain the approval of the Borough Council for a local license pursuant to the Borough's local authority under N.J.S.A. 24:6I-45(c)(2).

D. All cannabis businesses shall be subject to Site Plan and/or land use approvals in accordance with the Municipal Land Use Law and Chapter 219 of this Code.

E. A license to operate shall be considered for approval by the Borough Council when the applicant has submitted evidence that it:

1. Filed an application pursuant to Section 53-5(G);
2. Received Site Plan or land use approval and/or zoning permit, where applicable;
3. Complies with all elements of its concept plan;
4. Complies with any other relevant Borough Ordinance;
5. Proof that the applicant has or will have lawful possession of the premises proposed for the cannabis business, which proof may consist of: a deed, a lease, a real estate contract or lease contingent upon successful licensing.
6. The Applicant has demonstrated proof of financial capability to open and operate the cannabis establishment for which the applicant is seeking a license; and
7. Has paid the required fees pursuant to Section 53-6(I) of this Code.

F. Each local license shall be effective from January 1 until December 31 and shall be annually renewed upon the submission of a renewal application and renewal fee provided all conditions and requirements of applicable State law and this Chapter are met.

G. Any conditions of land use approval may be incorporated as conditions of the local license.

H. Site Plan approval by the Borough's land use boards shall be required by the for any new Cannabis Establishment.

I. Fees

1. The application fee for a Cannabis Cultivator license and for a Cannabis Retailer license shall be \$5,000. The fee shall be nonrefundable. A single cannabis business that seeks to obtain both a Cannabis Cultivator and Cannabis Retailer license shall remit application fees for both license types.

2. The annual registration fee for a Cannabis Cultivator license and for a Cannabis Retailer license shall be \$5,000.

§ 53-6 Security

A cannabis business licensee shall maintain security on the site in accordance with the security plan that is approved by the Borough, with consultation by the New Jersey State Police. Such plan shall address items such as appropriate fencing, security personnel, employee training, lighting, transport of product and receipts, and site control features that prevent unauthorized entry, to the satisfaction of the Borough, with consultation by the New Jersey State Police. Such measures may require land use approvals as required by Chapter 219 of this Code.

§ 53-7 Site Management

A. The cannabis business shall prevent and eliminate any conditions on the site that constitute a nuisance.

B. The cannabis business shall maintain the exterior of the site, including any parking lots under the control of the permittee, free of litter, debris, and trash.

C. The cannabis business shall properly store and dispose of all waste generated on the site, including chemical and organic waste, in accordance with all applicable laws and regulations. No cannabis business shall dispose of cannabis or cannabis products unless they have been made unusable and unrecognizable.

D. The cannabis business licensee shall implement measures to prevent cross-pollination and to prevent cannabis pollen and seeds from leaving the premises, including, but not limited to, use of pollen screens, ultraviolet light and methods to ensure that employees and other visitors do not leave the premises while carrying any cannabis pollen or seeds.

E. Shipping/distribution for cultivation and retail uses shall be limited to 8:00 a.m. to 5:00 p.m.

F. A cannabis business licensee shall prevent all odors generated from the storage of cannabis from escaping from the buildings on the site. All cannabis facilities shall have an air treatment system 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 Borough reserves the right to inspect all licensed properties for compliance.

G. All operations, including storage of cannabis items, shall occur within a fully enclosed building, including loading and unloading.

§ 53-8 Taxation

A. It is the purpose of this Section to implement the provisions of P.L. 2021, c. 16, which authorizes the governing body of a municipality to adopt an ordinance imposing a tax at a uniform percentage rate not to exceed two percent (2%) of the receipts from each sale by a cannabis cultivator and two percent (2%) of the receipts from each sale by a cannabis retailer, which shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity upon the cannabis establishment.

B. Unless otherwise defined herein, as used herein, the Borough adopts by reference the terms and definitions established in Chapter 53 of this Code and in Section 40 of N.J.S.A. 24:6I-33.

C. Transfer Tax

1. There is hereby established a local cannabis transfer tax in the Borough of Wrightstown which shall be fixed at a uniform percentage rate of two percent (2%) of the receipts from each sale by a cannabis cultivator or cannabis retailer.

D. Local cannabis user tax

1. The Borough hereby imposes a cannabis user tax at rates equivalent to the cannabis transfer tax rates set forth in § 53-8(C) as permitted by § 40 of the Act, operating more than one cannabis establishment. The user tax shall be imposed on the value of each transfer or use of cannabis or cannabis items not otherwise subject to the transfer tax imposed pursuant to § 53-8(C), from the license holder's establishment that is located in the Borough to any of the license holder's other establishments, whether located in the Borough or another municipality.

E. Any transaction for which the transfer tax or user tax is imposed, or could be imposed, pursuant to this section, other than those which generate receipts from the retail sales by cannabis retailers, shall be exempt from the tax imposed under the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.).

F. The cannabis transfer tax shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity upon property or cannabis establishment.

G. Collection

1. The transfer tax or user tax imposed by this article shall be collected or paid, and remitted to Wrightstown Borough by the cannabis establishment from the cannabis establishment purchasing or receiving the cannabis or cannabis item. The transfer tax or user tax shall be stated, charged, and shown separately on any sales slip, invoice, receipt, or other statement or memorandum of the price paid or payable, or equivalent value of the transfer, for the cannabis or cannabis item.
2. Every cannabis establishment required to collect a transfer tax or user tax imposed by ordinance pursuant to this section shall be personally liable for the transfer tax or user tax imposed, collected, or required to be collected under this section. Any cannabis establishment shall have the same right with respect to collecting the transfer tax or user tax from another cannabis establishment as if the transfer tax or user tax was a part of the purchase price of the cannabis or cannabis item, or equivalent value of the transfer of the cannabis or cannabis item, and payable at the same time; provided, however, that the Municipal Financial Officer of Wrightstown shall be joined as a party in any action or proceeding brought to collect the transfer tax or user tax.
3. No cannabis establishment required to collect a transfer tax or user tax imposed by this section shall advertise or hold out to any person or to the public in general, in any manner, directly or indirectly, that the transfer tax or user tax will not be separately charged and stated to another cannabis establishment, or that the transfer tax or user tax will be refunded to the cannabis establishment.
4. All revenues collected from a transfer tax or user tax imposed by ordinance pursuant to this section shall be remitted to the Wrightstown Borough Municipal Financial Officer on a quarterly basis payable for the prior three month's activities and due at the same time as quarterly dates for the collection of property taxes. The revenues due on February 1 of each year shall include all transfer taxes or user taxes collected for the prior year months of October, November and December. The revenues due on May 1 of each year shall include all transfer taxes and user taxes collected for the immediate prior months of January, February and March. The revenues due on August 1 of each year shall include all transfer taxes and user taxes collected for the immediate prior months of April, May and June. The revenues due on November 1 of each year shall include all transfer taxes and user taxes collected for the immediate prior months of July, August and September.

H. Payment; vendor violations and penalties.

1. The Municipal Financial Officer shall collect and administer any transfer tax or user tax imposed to this section.
2. The Borough shall enforce the payment of delinquent taxes or transfer fees imposed pursuant to this section in the same manner as provided for municipal real property taxes.
3. In the event that the transfer tax or user tax imposed by this section is not paid as and when due by a cannabis establishment, the unpaid balance, and any interest accruing thereon, shall be a lien on the parcel of real property comprising the cannabis establishment's premises in the same manner as all other unpaid municipal taxes, fees, or other charges. The lien shall be superior and paramount to the interest in the parcel of any owner, lessee, tenant, mortgagee, or other person, except the lien of municipal taxes, and shall be on a parity with and deemed equal to the municipal lien on the parcel for unpaid property taxes due and owing in the same year.
4. The Borough shall file in the office of its tax collector a statement showing the amount and due date of the unpaid balance and identifying the lot and block number of the parcel of real property that comprises the delinquent cannabis establishment's premises. The lien shall be enforced as a municipal lien in the same manner as all other municipal liens are enforced.

§ 53-9 Penalties and Enforcement

A. Any violation of the terms of this Chapter, of any condition of the license, or of any State, or local law or regulation may result in the revocation of the license and may further subject the licensee to any applicable penalties. In addition to the foregoing, violations of the Borough Zoning Ordinance or the conditions of site plan approval shall be enforced pursuant to §219-64 of the Borough of Wrightstown Code.

B. The provisions of this Chapter shall be enforced by the Borough Zoning Officer, Borough Health Officer, New Jersey State Police or other Borough designee, as appropriate based on the nature of the violation.

SECTION II.

Section 219-4 of the Borough of Wrightstown Code is hereby deleted and replaced with the following new Section 219-4:

A. All uses not expressly permitted in this Chapter are prohibited.

SECTION III.

Subsections A, B & C of Section 219-16 of the Borough of Wrightstown Code shall be deleted in their entirety and replaced with the following:

A. Purpose. The GC Commercial District is located along Railroad Avenue, portions of Fort Dix Street and portions of East Main Street, and provides general commercial services to the community and the public at large.

B. The General Commercial-1 District shall be that part of the GC district located along Railroad Avenue and portions of Fort Dix Street. The General Commercial-2 District shall be that part of the General Commercial District located along Main Street.

C. Principal permitted uses on the land and in buildings.

(1) Permitted uses in the GC-1 and GC-2 Districts.

(a) Retail sales including shopping centers.

(b) Restaurants, bars, nightclubs.

(c) Banks including drive-ins.

(d) Offices and office buildings.

(e) Theaters and bowling alleys.

(f) Hotels and motels.

(g) Car wash.

(2) Conditional uses.

(a) Motor vehicle service stations, repair shops in the GC-1 and GC-2 Districts pursuant to § 219-40.

(b) Motor vehicle sales and trailer sales in the GC-1 and GC-2 Districts.

(c) Mobile refreshment stands in the GC-1 and GC-2 Districts pursuant to § 219-47.2. [Added 4-10-2002 by Ord. No. 2002-3]

(d) Cannabis Cultivator and Cannabis Retailer establishments in the GC-2 District only, pursuant to following conditions:

(i) Such facility shall meet all requirements for licensure, and hold an appropriate Class 1 Cannabis Cultivator and/or Class 5 Cannabis Retailer license issued by the Cannabis Regulatory Commission, Department of Treasury, State of New Jersey. The required local cannabis license must also be obtained from the Borough of Wrightstown. All cultivator establishments and retail establishments must adhere to the rules and regulations of N.J.S.A. 24:6I-31 et seq. and N.J.A.C. 17:30-1, et seq.

- (ii) The minimum lot area shall be 5,000 square feet.
- (iii) The property on which the cannabis facility is located shall not be any closer than 1,000 feet from any public or nonpublic school or preschool or child-care center, alcohol or drug abuse recovery or treatment facility, behavioral health care facility or residential medical detoxification center, as measured in a straight line from the nearest two points of the property lines.
- (iv) The structure in which any cultivation facility is located shall not be located within 140 feet of any structure used as a residential at the time of the application for approval, as measured in a straight line from the nearest two points of the structures.
- (v) The structure in which any dispensary facility is located shall not be located within 200 feet of any property line of a property with a residential dwelling at the time of the application for approval, as measured in a straight line from the dispensary facility to the nearest property line; provided that if a dispensary facility is located in a multi-tenant building, the required distance shall be measured from the exterior walls of the lease area of the dispensary facility to the residential property line.
- (vi) The property on which the cannabis facility is located shall not be located within 500 feet of the property line of any existing church or house of worship or any existing public park, playground, or other publicly owned recreational facility, as measured in a straight line from the nearest two points of the property lines.
- (vii) No facility may permit on-site consumption of cannabis or cannabis products.
- (viii) No outside storage of any cannabis, cannabis products or cannabis paraphernalia shall be permitted.
- (ix) Off-street parking shall be provided at a ratio of one space for every 100 square feet of gross floor area, with the addition of one parking space for each employee to be present at time of peak staffing.
- (x) Blinking or flashing lights shall be prohibited.
- (xi) Signage shall be in full conformance with the signage requirements of this chapter.

(xii) All other provisions that are applicable to the zone district and not in conflict with the foregoing conditional use requirements shall apply; provided, however, that such provisions shall not be applied as conditional use requirements.

All provisions of Section 219-16 not affected hereby shall remain in full force and effect.

SECTION IV.

The Borough Tax Map is hereby amended to identify the GC-1 and GC-2 Zoning Districts as set forth in Section III of this Ordinance, as shown on the attached Exhibit A.

SECTION V. Severability

If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

SECTION VI. Inconsistent Ordinances Repealed

All Ordinances or parts of Ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed, but only to the extent of such inconsistencies.

SECTION VII. Effective Date.

This ordinance shall take effect upon the passage and adoption of the amendments to the Borough's Land Use Code (Chapter 104) necessary to incorporate cannabis uses, which is anticipated to be considered shortly after the adoption of this ordinance.

Section VIII. Captions.

Captions contained in this Ordinance have been included only for the purpose of facilitating reference to the various sections, and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

NOTICE OF PENDING ORDINANCE

PLEASE TAKE NOTICE that the foregoing Ordinance was introduced by the Borough Council of the Borough of Wrightstown at a meeting on July 12, 2023, and reintroduced at a meeting on July 26, 2023, and the same was then ordered to be published according to law with a public hearing and a vote scheduled for the meeting of August 23, 2023, beginning at 6:30 p.m. at the Municipal Building, 21 Saylors Pond Road, Wrightstown, New Jersey at which time all interested persons will be heard.

Freda H. Gorman, RMC
Municipal Clerk

Introduction/First Reading July 12, 2023

Motion: Mrs. Knapp

Second: Mrs. Carroll

Roll Call Vote:

Ayes: Mr. Bird, Mr. Bushnell, Mrs. Carroll, Mr. Craig, Mrs. Knapp, Mr. Lownds

Nays: None

Absent: None

Abstain: None

Re-Introduction/First Reading July 26, 2023

Motion: Mrs. Carroll

Second: Mr. Lownds

Roll Call Vote:

Ayes: Mr. Bird, Mr. Bushnell, Mrs. Carroll, Mrs. Knapp, Mr. Lownds

Nays: Mr. Craig

Absent: None

Abstain: None

Second Reading/Public Hearing August 23, 2023

Motion: Mr. Lownds

Second: Mrs. Carroll

Roll Call Vote:

Ayes: Mrs. Carroll, Mrs. Knapp, Mr. Lownds, Mayor Cottrell (*Mayor voted due to tie.*)

Nays: Mr. Bird, Mr. Bushnell, Mr. Craig

Absent: None

Abstain: None

Donald Cottrell
Mayor

CERTIFICATION

The aforementioned Ordinance Number 2023-04 was finally adopted by the Borough Council of the Borough of Wrightstown, County of Burlington, State of New Jersey, after Second Reading and Public Hearing at their Regular Meeting held on August 23, 2023.

Freda H. Gorman, RMC
Municipal Clerk

Dated: August 23, 2023

Ord2023-04 Cannabis