

CITY OF BORDENTOWN

ORDINANCE 2024-02

AN ORDINANCE AMENDING THE CODE OF THE CITY OF BORDENTOWN, AT CHAPTER 139, ENTITLED “CANNABIS,” AND CHAPTER 300, ENTITLED “ZONING”, TO REDUCE THE MINIMUM DISTANCE BETWEEN CANNABIS RETAILERS

WHEREAS, on February 22, 2021, Governor Murphy signed P.L. 2021, c. 16, also 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 or older, and establishes a comprehensive licensing and regulatory scheme for all facets of the industry; and

WHEREAS, by way of ordinance, the Act also authorizes municipalities to establish regulations for cannabis business, which can include a local licensing process, limitations on location, operational requirements, and a transfer tax for all cannabis products; and

WHEREAS, on August 9, 2021, the Board of Commissioners of the City of Bordentown (“Board of Commissioners”) adopted Ordinance 2021-15 (later amended its entirety on November 8, 2021 by Ordinance 2021-25), which created Chapter 139 of the Code of the City of Bordentown (“City Code”);

WHEREAS, Chapter 139 of the City Code established regulations for cannabis businesses in the City; and

WHEREAS, Ordinance 2021-15 and Ordinance 2021-25 also amended Chapter 300 of the City Code, and established additional zoning regulations for cannabis businesses; and

WHEREAS, Chapters 139 and 300 of the City Code both include a minimum distance of 1,000 feet between cannabis retailers located in the City; and

WHEREAS, the Board of Commissioners now seek to reduce the minimum distance between cannabis retailers from 1,000 feet to 500 feet; and

WHEREAS, the Board of Commissioners find that the amendments are in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Bordentown, County of Burlington, State of New Jersey, that Chapter 139 of the Code of the City of Bordentown, entitled “Cannabis”, and Chapter 300, entitled “Zoning”, shall be amended and supplemented as follows (underlined text illustrates additions, strikethrough text illustrates deletions):

ARTICLE I: AMENDMENTS TO SECTION 139-4.

Section 139-4 of the Code of the City of Bordentown shall be amended to read as follows:

“§ 139-4 **Minimum distances for cannabis businesses.**

- A. No cannabis retailer shall be located within 500 feet of another cannabis retailer within City limits. The distance shall be measured from door to door, and shall be the most reasonable travel distance by foot. Alternative treatment centers are not subject to this proximity limitation. Alternative treatment centers and adult-use cannabis retailers may be located on the same premises.
- B. [Remains unchanged].”

ARTICLE II: AMENDMENTS TO SECTION 300-103.

Section 300-103 of the Code of the City of Bordentown shall be amended to read as follows:

“§ 300-103 **Cannabis businesses.**

[Added 8-9-2021 by Ord. No. 2021-15; amended 11-8-2021 by Ord. No. 2021-25; 8-8-2022 by Ord. No. 2022-08; amended February 13, 2024, by Ord. No. 2024-02]

- A. [Remains unchanged].
- B. [Remains unchanged].
- C. Cannabis retailers: Class V.
 - (1) [Remains unchanged].
 - (2) Cannabis retailers are permitted subject to the following conditions:
 - (a) [Remains unchanged].
 - (b) [Remains unchanged].
 - (c) [Remains unchanged].
 - (d) [Remains unchanged].
 - (e) [Remains unchanged].
 - (f) Cannabis retailers shall not be located within 500 feet of another cannabis retailer within the City of Bordentown. The distance shall be measured from door to door, and shall be the most reasonable travel distance by foot.
 - (g) [Remains unchanged].”

[Remaining Portion of §300-103 remains unchanged].

REPEALER, SEVERABILITY, AND EFFECTIVE DATE

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Board of Commissioners hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the City to meet the goals of the Ordinance.
- C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

First Reading: February 13, 2024

Adopted: March 11, 2024

ACTING CITY CLERK

COMMISSISONERS