

TOWNSHIP OF VERNON

ORDINANCE #23-22

AN ORDINANCE AMENDING, REVISING, AND SUPPLEMENTING CHAPTER 330 ENTITLED “LAND DEVELOPMENT” TO CLARIFY REGULATIONS RELATIVE TO PERMITTED LOCATIONS FOR LEGAL CANNABIS USES WITHIN THE TOWNSHIP OF VERNON

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 Phil 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 (6) 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.

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, the Township Council of the Township of Vernon has previously adopted Ordinances 21-25, 21-16 and 22-11 to permit and regulate legal cannabis within the Township, which it now seeks to repeal and replace in order to create more cohesive and clear standards for legal cannabis uses; and

WHEREAS, the Township Council of the Township of Vernon finds after having reviewed the various zoning districts within the municipality and reviewing the restrictions of those locations within the Highlands Preservation Area, generally, zones which permit commercial and industrial uses are suitable locations as conditional uses for the Class 1, 2, 3, and 4 designated marketplaces as set forth above and below and Class 5 and 6 marketplaces should be permitted as a conditional use in commercial and retail zones, as set forth above and below;

NOW, THEREFORE BE IT ORDAINED, by the Township Council of the Township of Vernon, County of Sussex, and State of New Jersey as follows: Section 330 of the Township Land Development Ordinance shall be amended, revised, and supplemented as follows:

SECTION 1.

Ordinances 21-16, 21-25 and 22-11 are repealed in their entirety and replaced with the following sections.

SECTION 2.

Schedule A: Permitted, Conditional and Accessory Uses and Structures (Section 330-160) Township of Vernon

Legend:

P=Permitted Use

A= Permitted Accessory Use

C= Conditional Use

R-2 Cultivation Removed

Uses	R-1	R-2	R-3	SR	PLC	C-1	C-2	C-3	CR	AET	LI	C	MTC	P	PLLC	TC	MVMU
Cannabis																	C
Cannabis cultivator										C	C						C
Cannabis distributor											C						C
Cannabis manufacturer											C						C
Cannabis wholesaler											C						C
Cannabis delivery						C	C	C			C					C	C
Cannabis retailer						C	C	C			C					C	C
Cannabis medical dispensary						C	C	C			C					C	C

SECTION 3.

Section 330-5 “Language and Definitions” shall be amended, revised, and supplemented as follows:

Cannabis

All parts of the plant *Cannabis sativa* L., whether growing or no, 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. 2016, c. 16 for use in cannabis products as set forth in the Act, 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” does not include: medical cannabis dispensed to registered qualifying patients pursuant to the “Jake Honig Compassionate Use Medical Cannabis Act,” P.L. 2009, c. 307 (C. 24:61-1 et al.) and P.L. 2015, c. 158 (C. 18A:40-12.22 et al.); marijuana as defined in N.J.S. 2C:35-2 and applied to any offense set forth in Chapters 35, 35A, and 36 of Title 2C of the New Jersey Statutes, or P.L. 2001, c. 114 (C. 2C:35B-1 et seq.), or marijuana, as defined in Section 2 of P.L. 1970, c. 226 (C. 24:21-2) and applied to any offense set forth in the “New Jersey Controlled Dangerous Substances Act,” P.L. 1970, c. 226 (C. 24:21-1 et. al.); or, hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the New Jersey Hemp Farming Act,” P.L. 2019, c. 238 (C. 4:28-6 et. al.).

Cannabis Cultivator

Any licensed business 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. This person or entity shall hold a Class 1 Cannabis Cultivator License.

Cannabis Delivery

Any licensed business or entity involved in 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. This person or entity shall hold a Class 6 Cannabis Delivery License.

Cannabis Distributor

Any licensed business or entity 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. This person or entity shall hold a Class 4 Cannabis Distributor License.

Cannabis Establishment

A cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, a cannabis retailer, or a cannabis distributor.

Cannabis Medical Dispensary

See Cannabis Retailer.

Cannabis Manufacturer

Any licensed business 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 Retailer

Any licensed business or entity that is involved in the sale of cannabis items and related supplies are sold to consumers. This person or entity shall hold a Class 5 Cannabis Retailer License. See also Cannabis Medical Dispensary.

Cannabis Wholesaler

Any licensed business or entity that is involved in obtaining and selling cannabis items for later resale by other licensees. This person or entity shall hold a Class 3 Cannabis Wholesaler License.

License

A license issued under relevant State law including a license that is designated as either:

- A. Class 1 Cannabis Cultivator License
- B. Class 2 Cannabis Manufacturer License
- C. Class 3 Cannabis Wholesaler License
- D. Class 4 Cannabis Distributor License
- E. Class 5 Cannabis Retailer License
- F. Class 6 Cannabis Delivery License

The term includes a conditional license for a designated class, except when the context of the provisions of relevant State law otherwise intend to only apply for a license and not a conditional license.

Manufacture

The drying, processing, compounding, or conversion of usable cannabis into cannabis products or cannabis resins. “Manufacture” does not include packaging or labeling.

Wholesale Trade

Shall mean establishments or places of business primarily engaged in selling merchandise to other businesses, including retailers, industrial, commercial, institutional, or professional business users, other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

SECTION 4.

Section 330-189 “Conditional Uses” shall be amended, revised, and supplemented as follows:

(30) – Cannabis Retailer. Cannabis Retailers shall meet the following conditions and standards when permitted as a conditional use:

- (a) **Eligible locations.** Facilities for cannabis retailers shall be no less than 1,000 feet from any school, public park, public ball field, child-care center, or the Vernon PAL facility. Distances shall be measured door to door as one would travel as a pedestrian.
- (b) **Location.** Cannabis retailers shall be separate and distinct from growing operations.
- (c) **Highlands Preservation Area.** Any cannabis retailer proposed in the Highlands Preservation Area must obtain a Highlands Exemption or Highlands Exception prior to submission to the Land Use Board.
- (d) **Buildings.** All cannabis retailers shall be enclosed in heated/air-conditioned permanent buildings, not trailers, outdoors, movable kiosks, etc.
- (e) **Signage.** Signs shall not promote consumption of any cannabis products.

- (f) Site plan approval is required. Site plan approval shall require submission of a safety and security plan and emergency services access plan to the Land Use Board for review.
- (g) License requirements. Cannabis retailers shall obtain a Township Cannabis License prior to application before the Land Use Board.
- (h) Accessibility. Any cannabis retailer shall only have one primary public access point, which shall be directly adjacent to the right-of-way or parking area of the building. Access should not be through common entrances with other uses.
- (i) Hours of operation for cannabis retailers shall be limited to 9:00 a.m. to 10:00 p.m.
- (j) Interior security. Cannabis retailers' interiors shall provide a secure location for storage of products with minimum products in any customer service area.
- (k) Exterior loitering and security. People shall not be permitted to congregate outside of a cannabis retailer, loiter or wait in line to access the cannabis retailer. The facility shall have a plan in place if interior capacity is exceeded, i.e., numbers are given and customers wait in their vehicles until called.
- (l) Product consumption: No products shall be permitted to be consumed on-site.
- (m) State license. The facility must have a valid license to operate from the State of New Jersey.
- (n) Any cannabis facility is subject to compliance with all state laws, regulations and guidelines with respect to cannabis licenses issued by the State of NJ.

(31) – Cannabis Delivery. Cannabis Delivery services shall meet the following conditions and standards when permitted as a conditional use:

- (a) Eligible locations. Facilities for cannabis retailers shall be no less than 1,000 feet from any school, public park, public ball field, child-care center, or the Vernon PAL facility. Distances shall be measured door to door as one would travel as a pedestrian.
- (b) Location. Cannabis retailers shall be separate and distinct from growing operations.
- (c) Highlands Preservation Area. Any cannabis delivery use proposed in the Highlands Preservation Area must obtain a Highlands Exemption or Highlands Exception prior to submission to the Land Use Board.
- (d) Buildings. All cannabis facilities shall be enclosed in heated/air-conditioned permanent buildings, not trailers, outdoors, movable kiosks, etc.
- (e) Signage. Signs not promote consumption of any cannabis products.
- (f) Site plan approval is required. Site plan approval shall require submission of a safety and security plan and emergency services access plan to the Land Use Board for review.
- (g) License requirements. Cannabis facilities shall obtain a Township Cannabis License prior to application before the Land Use Board.
- (h) Hours of operation for cannabis delivery services shall be limited to 9:00 a.m. to 10:00 p.m.
- (i) Interior security. Cannabis facility interiors shall provide a secure location for storage of products with minimum products in any customer service area.
- (j) Product consumption: No cannabis products shall be permitted to be consumed on-site.

- (k) State license. The cannabis facility must have a valid license to operate from the State of New Jersey.
- (l) Any cannabis facility is subject to compliance with all state laws, regulations and guidelines with respect to cannabis licenses issued by the State of NJ.

(32) – Cannabis Cultivator, Manufacturer, Wholesaler or Distributor. Cannabis Cultivator, Manufacturer, Wholesaler, or Distributor shall meet the following conditions and standards when permitted as a conditional use:

- (a) **Location: Cannabis Cultivator facilities shall be the only facilities permitted in the AET shall be on lots with a minimum of six (6) acres.**
- (b) Highlands Preservation Area. Cannabis facilities proposed in the Highlands Preservation Area must obtain a Highlands Exemption or Highlands Exception prior to submission to the Land Use Board.
- (c) Buildings: All cannabis facilities shall be enclosed in heated/air-conditioned permanent buildings, not hoop houses, greenhouses or other temporary structures.
- (d) Signage: Signs shall be limited to location identification/name of business. Signage shall not promote consumption of any cannabis products.
- (e) **Site plan approval is required. Site plan approval shall require submission of a safety and security plan and emergency services access plan to the Land Use Board for review.**
- (f) Odor Control: The facility shall provide an air treatment system with sufficient odor absorbing ventilation and exhaust systems such that and odor generated inside the facility is not detectable by a person of reasonable sensitivity at the property line of the subject property. Odor from the facility shall be monitored on an annual basis at the discretion of the Township by a licensed, qualified contractor chosen by the Township.
- (g) Buffering. Cultivator facilities located in the AET Zone must maintain a 100-foot buffer from property lines.
- (h) Lighting. Cultivator facilities located in the AET Zone shall limit lighting to the minimum necessary for safety requirements in parking areas and walkways to have a maximum 1.0 footcandle. Lighting shall be downward facing and not exceed 0.1 footcandle at the property line.
- (i) License requirements. Cannabis facilities shall obtain a Township Cannabis License prior to application before the Land Use Board.
- (j) State license. The facility must have a valid license to operate from the State of New Jersey.
- (k) Any cannabis facility is subject to compliance with all state laws, regulations and guidelines with respect to cannabis licenses issued by the State of NJ.

SECTION 4.

SEVERABILITY AND REPEALER

Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof other than the part held invalid.

SECTION 5.

NOTICE

The Township Clerk is directed to give notice at least ten (10) calendar days prior to the hearing on the adoption of this Ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. Upon the adoption of this Ordinance, after public hearing, the Township Clerk is further directed to publish notice of the passage and to file a copy of this Ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.


SECTION 6.


EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption and publication in accordance with law.

CERTIFICATION

This is to certify that the above Ordinance was introduced and passed on first reading at the Meeting of the Township Council held on October 12, 2023, and the same came up for final passage and was adopted at the Meeting of the Township Council held on November 27, 2023 at which time all persons interested were given an opportunity to be heard. The above ordinance will be in full force and effect in the Township of Vernon according to law.


 Marcy Gianattasio, Clerk
 Township of Vernon


 Howard Burrell, Mayor

Township of Vernon

INTRODUCED: October 12, 2023

NAME	M	S	YES	NO	ABSTAIN	ABSENT
Distasi, P.	X		X			
Rizzuto, P.			X			
Sparta, B.			X			
Tadrick, J.		X	X			
Buccieri, N.			X			

ADOPTED: November 27, 2023

NAME	M	S	YES	NO	ABSTAIN	ABSENT
DeBenedetto, J.			X			
Rizzuto, P.			X			
Sparta, B.	X		X			
Tadrick, J.			X			
Buccieri, N.		X	X			