

THE TOWNSHIP OF WEST AMWELL
COUNTY OF HUNTERDON, NEW JERSEY

ORDINANCE 4, 2021
AN ORDINANCE AMENDING CHAPTER 62 "CANNABIS LICENSING,
REGISTRATION AND BUSINESS REGULATIONS"

WHEREAS, on September 15, 2021, the Township adopted Ordinance 09-2021 to create Chapter 62 "Cannabis Licensing, Registration and Business Regulations"; and

WHEREAS, the Township Committee wishes to amend Ordinance 09-2021 to revise the licensing and registration process.

NOW, THEREFORE, BE IT ORDAINED, by the Committee of the Township of West Amwell, County of Hunterdon that Chapter 62 "Cannabis Licensing, Registration and Business Regulations" of the Code of the Township of West Amwell be amended as follows:

Section 1.

Section 130-4 shall be deleted in its entirety and replaced with the following:

§130-4 Local licensing authority. A Township Cannabis Advisory Committee (CAC) as appointed below will act as the body for local review for the Township for all cannabis establishments but the authority and responsibility to activate suspend and revoke such licenses remains with the Township Committee. Under all circumstances in which State law requires communication to the Township by the Cannabis Regulatory Commission or any other State agency with regard to the licensing of cannabis establishments by the State, or in which State law requires any review or approval by the Township of any action taken by the State licensing authority, the exclusive authority for receiving such communications and granting such approvals shall be communicated through the Township Clerk's Office upon recommendation by the Township Cannabis Advisory Committee and authorized by the Township Committee.

A. Members of said CAC shall include residents located within the Township. The CAC shall consist of a minimum of three (3) and maximum of five (5) appointees shall include at a minimum one member from the following categories:

(1) Mayor or Designee

(2) Township Committee member or Designee

(3) West Amwell Township Zoning Officer

(4) Up to Two (2) Appointees by Township Committee of residents of the Township in accordance with Section 130-4(C) below.

B. The Committee shall be supported by the Township Attorney and Township Planning & Zoning Office. The Committee may request additional resources as necessary to effectuate the responsibilities of the Committee.

C. Of the members of the Committee, no member shall be affiliated with or related to a New Jersey Adult Use Cannabis Business or Medical Cannabis Establishment or prospective licensee, but all shall be resident of the Township within the past five (5) years.

D. Duties of the Committee will be to advise the Township Committee as to the issuance of Cannabis Business Permits within the Township of West Amwell. The CAC's review shall be based on the information contained in the Request for Proposals issued by the Township Committee and shall be made consistent with the criteria outlined in this Chapter, in addition to the issuance of detailed application criteria made available prior to RFP release.

E. No member of the committee may hold interest in, or be related to an applicant.

Section 2.

Section 130-7 shall be deleted in its entirety and replaced with the following:

§130-7 Evaluation.

- A. The Committee shall evaluate all applicants and issue a recommendation of award after consideration and evaluation to the Township Committee. Presentation by an applicant before the Township Cannabis Committee is required. Any ties shall be broken by the Township Committee. Each application shall be reviewed within the confines of the license category being sought. (For example, a retailer should focus on customer service, marketing, branding and architectural presentation, and public access issues, while a cultivation, distribution, wholesale operation on security, job environment, truck access and loading, and security. Micro-licenses should focus on their business plan and tangentially related experiences and support structures.). Subjectivity in regard to personal tastes and aesthetic matters should be restrained in favor of the thoroughness and level of detail by which an applicant responds. Prior to issuing the request for applications §130-7 the Committee shall establish and publish final criteria and weight categories in accordance with any applicable laws and regulations, which shall be timestamped. Generally, the Committee shall utilize the following upon finalizing criteria for publication:
- (1) Applicant's owners' or principals' qualifications and experience operating in highly regulated industries, including cannabis, but also healthcare, pharmaceutical manufacturing, retail pharmacies, or other relevant industries with preference to experience operating such businesses within the State of New Jersey.
 - (2) Applicant's brand and proposal for the physical presence of the business. Including but not limited to: the site's ability to meet all land use regulations (parking, landscaping, signage, etc.), handle future expansions if applicable, architectural treatments, customer experience (where applicable), etc.
 - (3) A summary of the applicant's operational plans; including, but not limited to: storage of products, currency and transport, physical security, video surveillance, security personnel, and visitor management.
 - (4) Applicant's orientation to research and development of Cannabis. Including but not limited to: its owners' experience conducting, supporting, and/or future plans to conduct institutional review board-approved research related to medical cannabis or substance abuse. Include whether the applicant has had any assurance accepted by the U.S. Department of Health & Human Services indicating the applicant's commitment to complying with 45 CFR Part 46 (human subjects); and whether the applicant has a research collaboration or partnership agreement in effect with an accredited U.S. school of medicine, or osteopathic medicine with experience conducting cannabis-related research, or other institutions of higher learning dedicated to cannabis research or occupational training
 - (5) Applicant's or its owners' demonstrated commitment or sufficient experience as responsible employers, defined as the applicant entity being committed to a local program in collaboration with organizations committed to the well-being of residents, including, but not limited to the Township and surrounding service area. Provide evidence in letters of support and agreements. (Local workforce hiring and development plan, Community service, Collaborations with a university or specialized training facility such as, but limited to Vo-Tech, and dedicated support to social justice initiatives.).
 - (6) Summary of the applicant's environmental impact/mitigation, and sustainability plan; whether the applicant entity or its parent company has any recognitions from or registrations with federal or New Jersey state environmental regulators for innovation in sustainability; and whether the applicant entity or its parent company holds any certification under international standards demonstrating the applicant has

an effective environmental management system or has a designated sustainability officer to conduct internal audits to assess the effective implementation of an environmental management system.

- (7) Applicant's demonstrated commitment to the community and any ties to the host community demonstrated by at least one shareholder's proof of residency in the Township for five or more years in the past ten years, or at least one shareholder's continuous ownership of a business based in town for five or more years in the past ten years.
 - (8) Applicant's experience and/or commitment to community health related programs and associated charitable organizations, including but not limited to, particular attention toward prevention of drug and alcohol abuse including but limited to youth and vulnerable persons both locally and regionally.
 - (9) Diversity in its ownership composition and hiring practices; Including applicant's commitment to utilize local sources of labor and associated building materials.; Applicant's commitment to supporting and working with local micro-licensees, including but not limited to contracting with and/or training/mentorship; The applicant entity or its parent company holds any certifications as a NJ minority-owned, women-owned, or veteran-owned business.
- B. Annually, up to two (2) applicants for a Cannabis Retailer may be recommended to the Township Committee for their consideration in granting a conditional Township Cannabis Business Permit with all scores, application submittals and recommendations in a detailed report to be submitted to Committee for their consideration. Upon receipt of the Committee's recommendation, the Committee reserves the right ask for public presentations when and where appropriate as part of their review process.

Section 3 Severability. Should any section, clause, sentence, phrase or provision of this article be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this article.

Section 4 Repealer. All prior ordinances or parts of same inconsistent with any provisions of this article are hereby repealed to the extent of such inconsistency.

Section 5 Effective Date. This ordinance shall take effect upon final adoption and publication in accordance with law.

RECORDED VOTE:

AYES} Dale, Hoyer, Lyons, Cally

ABSTAIN} Bergenfeld

ABSENT} No Committee Members were Absent

ATTEST:

By Order of the Township Committee

Maria Andrews, Township Clerk, RMC

James Cally, Mayor

This ordinance was introduced and passed on first reading at a meeting of the governing body of the Township of West Amwell, in the County of Hunterdon, State of New Jersey, held on 4/6/22. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held in the municipal building, 150 Rocktown-Lambertville Road, Lambertville, NJ 08530 on 4/20/22 at 7:30 PM.

