

**THE TOWNSHIP OF WEST AMWELL
COUNTY OF HUNTERDON, NEW JERSEY**

ORDINANCE 06, 2021

AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST AMWELL IN THE COUNTY OF HUNTERDON TO AMEND CHAPTER 109, “LAND DEVELOPMENT,” PART 10 “CANNABIS,” ARTICLE XLIII “CANNABIS RELATED BUSINESSES”, AND TO CREATE CHAPTER 140, “TAXATION,” ARTICLE I “CANNABIS TRANSFER TAX”.

WHEREAS, the Township of West Amwell (the “Township”) endorse the expansion of medical cannabis in the State of New Jersey so as to provide needed relief to the many persons suffering from chronic and/or debilitating illnesses who may benefit therefrom; and

WHEREAS, the Jake Honig Compassionate Use Medical Cannabis Act, N.J.S.A. 24:6I-2, et seq. (the “CUMMA”), which permits the authorized medical use of cannabis, was amended on July 2, 2019, further clarifying the Township’s ability to control the proposed location of medical cannabis dispensaries, cultivation centers and manufacturing facilities, and permitting the Township to impose a transfer tax at a uniform percentage rate not to exceed 2% on the purchase price of any medical cannabis dispensed by a medical cannabis dispensary located in the Township; and

WHEREAS, in 2020 the voters of the State of New Jersey approved Public Question No. 1, which endorsed the legalization of cannabis for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (P.L. 2021, c. 16) (the “NJCREAMMA”), 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;

WHEREAS, NJCREAMMA 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 on 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 purchases 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 NJCREAMMA 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 of operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, NJCREAMMA further strengthens municipal control over such uses and allows, at the discretion of the municipality, a tax to be imposed on: receipts from the sale of cannabis by a cannabis cultivator to another cannabis cultivator; receipts from the sale of cannabis items from one cannabis establishment to another cannabis establishment; receipts from the retail sales cannabis items by a cannabis retailer to retail consumers, with each municipality setting its own rate or rates, but in no case shall a rate exceed: two percent of the receipts from each sale by a cannabis cultivator; two percent of the receipts from each sale by a cannabis manufacturer; one percent of the receipts from each sale by a cannabis wholesaler; and two percent of the receipts from each sale by a cannabis retailer.; and

WHEREAS, the Township supports safe and appropriate siting of cannabis related and supporting businesses within the Township, including medical and adult use cannabis dispensaries, cultivation centers, manufacturing facilities, and testing facilities; and

WHEREAS, the Township wishes to create Chapter 109, Part 10, Article XLIII, Section 264 entitled “Cannabis Related Businesses” and to establish Chapter 140, Taxation, Article I entitled “Cannabis Transfer Tax” to conform with such amendments; and

WHEREAS, the Township Committee of the Township of West Amwell, County of Hunterdon and State of New Jersey (the “Committee”) designated certain areas within its borders as in need of redevelopment and/or rehabilitation pursuant to the Local Redevelopment and Housing Law (“LRHL”) (N.J.S.A. 40A:12A-1 to -73); and

WHEREAS, pursuant to the LRHL, the Committee adopted the Village Marketplace Redevelopment Plan on October 7, 2020, by Ordinance No. 9-2020; and

WHEREAS, the Committee is vested with the authority to amend the Village Marketplace Redevelopment Plan pursuant to N.J.S.A. 40A:12A-7, and N.J.S.A. 40A:12A-8; and

WHEREAS, the Township Committee has determined that it is in the best interests of the Township of West Amwell to allow vertically integrated medical cannabis facilities and medical cannabis dispensaries as conditional uses within the Village Marketplace Redevelopment Area

NOW, THEREFORE, BE IT ORDAINED, by the Committee of the Township of West Amwell, County of Hunterdon that the Code of the Township of West Amwell be amended as follows:

Section 1. The following revisions are made to the Village Marketplace Redevelopment Plan: Page 20, “Definitions,” shall be amended to add the following:

Alternative Treatment Center (ATC) or Medical Cannabis Alternative Treatment Center

An organization authorized through licensure issued by the NJ State Department of Health and the Board of Medical Examiners to perform activities necessary to provide registered qualifying patients with usable cannabis and related paraphernalia in accordance with the provisions of the CUMA. Cultivation and manufacturing, unless within the same structure or property as a dispensary, shall be treated as a separate zoning use category though it may be part of the license issued by the state for a single entity. No Adult Use cannabis business-related activities may take place within an ATC Dispensary unless granted a Zoning Permit by the Township Zoning Official.

Medical Cannabis Dispensary

An organization issued a permit by the Permitting Authority that authorizes the organization to: purchase or obtain medical cannabis and related supplies from medical cannabis cultivators; purchase or obtain medical cannabis products and related supplies from medical cannabis manufacturers; purchase or obtain medical cannabis, medical cannabis products, and related supplies and paraphernalia from other medical cannabis dispensaries; deliver, transfer, transport, distribute, supply, and sell medical cannabis and medical cannabis products to other medical cannabis dispensaries; furnish medical cannabis, including medical cannabis products, to a medical cannabis handler for delivery to a registered qualifying patient, designated caregiver, or institutional caregiver consistent with the requirements of the Act; and possess, display, deliver, transfer, transport, distribute, supply, sell, and dispense medical cannabis, medical cannabis products, paraphernalia, and related supplies to qualifying patients, designated caregivers, and institutional caregivers. For the purposes of zoning, this shall include the building, structure, or premises used for the dispensing of medical cannabis. No adult use cannabis business-related activities may take place within an ATC Dispensary unless granted a Zoning Permit by the Township Zoning Official.

Vertically Integrated Cannabis Facility

The co-location or combination of the following activities related to the production of usable medical cannabis for qualifying patients within a single corporate entity: cultivation, manufacturing, and dispensing. NJCREAMMA does not permit vertically integrated cannabis facilities with regard to adult use cannabis.

Page 23. Subsection 1, “Allowable Uses” shall be amended to add the following:

Conditional Uses	Floor Level Specification
Medical Cannabis Dispensary, subject to the following conditions: <ul style="list-style-type: none">• Adherence to the site design standards of the Township Land Development Ordinances through a review by the Zoning Official, and the Township Planning Board when applicable, is required.• Issuance of zoning permit and site plan approval is required.	1 st Floor

<ul style="list-style-type: none"> • If located within a Drug-Free School Zone, signage which advertises the business and/or directs the public toward the business and/or promotes consumption of cannabis products is prohibited. • Medical dispensaries may only sell useable cannabis-related product to individuals with an active MMP Identification Card or Caregiver Identification Card. • The medical dispensary must be located along Route 179. 	
Alternative Treatment Center, subject to the same conditions as a Medical Dispensary.	1 st Floor
Vertically Integrated Cannabis Facility, subject to the same conditions as a Medical Cannabis Dispensary. However, only the retail component of the Vertically Integrated Cannabis Facility must be located along Route 179.	1 st Floor

Section 2. Chapter 109, LAND DEVELOPMENT, Part 10 Cannabis, Article XLIII “CANNABIS RELATED BUSINESSES”:

§109-264 Cannabis Related Businesses

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

ACADEMIC MEDICAL CENTER

An entity located in New Jersey that, on the effective date of P.L.2019, c.153 (C.24:6I-5.1 et al.), has an addiction medicine faculty practice or is in the same health care system as another facility located in New Jersey that offers outpatient medical detoxification services or inpatient treatment services for substance use disorder; has a pain management faculty practice or a facility-based pain management service located in New Jersey; has graduate medical training programs accredited, or pending accreditation, by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association in primary care and medical specialties; is the principal teaching affiliate of a medical school based in the State; and has the ability to conduct research related to medical cannabis. If the entity is part of a system of health care facilities, the entity shall not qualify as an academic medical center unless the health care system is principally located within the State.

ACT

Collectively refers to NJCUMA and NJ CREAMMA.

NJ CUMA

The New Jersey Jake Honig Compassionate Use Medical Cannabis Act, P.L. 2009, c. 307 (approved January 18, 2010), amended by P.L. 2019, c. 153 (approved July 2, 2019), codified at N.J.S.A. 24:6I-1 et seq.

NJ CREAMMA

The New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16); legalizes personal use cannabis for certain adults, subject to State regulation; decriminalizes small amount marijuana and hashish possession; removes marijuana as Schedule I drug.

CANNABIS CULTIVATION CENTER or CULTIVATION CENTER (Class 1 License)

A building, structure, or premises used for the cultivation or storage of cannabis. Includes the planting, propagating, cultivation, growing, harvesting, labeling or manufacturing, compounding and storing of cannabis for the limited purpose of this chapter. A cultivation center may be physically separate and off-site from the associated licensee's cannabis dispensary. When connected to, or part of, the same property by which an ATC dispenses from, it is considered part of the ATC or Dispensary.

CANNABIS DISPENSARY or RETAILER (Class 5 License)

An retail facility that acquires, possesses, sells, distributes, transmits, gives, dispenses, or otherwise provides cannabis to person 21 years and older. While it may administer medical cannabis to qualifying patients, it is open to Adult Use.

CANNABIS MANUFACTURING FACILITY OR MANUFACTURING FACILITY (Class 2 License)

Facility involved with compounding, making, and processing of medical cannabis in all forms including those that involve food handling.

ALTERNATIVE TREATMENT CENTER (ATC) or MEDICAL CANNABIS ALTERNATIVE TREATMENT CENTER

An organization authorized through licensure issued by the NJ State Department of Health and the Board of Medical Examiners to perform activities necessary to provide registered qualifying patients with usable cannabis and related paraphernalia in accordance with the provisions of the CUMA. Cultivation and manufacturing, unless within the same structure or property as a dispensary, shall be treated as a separate zoning use category though it may be part of the license issued by the state for a single entity. No Adult Use cannabis business-related activities may take place within an ATC Dispensary unless granted a Zoning Permit by the Township Zoning Official.

CANNABIS The definition given to 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 for use in cannabis products as set forth in the NJCREMMA, 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.24:6I-1 et al.) and P.L.2015, 47 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 marihuana 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.) as long as said hemp does not contain more than the State and/or Federal allowable limits of Delta-8-Tetrahydrocannabinol or Delta-9-Tetrahydrocannabinol, the compound commonly known as THC

CANNABIS BUSINESS or ESTABLISHMENT

An organization issued a license by the Commission to operate as a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, or cannabis dispensary. While it may have a component that administers Medical Cannabis to qualifying patients, it is open to adult use of cannabis for person 21 years and older.

CANNABIS CONSUMPTION AREA:

A designated location operated by a licensed cannabis retailer or permit holder for dispensing medical cannabis, for which both a State and local endorsement has been obtained, that is either: (1) an indoor, structurally enclosed area of the cannabis retailer or permit holder that is separate from the area in which retail sales of cannabis items or the dispensing of medical cannabis occurs; or (2) an exterior structure on the same premises as the cannabis retailer or permit holder, either separate from or connected to the cannabis retailer or permit holder, at which cannabis items or medical cannabis either obtained from the retailer or permit holder, or brought by a person to the consumption area, may be consumed.

CANNABIS DELIVERY SERVICE (class 6 License)

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 (Class 4 License)

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 TRAINING FACILITY

An entity that provides educational curriculum for business, medical, political, legal, accounting and operations professionals in the emerging cannabis industry. A Training Facility may, but is not required to, hold any license to sell, cultivate, or manufacture Cannabis.

CAREGIVER

Institutional or Designated Caregiver, as defined in the Act, who is authorized to assist with a registered qualifying patient's medical use of cannabis.

CAREGIVER IDENTIFICATION CARD

The New Jersey Medical Marijuana Program Identification Card, which identifies registered caregivers under the Act.

CLINICAL REGISTRANT

An entity that has a written contractual relationship with an academic medical center in the region in which it has its principal place of business, which includes provisions whereby the parties will engage in clinical research related to the use of medical cannabis and the academic medical center or its affiliate will provide advice to the entity regarding patient health and safety, medical applications, and dispensing and managing controlled dangerous substances, among other areas.

HEMP or INDUSTRIAL HEMP

Is a variety of the Cannabis sativa plant species that is grown specifically for industrial use. It can be used to make a wide range of products including paper, rope, textiles, clothing, biodegradable plastics, paint, insulation, biofuel, food, and animal feed. Regulated through the USDA, the allowable amount of total THC may not exceed 0.3% at harvest.

MEDICAL CANNABIS CULTIVATOR

An organization issued a permit by the Permitting Authority that authorizes the organization to: possess and cultivate cannabis and deliver, transfer, transport, distribute, supply, and sell medical cannabis and related supplies to other medical cannabis cultivators and to medical cannabis manufacturers and dispensaries, as well as to plant, cultivate, grow, and harvest medical cannabis for research purposes. For the purposes of zoning, this shall include the building, structure, or premises used for the cultivation or storage of medical cannabis. A cultivation center may be physically separate and off-site from an associated medical cannabis dispensary. When connected to, or part of, the same property as a medical cannabis dispensary, the cultivation center shall be considered part of the medical cannabis dispensary.

MEDICAL CANNABIS DISPENSARY

An organization issued a permit by the Permitting Authority that authorizes the organization to: purchase or obtain medical cannabis and related supplies from medical cannabis cultivators; purchase or obtain medical cannabis products and related supplies from medical cannabis manufacturers; purchase or obtain medical cannabis, medical cannabis products, and related supplies and paraphernalia from other medical cannabis dispensaries; deliver, transfer, transport, distribute, supply, and sell medical cannabis and medical cannabis products to other medical cannabis dispensaries; furnish medical cannabis, including medical cannabis products, to a medical cannabis handler for delivery to a registered qualifying patient, designated caregiver, or institutional caregiver consistent with the requirements of the Act; and possess, display, deliver, transfer, transport, distribute, supply, sell, and dispense medical cannabis, medical cannabis products, paraphernalia, and related supplies to qualifying patients, designated caregivers, and institutional caregivers. For the purposes of zoning, this shall include the building, structure, or premises used for the dispensing of medical cannabis. No adult use cannabis business-related activities may take place within an ATC Dispensary unless granted a Zoning Permit by the Township Zoning Official.

MEDICAL CANNABIS MANUFACTURER

An organization issued a permit by the Permitting Authority that authorizes the organization to: purchase or obtain medical cannabis and related supplies from a medical cannabis cultivator; purchase or obtain medical cannabis products from another medical cannabis manufacturer; produce, manufacture, or otherwise create medical cannabis products; and possess, deliver, transfer, transport, distribute, supply, and sell medical cannabis products and related supplies to other medical cannabis manufacturers and dispensaries. For the purposes of zoning, this shall include the building, structure, or premises used for the manufacturing of medical cannabis products.

MEDICAL USE OF CANNABIS

The acquisition, possession, transport or use of cannabis or paraphernalia by a registered qualifying patient as authorized by the CUMA.

CANNABIS MICROBUSINESS

Means a person or entity licensed as a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service that may only, with respect to its business operations, and capacity and quantity of product: (1) employ no more than 10 to 15 employees; (2) operate a cannabis establishment occupying an area of no more than 2,500 square feet, and in the case of a cannabis cultivator, grow cannabis on an area no more than 2,500 square feet measured on a horizontal plane and grow above that plane not higher than 24 feet; (3) possess no more than 1,000 cannabis plants each month, except that a cannabis distributor's possession of cannabis plants for transportation shall not be subject to this limit; (4) acquire each month, in the case of a cannabis manufacturer, no more than 1,000 pounds of usable cannabis and; (5) acquire for resale each month, in the case of a cannabis wholesaler, no more than 1,000 pounds of usable cannabis, or the equivalent amount in any form of manufactured cannabis product or cannabis resin, or any combination thereof; and (6) acquire for retail sale each month, in the case of a cannabis retailer, no more than 1,000 pounds of usable cannabis, or the equivalent amount in any form of manufactured cannabis product or cannabis resin, or any combination thereof.

CANNABIS WHOLESALER (Class 3 License)

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

MMP IDENTIFICATION CARD

The New Jersey Medical Marijuana Program Identification Card, which identifies registered qualifying patients under the Act.

PARAPHERNALIA

The definition as provided in N.J.S.A. 2C:36-1.

PERMIT

The documents issued by the Permitting Authority pursuant to the Act and local ordinance granting the legal right to operate as a Cannabis Business, .

PERMITTING AUTHORITY

The entity responsible for the regulation and enforcement of activities associated with the production and/or sale of cannabis. This shall include the New Jersey Department of Health and the Cannabis

Regulatory Commission, established pursuant to section 31 of P.L.2019, c. 153 (C.24:6I-24), which shall assume all powers, duties, and responsibilities with regard to the regulation and oversight of activities authorized pursuant to P.L.2009, c. 307 (C.24:6I-1 et al.) from the Department of Health for the further development, expansion, regulation, and enforcement of activities associated with the medical use of cannabis pursuant to P.L.2009, c. 307 (C.24:6I-1 et al.). This shall also include any Township Cannabis Committee or entity set up for the review and local licensing of Cannabis Businesses.

QUALIFYING PATIENT OR PATIENT

A resident of the State of New Jersey who has been authorized for medical use of cannabis by a health care practitioner, and who has been registered by the Permitting Authority as, a registered qualifying patient.

USABLE CANNABIS

The dried leaves, flowers, stems, stalks of a Cannabis Sativa plant, including any mixture manufactured as a tincture, ointment, salve, or products prepared for oral digestion., but does not include the seed, or roots of the plant.

VERTICALLY INTEGRATED CANNABIS FACILITY

The co-location or combination of the following activities related to the production of usable medical cannabis for qualifying patients within a single corporate entity: cultivation, manufacturing, and dispensing. NJCREAMMA does not permit vertically integrated cannabis facilities with regard to adult use cannabis.

B. Limitation on the number of Cannabis Businesses within the Township.

(1) No Cannabis Dispensary shall be located within 1,500 feet from any other Cannabis Dispensary, excluding Alternative Treatment Centers and Medical Cannabis Dispensaries only selling Medical Cannabis, which shall be generally measured from the subject property line to property line.

(a) Standalone cultivation centers and manufacturing facilities are not included within this prohibition as long as the secured facility does not contain a Cannabis Dispensary or have public access.

(2) The number of Cannabis Businesses located within the Township shall be limited as follows:

Cannabis Dispensary: No more than two (2) dispensaries within the Township.

There shall be no limit on the number of Cannabis Manufacturing Facilities, Cannabis Wholesalers or Cannabis Cultivation Centers.

There shall be no limit on the number of Medical Cannabis Dispensaries, Alternative Treatment Centers, or Vertically Integrated Medical Cannabis Facilities.

(3) In the event more than one land use application for a Cannabis Dispensary, cultivation center or manufacturing facility of the same classification are submitted to the Township in close proximity to one another, and if the applications comply with all the requirements of this chapter and the Act, the Township is not permitted to approve all of the applications because of the limitations set forth in this subsection. The Township shall first review for approval the application that was first submitted and

determined to be a complete and compliant application by the Township Planner, or Zoning Officer.

C. Permitted locations. Cannabis Establishments and Businesses shall be prohibited in all zoning districts within the Township unless specifically permitted herein. Cannabis Establishments as set forth below shall be permitted as conditional uses in certain zones. The purpose of this section is to set forth the requirements and procedures applicable to permitting certain Cannabis Facilities as conditional uses, in accordance with N.J.S.A. 40:55D-67. Such uses may be permitted when authorized as a conditional use by the Planning Board, including site plan approval and (if necessary) a conditional use variance approval by the Zoning Board pursuant to N.J.S.A. 40:55D-70(d)(3). Cannabis Establishments shall comply with additional requirements set forth in subsections D-R below. Nothing herein shall prohibit the Township from adopting a redevelopment plan permitting any type of Cannabis Establishment in a designated redevelopment area.

(1) Cannabis Dispensaries/Retailers.

(a) Cannabis Dispensaries shall be permitted as a conditional use in the following zones in accordance with this chapter:

(i) LHC

(ii) HC

(b) Cannabis Dispensaries are permitted subject to the following criteria:

(i) Adherence to the site design standards of the Township Land Development Ordinances and Redevelopment Plans through a review by the Zoning Official, and the Township Planning Board when applicable, is required.

(ii) Issuance of zoning permit and site plan approval is required.

(iii) Cannabis dispensaries shall not be located within a Drug-Free School Zone (i.e. within 1,000 feet of school property used for school purposes which is owned by or leased to any elementary or secondary school or school board).

(iv) Dispensaries shall limit their hours of operation from 8:00 a.m. to 10:00 p.m., Monday to Sunday, or as otherwise provided for within a special use permit.

(v) Cannabis Dispensaries shall not be located within 1,500 feet of another Cannabis Dispensary.

(2) Alternative Treatment Centers and Medical Cannabis Dispensaries.

(a) ATCs and Medical Cannabis Dispensaries shall be permitted as a conditional use in the following zones in accordance with this chapter:

(1) Any of the zones in which Cannabis Dispensaries are permitted

(2) Village Center Redevelopment Area

(b) ATCs and Medical Cannabis Dispensaries are permitted subject to the following

criteria:

(i) Adherence to the site design standards of the Township Land Development Ordinances through a review by the Zoning Official, and the Township Planning Board when applicable, is required.

(ii) Issuance of zoning permit and site plan approval is required.

(iii) ATCs / Medical dispensaries may be permitted within a Drug-Free School Zone; however, if placed within said zone, signage which advertises the business and/or directs the public toward the business and/or promotes consumption of cannabis products is prohibited.

(iv) Medical dispensaries may only sell useable cannabis-related product to individuals with an active MMP Identification Card or Caregiver Identification Card.

(3) Vertically Integrated Medical Cannabis Facilities.

(a) Vertically integrated operations proposing to have cultivation, manufacturing, and dispensing of medical cannabis within the same facility shall be permitted as a conditional use within the following zones in accordance with this chapter. In no event shall a vertically integrated facility that cultivates, manufactures, and dispenses non-medical, recreational cannabis be permitted without amendment to this chapter.

(i) LHC

(ii) HC

(iii) NC

(iv) LI

(v) Village Center Redevelopment Area

(b) Vertically Integrated Cannabis Facilities are permitted subject to the following criteria:

(i) Adherence to the site design standards of the Township Land Development Ordinance through a review by the Zoning Official, and the Township Planning Board when applicable, is required.

(ii) The property must have frontage along a major roadway, which, for the purposes of this chapter shall mean: Route 31, Route 179, Route 29, or Route 518.

(iii) The retail component must be located on the major roadway frontage.

(iv) Issuance of zoning permit and site plan approval is required.

(v) If a medical dispensary is co-located with a medical cultivation center, the area of the proposed premises utilized for cultivation shall be physically separated from the area of the premises

utilized for the dispensing of medical cannabis and open to the public or to patients. Walls, barriers, locks, signage and other means shall be employed to prevent the public or patients from entering the area of the premises utilized for cultivation of medical cannabis.

(4) Cannabis cultivation centers -.

(a) Standalone cultivation centers shall be permitted as conditional uses in the following zones in accordance with this chapter.

(i) LHC

(ii) NC

(iii) SRPD

(iv) LI

(v) RR4, RR5 and RR6

(b) Cannabis Cultivation Centers shall be permitted subject to the following criteria:

(i) Adherence to the site design standards of the Township Land Development Ordinances through a review by the Zoning Official, and the Township Planning Board when applicable, is required.

(ii) In compliance with Section 37(b) of the NJ CREAMMA, cultivation centers are not permitted on land that is valued, assessed or taxed as an agricultural or horticultural use pursuant to the "Farmland 6 Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.).

(iii) Issuance of zoning permit and site plan approval is required.

(iv) Cultivation centers shall not be located immediately adjacent to school property used for school purposes which is owned by or leased to any elementary or secondary school or school board).

(v) Secured in accordance with all applicable provisions as defined in the Act and outlined in Subsection G below.

(vi) No signage other than directional or discrete building identification found in shall be permitted. Signage shall remain innocuous and part of the general directional signage typically found in industrial manufacturing facilities. Facade signs will be limited to those at the point of entry to the facility and may not be more than six square feet.

(vii) unusual odors, smells, fragrances or other olfactory stimulants shall be prohibited. Odor mitigation filtration systems must be installed and maintained in perfect working order.

(viii) light pollution, glare or brightness resulting from glow lamps must be 0.5

candle or less at the property line

(ix) noise beyond the decibel level permitted by Township noise ordinances shall be prohibited.

(x) The cultivation of cannabis must be conducted indoors and shall not be permitted on exterior portions of a lot, unless under Special Permit for the Cultivation of Hemp that is in conformance with Federal Agriculture Improvement Act of 2018 (2018 Farm Bill). The cultivation of cannabis within a building or unit must not be perceptible from the exterior of the building or unit from a street or residential use.

(5) Cannabis manufacturing facilities.

(a) Standalone manufacturing facilities shall be permitted as a conditional use in the following zones in accordance with this chapter.

(i) LHC

(ii) NC

(iii) SRPD

(iv) LI

(b) Cannabis Manufacturing Facilities shall be permitted subject to the following criteria:

(i) Adherence to the site design standards of the Township Land Development Ordinances through a review by the Zoning Official, and the Township Planning Board when applicable, is required.

(ii) In compliance with Section 37(b) of the NJ CREAMMA, Manufacturing Facilities are not permitted on land that is valued, assessed or taxed as an agricultural or horticultural use pursuant to the "Farmland 6 Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.).

(iii) Manufacturing Facilities shall not be located immediately adjacent to school property used for school purposes which is owned by or leased to any elementary or secondary school or school board).

(v) Secured in accordance with all applicable provisions as defined in the Act and outlined in Subsection G below.

(vi) No signage other than directional or discrete building identification found in shall be permitted. Signage shall remain innocuous and part of the general directional signage typically found in industrial facilities. Facade signs will be limited to those at the point of entry to the facility and may not be more than six square feet;

(vii) unusual odors, smells, fragrances or other olfactory stimulants shall be

prohibited. Odor mitigation filtration systems must be installed and maintained in perfect working order.

(viii) light pollution, glare or brightness resulting from glow lamps must be 0.5 candle or less at the property line

(ix) noise beyond the decibel level permitted by Township noise ordinances shall be prohibited.

(x) The possession of cannabis within a building or unit must not be perceptible from the exterior of the building or unit from a street or residential use.

(6) Cannabis Distributors and Wholesalers.

(a) Distribution and wholesaling facilities shall be permitted as a conditional use in the following zones in accordance with this chapter:

(i) Adherence to the site design standards of the Township Land Development Ordinances through a review by the Zoning Official, and the Township Planning Board when applicable, is required.

Distribution and Wholesaling Facilities shall not be located immediately adjacent to school property used for school purposes which is owned by or leased to any elementary or secondary school or school board.

(v) Secured in accordance with all applicable provisions as defined in the Act and outlined in Subsection G below.

(vi) No signage other than directional or discrete building identification found in shall be permitted. Signage shall remain innocuous and part of the general directional signage typically found in industrial facilities. Facade signs will be limited to those at the point of entry to the facility and may not be more than six square feet;

(vii) unusual odors, smells, fragrances or other olfactory stimulants shall be prohibited. Odor mitigation filtration systems must be installed and maintained in perfect working order.

(viii) The possession of cannabis within a building or unit must not be perceptible from the exterior of the building or unit from a street or residential use.

(7) Cannabis Delivery Service. Nothing herein shall prohibit the delivery of cannabis within the Township to consumers by a properly license Cannabis Delivery Service. To the extent a Cannabis Delivery Service shall store cannabis products for future delivery, such use shall be permitted as a condition use in the LI District subject to the same conditions as a Cannabis Distributor or Wholesaler.

(8) Microbusinesses. Microbusinesses are permitted as conditional uses within any area where Cannabis Businesses are permitted within the Township according to their use category (i.e.

Dispensary, Cultivation, or Manufacturing).

D. Mobile Delivery of cannabis products. Cannabis products may be transferred or delivered, consistent with the requirements of the Act. Mobile facilities shall not be permitted unless expressly authorized under the Act or permitted by the Permitting Authority, and approved by Special Permit by the Township.

E. Operation of multiple cannabis businesses at a single location. A person may vertically integrate a medical dispensary, medical cultivation center and Medical manufacturing facility permitted by this section at a single location as long as it is in full compliance with the requirements of the Act and the Township Land Development Ordinances. Multiple licenses by different operators are not permitted unless part of an Academic Medical Center and/or Licensed Job Training Facility.

F. Requirements Applicable to All Cannabis Businesses.

(1) Samples of cannabis products offered for sale may be displayed on shelves, counters and display cases. All bulk cannabis products shall be locked within a separate vault or safe, with no other items in the safe, securely fastened to a wall or floor, as coordinated with the West Amwell Township Police Department and allowable under Permitting Authority regulations and state legislation.

(2) Dispensaries may sell "cannabis paraphernalia" as that term is defined in this section.

(3) Signage.

(a) External signage, including window signage, must be limited to text identifying the business and the logo for the business, provided that said logo does not include a cannabis plant leaf and / or outward glorification of cannabis consumption.

(b) All other Township sign regulations must be complied with.

(4) Outside generators and other mechanical equipment used for any kind of power supply, cooling or ventilation shall be enclosed and have appropriate baffles, mufflers, and/or other noise reduction systems to mitigate noise pollution.

(5) Parking shall be provided as provided for in § 109-164. Except that:

a. Parking for Dispensaries shall be provided for as retail businesses.

b. Parking for Cultivation Centers shall be provided for as research and laboratory use.

(6) In the event of a conflict between the Township bulk standards and the Act or the Permitting Authority's regulations, the Township shall consider the pertinent statute or regulation as justification of any variance and/or design waiver.

G. Security and reporting.

(1) Surveillance System.

(a) Cannabis Establishments shall be monitored at all times by closed-circuit television surveillance system. Security cameras shall be in use 24-hours per day, seven days per week, and shall cover

all cannabis dispensing areas, storage areas, all doors and windows with access into the Cannabis Establishment, parking areas if applicable, and any other areas not mentioned if deemed necessary by the Chief of Police or his/her designee. The surveillance system must be capable of providing surveillance of both interior and exterior areas of the Cannabis Establishment and must be of adequate quality, color rendition and resolution to allow the ready identification of an individual on or adjacent to the site.

(b) The security cameras must be Internet Protocol (IP) cameras capable of providing real time footage over the internet. Operators must provide the West Amwell Township Police Department with access to this real-time camera footage in case of an emergency.

(c) The recordings shall be maintained at the Cannabis Operation for a period of not less than thirty (30) days and shall be provided to the Township Police Department within twenty-four (24) hours of a written request from the Police Department for any recordings.

(2) Outside areas of the premises and the perimeter shall be well lit and all doors equipped with motion censored lights.

(3) The West Amwell Township Police Department shall be provided the name and phone number of a staff person to notify during suspicious activity during or after operating hours.

(4) Security staff is required on the premises during all hours of operation.

(5) The premises must only be accessed by authorized personnel and free of loitering.

(6) All cultivation of cannabis shall take place in an enclosed, locked facility.

(7) Storage of currency. All currency over \$1,000 shall be stored within a separate vault or safe, not used for the storage of medical cannabis, securely fastened to a wall or floor, as approved by the West Amwell Township Police Department.

(8) Cannabis Establishments shall comply with all security requirements as established by state law and regulations, as they may be updated from time to time.

H. No products to be visible from public places. Cannabis plants, products, accessories, and associated paraphernalia contained in any cannabis business shall not be visible from a public sidewalk, public street or right-of-way, or any other public place. On-site storage of usable cannabis shall comply with 21 CFR 1301.72.

I. No beer or alcohol on premises. No fermented malt beverages and no alcoholic beverages shall be kept, served or consumed on the premises of a cannabis business.

J. Storage of products. All products and accessories shall be stored completely indoors and on-site in accordance with the Act and the Permitting Authority regulations.

K. Cannabis Consumption Areas. No consumption or smoking of any cannabis products shall be allowed or permitted on the premises or adjacent grounds of a cannabis business unless specially permitted through a Consumption Area permit as part of a licensed Dispensary. Cannabis Consumption Areas shall be permitted subject to the following conditions:

(a) No Cannabis Dispensary shall be permitted to operate a Consumption Area within 200 feet of any exclusively single-family residential zoning district of the Township (i.e. the RR-6 Rural Residential Southern District Zone, RR-5 Rural Residential Central District Zone, RR-4 Rural Residential Northern District Zone, R1-A Special Medium Density Residential Zone, R-9 High Density Residential Zone) or an exclusively single-family residential zoning district of any adjacent municipality.

(b) If cannabis will be consumed by smoking or vaping, the Cannabis Dispensary must comply with the New Jersey Smoke-Free Air Act (N.J.S.A. 26:3D-55 et seq.) and associated regulations (N.J.A.C. 8:6-1.1 et seq.).

(3) Only cannabis items purchased on-site at the Cannabis Dispensary shall be consumed within the Consumption Area.

(4) The Cannabis Dispensary must possess a valid Consumption Area endorsement from the State of New Jersey pursuant to the NJCREAMMA.

(5) Each licensed Cannabis Dispensary may operate only one Cannabis Consumption Area.

(6) The Cannabis Consumption Area shall comply with the definition set forth herein and be either (a) an indoor, structurally enclosed area of the licensed Cannabis Dispensary that is separate from the area in which retail sales of cannabis items occur or (b) an exterior structure on the same premises as the dispensary, either separate from or connected to the dispensary.

L. Prevention of emissions and disposal of materials.

(1) Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting the cannabis business premises shall be provided at all times. In the event that any debris, dust, fluids or other substances shall exit the business premises, the property owner and operator shall be jointly and severally responsible for the full cleanup immediately.

(2) Businesses shall properly dispose of all materials and other substances in a safe and sanitary manner in accordance with state regulations.

(3) As applicable, cannabis businesses shall be equipped with ventilation systems with carbon filters sufficient in type and capacity to eliminate cannabis odors emanating from the interior to the exterior of the premises discernible by reasonable persons. The ventilation system must be inspected and approved by the Construction Official.

(4) If carbon dioxide will be used in any cultivation area, sufficient physical barriers or a negative air pressure system shall be in place to prevent carbon dioxide from moving into the ambient air, into other units in the same building or into an adjacent building in a concentration that would be harmful to any person, including persons with respiratory disease and shall be inspected and approved by the Construction Official and the Fire Marshall.

(5) All state regulations concerning ventilation systems shall be followed.

M. Compliance with other codes. Any cannabis business and the adjacent grounds of the cannabis business shall comply with all zoning, health, building, fire, and other codes and ordinances of the Township as shown by completed inspections and approvals by the Township Planner, Construction Division, Fire Safety Division, and the Township Health Department, if applicable.

N. No harm to public health, safety or welfare. The premises of a cannabis business, and any adjacent grounds thereto, shall be operated in a manner that does not cause any substantial harm to the public health, safety and welfare.

O. Additional requirements. At the time a site plan approval is granted, amended, or a major change to a cannabis business is approved, the Township may impose on the applicant any condition related to the proposed use that is reasonably necessary to protect the public health, safety or welfare, not inconsistent with the Permitting authority requirements, including but not limited to the following:

- (1) Additional security requirements;
- (2) Limits and requirements on parking and traffic flows;
- (3) Requirements for walls, doors, windows, locks and fences on the premises and adjacent grounds;
- (4) Limits on cannabis products that may be sold;
- (5) Requirements and limits on ventilation and lighting;
- (6) Limits on noise inside the licensed premises or on the adjacent grounds;
- (7) Prohibitions on certain conduct in the cannabis business;
- (8) Limits on hours of operation.

P. Penalty for violation. Any violation of the provisions of this subsection or the conditions of the zoning permit granted, by a cannabis business shall be punishable by a civil fine of up to \$1,000. Each day that a violation is committed, exists or continues shall be deemed a separate and distinct offense. In addition, any violation of the provisions of this subsection, or any conditions imposed by the zoning permit may result in the revocation of the zoning permit.

Q. Relationship to any Redevelopment Plan, and the Township Zoning and site plan standards. To the extent any provisions of the Township redevelopment plans, zoning and site plan standards conflict with this section, the provisions and standards of this section shall control.

Section 3 Chapter 337, TAXATION, is hereby amended by creating Article III, CANNABIS TRANSFER TAX, to read as follows:

§ 337-12 Purpose.

It is the purpose of this article to implement the provisions of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, P.L. 2021, (approved February 22, 2021) and The Jake Honig Compassionate Use Medical Marijuana Cannabis Act, P.L. 2009, c. 307 (approved January 18, 2010), amended by P.L. 2019, c. 153 (approved July 2, 2019), codified at N.J.S.A. 24:6I-1 et seq., which

authorizes the governing body of a municipality to adopt an ordinance imposing a transfer tax on cannabis products, 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 dispensary.

§ 337-13 Medical Cannabis Transfer Tax.

There is hereby established a medical cannabis transfer tax in the Township of West Amwell, which shall be fixed at a uniform percentage rate of 1% on the purchase price of any medical cannabis dispensed by a medical cannabis dispensary in the Township, including medical cannabis that is furnished by the dispensary to a medical cannabis handler for delivery to a registered qualifying patient or the patient's caregiver, and 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 dispensary.

§ 337-13 Adult Use Cannabis Transfer Tax.

There is hereby established a transfer tax at a uniform percentage rate not to exceed two percent (2%) of the receipts from each sale by a cannabis cultivator; two percent (2%) of the receipts from each sale by a cannabis manufacturer; one percent (1%) of the receipts from each sale by a cannabis wholesaler; and two percent (2%) of the receipts from each sale by a cannabis retailer located in the Township, 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 dispensary.

Section 4 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 5 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 6 Effective Date. This ordinance shall take effect upon final adoption and publication in accordance with law.

This Ordinance shall be in full force and effect from and after its adoption and any publication as required by law.

ATTEST

By Order of the Township Committee

James Cally, Deputy Mayor

Maria Andrews, Township Clerk, RMC

Introduced: 7/21/21

Adopted: 8/18/21