

**ORDINANCE O:21-2022**

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MONROE TO AMEND CHAPTER 175-163.4 OF THE CODE OF THE TOWNSHIP OF MONROE, ENTITLED "CANNABIS"**

**WHEREAS**, the Township Council of the Township of Monroe has recommended a certain amendment to Chapter 175-163.4 of the Code of the Township of Monroe and has determined that it is in the best interest of the Township to amend this specific section.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Monroe that the Code of the Township of Monroe is hereby amended to include the amendment herein.

**SECTION I.** This section, which is a part of Chapter 175-163.4, is hereby amended as follows:

§ 175-163.4 Cannabis

The Township of Monroe shall permit cannabis cultivators, manufacturers, wholesalers, distributors, retailers and delivers within the Township of Monroe pursuant to this chapter.

A. Definitions.

(1) As used in this section, the following terms shall have the meanings indicated:

**CANNABIS CULTIVATOR**

Any licensed person 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 person or entity 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.

**CANNABIS DISTRIBUTOR**

Any licensed person or entity 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.

**CANNABIS ESTABLISHMENT**

A cannabis (grower) cultivator, also referred to as a cannabis cultivation facility, a cannabis (processor) manufacturer, also referred to as a cannabis product manufacturing facility, a cannabis wholesaler, or a cannabis retailer.

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#### **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 RETAILER**

Any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis (growers) cultivators and cannabis items from cannabis (processors) 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 WHOLESALER**

Any licensed person or entity involved in obtaining and selling cannabis items for later resale by other licensees.

#### **LICENSE**

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

- (a) Class 1 cannabis (grower) cultivator license.
- (b) Class 2 cannabis (processor) 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 provision 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.

**ORDINANCE O:21-2022**

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TO AMEND CHAPTER 175-163.4 OF THE CODE OF THE TOWNSHIP OF MONROE,  
ENTITLED "CANNABIS"**

**MICROBUSINESS**

A person or entity license by the Cannabis Regulatory Commission as a cannabis (grower) cultivator, cannabis (processor) manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery server that may only, with respect to its business operations, and capacity and quantity of product:

- (a) Employ no more than 10 employees;
  - (b) Operate a cannabis establishment occupying an area of no more than 2,500 square feet, and in the case of a cannabis (grower) 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;
  - (c) 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;
  - (d) Acquire and process each month, in the case of a cannabis (processor) manufacturer, no more than 1,000 pounds of usable cannabis (in dried form);
  - (e) Acquire for resale each month in the case of a cannabis wholesaler, no more than 1,000 pounds of usable cannabis (in dried form), or the equivalent amount in any (other) form of manufactured cannabis product or cannabis resin, or any combination thereof; and
  - (f) Acquire for retail sale each month, in the case of a cannabis retailer, no more than 1,000 pounds of usable cannabis (in dried form), or the equivalent amount in any (other) form of manufactured cannabis product or cannabis resin, or any combination thereof.
- (2) Unless specifically addressed by action of the Township of Monroe Council or Planning Board, the foregoing definitions shall automatically be amended to reflect and include any changes enacted by the State Legislature or by the New Jersey Cannabis Regulatory Commission.
- B. Cannabis cultivators, manufacturers, wholesalers and distributors.
- (1) Cannabis cultivators, manufacturers, wholesalers and distributors ("CCMWD") under Class 1 through Class 4 shall comply with the Zoning Overlay in addition to any other requirements and ordinances governing the Township of Monroe. The CCMWD Overlay shall encompass the area of the Township of Monroe depicted on the CCMWD and CR&D Overlay Zones Map attached hereto as Exhibit "A" and incorporated as part of this section.
  - (2) The above-referenced CCMWD properties are also subject to the following:

**ORDINANCE O:21-2022**

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MONROE  
TO AMEND CHAPTER 175-163.4 OF THE CODE OF THE TOWNSHIP OF MONROE,  
ENTITLED "CANNABIS"**

- (a) Setback. The minimum front yard setback is 50 feet.
  - (b) Buildings. All facilities shall be enclosed in heated/air-conditioned buildings, not in greenhouses, hoop houses or outdoors. Any pre-existing buildings with same use shall require a meeting with the Monroe Township Administration and permit approval by the Governing Body prior to Zoning Permit issuance so long as the proposed establishment meets all other conditions and requirements set forth under Ch. 175, Land Management.
  - (c) Landscaped buffer. All buffers shall comply with the requirements set forth under Ch. 175, Land Management.
  - (d) Odor control. The facility shall provide an air treatment system with sufficient odor-absorbing ventilation and exhaust systems such that any 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.
  - (e) Signage. Signs shall comply with § 175-135, Signs.
  - (f) Site plan approval. Site plan approval is required. The applicant shall submit the following: a safety and security plan, emergency services access plan, hazardous materials inventory, environmental impact statement and waste control plan.
  - (g) State license. The facility must have a valid license to operate from the State of New Jersey.
- C. Cannabis retailers and delivers.
- (1) Cannabis retailers and delivers ("CR&D") under Class 5 and 6 shall comply with the Zoning Overlay in addition to any other requirements and ordinances governing the Township of Monroe. The CR&D Overlay shall encompass the area of the Township of Monroe depicted on the CCMWD and CR&D Overlay Zones Map attached hereto as Exhibit "A" and incorporated as part of this section
  - (2) The above-referenced CR&D properties are also subject to the following:
    - (a) Buildings. All dispensaries shall be enclosed in heated/air-conditioned permanent buildings, not trailers, outdoors, movable kiosks, etc. Any preexisting buildings with same use shall require a meeting with the Monroe Township Administration and permit approval by the Governing Body prior to Zoning Permit issuance so long as the proposed establishment meets all other conditions and requirements set forth under Ch. 175, Land Management.
    - (b) Signage. Signs shall comply with § 175-135, Signs.

ORDINANCE O:21-2022

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MONROE  
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ENTITLED "CANNABIS"

- (c) Site plan approval. When seeking site plan approval, the applicant shall submit a safety and security plan and emergency services access plan as approved by the state.
- (d) Hours of operation. Hours of operation shall be between 10:00 a.m. and 10:00 p.m.
- (e) Interior security. Dispensary interiors shall provide a secure location for storage of products with minimum products in the customer service area.
- (f) Exterior loitering and security. People shall not be permitted to congregate outside of a dispensary, loiter or wait in line to access the dispensary. The facility should have a plan in place if interior capacity is exceeded, i.e., numbers are given and customers wait in their vehicles until called.
- (g) Product consumption. No products shall be permitted to be consumed on-site.

D. Cannabis restrictions.

- (1) No cannabis establishment shall be permitted to operate without state permits and/or licenses.
- (2) Permitted uses shall, at all times, comply with the terms and conditions of the licensee's cannabis establishment license for permits or licenses issued by the State of New Jersey.
- (3) No cannabis establishment shall be housed in a vehicle or any movable or mobile structure.
- (4) The above-referenced properties are also subject to CCMWD and CR&D Overlay Zones Map as described above.
- (5) For each cannabis establishment located within the Township a security plan to be approved by Monroe Township Police Department shall be provided to demonstrate how the facility will maintain effective security and control of the operations. The plan should include the following but not limited to:**
  - (a) Type of security systems to be installed.**
  - (b) Installation, operation and maintenance of security camera coverings all interior and exterior parking lots, loading areas and other such areas of the establishments.**
  - (c) Tracking and record keeping of products and materials.**
  - (d) Type of lighting provided in and around the establishments.**

**ORDINANCE O:21-2022**

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ENTITLED "CANNABIS"**

**(e) Location on site security team and armed guard on premises.**

E. Cannabis tax.

- (1) The Township of Monroe hereby establishes a tax or fee to be imposed on the sale or transfer of cannabis. Every cannabis establishment shall pay an excise tax on the sale or transfer of cannabis to the Township of Monroe at the highest rate established by state statute. N.J.S.A. § 40:48I-1 currently permits: 2% of the gross receipts from each sale by a cannabis cultivator; 2% of the gross receipts from each sale by a cannabis manufacturer; 1% of the gross receipts from each sale by a cannabis wholesaler; and 2% of the gross receipts from each sale by a cannabis retailer.

F. General regulations and compliance.

- (1) The regulations set forth under this section are in addition and not in lieu of any other ordinances governing the Township of Monroe. Any item not specifically addressed under this section shall be governed by Ch. 175, Land Management, New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1, et. seq. and any other applicable local ordinance, state or federal laws.

**SECTION II.** All prior Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION III.** If any word, phrase, clause, section or provision in this Ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal, or unconstitutional, such word phrase, clause, section or provision shall be severable from the balance of the Ordinance and the remainder of the Ordinance shall remain in full force and effect.

**SECTION IV.** This Ordinance shall take effect twenty (20) days after final passage and publication as required by law.

**TOWNSHIP OF MONROE**

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**CNCL. PRES., GREGORY A. WOLFE**

**ATTEST:**

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**Twp. Clerk, Aileen Chiselko, RMC  
or Deputy Clerk, Jennifer Harbison, RMC**

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**CERTIFICATION OF CLERK**

The foregoing Ordinance was introduced at a meeting of the Township Council of the Township of Monroe held on the 12<sup>th</sup> day of September 2022, and will be considered for final passage and adoption at a meeting of the Township Council of the Township of Monroe to be held on 26<sup>th</sup> day of September 2022 at the Municipal Building, 125 Virginia Avenue, Williamstown, New Jersey 08094, at which time any person interested therein will be given an opportunity to be heard.

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**Twp. Clerk, Aileen Chiselko, RMC  
or Deputy Clerk, Jennifer Harbison, RMC**

**ROLL CALL VOTE**

**1<sup>st</sup> Reading**

	<b>AYES</b>	<b>NAYS</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
<b>Cncl. Falcone</b>				
<b>Cncl. Fox</b>				
<b>Cncl. Garbowski</b>				
<b>Cncl. McKinney</b>				
<b>Cncl. O'Reilly</b>				
<b>Cncl. Valcourt</b>				
<b>Cncl. Pres. Wolfe</b>				
<b>Tally:</b>				

**2<sup>nd</sup> Reading**

	<b>AYES</b>	<b>NAYS</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
<b>Cncl. Falcone</b>				
<b>Cncl. Fox</b>				
<b>Cncl. Garbowski</b>				
<b>Cncl. McKinney</b>				
<b>Cncl. O'Reilly</b>				
<b>Cncl. Valcourt</b>				
<b>Cncl. Pres. Wolfe</b>				
<b>Tally:</b>				

The foregoing ordinance was hereby approved by the Mayor of the Township of Monroe on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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**MAYOR RICHARD DiLUCIA**