

**ORDINANCE NO. 2021-09  
TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NJ**

**AN ORDINANCE BY THE TOWNSHIP OF GREEN DELETING SECTIONS 30-50.3(h)  
AND 30-82.18 OF THE TOWNSHIP CODE AND PROHIBITING THE  
OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN  
ITS GEOGRAPHICAL BOUNDARIES**

**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 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 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**, 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

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**WHEREAS**, the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

**WHEREAS**, the Act also stipulates that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

**WHEREAS**, the failure of a municipality to act shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

**WHEREAS**, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

**WHEREAS**, the Township Committee of the Township of Green has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on Green Township in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Township's residents and members of the public who visit, travel, or conduct business in Township of Green, to amend the Township's zoning regulations to prohibit all manner of marijuana-related land use and development within the geographic boundaries of Green Township; and

**WHEREAS**, officials from two prominent non-profit organizations that have been established for the purpose of advising New Jersey municipalities on legal matters such as have been presented by the Act (those organizations being the New Jersey State League of Municipalities and the New Jersey Institute of Local Government Attorneys) have strongly urged that, due to the complexity and novelty of the Act; the many areas of municipal law that are or may be implicated in decisions as to whether or to what extent cannabis or medical cannabis should be permitted for land use purposes or otherwise regulated in any particular municipality; and the relatively short duration in which the Act would allow such decisions to be made before imposing an automatic authorization of such uses in specified zoning districts subject to unspecified conditions, the most prudent course of action for all municipalities, whether or not generally in favor of cannabis or medical cannabis land development and uses, would be to prohibit all such uses within the Act's 180-day period in order to ensure sufficient time to carefully review all aspects of the Act and its impacts;

**NOW THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Green, County of Sussex, State of New Jersey, as follows:

**Section 1.** Pursuant to the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors and/or cannabis delivery services are hereby prohibited from operating anywhere in the Township, except for the delivery of cannabis items and related supplies by a delivery service.

**Section 2.** Section 30-59 of the Township Code of the Township of Green is hereby amended by adding the following:

“All classes of cannabis establishments or cannabis distributors and/or cannabis delivery are prohibited in all zoning districts. This prohibition does not prohibit the delivery of cannabis items and related supplies directly to a customer within Green Township by a Class 6 licensed business located outside Green Township.”

**Section 3.** Section 30-50.3, “Conditional Uses”, delete subsection (h) “Medical Marijuana Growing, Production and Manufacturing in the AI-10 Zone Only” in its entirety.

**Section 4.** Section 30-82.18, Medical Marijuana Growing, Production and Manufacturing in the AI-10 Zone Only” is deleted in its entirety.

**Section 5.** Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason by any Court of competent jurisdiction, such provision(s) shall be deemed severable and the remaining portions of this Ordinance shall remain in full force and effect.

**Section 6.** All ordinances or parts of ordinances or resolutions that are inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

**Section 7.** The Township Clerk is directed to give notice at least ten 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. The Township Clerk is further directed to refer this Ordinance to the Township Land Use Board, pursuant to N.J.S.A. 40:55D-64. 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 8.** This Ordinance shall take effect after publication and passage according to law.

### NOTICE

The above entitled Ordinance was introduced and passed at first reading by the Green Township Committee at a meeting held on April 5, 2021 and after publication and a public hearing was finally adopted by the Green Township Committee at a meeting held on April 19, 2021.

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ATTEST:

TOWNSHIP OF GREEN,  
IN THE COUNTY OF SUSSEX

  
\_\_\_\_\_  
Mark Zschack, RMC, Township Clerk

  
\_\_\_\_\_  
Margaret "Peg" Phillips, Mayor

**Record of Vote - Introduction:**

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip						√
Mr. Conkling	√		√			
Mr. Qarmout		√	√			
Mrs. Raffay			√			
Mrs. Phillips			√			

**Record of Vote - Adoption:**

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip			√			
Mr. Conkling			√			
Mr. Qarmout	√		√			
Mrs. Raffay		√	√			
Mrs. Phillips			√			

INTRODUCED: April 5, 2021  
ADOPTED: April 19, 2021

ADVERTISED: April 7, 2021  
ADVERTISED: April 22, 2021