



Borough Attorney /s/Robert L. Tarver, Jr.

## **BOROUGH OF PENNS GROVE**

### **ORDINANCE NO. 2021- 25**

#### **AN ORDINANCE REVISING TABLE OF USE REGULATIONS AND SECTION 450- 14 OF THE CODE OF THE BOROUGH OF PENNS GROVE**

**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 Distributor 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 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 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 Borough of Penns Grove would like to provide, as a permitted use, licensed cannabis operations within the Borough; and

**WHEREAS**, the Borough would like to revise its table of use regulations and Section 450- 14 of the Code of the Borough of Penns Grove in order to allow for licensed cannabis operations within the MD-1 zone, MD-2 zone, H-C/ I zone and COS zone, subject to the determination by the municipal Planning Board that the proposed amendments are either substantially consistent with the land use plan element and the housing plan element of the Penns Grove Borough Master Plan, or designed to effectuate such plan elements;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and the Members of the Borough Council of the Borough of Penns Grove, County of Salem, and the State of New Jersey that the table of use regulations shall be revised as follows:

R- 1	R-2	R-3	COS	H- C/ I	M-1	M-2		Use
N	N	N	P	P	P	P	70.1	Class 1 Cannabis Cultivator
N	N	N	P	P	P	P	70.2	Class 2 Cannabis Manufacturer
N	N	N	P	P	P	P	70.3	Class 3 Cannabis Wholesaler
N	N	N	P	P	P	P	70.4	Class 4 Cannabis Distributor
N	N	N	P	P	P	P	70.5	Class 5 Cannabis Retailer
N	N	N	P	P	P	P	70.6	Class 6 Cannabis Delivery

**BE IT FURTHER ORDAINED** that Section 450- 14 of the Code of the Borough of Penns Grove shall be revised to add subsection 15 which shall state:

- Section 450- 14(I)(11) - Use 70.1: Class 1 Cannabis Cultivator
- Section 450- 14(H)(6) - Use 70.2: Class 2 Cannabis Manufacturer
- Section 450- 14(H)(7) - Use 70.3: Class 3 Cannabis Wholesaler
- Section 450- 14(F)(6) - Use 70.4: Class 4 Cannabis Distributor
- Section 450- 14(D)(16) - Use 70.5: Class 5 Cannabis Retailer
- Section 450- 14(F)(7) - Use 70.6: Class 6 Cannabis Delivery

**THIS ORDINANCE** shall take effect according to law. All other Ordinances or part of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

ATTEST:

\_\_\_\_\_  
Sharon R. Williams, Municipal Clerk

\_\_\_\_\_  
LaDaena D. Thomas, Mayor

**INTRO: July \_\_, 2021**

COUNCIL	MOVED	SECONDED	Y	N	ABSTAIN	ABSENT
Carter						
Giordano						
Martin						
Mincey						
Rambo						
Scarpaci						

**Notice:** The above ordinance was introduced and passed on the first reading at the meeting of the Mayor and Council of the Borough of Penns Grove in the County of Salem held on July \_\_\_\_, 2021 and will be considered for final passage at a meeting to be held by the Mayor and Council at Borough Hall, Broad Street and State Street, Penns Grove, New Jersey at 6:30 p.m. on \_\_\_\_\_, 2021 at which time any interested person will be given an opportunity to be heard.

\_\_\_\_\_  
Sharon R. Williams, Municipal Clerk

**FINAL: \_\_\_\_\_, 2021**

COUNCIL	MOVED	SECONDED	Y	N	ABSTAIN	ABSENT
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Sharon R. Williams, Municipal Clerk