

**TOWNSHIP OF READINGTON  
COUNTY OF HUNTERDON**

**NOTICE** is hereby given that the following Ordinance was introduced and passed upon first reading at a regular meeting of the Township Committee of the Township of Readington, Hunterdon County, New Jersey on June 21, 2021 and that said Ordinance will be taken up for further consideration for final passage at a public hearing during the regular meeting of the Township Committee to be held on July 6, 2021 at 7:45 p.m. or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same. The summary of the terms of such Ordinance follows: Title: ***AN ORDINANCE AMENDING CHAPTER 148 OF LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF READINGTON TO PROHIBIT ALL CLASSES OF CANNABIS BUSINESSES WITHIN ALL ZONING DISTRICTS OF THE TOWNSHIP*** and is numbered ORDINANCE #20-2021. Purpose: ***The purpose of the ordinance is for the Township to determine amending its zoning regulations to prohibit all manner of marijuana-related land use and development within the Township.*** Due to the size of the document, copies of said ordinance are available from the Municipal Clerk upon request. Please email your request to Karin Parker, Municipal Clerk at [parker@readingtontwpnj.org](mailto:parker@readingtontwpnj.org) or call the office of the Clerk at (908) 534-4051, ext. 223. (A full copy of the ordinance is also available on the Township's website).

**AN ORDINANCE AMENDING CHAPTER 148 OF LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF READINGTON TO PROHIBIT ALL CLASSES OF CANNABIS BUSINESSES WITHIN ALL ZONING DISTRICTS OF THE TOWNSHIP**

***Ordinance #20-2021***

**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 twenty-one 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 twenty-one 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**, among other things, section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes (as defined by the Act) of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

**WHEREAS**, section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 21, 2021); and

**WHEREAS**, pursuant to section 31b of the Act, the failure to do so 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 Readington 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 Readington 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 the Township, that in addition to prohibiting cannabis businesses under the general police powers afforded to the Township under N.J.S.A. 40:48-1, et seq., the Township ought to also amend its zoning regulations to prohibit all manner of marijuana-related land use and development within the Township, since section 31B of the Act also addresses cannabis regulation from a land use perspective; 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 Readington, County of Hunterdon and State of New Jersey that the following amendments shall be made to Chapter 148 of the Land Use Ordinance:

**SECTION 1. Preamble incorporated.** The preamble to this ordinance is hereby incorporated as if fully restated herein.

**SECTION 2. Section 148-9 entitled "Definitions" in Article II "Definition of Terms" is hereby amended to add the following new definitions:**

#### CANNABIS CULTIVATOR

Any person or entity holding a Class 1 Cannabis Cultivator license issued by the State of New Jersey that grows, cultivates, or produces cannabis in the State of New Jersey, 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.

#### CANNABIS DELIVERY

The transportation of cannabis items and related supplies to a consumer. "Cannabis delivery" also includes the use by a licensed cannabis retailer of any third party technology platform to receive, process, and fulfill orders by consumers, which third party shall not be required to be a licensed cannabis establishment, distributor, or delivery service, provided that any physical acts in connection with fulfilling the order and delivery shall be accomplished by a certified cannabis handler performing work for or on behalf of the licensed cannabis retailer, which includes a certified cannabis handler employed or otherwise working on behalf of a cannabis delivery service making off-premises deliveries of consumer purchases fulfilled by that cannabis retailer.

#### CANNABIS DELIVERY SERVICE

Any person or entity holding a Class 6 Cannabis Delivery license issued by the State of New Jersey 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.

#### CANNABIS DISTRIBUTOR

Any person or entity holding a Class 4 Cannabis Distributor license issued by the State of New Jersey that transports cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed cannabis cultivator, or transports 40 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.

#### CANNABIS ESTABLISHMENT

A cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer.

#### CANNABIS MANUFACTURER

Any person or entity holding a Class 2 Cannabis Manufacturer license issued by the State of New Jersey, 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.

#### CANNABIS RETAILER

Any person or entity holding a Class 5 Cannabis license issued by the State of New Jersey that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis 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.

#### CANNABIS WHOLESALER

Any person or entity holding a Class 3 Cannabis Wholesaler license issued by the State of New Jersey 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.

**SECTION 3. Section 148-6 entitled "Prohibited Uses" in Article I "Use Regulations" of the Land Use Code of the Township is hereby amended to add the following (new text is underlined thus; deleted text is in brackets [thus]):**

§ 148-6 Prohibited uses.

All uses not expressly permitted in this chapter are prohibited. Furthermore, the following uses are expressly prohibited in any district within the Township:

L. The operation of any and all classes of cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in this chapter and in section 3 of P.L. 2021, c. 16, but not the delivery of cannabis items and related supplies within the Township by a cannabis delivery service located outside the Township.

**SECTION 4. Referral to the Planning Board.** Following introduction and prior to adoption, the Clerk shall cause a copy of this ordinance to be referred to the Readington Township Planning Board for review pursuant to *N.J.S.A. 40:55D-26*.

**SECTION 5. Repealer** All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

**SECTION 6. Severability.** If any section, paragraph, subsection, clause or provision of this ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this ordinance shall be valid and enforceable.

**SECTION 7. Effective Date.** This ordinance shall take effect twenty days from the date of its adoption and upon filing with the Hunterdon County Planning Board, as required pursuant to *N.J.S.A. 40:69A-181* and *N.J.S.A. 40:55D-16*.