

**AN ORDINANCE OF THE TOWNSHIP OF ROBBINSVILLE PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESS WITHIN ITS GEOGRAPHICAL BOUNDARIES BY ESTABLISHING CHAPTER 88 OF THE CODE OF THE TOWNSHIP OF ROBBINSVILLE ENTITLED “CANNABIS” AND AMENDING CHAPTER 142 OF THE CODE ENTITLED “LAND USE”**

**WHEREAS**, in 2020, New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of the use 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 cannabis 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 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.

**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 of operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

**WHEREAS**, Section 31b of 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**, 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; 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 Council and Mayor of the Township of Robbinsville have determined that, due to present uncertainties regarding the potential future impacts that allowing one or more of the six marketplace classes of cannabis businesses might have on New Jersey municipalities in general, and the Township of Robbinsville in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Township of Robbinsville, to amend the Township of Robbinsville’s zoning regulations to prohibit all cannabis-related land use and development within the geographic boundaries of the Township of Robbinsville; and

**WHEREAS**, to ensure that the Township’s interests with respect to the Act are fully protected, both the Township’s general “police power” ordinances and land use ordinances shall be amended;

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Robbinsville, County of Mercer, State of New Jersey, as follows:

**SECTION 1.**

Pursuant to Section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L.2021, c.16), all cannabis cultivators, cannabis manufacturers, cannabis wholesalers, cannabis distributors, cannabis retailers and/or cannabis delivery services are hereby prohibited from operating anywhere in the Township of Robbinsville, except for the delivery of cannabis items and related supplies by a licensed delivery service.

**SECTION 2.**

A new chapter, entitled “Cannabis,” shall be added as Chapter 88 to the Township of Robbinsville Code, as follows:

**Chapter 88 – Cannabis.**

**§ 88-1 Cannabis establishments prohibited.**

All marketplace classes of cannabis to include: cultivator, manufacturer, wholesaler, distributor, retailer, and delivery service as said terms are defined in section 3 of P.L.2021, c.16 shall be prohibited activities throughout the Township, but the delivery of cannabis items and related supplies by a licensed delivery service is permissible.

**SECTION 3.**

Section 142-12 of the Township of Robbinsville Code shall be amended as follows [added portions are underlined, deleted portions are strikethroughs]:

**§ 142-12 General principles.**

- A. No building shall hereafter be used, erected, altered, converted, enlarged, added to, moved or reduced, wholly or in part, nor shall any land be designed, used or physically altered for any purpose or in any manner, except in conformity with this chapter. Where a lot is formed from part of a lot already occupied by a building, such subdivision shall be effected in such a manner as not to impair any of the requirements of this chapter with respect to the existing building and all yards and other open space in connection therewith and so that all resulting lots have adequate dimensions consistent with the requirements of the zoning district in which they are located and so that all lots have frontage on a street.

.....

- F. Transient accommodations shall be a prohibited use in all zoning districts designated pursuant to § 142-8.

G. All marketplace classes of licensed cannabis businesses to include: cultivator, manufacturer, wholesaler, distributor, retailer, and delivery service, as said terms are defined in section 3 of P.L.2021, c.16, shall be prohibited uses in all zoning districts designated pursuant to § 142-8.

**SECTION 4.**

At least three copies of said full Ordinance are on file in the Office of the Municipal Clerk for public examination and acquisition. Copies are available for inspection or acquisition during regular weekday working hours and arrangements have been made for the publication of said proposed Ordinance in pamphlet or other similar form which will be available for purchase from the Township Clerk.

**SECTION 5.**

All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 6.**

The Township Clerk is hereby 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 thereto pursuant to the provisions of N.J.S.A. 40:55D-15. Upon adoption of this Ordinance, after public hearing thereon, the Township Clerk is further directed to publish notice of passage thereof and file a copy of this Ordinance as finally adopted with the County Planning Board as required by N.J.S.A. 40:55D-16 and with the Township Tax Assessor.

**SECTION 7.**

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

**SECTION 8.**

This Ordinance shall take effect upon final passage and publication according to law.

PASSED:

ADOPTED:

---

Michele Seigfried, Municipal Clerk

---

David Fried, Mayor