ORDINANCE NO. #9:14-22

BOROUGH OF BELLMAWR

AN ORDINANCE OF THE BOROUGH OF BELLMAWR, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AMENDING ORDINANCE NO. #10:18-21, ALSO KNOWN AS, IN PART, CHAPTER 260.1 LAND USE AND DEVELOPMENT, TO PROVIDE FOR A CANNABIS ESTABLISHMENT AS CONDITIONALLY PERMITTED USE OVERLAY ZONE AND CREATING A LICENSING PROCESS

WHEREAS, the Borough of Bellmawr ("Borough") is a municipal entity organized and existing under the laws of State of New Jersey and located in Camden County; and

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" ("CREAMMA"), 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, On December 30, 2021, the Borough of Bellmawr adopted Ordinance No. #10-18-21, codified as Chapter 260 of the Land Use and Development Code, entitled an Ordinance to Provide for Cannabis Establishments as a Conditionally Permitted Use Overlay Zone; and

WHEREAS, the Borough of Bellmawr desires to make amendments thereto and the Code in general, in the interest of the public's health, safety and welfare.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Bellmawr, County of Camden and State of New Jersey as follows:

SECTION 1: Chapter 266, Licensing Procedures is hereby amended to add the following:

Article III, Cannabis Licensing Procedures

§266-23. **Licensed Required – Cannabis Facilities.**

A. No person or business entity shall engage in or carry on any cannabis business of any Class, in the Borough of Bellmawr, or engage in said business, unless a license as herein provided for shall have been first obtained by the person or business entity engaging in said business.

B. Any person or business wishing to obtain a local cannabis license for any class of cannabis establishment shall file a license application with the Borough Clerk, on a standardized form established by the Borough Clerk in a form attached hereto and made a part hereof, and available in the Clerk's office and on the Borough's website.

C. An application shall be deemed incomplete, and shall not be processed by the Borough Clerk, until all documents and application fees are submitted. To be deemed complete, all applications shall be accompanied by the following:

(1) The applicant shall submit proof of licensure by the State of New Jersey.

(2) The applicant shall submit proof that the applicant has or will have lawful possession of the premises proposed for the cannabis

establishment, which proof may consist of the following: a deed, a lease, a real estate contract contingent upon successful licensing, or a letter of intent from the owner of the premises indicating an intent to lease the premises to the applicant contingent upon approval of required licenses.

(3) The location proposed for licensing by the applicant shall comply with all applicable Borough zoning laws and the location restrictions set forth in the Borough Land Use Ordinance.

(4) The applicant shall submit a nonrefundable initial application fee in the amount of Two Thousand Five Hundred Dollars ($2,500) or a nonrefundable annual renewal fee in the amount of One Thousand Dollars ($1,000) as appropriate. The amount of the nonrefundable application or renewal fee may be modified from time to time by subsequent duly adopted Fee Ordinance by the Borough of Bellmawr.

(5) The applicant and the substance of the application shall otherwise comply with any and all qualification standards set forth in all state and local laws, rules and regulations.

§266-24. **Term of license and license renewal; transfers.**

A. Any duly issued license by the Borough of Bellmawr shall be valid for a period of (1) year, commencing January 1, of each year and each succeeding year.

B. The Borough Clerk may, at his/her discretion, adjust the annual renewal date of the local cannabis license to correlate with an applicant's state licensing or renewal schedule to the extend applicable.

C. Upon renewal of a license hereunder, the licensee shall be governed by any amendments, further restrictions, or change in requirements adopted since the previously license was issued or renewed.

D. Transfer of ownership of a license, changes of location of any license issued hereunder, or modifications to expand a licensed premise shall be require the issuance of a new license requiring the initiation of the licensing process, subject to the express review and approval of the Borough of Bellmawr or its Land Use Board.

E. If the licensee shall receive a notice of violation of any law or regulations relating to its state license, including disciplinary action against any past or current cannabis license, the application for renewal shall include a copy of any such violations issued, or other such disciplinary action with its application.

F. Any person aggrieved by the action of the Borough Clerk in the denial of an application for license, or the decision with reference to the revocation or suspension of a license in accordance with this chapter, shall have the right of appeal to the Borough Council. Such appeal shall be taken by filing with the Borough Clerk, within ten (10) days of the action complained of, a written statement setting forth fully the grounds for the appeal. The Borough Council may decide the matter on the papers or schedule a time and place for a hearing on such appeal. Notice of any such hearing shall be served upon the applicant/licensee (whichever is appropriate) or mailed, postage prepaid, to the applicant/licensee at the address given on the application for license in accordance with this chapter, at least five (5) days prior to the date set for said hearing. The decision and order of the Borough Council on such appeal shall be final and conclusive.

§266-25. **Enforcement.**

This Article and/or Article §260-60.1, its entirety, shall be enforced by the Police Department and/or other municipal officials of the Borough of Bellmawr.

§266-26. **Disposition of fees.**

The Clerk of the Borough of Bellmawr shall turn over all said license fees collected by him/her to the Borough Chief Financial Officer.

§266-27. **Violations and penalties.**

Any person violating any provision of this article shall, upon conviction thereof, be subject to a fine not exceeding $2,000 or imprisonment in the county jail for a term not exceeding 90 days or a period of community service not exceeding 90 days, or any combination thereof, in the discretion of a court of competent jurisdiction. Each and every day that such violation shall continue shall be a further and separate offense under the terms of this article, subject to the penalties herein prescribed.

SECTION 2. Section §260-60.1, shall be amended to add Section E., as follows:

Section §260-60.1. **Cannabis Establishment as Conditionally Permitted Use Overlay Zoning**

(**add**) E. **Permitted licenses; limitation on number of licenses.**

A maximum of two (2) Class 1, two (2) Class 2, two (2) Class 3, two (2) Class 4 and two (2) Class 5 licenses, shall be permitted to operate in the Borough of Bellmawr.

SECTION 3. Any article, section, paragraph, subsection, clause, or other provision of the Code of the Borough of Bellmawr inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

SECTION 4. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction 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 deemed valid and effective.

SECTION 5. This ordinance shall take effect upon its passage and publication as provided for by law.

Introduced: September 22, 2022
Adopted: October 27, 2022

BOROUGH OF BELLMAWR

Charles J. Sauter, III
Charles J. Sauter, III
Mayor

ATTEST:

Francine M. Wright, RMC
Francine M. Wright, RMC
Borough Clerk

CERTIFICATION

I, Francine M. Wright, Clerk of the Borough of Bellmawr, hereby certify the foregoing to be a true and correct copy of an ordinance adopted by the Mayor and Borough Council at their meeting of October 27, 2022, in the Municipal Building, 21 East Browning Road, Bellmawr, New Jersey.

Francine M. Wright, RMC
Francine M. Wright, RMC
Borough Clerk