

**BOROUGH OF BUENA
COUNTY OF ATLANTIC**

ORDINANCE NO. 755

**AN ORDINANCE OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC AND
STATE OF NEW JERSEY AMENDING ORDINANCE 739, AS AMENDED, CHAPTER
202 OF THE CODE OF THE BOROUGH OF BUENA ENTITLED CANNABIS**

WHEREAS, in November 2020, a State Referendum was voted upon by the residents of the State of New Jersey to ascertain public opinion on adult use cannabis which reflected that 67% of the voting population is in favor of the legalization of adult use cannabis in the State and as a result, the State Legislation adopted the New Jersey Cannabis Regulatory Enforcement Assistance and Marketplace Act (CREAMM) N.J.S.A. 24:6I-31, et seq: which establishes the authority by which municipalities may regulate the sale and use of adult use cannabis; and

WHEREAS, N.J.S.A. 24:6I-45 authorizes municipalities to adopt legislation governing the number and types of cannabis businesses as established under CREAMM and further required municipalities not wishing to accept cannabis businesses to adopt such legislation on or before August 2021 or such municipalities shall be required to allow all types of licenses; and

WHEREAS, Buena Borough did not adopt such legislation within the time set forth in N.J.S.A. 24:6I-45 and therefore all classes of cannabis businesses are permitted within the Borough, however the Borough Council wishes to establish the number of each type of license, the manner of operation, location thereof, among other permitted restrictions.

WHEREAS, on March 28, 2022 Borough Council adopted Ordinance No. 705, Chapter 202 of the Code of the Borough of Buena setting forth certain enabling legislation regarding the issuance of cannabis licenses for the Borough and thereafter Borough Council adopted ordinance No. amending Ordinance 739 setting forth the number of specific class of cannabis licenses permitted in the Borough and criterion to obtain a cannabis license; and

WHEREAS, Borough Council has determined that it is in the best interest of the Borough to amend the number of Class I Cannabis Cultivation from four (4) to (6) six and Class II Cannabis Manufacturer licenses from four (4) to six (6) licenses.

NOW THEREFORE BE IT ORDAINED by the Council of the Borough of Buena that Ordinance 739, Chapter 202 of the Code of the Borough of Buena be and is hereby amended as follows:

Section 202.15 A. shall be deleted in its entirety and replaced as follows:

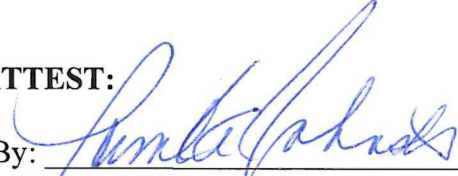
- A. **Maximum number of licenses.** The Borough may issue not more than six Class I Cannabis Cultivator Licenses; not more than six Class II Cannabis manufacture Licenses; not more than one Class III Cannabis Wholesaler Licenses; not more than one Class IV Cannabis Distributor Licenses, not more than one Class V Cannabis Retailer Licenses and not more than one Class VI Cannabis Delivery Service License. Licensure in all classes may be, but are not required to be, held by the same entity or individual. Any license conditionally issued by the Borough is contingent upon the locally licensed entities or individual's subsequent receipt of a State license or permit of the same class or type of regulated cannabis activity. Under no circumstance shall a local permit or conditional license for a cannabis establishment issued through the Borough be effective until the State has issued the requisite licenses to operate such a facility.

BE IT FURTHER ORDAINED that any Ordinance or portion thereof inconsistent herewith shall be repealed and void to the extent of such inconsistency.

BE IT FURTHER ORDAINED that should any portion of this Ordinance be deemed unenforceable by a court of competent jurisdiction; the balance hereof shall remain in full force and effect.

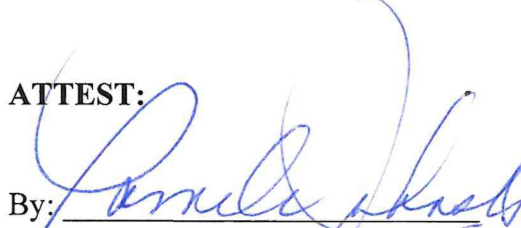
This Ordinance shall take effect upon passage and publication as required by law.

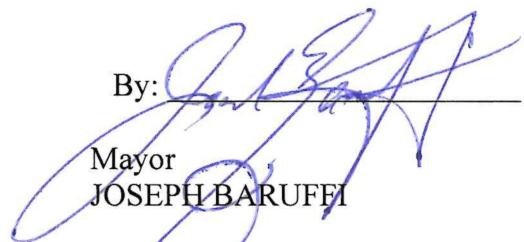
Passed First Reading: May 13, 2024
Passed Second Reading: May 28, 2024

ATTEST:
By: 
Borough of Buena- Acting Clerk
PAMELA JOHNSTON

By: 
Council President
DOUGLAS ADAMS

APPROVED on this 28 day of May 2024, by the Mayor of the Borough of Buena.

ATTEST:
By: 
Borough of Buena- Acting Clerk
PAMELA JOHNSTON

By: 
Mayor
JOSEPH BARUFFI