

**ORDINANCE NO. O:24-06**

**ORDINANCE OF THE TOWNSHIP OF HARMONY, COUNTY OF WARREN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING SECTION 525-66 ENTITLED “PERMITTED LOCATIONS” TO AUTHORIZE THE MANUFACTURING OF CANNABIS IN THE SAME ZONES AS CULTIVATION; SECTION 525-67 ENTITLED “PROHIBITED CANNABIS BUSINESSES” TO ALLOW THE MANUFACTURING OF CANNABIS BY REMOVING MANUFACTURING FACILITIES FROM THE LIST OF PROHIBITED BUSINESSES ENUMERATED THEREIN AND TO INCLUDE THE PROHIBITION AGAINST DISTRIBUTION FACILITIES; AND SECTION 525-69 ENTITLED “SPECIFIC REQUIREMENTS FOR CANNABIS BUSINESSES” TO PERMIT THE CULTIVATION OF CANNABIS ON EXTERIOR PORTION(S) OF THE LOT(S); AND TO AMEND SECTION 440-2 ENTITLED “ADULT-USE CANNABIS TRANSFER TAX” TO IMPOSE A 2% TAX ON MANUFACTURING FACILITIES**

**WHEREAS**, the Township Committee of the Township of Harmony, County of Warren, State of New Jersey enacted Ordinance No. 21-08 authorizing certain cannabis-related businesses in the Municipality; and

**WHEREAS**, Ordinance No. 21-08 authorized cultivation of cannabis as a permitted use in certain zones; and

**WHEREAS**, the manufacturing of cannabis was not permitted by Ordinance No. 21-08; and

**WHEREAS**, the Township Committee has been made aware that the cultivation and manufacturing of certain cannabis products is done in tandem; and

**WHEREAS**, the Township Committee wishes to facilitate the manufacturing of cannabis within the Township; and

**WHEREAS**, the Township Committee also wishes to permit the cultivation of cannabis on the exterior portion(s) of the premises, which is otherwise prohibited; and

**WHEREAS**, the Township Committee further wishes to impose a 2% user tax on sales of cannabis on manufacturing facilities; and

**WHEREAS**, the Township Committee believes that such amendments are in the best interest of the Township and its residents.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Harmony, County of Warren, State of New Jersey that Section 525-66 entitled “Permitted Locations” be amended to include manufacturing facilities; that Section 525-67 entitled “Prohibited Cannabis Businesses” be amended to remove manufacturing facilities from the list of prohibited businesses enumerated therein and to include the prohibition against distribution facilities; and that Section 525-69 entitled “Specific Requirements for Cannabis Business” be amended to permit the cultivation of cannabis on the exterior portions of the lot(s);

and that Section 440-2 entitled “adult-use cannabis transfer tax” be amended to impose a 2% tax on manufacturing facilities as follows:

**SECTION I:**

**§ 525-66. Permitted Locations.**

A. Stand-alone cultivation centers. Stand-alone cultivation centers, both adult-use and medical, shall be permitted to be located within the following zones in accordance with this chapter and the redevelopment plans where applicable. For all properties, adherence to the regulations related to cannabis cultivation promulgated by the Cannabis Regulatory Commission, codified under N.J.A.C. 17:30-10.1 et seq., the Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (CREAMMA), codified under N.J.S.A. 24:6I-31 et seq., as well as the site design standards of the Township land development ordinances and redevelopment plans through a review by the Zoning Official, and the Township Land Use Board when applicable, is required. Cultivation centers are not permitted on lands with farmland assessment and therefore will trigger a rollback of taxes. Issuance of zoning permit and site plan approval may be required for sites out of compliance with the provisions set forth herein. Zones permitted include:

- (1) LI-O.
- (2) LI-O/C.
- (3) I-1.
- (4) Redevelopment area (north, central and south).

B. Manufacturing facilities. Manufacturing facilities, both adult-use and medical, shall be permitted to be located within the following zones in accordance with this chapter and the redevelopment plans where applicable. For all properties, adherence to the regulations related to cannabis manufacturing promulgated by the Cannabis Regulatory Commission, Cannabis Regulatory, codified under N.J.A.C. 17:30-11.1 et seq., Enforcement Assistance, and Marketplace Modernization Act (CREAMMA), codified under N.J.S.A. 24:6I-31 et seq., as well as the site design standards of the Township land development ordinances and redevelopment plans through a review by the Zoning Official, and the Township Land Use Board when applicable, is required. Manufacturing facilities are not permitted on lands with farmland assessment and therefore will trigger a rollback of taxes. Issuance of zoning permit and site plan approval may be required for sites out of compliance with the provisions set forth herein. Zones permitted include:

- (1) LI-O.
- (2) LI-O/C.
- (3) I-1.
- (4) Redevelopment area (north, central and south).

**SECTION II:**

**§ 525-67. Prohibited Cannabis Businesses.**

- A. Dispensaries. Dispensaries and retail cannabis facilities, both adult-use and medical, shall be prohibited within all zones of the Township. This includes alternative treatment centers and vertically integrated facilities.
- B. Wholesalers. Wholesale cannabis facilities shall be prohibited within all zones of the Township.
- C. Distribution Facilities. Cannabis distribution facilities shall be prohibited within all zones of the Township.

**SECTION III:**

**§ 525-69. Specific Requirements for Cannabis Businesses.**

- A. The cultivation of cannabis shall be permitted on the exterior portions of a lot, provided that the visibility of such cultivation is minimized and that a sufficient buffer, as dictated by the relevant Site Plan Approval, exists between the cultivation of cannabis and the neighboring residence/structure. The cultivation, production, manufacturing, or possession of a cannabis within a building or unit must not be perceptible from the exterior of the building or unit from a street or residential use. Such use shall adhere to the bulk standards of the underlying zoning.
- B. . . . .

**SECTION IV:**

**§ 440-2. Adult-Use Cannabis Transfer Tax**

The tax rate for each category of license shall be as follows:

- A. Cannabis Cultivator: 2% of the receipts from each sale by a cannabis cultivator.
- B. Cannabis Manufacturer: 2% of the receipts from each sale by a cannabis manufacturer.

**SECTION V: Repealer.**

Any article, section, paragraph, subsection, clause, or other provision of the Code of the Township of Harmony inconsistent with the provisions of this Ordinance is hereby repealed to the extent of such inconsistency.

**SECTION VI: Severability.**

The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged to be unconstitutional or invalid by a court of competent jurisdiction the remainder of this Ordinance shall remain in full force and effect.

**SECTION VII: Effective Date.**

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

**NOTICE**

**NOTICE** is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Committee of the Township of Harmony held on April 11, 2024 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on May 7, 2024 at 5:00 p.m. or as soon thereafter as the Township Committee may hear this Ordinance at the Municipal Building, 3003 Belvidere Road, Phillipsburg, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

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Kelley Smith, RMC  
Municipal Clerk

INTRODUCED: April 11, 2024

ADOPTED: May 7, 2024