

ORDINANCE NO. 2020-014

ORDINANCE OF THE TOWNSHIP OF LACEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE TOWNSHIP CODE OF THE TOWNSHIP OF LACEY SO AS TO ESTABLISH NEW CHAPTER 236 ENTITLED "MARIJUANA" TO PROHIBIT THE SALE AND DISPENSATION OF MARIJUANA IN THE TOWNSHIP OF LACEY

BE IT ORDAINED, by the governing body of the Township of Lacey, County of Ocean, State of New Jersey, as follows:

SECTION 1. The Township Code of the Township of Lacey is hereby amended and supplemented to establish new Chapter 236 entitled "Marijuana" which shall read as follows:

Chapter 236

MARIJUANA

§ 236-1. Definitions.

As used in this section, the following terms have the meanings indicated:

MARIJUANA – means all parts of the plant Genus Cannabis L., whether growing or not; the seeds thereof; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant; but shall not include the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

MARIJUANA ESTABLISHMENT – means, a marijuana testing facility, a marijuana product manufacturing facility, or a marijuana retailer.

MARIJUANA PARAPHERNALIA – means any equipment, products, or materials of any kind which are used, intended for use, or designed for use in vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.

**DASTI, MURPHY
McGUCKIN, ULAKY,
KOUTSOURIS & CONNORS**

COUNSELLORS AT LAW

620 WEST LACEY ROAD
P.O. BOX 1057
FORKED RIVER, N.J. 08731

MARIJUANA PRODUCT MANUFACTURING FACILITY – means an entity licensed to purchase marijuana; manufacture, prepare, and package marijuana items; and sell items to other marijuana product manufacturing facilities and to marijuana retailers, but not to consumers.

MARIJUANA RETAILER – means an entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana items from marijuana product manufacturing facilities or marijuana wholesalers and to sell marijuana and marijuana products to consumers.

MARIJUANA TESTING FACILITY – means an independent, third-party entity meeting accreditation requirements established by the Division that is licensed to analyze and certify the safety and potency of marijuana items.

§ 236-2. Prohibitions.

- A. The sale, resale, purchase, acquisition, distribution and dispensation of marijuana and marijuana paraphernalia are prohibited in the Township of Lacey, notwithstanding any non-preemptive federal or state law to the contrary.
- B. Marijuana product manufacturing facilities, marijuana testing facilities, marijuana retailers, and marijuana establishments are prohibited in the Township of Lacey, notwithstanding any non-preemptive state or federal law to the contrary.

§ 236-3. Exemptions for Medicinal Marijuana.

The prohibitions imposed pursuant to this chapter do not apply to the “medical use of marijuana” by qualifying patients pursuant to the New Jersey Compassionate Use Medical Marijuana Act, N.J.S.A. 24:61-1 et seq. (hereinafter “Act”), and regulations promulgated thereunder, nor shall the prohibitions imposed pursuant to this chapter apply to “medical marijuana/cannabis dispensaries” permitted in accordance with the Act and in accordance with the zoning regulations of the Township.

**DASTI, MURPHY
McGUCKIN, ULAKY,
KOUTSOURIS & CONNORS**

COUNSELLORS AT LAW

620 WEST LACEY ROAD
P.O. BOX 1057
FORKED RIVER, N.J. 08731

§ 236-4. Enforcement; violations and penalties.

- A. The Police Department, Code Enforcement, and the Zoning Officer, as applicable, are charged with enforcing this section.
- B. Any person or entity violating this chapter shall be subject to the maximum fines and penalties established under N.J.S.A. 40:49-5 and any subsequent amendments to the statute.

§ 236-5. Severability.

If any provision of this section is invalidated, pre-empted, or superseded by any state or federal law, regulation, or judicial decision, that provision shall be severed and the remainder of the section shall remain in full force and effect.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. 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 4. This ordinance shall take effect after public reading and publication as required by law.

**DASTI, MURPHY
McGUCKIN, ULARY,
KOUTSOURIS & CONNORS**

COUNSELLORS AT LAW

620 WEST LACEY ROAD
P.O. BOX 1067
FORKED RIVER, N.J. 08731

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed by the Township Committee of the Township of Lacey on first reading at a meeting held on the **13th** day of **AUGUST, 2020**. The Ordinance will be considered for second and final reading at a meeting of the Township Committee which is scheduled for the **10th** day of **SEPTEMBER, 2020** at 6:30 p.m., or as soon thereafter as the matter may be reached, at the Municipal Building located at 818 Lacey Road, Forked River, New Jersey, at which time the public is invited to ask questions, raise objections, or provide public comment with regard to the proposed adoption of this Ordinance.



VERONICA LAUREIGH
Municipal Clerk
Township of Lacey

DASTI, MURPHY
McGUCKIN, ULAKY,
KOUTSOURIS & CONNORS

COUNSELLORS AT LAW

620 WEST LACEY ROAD
P.O. BOX 1057
FORKED RIVER, N.J. 08731