

ORDINANCE # 2021-023

AN ORDINANCE OF THE TOWNSHIP OF LAKEWOOD, COUNTY OF OCEAN, STATE OF NEW JERSEY, PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING ARTICLE IX (ZONING DISTRICTS AND REGULATIONS), SECTION 18-900, OF CHAPTER XVIII OF THE UNIFIED DEVELOPMENT ORDINANCE

PURPOSE: The purpose of this Ordinance is to regulate the marketplace class of licensed cannabis businesses.

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 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, 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 Distributer license, for businesses involved in transporting cannabis plants in bulk from on 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 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, the Township Committee of the Township of Lakewood has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on Lakewood Township, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of Lakewood Township's residents and members of the public who visit, travel, or conduct business in Lakewood Township, to amend Lakewood Township's zoning regulations to prohibit all manner of marijuana-related land use and development within the geographic boundaries of Lakewood Township; and

WHEREAS, the Township of Lakewood has adopted an Ordinance to regulate the nature and extent of the uses of land and of buildings and structures thereon for the purposes set forth in the Municipal Land Use Law N.J.S.A. 40:55D et seq., and to exercise the power to zone and regulate land development granted to municipalities of the State of New Jersey; and

WHEREAS, the Township of Lakewood seeks to modify the Unified Development Ordinance to prohibit all manner of marijuana-related land use and development within the geographic boundaries of Lakewood Township.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Lakewood, County of Ocean, and 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 establishments, cannabis distributors or cannabis delivery-licensed businesses are hereby prohibited from operating anywhere in the Township of Lakewood.

SECTION 2. Chapter XVIII of the Unified Development Ordinance of the Township of Lakewood, Article IX (Zoning Districts and Regulations) Section 18-900 shall be amended and supplemented by the addition of the following:

18-900 General

* * *

J. The following uses shall be prohibited in all zoning districts in the Township of Lakewood:

All classes of cannabis establishments or cannabis distributors or cannabis delivery-licensed businesses as said terms are defined in section 3 of P.L. 2021, c. 16.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are 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. A copy of this Ordinance shall be transmitted to the Ocean County Planning Board for filing upon final passage after second reading by the Township Clerk.


SECTION 6. This ordinance shall take effect immediately upon final passage and publication as required by law.

Introduced: March 18, 2021

Adoption: April 22, 2021

CERTIFICATION

I, Lauren Kirkman, Township Clerk of the Township do hereby certify that the above ordinance was introduced on **March 18, 2021** and adopted on **April 22, 2021** after a public hearing where all persons were given an opportunity to be heard.



Lauren Kirkman, RMC CMR
Township Clerk