

ORDINANCE NO. 2023-07

ORDINANCE OF THE BOROUGH OF MOUNT EPHRAIM, COUNTY OF CAMDEN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE BOROUGH OF MOUNT EPHRAIM CODE AT PART II, GENERAL LEGISLATION, CHAPTER 86, "CANNABIS" TO ESTABLISH SECTION 86-2, TO COLLECT A STATUTORILY AUTHORIZED TWO PERCENT (2%) MUNICIPAL TRANSFER TAX ON SALES BY CLASS V RETAIL CANNABIS LICENSE HOLDERS

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

WHEREAS, the Borough desires to repeal and replace its Cannabis "opt out" ordinance (Ordinance No. 2021-07), codified at Part II, General Legislation Section 86-1 in order to allow for Class V licensed cannabis retail sales as a conditional use within the C-Commercial Zoning District by Ordinance 2023-07, introduced concurrently herewith; and

WHEREAS, Section 40 of the Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act ("CREAMMA") authorizes the imposition of a municipal tax on the lawful sale of cannabis; and

WHEREAS, the Borough desires to impose a two percent (2%) municipal transfer tax on revenues generated by the lawful sale of cannabis by Class V license holders; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Commissioners of the Borough of Mount Ephraim, County of Camden, and State of New Jersey that the Code of the Borough of Mount Ephraim be amended as follows:

SECTION 1. Part II, General Legislation, Chapter 86 "Cannabis" is hereby amended and supplemented as follows:

§ 86-2 Cannabis Municipal Tax.

Pursuant to Section 40 of the New Jersey Cannabis Regulatory, Enforcement and Marketplace Modernization Act (CREAMMA), the following municipal tax shall be collected from the following cannabis license holders:

- A. A two percent (2%) municipal transfer tax shall be imposed on the lawful sale of cannabis produced by any Class V retail license holder.

SECTION 2. Nothing in this Ordinance shall in any way limit, modify, reduce or eliminate any other tax obligation otherwise imposed by law upon the cannabis license holder, the property owner or any other person or entity as a result of this Cannabis Municipal Tax.

SECTION 3. All Ordinances contrary to the provisions of this section of the Ordinance are hereby repealed to the extent that they are inconsistent herewith.

SECTION 4. This ordinance shall take effect immediately.

SECTION 5: All Ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed to the extent of such inconsistency.

SECTION 6: If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this ordinance shall be deemed valid and effective.

SECTION 7: This ordinance shall take effect immediately upon final passage and publication according to law.

BOROUGH OF MOUNT EPHRAIM

Date of Introduction: March 2, 2023

Date of Adoption: April 6, 2023

Approved: _____
Mayor Michael Tovinsky

Attest: _____
Terry Shannon, Clerk/RMC