



**Township Council**

c/o Township Clerk  
Teaneck, NJ 07666

Meeting: 05/21/24 05:00 PM

Department: Township Clerk

Category: Amend

DOC ID: 8404

**ORDINANCE (ID # 8404)**

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**Ordinance No. 7-2024 AMENDING ORDINANCE NO. 57-2021 PERMITTING CANNABIS ESTABLISHMENTS AS A CONDITIONAL USE WITHIN THE LIGHT INDUSTRY DISTRICT IN THE TOWNSHIP OF TEANECK BE IT RESOLVED by the Township Council of the Township of Teaneck that Ordinance #7-2024 pass upon second and final reading and that the Township Clerk is hereby authorized and directed to advertise the same according to law and to provide the appropriate notices in accordance with law.**

**AMENDING ORDINANCE NO. 57-2021 PERMITTING CANNABIS ESTABLISHMENTS AS A CONDITIONAL USE WITHIN THE LIGHT INDUSTRY DISTRICT IN THE TOWNSHIP OF TEANECK**

BE IT RESOLVED by the Township Council of the Township of Teaneck that Ordinance #7-2024 pass upon second and final reading and that the Township Clerk is hereby authorized and directed to advertise the same according to law and to provide the appropriate notices in accordance with law.

**HISTORY:**

04/16/24          Township Council          INTRODUCED

**COMMENTS - Current Meeting:**

Councilwoman Belcher motioned to table Ord. 7-2024 until August, 20, 2024. Seconded by Deputy Mayor Gee.

MS - N DB - Y HG - N KO - N EK - N DG - Y MP - N.

Motion died.

Councilwoman Orgen detailed this ordinance does not modify any zoning, but establishes license caps, guidelines, and an application process.

- 1) Muhammad Bagasra - opined Cannabis should wait
- 2) Gail Gordon - opined if Council is ready to act on a legislation, that they should act.
- 3) Rick Wilby - opined the zoning should be re-examined.
- 4) Margaret Baker - opined opposition to this ordinance.
- 5) Former Councilman Keith Kaplan - opined that this policy could work in other areas of town, but does believe Alfred Avenue works.
- 6) Reshma Khan - opined opposition to this ordinance.
- 7) Howard Rose - opined that this ordinance and process needs more clarity provided.
- 8) Jesse Leon - opined that there are many areas in Teaneck that are good spots for a cannabis business
- 9) Maxine Angel - expressed support for a formal application process, but explained she opposes any cannabis business in Teaneck.

- 10) Sandy Silverberg - expressed apprehension and encouraged Council to weigh their options
- 11) Shorook Awadallah - expressed opposition to cannabis operations in Teaneck.
- 12) Laverne Lightburn - expressed opposition to cannabis operations in the Alfred Ave area.
- 13) Darrin Chandler - expressed he is a current cannabis business owner in NJ down near the shore. Expressed that there is a lot misinformation around cannabis that the Public should endeavor to educate themselves on. Opined Alfred Avenue is not a productive location.
- 14) Emma Horowitz - sympathized with the residents expressing opposition to the proposed zoning for cannabis operations.
- 15) Yosepha - expressed opposition to cannabis operations in Teaneck.
- 16) Bogota Resident - inquired on pricing and fees. Opined on possible locations and procedures.
- 17) Art Vatsky - expressed ordinances to be expressed more clearly.
- 18) Chondra Young - expressed the Public needs to also read the agenda prior to a meeting; she also provided some historical background on the ordinances in question.
- 19) Joe Spiegel - detailed this ordinance is firming up an application procedure and expressed confusion why people would oppose that. He encouraged people to educate themselves on legal cannabis.
- 20) Mahejabeen - inquired if this would benefit the town financially. Expressed that though it was previously approved, that should be changed.

Councilman Schwartz addressed questions about the actual development on Alfred Avenue, and comments about the cannabis permitting in that area. He also shared areas that they are considering for development.

Councilwoman Belcher spoke on ADUs and how they could potentially address our area's housing crisis. Councilwoman Belcher detailed the development at Alfred Avenue was approved by a prior Council. She detailed that the Master Plan is rearing completion but the Township is assuring that they want to make sure it is done right.

Councilwoman Orgen ran through some major changes offered by Ordinance 7-2024, detailing its administrative intent.

Councilwoman Goldberg addressed the history of cannabis regulation in recent years, and reiterated this ordinance sets a strict application process.

Deputy Mayor Gee expressed her support for cannabis, but did express the zoning could be re-examined.

<b>RESULT:</b>	<b>ADOPTED BY CONSENT VOTE [6 TO 1]</b>
<b>MOVER:</b>	Michael S Pagan, Councilman
<b>SECONDER:</b>	Mark J. Schwartz, Councilman
<b>AYES:</b>	Katz, Schwartz, Orgen, Pagan, Gee, Goldberg
<b>NAYS:</b>	Denise Belcher

TOWNSHIP OF TEANECK  
BERGEN COUNTY, NJ

**ORDINANCE NO. 7-2024 AMENDING ORDINANCE NO. 57-2021  
PERMITTING CANNABIS ESTABLISHMENTS AS A CONDITIONAL  
USE WITHIN THE LIGHT INDUSTRY DISTRICT IN THE TOWNSHIP  
OF TEANECK BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF  
THE TOWNSHIP OF TEANECK THAT ORDINANCE #7-2024 PASS  
UPON SECOND AND FINAL READING AND THAT THE TOWNSHIP  
CLERK IS HEREBY AUTHORIZED AND DIRECTED TO ADVERTISE  
THE SAME ACCORDING TO LAW AND TO PROVIDE THE  
APPROPRIATE NOTICES IN ACCORDANCE WITH LAW.**

WHEREAS, P.L. 2021, c. 16, entitled “An Act concerning the regulation and use of cannabis, and amending and supplementing various parts of the statutory law” was approved on February 22, 2021; and

WHEREAS, said Act enacted N.J.S.A. 24:6I-31 et seq. entitled the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act;” and

WHEREAS, under the Act, every municipality would have the option to authorize and regulate, in a manner consistent with the Act’s regulation of cannabis businesses, the number of licensed businesses, as well as their location, manner, and times of operation within its jurisdiction; however, the time of operation of delivery services would be subject only to regulation by the commission; and

WHEREAS, pursuant to said Act, the Township of Teaneck adopted Ordinance No 57-2021 “Permitting Cannabis Establishments as a Conditional Use Within the Light Industry District in the Township of Teaneck”; and

WHEREAS, the Township Council wishes to amend said ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Teaneck, Bergen County, New Jersey, as follows:

SECTION 1. Article V, Section 33-26, Prohibited uses, of Article V, Zoning Ordinance, of Chapter 33, Development Regulations, of the Code of the Township of Teaneck is hereby amended as shown below by deletion (strikethrough) as follows:

(d) Cannabis distributors, cannabis testing facilities and cannabis establishments, including a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, a cannabis retailer, and a cannabis delivery service, except for the delivery of cannabis items and related supplies by a delivery service,, as those terms are defined in N.J.S.A. 24:6I-33, ~~and for the dispensing of prescription medical cannabis or marijuana by licensed physicians and pharmacists~~, are hereby prohibited in all districts, except as otherwise specifically permitted herein.

SECTION 2. Appendix III, Fees and Charges for Certain Township Services, of Chapter 2, Charter/Administrative Code, of the Code of the Township of Teaneck is hereby amended and supplemented as shown below by addition (underline) and deletion (strikethrough) as follows:

**BUILDING DEPARTMENT**

Type of Service	Fee
Cannabis distributors, cannabis testing facilities or Cannabis Establishments Annual License fee	<del>\$1,000.00</del> <u>\$5000 (microbusiness)</u> <u>\$10,000 (standard)</u>

SECTION 3. Chapter 11B, Cannabis and Cannabis Transfer Tax, of the Code of the Township of Teaneck is hereby amended and supplemented as shown below by addition (underline) and deletion (strikethrough) as follows:

~~Sec. 11B-2 License required~~

~~In addition to any license issued by the State, cannabis distributors, cannabis testing facilities and cannabis establishments within the Township of Teaneck shall be required to obtain from the Building Department an annual license evidencing compliance with the requirements of this ordinance. The license shall be for a one year period commencing July 1st of the year in which it is issued and expiring June 30th of the following year. In the event of any violation of this Ordinance, the Building Department may, upon notice to and a hearing provided to the licensee, revoke the license. The annual fee for the license for a cannabis distributor, cannabis testing facility or cannabis establishment shall be set forth in Appendix III of Chapter 2 of the Teaneck Township Code.~~

Sec. 11B-2 Application for Local License

- a. Application for Local License. Persons wishing to obtain any cannabis license within the Township shall file a license application with the Township Clerk, on a standardized form established by the Township Clerk and available in the Township Clerk’s office or other suitable locations as determined by the official. The Township Clerk shall establish a reasonable application period and deadline for all applications. An application shall be deemed incomplete, and shall not be processed by the Township Clerk, until all documents and application fees are submitted. To be deemed complete, all applications shall be submitted to the Township Administrator’s Office and shall be accompanied by the items referenced below. The following regulations shall apply:
  1. The applicant shall submit proof that the applicant has or will have lawful possession of the premises proposed for the cannabis establishment, which proof may consist of: a deed, a lease, a real estate contract contingent upon successful licensing, or a binding letter of intent by the owner of the premises indicating an intent to lease the premises to the entrant contingent upon successful licensing. The applicant shall submit a letter from the appropriate zoning official indicating that the location proposed for licensing by the applicant complies with all applicable Township zoning laws and the location restrictions set forth herein.

2. The applicant shall submit an affidavit and documentary proof of compliance with all State and local laws regarding affirmative action, anti-discrimination and fair employment practices. The applicant shall also certify under oath that they will not and shall not discriminate based on race, color, religion (creed), gender, gender expression, age, national origin (ancestry), disability, marital status, sexual orientation, or military status, in any of its activities or operations.
3. The applicant shall submit the required nonrefundable application fee in the amount of \$5,000.
4. The applicant and the application shall otherwise comply with any and all qualification standards set forth in the State and Township's laws or regulations.
5. Completed applications shall include a business plan outlining the proposed operations of the cannabis business.
6. All applications shall be evaluated by the Township Council who shall evaluate all applications as to the issuance of a resolution of support or a rejection of the application. The recommendation shall be made after consideration and evaluation of the following criteria:
  - (a) The applicant's owners' or principals' qualifications and experience operating in highly regulated industries, including cannabis, healthcare, pharmaceutical manufacturing, or retail pharmacies, with preference to experience operating such businesses within the State of New Jersey and where the value of the owners' experience shall outweigh the experience of non-owner principals .
  - (b) The applicant's qualifications and experience related to public safety and security, including any of the applicant's owners' or principals' experience in securing controlled substances or valuable items. Applicant shall submit a summary of the applicant's plans for storage of products and currency, physical security, video surveillance, security personnel, and visitor management as well as training plans .
  - (c) The status of the applicant's control over the premises at the proposed location, and specifically whether the applicant owns or has executed an agreement to lease or purchase the site .
  - (d) The extent of the applicant's ties to the community as measured by residency in Teaneck by employees, managers and/or shareholders, historical operation of a local business, historical ties to Teaneck or area civic organizations and/or charities.
  - (e) Any other information that the applicant may wish to highlight and bring to the Township's attention regarding the proposed cannabis business operation and/or the owners, principals or employees of the business.
7. The Township Council shall not issue resolutions of support in excess of the number of local cannabis licenses permitted in accordance with the TOWNSHIP OF TEANECK

CANNABIS LICENSE AND FEE SCHEDULE. The Township Clerk shall engage with an applicant granted a resolution of support and after all state and municipal approvals have been obtained for a host community benefits agreement which must be approved by the Township Council.

8. Notwithstanding the foregoing competitive application process, a notification of a resolution of support shall entitle the recipient applicant to pursue a State license in the appropriate cannabis class for up to eighteen (18) months, which may be extended at the Township Council's discretion for an additional six (6) months for good cause, after a public hearing. No license to operate shall issue until the applicant has received a State annual license and satisfied other prerequisites of municipal licensure. If the recipient of a resolution of support has not received a State license within eighteen (18) months from issuance, unless extended for good cause, and with a public hearing, the Township Clerk shall issue a new request for applications and evaluate all applicants for licensure under the above criteria.

#### Sec. 11B-3 Civil Penalty

In accordance with N.J.S.A. 24:6I-45, any person or cannabis distributor, cannabis testing facility or cannabis establishment violating any provision of this ordinance shall be subject to a civil penalty not to exceed the sum of \$1,2000.00 per violation in accordance with the provisions of the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (N.J.S.A.2A:58-10 et seq.). An action to collect such penalty shall be brought in the Municipal Court of the Township of Teaneck and any penalty assessed shall be payable to the Township of Teaneck Summary suspension.

Notwithstanding the foregoing, when the Township Administrator has been notified of a third conviction by a licensee or has reasonable grounds to believe that a licensee has engaged in deliberate and willful violation of any applicable law or regulation, or that the public health, safety, and/or general welfare has been jeopardized and requires immediate action, the Township Clerk may enter a summary suspension order which immediately suspends the licensee's license to operate and schedule a hearing as follows:

(a) The summary suspension order shall be in writing, shall state the reasons therefor, and shall schedule a hearing not less than ten (10) nor more than thirty (30) days from the date of the order. The order shall be served upon the licensee immediately.

(b) The Township Clerk shall convene the Mayor and Council to conduct the hearing. The licensee shall be permitted to appear at the hearing, along with counsel, if so desired. The licensee must notify the Township Administrator at least five (5) days prior to the hearing if the licensee plans to bring counsel to the hearing. At the conclusion of the hearing, the Mayor and Council may lift the suspension order and reinstate the license in cases where the licensee has taken sufficient immediate actions to rectify the violation(s) which were the cause of the summary suspension order. Alternatively, the Mayor and Council may impose any fines, conditions, restrictions, suspensions, revocations or combination thereof as warranted.

Inactive licenses. Following the commencement of operations by a cannabis business, the Township Administrator may suspend or revoke any license if the licensed premises has been inactive or unoccupied by the licensee for at least six (6) months.

State license. The Mayor and Council may suspend or revoke any locally-issued license if the corresponding State license for the subject location is expired, surrendered, suspended, or revoked.

Sec. 11B-4 Cannabis Definitions, Prohibitions, Licensed Use and Licensing Authority

Sec. 11B-4.1 Cannabis Definitions.

As used in this article, the following terms shall have the meanings as defined in the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act,” also referenced herein as the “Act” or “P.L. 2021, c. 16,” as it may be amended or superseded, and are included herein for purposes of general acknowledgement and ease of use:

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 Distributor license, for businesses involved in transporting cannabis plants in bulk from a 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 purchases 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.

All other terms as defined in the Act are hereby incorporated herein by reference and shall have the meanings set forth in the Act, as may be amended or superseded.

In addition, the following terms shall have the meanings indicated:

“Gifting” shall mean the sale of any object containing cannabis or a cannabis product wherein the cannabis itself is assigned no or a below market price sales price.



“Microbusiness” means the holder of a License to operate as a Cannabis Establishment, Cannabis Distributor or Cannabis Delivery Service with a smaller footprint than a Standard Cannabis Establishment, Cannabis Distributor or Cannabis Delivery Service and which, with respect to its operations, capacity and quantity of product, may only:

- (1) employ no more than 10 employees;
- (2) operate a Cannabis Establishment occupying an area of no more than 2,500 square feet, and in the case of a Cannabis Cultivator grow Cannabis on an area no more than 2,500 square feet measured on a horizontal plane and grow above that plane not higher than 24 feet;
- (3) possess no more than 1,000 Cannabis plants each month, except that a Cannabis Distributor’s possession of Cannabis plants for transportation shall not be subject to this limit;
- (4) acquire each month, in the case of a Cannabis Manufacturer, no more than 1,000 pounds of Usable Cannabis;
- (5) acquire for resale each month, in the case of a Cannabis Wholesaler, no more than 1,000 pounds of Usable Cannabis or the equivalent amount in any form of manufactured Cannabis Product or Cannabis Extract, or any combination thereof; and
- (6) acquire for retail sale each month, in the case of a Cannabis Retailer, no more than 1,000 pounds of Usable Cannabis or the equivalent amount in any form of manufactured Cannabis Product or Cannabis Extract, or any combination thereof.

#### Sec. 11B-4.2 Non-Licensed Cannabis Businesses and Individual Proprietors and Gifting Prohibited.

The cultivation, manufacturing, preparation, packaging, wholesaling, distributing, retailing, delivery and other related enterprise consisting in whole or in part of cannabis growing, harvesting, drying, producing, marketing and selling by non-licensed businesses or individuals is hereby prohibited throughout the Township. No licensed cannabis enterprise and no non-licensed business or individual may undertake the gifting of cannabis in the Township. The Township shall impose a civil penalty for the violation of any of the provisions of this section not to exceed \$2,000 per violation in accordance with the provisions of the Penalty Enforcement Law of 1999, P.L. 1999, c. 274 (N.J.S.A. 2A:58-10 et seq.). An action to collect such penalty shall be brought in the Municipal Court of the Township of Teaneck and any penalty assessed shall be payable to the Township of Teaneck.

#### Sec. 11B-4.3 Licensed Use Applicability

The use of any cannabis license shall only be in strict accordance with the land use and location requirements of the Township. Nothing herein shall prohibit a single owner from owning more than one such license, provided such ownership is not prohibited by State statute or rule.

#### Sec. 11B-4.4 Local Licensing Authority

- b. The Township Mayor and Council are hereby designated to act as the local licensing authority for the Township for all cannabis businesses within the Township. The Mayor and Council members shall not have contact with applicants outside of a public meeting. The Township Administrator shall act as the receiver of any communications from the State Cannabis Regulatory Commission and shall promptly convey any item of information with regard to the licensing of cannabis businesses by the State or in which State law requires any

review or approval by the Township of any action to the Township Council. Items of a ministerial or administrative nature shall be addressed and filed or directed to Township Officials or departments as needed by the Township Administrator.

- c. Under no circumstances shall a local license for a cannabis business issued by the Township Council be effective until or unless the State has issued the requisite licenses to operate such a facility. It is the intent of this article that no cannabis business may lawfully operate in the Township without the issuance of a State license and full regulatory oversight of the cannabis business by the Cannabis Regulatory Commission or other state licensing authority as required by law as well as oversight and issuance of a license by the Township.
- d. Municipal licensing for cannabis businesses shall follow the nomenclature of the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” as indicated in the definitions in this article.
- e. Maximum number of licenses and fees. The Township may issue up to and including the following number of licenses which shall require the associated license application and annual renewal fee:

**TOWNSHIP OF TEANECK CANNABIS LICENSE AND FEE SCHEDULE**

<u>License</u>	<u>Class</u>	<u>Maximum Number of Licenses to be Issued</u>	<u>Nonrefundable Application Fee</u>	<u>Annual License Renewal</u>
<u>Cannabis Cultivator</u>	<u>1</u>	<u>NO CAP</u>	<u>\$5,000</u>	<u>\$5,000/\$10,000 micro/standard</u>
<u>Cannabis Manufacturer</u>	<u>2</u>	<u>NO CAP</u>	<u>\$5,000</u>	<u>\$5,000/\$10,000 micro/standard</u>
<u>Cannabis Wholesaler</u>	<u>3</u>	<u>NO CAP</u>	<u>\$5,000</u>	<u>\$5,000/\$10,000 micro/standard</u>
<u>Cannabis Distributor</u>	<u>4</u>	<u>NO CAP</u>	<u>\$5,000</u>	<u>\$5,000/\$10,000 micro/standard</u>
<u>Cannabis Retailer</u>	<u>5</u>	<u>3</u>	<u>\$5,000</u>	<u>\$5,000/\$10,000 micro/standard</u>
<u>Cannabis Delivery</u>	<u>6</u>	<u>NO CAP</u>	<u>\$5,000</u>	<u>\$5,000/\$10,000 micro/standard</u>

- f. A resolution of support issued by the Mayor and Township Council pursuant to N.J.A.C. 17:30-5.1(g)1 to a cannabis business shall expire within eighteen (18) months. The Township Council may extend the resolution of support at its discretion for an additional six (6) months for good cause.
- g. Host community benefits agreement. All applicants for a license to operate a cannabis business within the Township shall be required to enter into a host community benefits agreement with the Township after all state and local approvals have been obtained establishing the applicant's willing commitment to the community, and in particular the surrounding neighborhoods, and

its support for, by example, local cannabis education programs, local employment and jobs training, enhanced neighborhood security, public safety programs, the Special Improvement District (SID), social services and welfare programs, or other mutually beneficial community investments.

- h. Inspections. Subject to the requirements and limitations of state law, the municipality shall have the reasonable right to inspect the premises of any approved cannabis establishment during its regular hours of operation to ensure compliance with local ordinances and regulations. It shall be unlawful for any cannabis business to refuse to allow such inspection or to hinder such an inspection.

#### Sec. 11B-4.5 Term of License and License Renewals; Annual License Fee.

A. Any local cannabis license issued pursuant to this Chapter shall be valid for a period of one year, beginning on January 1 in each year. At the time of licensure, the applicant shall pay an annual \$10,000.00 license fee. The microbusiness applicant shall pay an annual fee in the amount of \$5,000. The amount of the fee may be modified from time to time by a subsequent duly adopted resolution of the Township Council.

B. The Township Administrator may, at his/her discretion, adjust the annual renewal date of the local license to correlate with an applicant's State licensing and renewal schedule.

C. Upon renewal of a license, the licensee shall be governed by any amendments, additional restrictions, or changes in requirements adopted since the previous license was issued or renewed.

D. Change of location of any license, or modification to expand a licensed premises shall be treated as a new application, subject to Mayor and Council and Municipal Land use review and approval.

E. Any local cannabis license issued pursuant to this Chapter is nontransferable and shall automatically expire upon transfer.

F. Except where the Township has received a complete renewal application along with the requisite fees and has issued a license renewal, it shall be unlawful for any person to manufacture, sell, distribute, transfer, transport, or otherwise remove cannabis or cannabis products from the premises of any licensee after the expiration date recorded on the face of the license.

#### Sec. 11B-4.6 Compliance with Law

A Cannabis Establishment shall comply with all applicable state and local laws and regulations.

l. Denial, Revocation or Suspension of License. Appeal Process.

A. The Township Administrator, in consultation with the Mayor and Township Council, shall suspend or revoke any license if the corresponding State license for the subject location is expired, surrendered, suspended, or revoked.

B. Where it is found that a licensee has engaged in a deliberate and willful violation of any applicable law or regulation, or that the public health, safety, and/or general welfare has been jeopardized and requires emergency action, the Township Administrator, after consulting with the Committee, is authorized and empowered to immediately suspend any license or permit issued pursuant to this Chapter and order that the licensee cease all operations until such time as the violations are abated.

C. Any person aggrieved by the action of the Mayor and Council in the denial of a recommendation, any person aggrieved by the action of the Township Administrator in the denial of a local license or the decision with reference to the revocation or suspension of a license in accordance with this Chapter, shall have the right of appeal to the Mayor and Council. Such appeal shall be taken by filing with the Township Administrator, within 20 days of the action complained of a written statement setting forth fully the grounds for the appeal. The Mayor and Council may decide the matter on the papers or schedule a time and place for a hearing on such appeal. Notice of any such hearing shall be served upon the applicant/licensee (whichever is appropriate) or mailed, postage prepaid, to the applicant/licensee at the address given on the application for license in accordance with this Chapter, at least five days prior to the date set for said hearing. The decision and order of the Mayor and Council, on such appeal shall be final and conclusive. The appeal filing fee is \$2500.

2. Public Nuisance Declared. Operation of any prohibited or unpermitted cannabis business operation within the municipality in violation of the provisions of this Chapter is hereby declared a public nuisance and shall be abated pursuant to all available remedies.

3. Prohibition of Unregulated Sale of Cannabis.

A. No person shall sell cannabis in the Township without a state cannabis license and a local cannabis license and shall be abated pursuant to all available remedies.

B. No person shall gift cannabis in the Township as part of a sale of another item or items and shall be abated pursuant to all available remedies. Gifting is the knowing circumvention of the state's cannabis laws by "gifting" cannabis in exchange for non-cannabis-related purchases such as overpriced cookies, brownies, jars, stickers and many other items.

SECTION 4. Inconsistency. All ordinances or portions thereof, inconsistent with the provisions hereof, are hereby repealed to the extent of such inconsistency.

SECTION 5. Severability. If any section, sentence, clause or other portion of this ordinance, or the application thereof to any person or circumstance, is adjudged by a court of competent jurisdiction to be unconstitutional or otherwise to be invalid, such judgment shall not affect, impair or repeal the remainder of this ordinance.

**SECTION 6. Effective Date.** This ordinance shall take effect twenty (20) days following passage and publication, as required by law, and upon the filing of a copy with the Planning Board of the County of Bergen.

FIRST READING: April 16, 2024

SECOND READING: May 21, 2024

PUBLICATION OF PASSAGE: \_\_\_\_\_

AS APPROVED BY: \_\_\_\_\_  
Michael Pagan, Mayor

ATTEST: \_\_\_\_\_  
Doug Ruccione, Township Clerk