

**TOWNSHIP OF WINFIELD
COUNTY OF UNION, STATE OF NEW JERSEY
ORDINANCE NO. #454**

**AN ORDINANCE BY TOWNSHIP OF WINFIELD IN UNION COUNTY, NEWJERSEY
PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN
ITS GEOGRAPHICAL BOUNDARIES**

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

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:

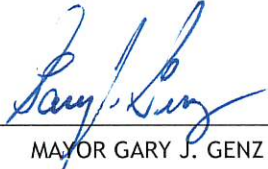

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining 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 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.

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

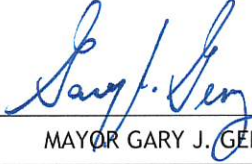

WHEREAS, section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

WHEREAS, pursuant to section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

							I hereby certify that the above Ordinance was introduced by the Township Committee of the Township of Winfield at a meeting held on June 21, 2021
MAYOR GARY J. GENZ			✓				 June Planas, Twp. Clerk
COMM. ROBERT F. REILLY	✓		✓				
COMM. ADAM D. KOOMER		✓	✓				

PUBLIC NOTICE

The foregoing ordinance was introduced and approved on first reading at the regular meeting of the Winfield Township Committee held on __06/21/2021__ and will be considered for public hearing and final adoption at the regular meeting of the Township Committee to be held on __07/19/2021 at 7:00 PM in the Municipal Building, 12 Gulfstream Avenue, Winfield, NJ.

							I hereby certify that the above Ordinance was introduced by the Township Committee of the Township of Winfield at a meeting held on July 19, 2021.
MAYOR GARY J. GENZ			✓				 June Planas, Twp. Clerk
COMM. ROBERT F. REILLY	✓		✓				
COMM. ADAM D. KOOMER		✓	✓				

The foregoing ordinance was introduced and approved on first reading at a regular meeting of the Township Committee held 06/21/21 and was approved for adoption on final reading at the regular meeting of the Township Committee held on 07/19/21, @ 7:00 pm in the Municipal Building, 12 Gulfstream Avenue, Winfield, NJ