

**ORDINANCE CREATING WILLINGBORO TOWNSHIP CODE
CHAPTER 000, TO BE ENTITLED
“CANNABIS LICENSING AND OPERATING”**

WHEREAS, the Willingboro Township Council now wishes to create incensing and operating requirements for regulated Cannabis establishments that also protect the health, safety and general welfare of the community; and

WHEREAS, on November 3, 2020, the citizens of New Jersey voted to approve Public Question No. 1, amending and supplementing Section VII of Article IV of the New Jersey Constitution to authorize the growth, cultivation, processing, manufacturing, preparing, packaging, transferring, and retail purchasing and consumption of Cannabis, or products created from or which include Cannabis for persons twenty-one (21) years or older in New Jersey, and further authorized municipalities to enact an additional municipal tax of up to two (2) percent on the receipts from each sale of Cannabis or products created from or which include Cannabis; 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”), now codified as N.J.S.A. 24:6I-31 et seq., which legalizes the recreational use of Cannabis 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 at N.J.S.A. 24:6I-45 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 same provision 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 21, 2021); and

WHEREAS, the same provision further states that the failure to do so shall mean that for a period of five years thereafter “the growing, cultivating, manufacturing, and selling and reselling of cannabis and cannabis items, and operations to transport in bulk cannabis items by a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, or as a cannabis distributor or cannabis delivery service shall be permitted uses in all industrial zones of the municipality,” and “the selling of cannabis items to consumers from a retail store by a cannabis retailer shall be a conditional use in all commercial zones or retail zones, subject to meeting the conditions set forth in any applicable zoning ordinance or receiving a variance”; and

WHEREAS, the same provision further states that at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting Cannabis businesses, but any such ordinance would be prospective only and would not apply to any Cannabis business already operating within the municipality; and

WHEREAS, the Township finds, given the Schedule I status of Cannabis under the federal Controlled Substance Act, complexities with access to banking and the level of cash transactions in Cannabis related businesses, and other concerns associated with Cannabis-related businesses, that only

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qualified operators should be permitted to safely operate strictly regulated Cannabis facilities in the municipality on a limited basis and subject to reasonable time, manner, and place restrictions, in order to balance applicable Statutes, consumers’ interests, and the creation of jobs and economic opportunity within the Township with public safety; and

WHEREAS, the Township desires to enact an Ordinance permitting all classes of licenses established by the Act, subject to the Act and the Rules, Regulations, and requirements of this Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WILLINGBO as follows:

SECTION I: Chapter 000 of the Willingboro Township Code shall be hereby be created, to be entitled "Cannabis Licensing and Operating," to state as follows:

§ 000-1 Definitions

Class 1 – Cannabis Cultivator. A Cannabis Cultivator is defined as any licensed person or entity that grows, cultivates, or produces Cannabis in this State, and sells, and may transport, this Cannabis to other Cannabis cultivators, or usable Cannabis to Cannabis manufacturers, Cannabis wholesalers, or Cannabis retailers, but not to consumers.

Class 2 – Cannabis Manufacturer. A Cannabis Manufacture is defined as any licensed person or entity that processes Cannabis items in this State by purchasing or otherwise obtaining usable Cannabis, manufacturing, preparing, and packaging Cannabis items, and selling, and optionally transporting, these items to other Cannabis manufacturers, Cannabis wholesalers, or Cannabis retailers, but not to consumers.

Class 3 – Cannabis Wholesaler. A Cannabis Wholesaler is defined as means any licensed person or entity that purchases or otherwise obtains, stores, sells or otherwise transfers, and may transport, Cannabis items for the purpose of resale or other transfer to either to another Cannabis wholesaler or to a Cannabis retailer, but not to consumers.

Class 4 – Cannabis Distributor. A Cannabis Distributor is defined as any licensed person or entity that transports Cannabis in bulk intrastate from one licensed Cannabis cultivator to another licensed Cannabis cultivator, or transports Cannabis items in bulk intrastate from any one class of licensed Cannabis establishment to another class of licensed Cannabis establishment, and may engage in the temporary storage of Cannabis or Cannabis items as necessary to carry out transportation activities

Class 5 – Cannabis Retailer. A Cannabis Retailer is defined as any licensed person or entity that purchases or otherwise obtains usable Cannabis from Cannabis cultivators and Cannabis items from Cannabis manufacturers or Cannabis wholesalers, and sells these to consumers from a retail store, and may use a Cannabis delivery service or a certified Cannabis handler for the off-premises delivery of Cannabis items and related supplies to consumers. A Cannabis retailer

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shall also accept consumer purchases to be fulfilled from its retail store that are presented by a Cannabis delivery service which will be delivered by the Cannabis delivery service to that consumer.

Class 6 – Cannabis Delivery Service. A Cannabis Delivery Service is defined as any licensed person or entity that provides courier services for consumer purchases of Cannabis items and related supplies fulfilled by a Cannabis retailer in order to make deliveries of the Cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the Cannabis items directly through the Cannabis delivery service, which after presenting the purchase order to the Cannabis retailer for fulfillment, is delivered to that consumer.

Legal Residence. A structure in which one or more persons actually reside in conformance with State and Local law, or which has a certificate of occupancy permitting residency. The structure may be exclusively or partially residential.

Legal Walking Distance. To be measured in the normal way that a pedestrian would properly walk from the nearest entrance of the cannabis licensee to the nearest entrance of the site whose proximity from the licensee is being measured. The said method of measurement, which is also found in N.J.S.A. 33:1-76, shall be interpreted consistent with administrative and other case law addressing the issue of measurement under the said statute.

§ 000-2 License Classes, and Certain Class-Related Requirements

A. Generally. The Township hereby establishes that the following Cannabis License Classes, as defined above, are permissible in the Township subject to the licensing requirements, rules, and regulations established herein and by State law:

- Class 1 Cannabis Cultivator
- Class 2 Cannabis Manufacturer
- Class 3 Cannabis Wholesaler
- Class 5 Cannabis Retailer

B. Certain Class Related Requirements.

1. The maximum number of licenses available for each Class is as follows:

- Class 1-Cultivator – 1 License.
- Class 2-Manufacturer- 1 License.
- Class 3-Wholesaler- 1 License.
- Class 5-Retailer- 2 Licenses.

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2. No Class 5 Retail License may operate within eight hundred (800) feet legal walking distance as defined above of another Class 5 Retail License operation.
3. Nothing herein obligates the local licensing authority to issue all licenses available in any class.
4. Licensure in all classes may be, but are not required to be, held by the same entity or individual, but an entity may not hold more than one cannabis retailer license. Any license conditionally issued by the Township is contingent upon the locally licensed entity's or individual's subsequent recipient of a State permit or license of the same class or type of regulated cannabis activity.

§ 000-3 Tax

- A. Transfer Tax Imposed.** There is hereby imposed a transfer tax of two percent on receipts from the sale of cannabis by a cannabis cultivator to another cannabis cultivator; receipts from the sale of cannabis items from one cannabis manufacturer to another cannabis establishment; and receipts from the retail sales of cannabis items by a cannabis retailer to retail consumers who are 21 years of age or older; and a tax of one percent of the receipts from each sale by a cannabis wholesaler. Such tax shall be collected or paid, and remitted to the municipality by the cannabis establishment from the cannabis establishment purchasing or receiving the cannabis or cannabis item, or from the consumer at the point of sale, on behalf of the municipality by the cannabis retailer selling the cannabis item to that consumer. The transfer tax shall be stated, charged, and shown separately on any sales slip, invoice, receipt, or other statement or memorandum of the price paid or payable, or equivalent value of the transfer, for the cannabis or cannabis item. No cannabis establishment required to collect a transfer tax imposed hereunder shall advertise or hold out to any person or to the public in general, in any manner, directly or indirectly, that the transfer tax or user tax will not be separately charged and stated to another cannabis establishment or the consumer, or that the transfer tax will be refunded to the cannabis establishment or the consumer.
- B. Tax Liability.** Every cannabis establishment required to collect a transfer tax imposed by ordinance pursuant to this section shall be personally liable for the transfer tax or user tax imposed, collected, or required to be collected under this section. Any cannabis establishment shall have the same right with respect to collecting the transfer tax from another cannabis establishment or the consumer as if the transfer tax was a part of the sale and payable at the same time, or with respect to non-payment of the transfer tax or user tax by the cannabis establishment or consumer, as if the transfer tax was a part of the purchase price of the cannabis or cannabis item, or equivalent value of the transfer of the cannabis or cannabis item, and payable at the same time; provided, however, that the chief fiscal officer of the municipality shall be joined as a party in any action or proceeding brought to collect the transfer tax or user tax.

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C. Collection of Taxes, and Liens. All revenues collected from a transfer tax imposed by ordinance pursuant to this section shall be remitted to the Tax Collector in the manner prescribed herein. The Tax Collector shall collect and administer any transfer tax imposed by ordinance pursuant to this chapter. The municipality may enforce the payment of delinquent taxes or transfer fees imposed by ordinance pursuant to this section in the same manner as provided for municipal real property taxes. In the event that the transfer tax imposed by ordinance pursuant to this section is not paid as and when due by a cannabis establishment, the unpaid balance, and any interest accruing thereon, shall be a lien on the parcel of real property comprising the cannabis establishment’s premises in the same manner as all other unpaid municipal taxes, fees, or other charges. The lien shall be superior and paramount to the interest in the parcel of any owner, lessee, tenant, mortgagee, or other person, except the lien of municipal taxes, and shall be on a parity with and deemed equal to the municipal lien on the parcel for unpaid property taxes due and owing in the same year. The municipality shall file in the office of its tax collector a statement showing the amount and due date of the unpaid balance and identifying the lot and block number of the parcel of real property that comprises the delinquent cannabis establishment’s premises. The lien shall be enforced as a municipal lien in the same manner as all other municipal liens are enforced

D. Certain Powers and Duties of Tax Collector

1. General Powers and Duties. The Tax Collector is charged with the administration and enforcement of the provisions of this chapter, and is empowered to prescribe, adopt, promulgate and enforce rules and regulations relating to any matter pertaining to the administration and enforcement of this chapter, including provisions for the reexamination and corrections of declarations and returns, and of payments alleged or found to be incorrect, or as to which an overpayment is claimed or found to have occurred, and to prescribe forms necessary for the administration of this chapter. Should a cannabis establishment fail or refuse to provide adequate information to the Tax Collector to determine the amount of tax due, the Tax Collector may use information provided to the Tax Collector from other sources (i.e., the Commission or Department of Treasury) to determine the amount of tax liability.

2. Other Powers and Duties. It shall be the duty of the Tax Collector to collect and receive the taxes, fines, and penalties imposed by this chapter. The Tax Collector shall establish a line item displayed in the municipal budget, which is exclusively designated for the collection of all taxes, fines and penalties imposed by this chapter. It shall also be the duty of the Tax Collector to keep a record showing the date of such receipt. The Tax Collector is authorized to enter into agreements with the State of New Jersey to obtain information to facilitate administration of the tax. The Tax Collector is authorized to issue a ruling upon written request of a taxpayer or upon its own volition.

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3. **Examination of Taxpayer Records.** The Tax Collector is hereby authorized to examine the books, papers and records of any taxpayer to verify the accuracy of any declaration or return, or if no declaration or return was filed, to ascertain the tax due. Every taxpayer is hereby directed and required to give to the Tax Collector, or to any agent designated by him/her, the means, facilities and opportunity for such examinations and investigations, as are hereby authorized.

E. Taxpayer Records, Returns, and Audits

1. **Taxpayer Recordkeeping.** Taxpayers liable for the transfer tax are required to keep such records as will enable the filing of true and accurate returns or the tax and such records shall be preserved for a period of not less than three (3) years from the filing date or due date, whichever is later, in order to enable the Tax Collector or any agent designated by him to verify the correctness of the declarations or returns filed. If records are not available in the municipality to support the returns which were filed or which should have been filed, the taxpayer will be required to make them available to the Tax Collector either by producing them at a location in the municipality or by paying for the expenses incurred by the Tax Collector or his agent in traveling to the place where the records are regularly kept.
2. **Returns.** All cannabis establishments operating in the municipality are required to file a transfer tax return with the Tax Collector to report their sales during each calendar quarter and the amount of tax in accordance with the provisions of this chapter. Returns shall be filed and payments of tax imposed for the preceding calendar quarter shall be made on or before the last day of April, July, October, and January, respectively. A taxpayer who has overpaid the transfer tax, or who believes it is not liable for the tax, may file a written request on an amended tax return with the Tax Collector for a refund or a credit of the tax. For amounts paid as a result of a notice asserting or informing a taxpayer of an underpayment, a written request for a refund shall be filed with the Tax Collector within two (2) years of the date of the payment.
3. **Confidentiality.** The returns filed by taxpayers, and the records and files of the Tax Collector respecting the administration of the transfer tax, shall be considered confidential and privileged and neither the municipality nor any employee or agent engaged in the administration thereof or charged with the custody of any such records or files, nor any former officer or employee, nor any person who may have secured information therefrom, shall divulge, disclose, use for their own personal advantage, or examine for any reason other than a reason necessitated by the performance of official duties any information obtained from the said records or files or from any examination or inspection of the premises or property of any person. Neither the Tax Collector nor any

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employee engaged in such administration or charged with the custody of any such records or files shall be required to produce any of them for the inspection of any person or for use in any action or proceeding except when the records or files or the facts shown thereby are directly involved in an action or proceeding under the provisions of the State Uniform Tax Procedure Law or of the tax law affected, or where the determination of the action or proceeding will affect the validity or amount of the claim of the municipality under the tax provisions of this chapter.

4. **Audit and Assessment.** The Tax Collector may initiate an audit by means of an audit notice. If, as a result of an examination conducted by the Tax Collector, a return has not been filed by a taxpayer or a return is found to be incorrect and transfer taxes are owed, the Tax Collector is authorized to assess and collect any tax due. If no return has been filed and tax is found to be due, the tax actually due may be assessed and collected with or without the formality of obtaining a return from the taxpayer. Deficiency assessments (i.e., where a taxpayer has filed a return but is found to owe additional tax) shall include taxes for up to three (3) years to the date when the deficiency is assessed. Where no return was filed, there shall be no limit to the period of assessment.
5. **Notice; Hearing** Upon proposing an assessment, the Tax Collector shall send the taxpayer an interim notice which advises the taxpayer of additional taxes that are due. Should the taxpayer wish to dispute the assessment administratively by requesting a hearing with the Tax Collector, it must do so within thirty (30) days of the date of such interim notice. If, after the Tax Collector sends an interim notice, a taxpayer fails to timely request a hearing with the Tax Collector or requests a hearing and after conducting a hearing, the Tax Collector determines that the taxes are due, the Tax Collector shall send the taxpayer a final notice.

§ 000-4 **Distance Requirements; Statutory Zoning**

- A. **Distance.** No Class of License or Cannabis business shall operate within two hundred (200) feet legal walking distance as defined above from any Place of Worship or a School providing education for grades Kindergarten through Twelve (12) , or of any Legal Residence as defined above. However, if there were no such Places of Worship, Schools, or Legal Residences with the said distance at the time of licensure, then subsequent construction or conversion shall not affect the licensee’s right to operate.
- B. **Statutory Zoning** The above distance standards are not intended to supersede or in any way limit the legal effect of the State zoning standards for such businesses under N.J.S.A. 24:6I-45, which provide:

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The growing, cultivating, manufacturing, and selling and reselling of cannabis and cannabis items, and operations to transport in bulk cannabis items by a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, or as a cannabis distributor or cannabis delivery service shall be permitted use in the B-1 Primary Business District, and I-1 Restricted Industrial District zones of the municipality. A-1 Zoning District shall be restricted to only Alternative Treatment Centers (Medical Marijuana Establishments).

The selling of cannabis items to consumers from a retail store by a cannabis retailer shall be a conditional use in all commercial zones or retail zones, subject to meeting the conditions set forth in any applicable zoning ordinance or receiving a variance.

§ 000-5 Licensee Duties and Restrictions

- A. **No Mobile Sites.** No cannabis establishment shall be housed in a vehicle or any movable or mobile structure.
- B. **Odor.** Cannabis establishments shall have equipment to mitigate odor. The building shall be equipped with a ventilation system with carbon filters sufficient in type and capacity to mitigate cannabis odors emanating from the interior of the premises.
- C. **Noise.** Outside generators and other mechanical equipment used for any kind of power supply, cooling, or ventilation shall be enclosed and have appropriate baffles, mufflers, and/or other noise reduction systems to mitigate noise pollution.
- D. **Security.** All classes of Cannabis licensees shall be secured in accordance with State of New Jersey statutes and regulations; shall have a round-the-clock video surveillance system, 365 days a year; and shall have trained security personnel onsite at all times during operating hours.
- E. **Hours.** No Cannabis retailer may open to customers for business before 8:00 am or remain open to customers for business after 8:00 pm.
- F. **No Sale or Use of Alcohol or Tobacco.** There shall be no on-site sales of alcohol or tobacco products, and no on-site consumption, alcohol or tobacco.
- G. **Cameras.** All sites must be equipped with security cameras covering all exterior parking and loading areas, points of entry, and interior spaces which are either open to the public or used for the storage or processing of Cannabis products. Footage must be maintained for the duration required under State law. All licensed facilities must provide the Township of Willingboro Township Police with access to security footage immediately upon request.

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- H. **Signage Promoting Excessive Consumption.** No Cannabis business shall display signage containing text and/or images intended to promote excessive consumption of legal Cannabis products.

§ 000-6 Marketing and Advertising

- A. Any permitted cannabis facility shall restrict signage to the appropriate signage requirements permitted by the Township Code. Signage shall conform to the general character of the area in which the facility is located.
- B. Any permitted cannabis facility signage shall not be illuminated at any time.
- C. Any permitted cannabis facility shall not display on the exterior of the facility advertisements for consumption or a brand name except for purposes of identifying the building by the permitted name.
- D. Any permitted cannabis facility shall not advertise on the exterior of facility or exterior signage.
- E. The terms “cannabis,” “marijuana” and any paraphernalia related thereto shall not be displayed or clearly visible to a person from the exterior of the permitted cannabis facility.
- F. No cannabis product shall be visible from a public sidewalk, public street or right-of-way or any other public place.
- G. All cannabis products shall be stored securely indoors and onsite.
- H. Any permitted cannabis facility shall post signage indicating that consumption is prohibited onsite and outside of the facility.

§ 000-7 The Licensing Process

- A. **Local licensing authority.** The Municipal Clerk or their Designee (hereinafter referred to as “Clerk,” also referencing such Designee in each instance) is hereby designated to act as the local licensing authority for the Township for all Cannabis classes of licenses. Under all circumstances in which State law requires communication to the Township by the Cannabis Regulatory Commission or any other State agency with regard to the licensing of Cannabis establishments by the State, or in which State law requires any review or approval by the Township of any action taken by the State licensing authority or for the grant of any class of license by the Township, the exclusive authority for receiving such communications and granting such approvals for any class of license shall be exercised by and through the Clerk. Under no circumstances shall a local license for a Cannabis establishment issued by the Township be effective until or unless the State has issued the requisite permits or licenses to operate such a facility. It is the intent of this Chapter that no Cannabis establishment may lawfully operate in the Township without the issuance of a State permit or license and full regulatory oversight of the Cannabis establishment by the Cannabis Regulatory Commission or other State licensing authority as well as oversight and issuance of a license by the Township.

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B. Application. Persons wishing to obtain any classification of Cannabis license shall file a license application with the Clerk, on a standardized form established by the Municipal Clerks Office. The Clerk shall establish an application period and deadline for all applications. An application shall be deemed incomplete, and shall not be processed by Clerk, until all documents are submitted and fees paid. The Office of the Clerk may grant or deny any application in its sole discretion. To be deemed complete, all applications shall be accompanied by the following:

1. The Applicant has submitted a completed application.
2. The applicant shall submit proof that the applicant has or will have lawful possession of the premises proposed for the Cannabis establishment with the permitted locations as established herein, 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.
3. 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.
4. The location proposed for licensing by the applicant shall comply with all applicable municipal zoning laws and the location restrictions set forth in this Ordinance.
5. The applicant shall submit, to the satisfaction of the Clerk, proof of financial capability to open and operate the Cannabis establishment for which the applicant is seeking a license. Standards for proof of financial capability shall be determined by the Department of Economic Development.
6. The applicant shall submit all required fees, which are nonrefundable, for the application and license, conditioned upon State issuance of license/authority to operate in accordance with the following fee schedule:
 - a. Classes 1, 2, and 3: \$40,000.00
 - b. Class 5: \$10,000.00 Cannabis retailer license
7. The applicant shall submit all annual registration fees required in accordance with the following fee schedule, which shall be refunded in the event the applicant does not receive a license:

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a. Annual Registration fees:

Classes 1, 2, and 3: \$60,000.00

Class 5: \$20,000.00

b. Reduction of Fees.

- i. Any business that can provide proof that a resident of the Township of Willingboro maintains at least 50% ownership in the business shall be entitled to a 25% reduction of the licensure fee and annual registration fee, or remaining fee if a reduction has already been applied under this section.
- ii. Any business that can provide a Minority Business Enterprise Certification from the State of New Jersey shall be entitled to a 25% reduction of the licensure fee and annual registration fee, or remaining fee if a reduction has already been applied under this section.
- iii. Any business that can provide a Women’s Business Enterprise Certification from the State of New Jersey shall be entitled to a 25% reduction of the licensure fee and annual registration fee, or remaining fee if a reduction has already been applied under this section.
- iv. Any business that can provide proof that at least 1/3 of its employees are residents of the Township of Willingboro Township shall be entitled to a 50% reduction of the licensure fee and annual registration fee, or remaining fee if a reduction has already been applied under this section. In order to receive a reduction under this section, the business entity must provide adequate proof of employment and residency, in the form of payroll history (amounts redacted) and proof of residency demonstrating at least nine (9) months of both residency and active employment. The Township reserves the right and the applicant agrees to permit the Township to contact any employees referenced in order to verify employment and residency.
- v. Any business that can provide proof that it relies on local goods and services, in the form of at least two (2) ancillary service contracts the business has awarded to other businesses located within the Township of Willingboro Township, shall

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be entitled to a 25% reduction of the licensure fee and annual registration fee, or remaining fee if a reduction has already been applied under this section. In order to receive a reduction under this section, the licensed business entity must provide proof of an ancillary service contract with other local businesses valued over \$5,000 for goods or services provided to the business the previous year, and proof of payment. The Township of Willingboro Township shall confirm that each ancillary service company is a business entity located within the Township of Willingboro Township, and possesses a valid business license in good standing. Ancillary services shall include, but shall not be limited to, mechanical services, auto repair services, custodial services, office furniture and/or supplies, labor, food, advertisement, IT services, and construction and/or repair services.

8. In addition to complying with any State requirement related to good character and criminal background, any person proposed to have an ownership interest in the license shall not have had any Cannabis license or permit revoked for a violation affecting public safety in the State of New Jersey or a subdivision thereof within the preceding five (5) years. The applicant and the application shall otherwise comply with any, and all qualification standards set forth in the State and Township laws or regulations.

9. The Clerk shall consider and give preference to the following criteria in awarding any Class of License:

- a. The Applicant's ties to the Willingboro Township, demonstrated by at least one individual applicant or shareholder's proof of residency in Willingboro Township or at least one shareholder's or individual's continuous ownership of a business based in Willingboro Township, or the intent to relocate and reside in Willingboro Township, or a intent to relocate or establish a business in Willingboro Township; and
- b. The Applicant's demonstrated commitment to diversity in its ownership composition and hiring practices, including a plan to hire residents of Willingboro Township, and whether the applicant entity or its parent company holds any certifications as a NJ minority-owned, women-owned, or veteran-owned business.

10. Notwithstanding the foregoing application process, a notification of award and conditional municipal license shall entitle the recipient applicant to pursue a State permit or license in the appropriate classification for up to 3 months, which may be extended in the Township Council's discretion for an additional time period. No

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license to operate shall issue until the applicant has received a State permit and satisfied other prerequisites of municipal licensure. If the recipient of a notice of award and conditional license has not received a State permit or license within 6 months from issuance, unless extended, the preliminary approval may be revoked.

11. The Clerk may waive or amend any requirement or implement any requirement, extend any time period, and otherwise modify the application process.

12. The Clerk shall make recommendation to the governing body of selected applicants, wherein licenses shall only be approved upon a majority vote of the members present.

B. Term of license and license renewals.

1. Any local license issued pursuant to this Ordinance shall be valid for a period of three (3) years from the date of issuance and shall be renewed in accordance with the provisions of this Chapter.
2. In Order to renew the licenses, the Applicant shall pay a non-refundable application fee and submit a new application to the Municipal Clerks office, who shall then consider whether to renew the license. In any renewal application, the Clerk shall give weights to any applicant that has increased the diversity of its workforce during its years of operation and/or increased the number of Willingboro Township residents who were hired during the preceding three years. The failure to increase diversity or hire additional Willingboro Township residents is cause to deny the application for renewal. To the extent that an application for renewal has increased the diversity of its workforce/ownership, and/or increased the number of Willingboro Township residents employed by more than 20%, the application for renewal shall be granted provided that the applicant has complied with all terms of this Ordinance, paid all fees, and is not in violation of any Laws, Rules or Regulations.
3. The Clerk, may, at his/her discretion, adjust the renewal date of the local license to correlate with an applicant's State licensing and renewal schedule.
4. Renewal of any license shall be governed by any code amendments, additional restrictions or changes in regulations adopted since the previous license was issued or renewed.
5. Transfer of ownership of any local license or change of location of any license or modification to expand a licensed premise shall be submitted to the Township Clerk for review and be presented to the governing body for vote and approval, which may be conditioned or denied.

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6. Except where the Municipal Clerks office has received a complete renewal application along with the paid nonrefundable 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 license after the expiration date recorded on the face of the license.

§ 000-8 Nuisance and Discipline

- A. **Nuisance.** With respect to the operation any Cannabis license, the following is hereby declared to be an unlawful public nuisance:
 1. Odors or noise which are disturbing to people of reasonable sensitivity who may be residing near or present on nearby property, including areas open to the public.
 2. Repeated dispatches to the property by law enforcement.
 3. Disruption to and/or obstruction of the free passage of persons and/or vehicles in the immediate vicinity of the property.
 4. Any other condition or act which may be deemed a violation of this Chapter.
- B. **Disciplinary actions.** Procedures for investigation of license violations and for suspension, revocation, or other licensing sanctions as a result of any such violation shall be as follows:
 1. First offense: Up to \$250 per violation per day;
 2. Second offense: Up to \$500 per violation per day;
 3. Third violation shall result in summary suspension.
- C. **Summary suspension.** Notwithstanding the foregoing section, when the Department of Code Enforcement has grounds to believe that a licensee has engaged in a violation of any applicable law or regulation, created a nuisance, dangerous, or unsanitary condition, or that the public health, safety, and/or general welfare has been jeopardized, the Department of Code Enforcement may enter a summary suspension order for the immediate suspension of such license pending further investigation. License holder consents to jurisdiction of the Department of Code Enforcement and to suspension of same as decided by the Department of Code Enforcement.

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1. The summary suspension order shall be in writing and shall state the reasons therefor. The licensee shall be afforded an opportunity for a hearing as outlined herein.
 2. The Department of Code Enforcement shall convene a review panel consisting of the Township Solicitor, a second administrative officer designated by the Mayor, and the Chief of Police. The hearing shall be scheduled within 30 days of the date of the order.
 3. The review panel is authorized to impose any fines, conditions, restrictions, suspensions, or combination thereof authorized by the State of New Jersey. In the absence of State specified penalties, the Township may issue fines up to, but not to exceed, \$2,000 per offense and/or suspension of license for a period not to exceed 6 months.
- D. Inactive licenses.** All license holders must notify the Clerk within 30 days if said license holder intends to become inactive. Notwithstanding, should said license holder fail to report their inactivity following the commencement of retail sales of Cannabis or Cannabis products, the Township may suspend or revoke any license if the licensed premises have been inactive or unoccupied by the licensee for at least 6 months.
- E. Reissuing of Licenses.** The Township may reissue any licenses that become inactive or revoked by utilizing the same licensing process as outlined in this Chapter.
- E. State license.** The Township may suspend or revoke any license if the corresponding State license or permit for the subject location is expired, surrendered, suspended, or revoked.

SECTION II: All Ordinances or portions of Ordinances inconsistent herewith are hereby repealed to the extent of their inconsistency only.

SECTION III: If any part of this Ordinance shall be declared to be invalid or inoperative, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

SECTION IV: The Township Clerk shall have this Ordinance codified and incorporated in the official copies of the Code of Willingboro Township.

SECTION V: This Ordinance shall take effect upon passage, approval and publication as required by law.

SECTION VII: The Clerk may correct any clerical errors in the printing, publication and codification of this Ordinance, provided both concur with the correction being made and both certify in writing to the Township Council as to the specifics of the clerical correction no later than seven (7) days before

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the correction is made, or, where a legal deadline for publication applies, no later than the date of the next Regular Meeting. The said certifications shall also be prominently posted no later than the date of the next Regular Meeting, and thereafter shall be annexed to the corrected original Ordinance and retained by the Township Clerk.


STATEMENT OF PURPOSE

The purpose of this Ordinance is to create various local laws governing cannabis, as authorized by N.J.S.A. 24:6I-45. More specifically, following a short definitional section, the cannabis-related subject matters addressed herein include:

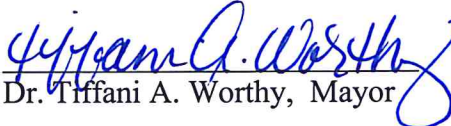
- License classes, and class-related requirements.
- Local taxation of cannabis.
- Powers and Duties of the Tax Collector
- Distance and Zoning requirements.
- Licensee Duties and Restriction
- Marketing and Advertising Requirements and Restrictions.
- Licensing and Application Process
- Terms of License and License Renewals.
- Nuisance and Discipline

<i>Councilmember</i>	<i>Motion</i>	<i>2nd</i>	<i>Yea</i>	<i>Nay</i>	<i>Recuse</i>	<i>Abstain</i>	<i>Absent</i>
<i>Councilman Anderson</i>							<i>X</i>
<i>Councilwoman Perrone</i>	<i>X</i>			<i>X</i>			
<i>Councilwoman Whitfield</i>		<i>X</i>	<i>X</i>				
<i>Deputy Mayor McIntosh</i>			<i>X</i>				
<i>Mayor Worthy</i>			<i>X</i>				

Attest:



 Brenda Bligen, MBA
 Acting Township Clerk


 Dr. Tiffani A. Worthy, Mayor