

Ordinance

No. 3-2024

AN ORDINANCE BY THE BOROUGH OF WESTVILLE IN GLOUCESTER COUNTY, NEW JERSEY AMENDING CHAPTER 205, LAND USE AND DEVELOPMENT, OF THE BOROUGH CODE BOOK TO PERMIT THE OPERATION OF CERTAIN CLASSES OF LEGAL CANNABIS BUSINESSES WITHIN THE I-4 LIGHT INDUSTRIAL DISTRICT OF THE BOROUGH OF WESTVILLE

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 one 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; and

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 Borough Council of Westville seeks to adopt policies aimed at regulating local land use standards that shall be applicable to any person or entity licensed by the State and engaging in a lawful cannabis business within the municipal boundaries of the Borough; and

WHEREAS, the Borough Council of Westville finds that the adoption of such land use standards is consistent with the Legislature’s findings that a controlled system of cannabis manufacturing, distribution, and sales must be designed in a way that enhances public health and minimizes harm to New Jersey communities and families.

NOW THEREFORE, BE IT ORDAINED, by the Council of the Borough of Westville, in the County of Gloucester, State of New Jersey, that the Code Book of the Borough of Westville shall be amended as following:

Section 1. Chapter 205, Land Use and Development, Article IX, I-4 Light Industrial District §205-52, Use Regulations, Subsection B, Conditional Uses, of the Code Book of the Borough of Westville, subsections §205-52-3 and 3(a) are hereby amended to read as follows:

(3.) Cannabis Establishments of Class 1, Class 2, Class 3 and Class 4 are Conditional Uses subject to:

(a.) Class 1, Class 2, Class 3 and Class 4 may be combined on the same site or

within the same building.

Section 2. Repealer: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

Section 3. Severability: Each section of this Ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective, shall not be deemed to affect the validity or constitutionality of any other sections or parts hereof.

Section 4. Effective date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Introduced: February 26, 2024

Adopted: March 25, 2024

BOROUGH OF WESTVILLE

**Fritz H. Sims, Jr.
MAYOR**

ATTEST:

**Kathleen Carroll
DEPUTY MUNICIPAL CLERK**