

ORDINANCE #1466

ORDINANCE OF THE TOWNSHIP OF HADDON, COUNTY OF CAMDEN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF HADDON TO ESTABLISH PART II, GENERAL LEGISLATION, CHAPTER 76, ENTITLED “CANNABIS REGULATION”

WHEREAS, the Township of Haddon, (“Township”) is a municipal entity organized and existing under the laws of the State of New Jersey and located in Camden County; and

WHEREAS, the Township desires to implement standards for the issuance of a “Resolution of Support” for the granting of municipal cannabis licenses, which Resolution of Support is required by law under Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (“CREAMMA”); and

WHEREAS, the Township believes it is in the best interest of Township and its residents to enact this ordinance establishing Chapter 76 “Cannabis Regulation” to comply with the regulatory framework established by the New Jersey Cannabis Regulatory Commission;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Commissioners of the Township of Haddon, County of Camden, and State of New Jersey that the Code of the Township of Haddon be amended to establish Chapter 76, “Cannabis Regulation”, as follows:

Section 1.

Section 76-1 Permitted Number of Licenses

The maximum number of cannabis licensees in the Township shall be limited to two (2) as set forth in Section 142-38.I.a(1) of the Township Code. A licensee that holds more than one class of license shall be counted as one (1) licensee provided the licensee operates the cannabis business at one physical location.

Section 76-2 Local Support of Application for State Cannabis License

- A. **Application.** In order to obtain a Resolution of Support to accompany an application for a license submitted to the New Jersey Cannabis Regulatory Commission, an applicant shall file an application, signed by the applicant, with the Municipal Clerk or his/her designee upon a form provided by the Municipal Clerk which sets forth all information necessary for proper consideration of the request.
- B. **Fee.** At the time application is made, the applicant shall pay to the Township application fees as follows:
- 1) Applicant Fee - \$1,500.00 (Nonrefundable)
 - 2) Initial License Fee - \$3,000.00 (Due upon approval)
 - 3) Annual Renewal Fee - \$2,000.00 (Due by November 1st of each calendar year)
- C. **Limit on Number of Resolutions of Support; Duration.** Recognizing that the Commissioners may only issue a Resolution of Support for as many licenses are permitted in this Chapter, prior to accepting an application for a Resolution of Support, the Municipal Clerk or his/her designee will advise a prospective applicant whether the Township has any licenses available for which a Resolution of Support may be issued. In the event a prospective applicant submits an application even if no licenses are available, the application will be accepted and remain on file for a one-

year period. In the event a license becomes available, requests for a Resolution of Support will be considered in chronological order from when received by the Township Administrator's office. If no license becomes available within one year of the date an application is submitted the application will be deemed inactive unless prior to the expiration of the year the applicant pays a renewal fee of \$100.00 to retain their place in chronological order for an additional year. There is no limit to the number of times an application may be renewed.

- D. **Standard.** The Commissioners shall review application for a Resolution of Support and render a decision which the Commissioners deems most advantageous to the Township. An appearance by the applicant at a Commissioner's meeting may be required in the sole discretion of the Commissioners. The decision whether to issue, or decline, an application for a Resolution of Support is within the Commissioners sole discretion.
- E. **Issuance by Resolution.** Upon approval of an application for a Resolution of Support, the Commissioners shall issue a Resolution indicating its support for the applicant's application for a state license.

Section 76-3 License Requirements.

- A. **Local License Required.** Pursuant to *N.J.S.A. 24:6I-45c.(2)*, no person or entity shall operate a cannabis business in the Township without obtaining a license pursuant to this Chapter.
- B. The Commissioners shall constitute the issuing authority for the issuance of a local license, and for the suspension or revocation of any license issued hereunder.
- C. **Issuance; duration; non-transferability.** Upon approval of an application, the Commissioners shall, by resolution, direct the Township Clerk to issue a license to operate a cannabis business in the Township. Once issued, a license will be effective until December 31 of the year in which it is issued. Licenses are non-transferable once issued.
- D. **Renewal.** Applications for annual renewal of a license must be filed with the Township Clerk no later than November 1 of each year. The nonrefundable annual renewal fee of \$2,000.00 shall be due at the time of renewal of a license is submitted.
- E. **Suspension or Revocation.** Any license required by this Chapter may be suspended or revoked for violation of any of the following:
 - (1) Subsequent knowledge of fraud, misrepresentation or materially incorrect statements provided by an applicant on an applicant form.
 - (2) Any fraud, misrepresentation, or false statements made in conducting the cannabis business.
 - (3) Any violation of the CREAMMA Statute or the rules and regulations of the Cannabis Regulatory Commission.
 - (4) Subsequent conviction of any federal or state statute or regulation, or of any local ordinance, which adversely reflects upon the person's ability to conduct the cannabis business in a professional, honest and legal manner. Such violations shall include, but are not limited to, violations of Chapter 35 of Title 2C of the New Jersey Statutes, burglary, theft, larceny, swindling, fraud, unlawful business practices, and any form or actual or threatened physical harm against another person.
 - (5) The cessation of discontinuation of active business operations for a period of six months or longer.

(6) Failure to remit cannabis tax required to be paid to the Township for two consecutive quarters.

(7) Violation of any other provision of this chapter.

F. Notice of Hearing. Notice of a hearing to consider the suspension or revocation of a license under the preceding subsection shall be given in writing by the Township Clerk, setting forth the grounds of the proposed action and the time and place of the hearing. Such notice shall be personally delivered, or mailed, by certified and regular mail, to the licensee at the address indicated on the license application, at least ten days prior to the hearing.

G. Appeal. Any person whose permit is suspended or revoked under this section shall have the right to appeal that decision to a court of competent jurisdiction.

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.

THE TOWNSHIP OF HADDON

BY: _____
RANDALL W. TEAGUE, MAYOR

BY: _____
JAMES MULROY, COMMISSIONER

BY: _____
RYAN LINHART, COMMISSIONER

Introduced: August 20, 2024
Adopted: September 24, 2024

ATTEST:

DAWN PENNOCK, RMC - TOWNSHIP CLERK

I hereby certify, the foregoing Ordinance was adopted by the Mayor and Commissioners at the regular meeting held on September 24, 2024 after final reading and public hearing.

Dawn M. Pennock, Township Clerk