

**TOWNSHIP OF SADDLE
BROOK
ORDINANCE # 1718-22**

**AN ORDINANCE OF THE TOWNSHIP OF SADDLE BROOK, COUNTY OF BERGEN,
STATE OF NEW JERSEY AND SUPPLEMENTING CHAPTER 206 OF THE
TOWNSHIP CODE REGULATING THE OPERATION OF SPECIFIC CLASSES OF
CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES**

WHEREAS, the Township has determined to regulate zoning and permitted uses within the various zones within the Township; and

WHEREAS, it is the intent of the governing body that Microbusiness Class 1 Cultivation operations be permitted in the B-2 zone within the Township.

NOW THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Saddle Brook, as follows:

SECTION 1: The current text of the Township Ordinance 1707-21, Subsection 2, Definitions, is hereby amended to include the following:

MICROBUSINESS

A person or entity licensed under P.L.2021, c. 16 (C.24:6I-31 et al.) as a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service that may only, with respect to its business operations, and capacity and quantity of product: (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 resin, 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 resin, or any combination thereof.

SECTION 2: The current text of the Township Ordinance 1707-21, Subsection 4, Classes of Permitted Businesses, is hereby amended to include the following:

B. Pursuant to Section 31b of the New Jersey Cannabis Regulatory Enforcement Assistance and Marketplace Modernization Act (P.L. 2021, c. 16), the Township of Saddle

Brook shall permit the total of three (3) Class 1 Cannabis Cultivation licenses, three (3) Class 2 Manufacturing licenses, and three (3) Class 5 Cannabis Retailer licenses.

C. The classes of permitted Cannabis licenses shall operate in the Township of Saddle Brook as conditional uses, subject to the conditions set forth in Subsection 5 below.

D. The total number of permitted Cannabis licenses shall include licenses for Microbusinesses as defined in Subsection 2.

SECTION 3: The current text of the Township Ordinance 1707-21, Subsection 5, Conditional Use Standards is hereby amended as follows:

B. Cannabis manufacturing location and performance requirements:

- (1) All cannabis manufacturing operations shall only be permitted in the I Industrial 62 District and shall not be located within 500 feet of any public or private elementary, vocational, or secondary school, a licensed day care center or any residential zone. Distances shall be measured in a straight line from the center of the entrance of the Cannabis Establishment to the closest point of the property line of the school, daycare center, or any residential zone. Emergency/fire exits, maintenance access, and doors to gain access to non-public areas are not used in the measurement. If the entrance is set back from the sidewalk by a walkway or doorway, the measurement is taken from the center of the line where the walkway/doorway meets the sidewalk.

C. Cannabis cultivator location and performance requirements:

- (1) All cannabis cultivator operations, except microbusiness cannabis cultivation operations noted in Subsection E below, shall only be permitted in the I Industrial District and cultivator operations shall not be located within 500 feet of any public or private elementary, vocational, or secondary school, a licensed day care center, or any residential zone. Distances shall be measured in a straight line from the center of the entrance of the Cannabis Establishment to the closest point of the property line of the school, daycare center, or any residential zone. Emergency/fire exits, maintenance access, and doors to gain access to non-public areas are not used in the measurement. If the entrance is set back from the sidewalk by a walkway or doorway, the measurement is taken from the center of the line where the walkway/doorway meets the sidewalk.

D. Cannabis retailer locational performance requirements:

- (1) All cannabis retailer operations shall only be permitted in the CH - 1 and CH - 2 Limited Commercial Districts and in the B - 2 Secondary Business District adjacent to N.J. Route 46 (Blocks 104, 105, 118, 120, 121, 123, 405 and 412) and retailer operations shall not be located within 500 feet of any public or private elementary, vocational, or secondary school. Distances shall be measured in a straight line from the center of the entrance of the Cannabis Establishment to the closest point of the property line of the school or daycare center. Emergency/fire exits,

maintenance access, and doors to gain access to non-public areas are not used in the measurement. If the entrance is set back from the sidewalk by a walkway or doorway, the measurement is taken from the center of the line where the walkway/doorway meets the sidewalk.

E. Microbusiness Cannabis cultivator location and performance requirements:

- (1) All microbusiness cannabis cultivation operations shall only be permitted in the B - 2 Secondary Business District adjacent to N.J. Route 46 (Blocks 104, 105, 118, 120, 121, 123, 405 and 412) and in the I Industrial District. Microbusiness cannabis cultivation operations shall not be located within 500 feet of any public or private elementary, vocational, or secondary school, a licensed day care center, or any residential zone. Distances shall be measured in a straight line from the center of the entrance of the Cannabis Establishment to the closest point of the property of the school, daycare center, or residential zone. Emergency/fire exits, maintenance access, and doors to gain access to non-public areas are not used in the measurement. If the entrance is set back from the sidewalk by a walkway or doorway, the measurement is taken from the center of the line where the walkway/doorway meets the sidewalk.
- (2) All microbusiness cultivator operations shall be conducted within an enclosed building.
- (3) Microbusiness cultivator operations shall utilize ventilation systems that prevent any odors associated with cannabis from leaving the business premises.
- (4) The minimum off-street parking requirement for microbusiness cannabis cultivator operations shall be 1.25 spaces per employee on the largest shift.

SECTION 4: Any article, section, paragraph, subsection, clause, or other provision of the Saddle Brook Township Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

SECTION 5: If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

SECTION 6: This ordinance shall take effect upon its passage and publication and filing with the Bergen County Planning Board, and as otherwise provided for by law.

SECTION 7: All other parts, portions and provisions of the Township of Saddle Brook Code, be and the same, are hereby ratified and confirmed, except where inconsistent with the terms hereof. In the event of any such inconsistency, the terms of this Ordinance shall be deemed to govern.

SECTION 8: The terms of this Ordinance are hereby declared to be severable; should any part, portion or provision hereof be declared invalid or unconstitutional, said finding shall not affect

any other part,portion or provision thereof.

SECTION 9: This Ordinance shall take effect immediately upon final passage and publication according to law.

ATTEST:

APPROVED:
TOWNSHIP OF SADDLE
BROOK

Peter LoDico, Township Clerk

Florence Mazzer, Council President

Robert White, Mayor