

ORDINANCE # 1723-22

TOWNSHIP OF SADDLE
BROOK

AN ORDINANCE OF THE TOWNSHIP OF SADDLE BROOK, COUNTY OF BERGEN,
STATE OF NEW JERSEY AND SUPPLEMENTING CHAPTER 120 OF THE
TOWNSHIP CODE REGULATING THE OPERATION OF SPECIFIC CLASSES OF
CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES, AS
AMENDED

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

WHEREAS, the Township desires to implement a local licensing authority; and

WHEREAS, it is the intent of the governing body to limit the number of Cannabis Establishments within the Township; and

WHEREAS, it is also the intent of the governing body to establish license fees for Cannabis Establishments within the Township.

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

SECTION 1.

Section 120, "Licenses" shall be amended as follows (underscores represent additions; ~~strikethroughs~~ represent deletions):

§8. Licensing

a. Local licensing authority.

1. The Mayor and Township Council is hereby designated to act as the local licensing authority for the Township for all cannabis establishments. 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, the exclusive authority for receiving such communications and granting such approvals shall be exercised by the Mayor and Township Council.
2. Under no circumstances shall a local license for a cannabis establishment issued by the Mayor and Township Council 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.

- b. Classification of licenses. The Township, subject to land use approval and State licensure, may issue the following municipal licenses to operate a cannabis establishment:

Class I: Cannabis Cultivation license

Class II: Cannabis Manufacturing license

Class V: Cannabis Retail license

- c. Maximum number of licenses. The Township may issue a maximum of licenses as follows:

1. Class I: Cannabis Cultivation license (including microbusinesses): 3
2. Class II: Cannabis Manufacturing license (including microbusinesses): 3
3. Class V: Cannabis Retail license (including microbusinesses): 3

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.

- d. Application. Following receipt of an award of a license by the State, persons wishing to obtain a local cannabis license shall file a license application with the Mayor and Township Council. An application shall be deemed incomplete and shall not be processed by the Mayor and Township Council, until all documents and application fees are submitted. To be deemed complete, all applications shall be accompanied by the following:

1. A cover letter identifying the applicant, the location of the operation, and date it received an award of the license by the State;
2. A copy of the license awarded by the State;
3. A copy of the resolution of support received by the Township;
4. The applicant shall submit proof that the applicant has or will have lawful possession of the premises proposed for the cannabis establishment, 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.
5. 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.

6. The location proposed for licensing by the applicant shall comply with all applicable municipal zoning laws and the location restrictions set forth in this Code.
7. The applicant shall submit, to the satisfaction of the Mayor and Township Council, proof of financial capability to open and operate the marijuana establishment for which the applicant is seeking a license. Standards for proof of financial capability shall be determined by the Mayor and Township Council.
8. The applicant shall submit all required nonrefundable fees for the application and conditional license in accordance with the following fee schedule:
 - (a) Class I: Cannabis Cultivation license: \$15,000.00
 - (b) Class II: Cannabis Manufacturing license: \$15,000.00
 - (c) Class V: Cannabis Retail license: \$15,000.00

Microbusinesses shall submit a nonrefundable fee of \$12,500.00.

9. 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:
 - (a) Class I: Cannabis Cultivation license: \$15,000.00
 - (b) Class II: Cannabis Manufacturing license: \$15,000.00
 - (c) Class V: Cannabis Retail license: \$15,000.00

Microbusinesses shall submit a nonrefundable fee of \$12,500.00.

10. 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.
11. The applicant and the application shall otherwise comply with any, and all qualification standards set forth in the State and Township laws or regulations.

e. Term of license and license renewals.

1. Any local license issued pursuant to this Chapter shall be valid for a period of one (1) year from the date of issuance and shall be renewed in accordance with the provisions of this Chapter.

2. The Mayor and Township Council may, at its discretion, adjust the renewal date of the local license to correlate with an applicant's State licensing and renewal schedule.
3. 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.
4. Transfer of ownership of any local license, expansion of any licensed establishment, or change of location of any license shall be subject to Township Planning review and zoning approval.
5. Except where the Mayor and Township Council has received a complete renewal application along with the 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.

SECTION 2

§9. New Disciplinary Actions; Sanctions; Penalties

- a. 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.
- b. Summary suspension. Notwithstanding the foregoing section, when the Mayor and Township Council has reasonable grounds to believe that a licensee has engaged in deliberate and willful violation of any applicable law or regulation, or that the public health, safety, and/or general welfare has been jeopardized and requires emergency action, the Mayor and Township Council may enter a summary suspension order for the immediate suspension of such license pending further investigation.
 1. The summary suspension order shall be in writing and shall State the reasons therefore. The licensee shall be afforded an opportunity for a hearing as outlined herein.
 2. The Mayor and Township Council shall convene a review panel consisting of the Administrator, 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, \$2,500 per offense and/or suspension of license for a period not to exceed 6 months.
- c. Inactive licenses. Following the commencement of retail sales of cannabis or cannabis products, the Mayor and Township Council may suspend or revoke any license if the licensed premises have been inactive or unoccupied by the licensee for at least 6 months.
- d. State license. The Mayor and Township Council may suspend or revoke any license if the corresponding State license or permit for the subject location is expired, surrendered, suspended, or revoked.

SECTION 3

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 4

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 5

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 6

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 7

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 8

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

Adopted: