

ORDINANCE NO. 2021- 12

ORDINANCE OF THE TOWNSHIP OF LACEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, RE-ADOPTING ORDINANCE NO. 2020-15 ENTITLED "ORDINANCE OF THE TOWNSHIP OF LACEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 335 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF LACEY ENTITLED "ZONING" SO AS TO ESTABLISH MEDICAL CANNABIS DISPENSARIES AS A PERMITTED USE IN THE M-1 BUSINESS PARK ZONE

WHEREAS, on July 8, 2020 the Township of Lacey adopted Ordinance No. 2020-15 which amended and supplemented Chapter 335 of the Township Code entitled "Zoning" so as to establish medical cannabis dispensaries as a permitted use in the M-1 Business Park Zone, said ordinance having been adopted pursuant to the "Jake Honig Compassionate Use Medical Cannabis Act," P.L. 2009, c.307 (C.24:61-1 et al); and

WHEREAS, on February 22, 2021, Governor Philip 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 provides that any ordinance that was adopted by a municipality prohibiting marijuana establishments in the municipality prior to the date of enactment, are invalid; and

WHEREAS, in order to avoid an interpretation of the limitations imposed under the Act as invalidating the Township's previously adopted ordinance permitting medical cannabis dispensaries to the exclusion of all other cannabis establishments by virtue of its adoption

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prior to the date of the Act's enactment, the Township of Lacey does hereby re-adopt the provisions of Ordinance 2020-15 as this ordinance.

BE IT ORDAINED, by the Township Committee of the Township of Lacey, County of Ocean, State of New Jersey, as follows:

SECTION 1. Subsection 335-63.1A of Chapter 335 of the Township Code of the Township of Lacey entitled "Permitted Uses" is hereby amended and supplemented to add new Subparagraph (4) which shall read as follows:

(4) Medical Cannabis Dispensaries.

SECTION 2. Section 335-3 of Chapter 335 of the Township Code of the Township of Lacey entitled "Word usage and definitions" is hereby amended and supplemented to add the following definition:

MEDICAL CANNABIS DISPENSARY – Medical cannabis dispensary means an organization issued a permit by the Cannabis Regulatory Commission that authorizes the organization to purchase or obtain medical cannabis and related supplies from medical cannabis cultivators; purchase or obtain medical cannabis products and related supplies from medical cannabis manufacturers; purchase or obtain medical cannabis, medical cannabis products, and related supplies and paraphernalia from other medical cannabis dispensaries and from clinical registrants; deliver, transfer, transport, distribute, supply, and sell medical cannabis and medical cannabis products to other medical cannabis dispensaries; furnish medical cannabis, including medical cannabis products, to a medical cannabis handler for delivery to a registered qualifying patient, designated caregiver, or institutional caregiver consistent with the requirements of subsection i. of section 27 of P.L.2019, c. 153 (C.24:61-20); and possess, display, deliver, transfer, transport, distribute, supply, sell, and dispense medical cannabis, medical cannabis products, paraphernalia, and related supplies to qualifying patients, designated caregivers, and institutional caregivers. A medical cannabis dispensary shall not cultivate medical cannabis, or produce, manufacture, or otherwise create medical cannabis products.

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SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid of unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

SECTION 5. This ordinance shall take effect after public reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed by the Township Committee of the Township of Lacey on first reading at a meeting held on the 22 day of April, 2020. The Ordinance will be considered for second and final reading at a meeting of the Township Committee which is scheduled for the 13 day of May, 2020 at ~~6:30~~ p.m., or as soon thereafter as the matter may be reached, at the Municipal Building located at 818 Lacey Road, Forked River, New Jersey, at which time the public is invited to ask questions, raise objections, or provide public comment with regard to the proposed adoption of this Ordinance.

VERONICA LAUREIGH
Municipal Clerk
Township of Lacey

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