

**TOWNSHIP OF WANTAGE  
COUNTY OF SUSSEX, NEW JERSEY  
ORDINANCE #11-2025**

Ordinance of the Township of Wantage, in the County of Sussex, New Jersey, Permitting Cannabis Businesses within the Township, Adding Definitions to Section 3-2 of the Township Code, Amending of Code Section 3-10, and Amending Section 13-9.8 and Adopting New Section 13-24.24 Permitting the Operation of Class 1 Through Class 4 Cannabis Licenses as Conditional Uses within Certain Zones in the Township and Adopting New Chapter 29 Establishing Transfer and User Taxes and Licensure Requirements and Additional Requirements

**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 purchased 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**, Wantage Township adopted Ordinance 11-2021 on June 24, 2021, prohibiting cannabis businesses within the Township; and

**WHEREAS**, the Township of Wantage Committee has determined that it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Township of Wantage’s residents and members of the public who visit, travel, or conduct business in the Township of Wantage, to amend the Township’s zoning regulations to permit cannabis businesses within the geographic boundaries of the Township of Wantage as a conditional use pursuant to Section 13-9.8, and subject to the requirements of New Jersey state statutes or administrative code regulations, as may be adopted and amended, including those of the Cannabis Regulatory Commission, and only if such cannabis establishment has first obtained a municipal cannabis license, pursuant to Township Code Section 29-6.

**WHEREAS**, the Township of Wantage Committee has determined that at this time it is necessary and appropriate, and in the best interest of the health, safety and welfare of the Township of Wantage’s residents and members of the public to establish Cannabis transfer and user taxes and licensing requirements to permit cannabis cultivators, manufacturers, wholesalers and distributors to operate within the Township.

**NOW THEREFORE, BE IT ORDAINED**, by the Township of Wantage Committee, in the County of Sussex, State of New Jersey, as follows:

**SECTION ONE.** The General Ordinance of the Township of Wantage is amended by adopting new definitions to Code Section 15-2,

“Definitions”, as follows:

**CANNABIS**

All parts of the cannabis plant, whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant, which are cultivated and, when applicable, manufactured in accordance with P.L. 2016, c. 16, for use in cannabis products as set forth in the Act.

### **CANNABIS CULTIVATOR**

Any licensed business or entity that grows, cultivates, or produces cannabis in this state and sells, and may transport, this cannabis to other cannabis cultivators, or usable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 1 cannabis cultivator license.

### **CANNABIS DELIVERY**

Any licensed business or entity involved in providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service includes the ability of a consumer to make a purchase directly through the cannabis delivery service to be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer. This person or entity shall hold a Class 6 cannabis delivery license.

### **CANNABIS DISTRIBUTOR**

Any licensed business or entity 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. This person or entity shall hold a Class 4 cannabis distributor license.

### **CANNABIS MANUFACTURER**

Any licensed business or entity that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 2 cannabis manufacturer license.

### **CANNABIS RETAILER**

Any licensed business or entity that is involved in the sale of cannabis items and related supplies that are sold to consumers. This person or entity shall hold a Class 5 cannabis retailer license.

### **CANNABIS WHOLESALER**

Any licensed business or entity that is involved in obtaining and selling cannabis items for later resale by other licensees. This person or entity shall hold a Class 3 cannabis wholesaler license.

### **GIFTING**

Any individual, cannabis business or license holder providing free samples of marijuana or cannabis items, either independent of or in connection with the sale of other goods and/or services, from any commercial structure or movable vehicle or trailer.

**SECTION TWO.** The General Ordinance of the Township of Wantage is amended by adding a new Subsection (j) to Section 13-9.8 of the Code to allow for cannabis cultivator, manufacturer, wholesaler or distributor business as a conditional use in the HC – Highway Commercial District Zone, as follows:

- (j) Cannabis cultivator, manufacturer, wholesaler or distributor business

**SECTION THREE.** The General Ordinance of the Township of Wantage is amended by amending Section 3-10.1 to state:

“Pursuant to Section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), cannabis establishments, except cultivators, manufacturers, wholesalers and distributors, are hereby prohibited from operating anywhere in the Township of Wantage, except for the delivery of cannabis items and related supplies by a delivery service. This prohibition shall also apply in those parts of the Township of Wantage under the jurisdiction and authority of any independent state agency, commission or authority located within the Township of Wantage, notwithstanding any state law to the contrary.”

**SECTION FOUR.** The General Ordinance of the Township of Wantage is amended by adopting a new Section N, Cannabis Businesses, Section 13-24.24 of Code Section 13-24, “Conditional Uses”, as follows:

N. Cannabis Businesses. A cannabis cultivator, manufacturer, wholesaler or distributor business shall be permitted as a conditional use in accordance with subsection 1, below. A cannabis retailer and/or cannabis delivery business shall be permitted as a conditional use in accordance with subsection 2, below. All cannabis businesses are subject to the requirements of New Jersey state statutes and/or administrative code regulations, as may be adopted and amended, including those of the Cannabis Regulatory Commission. All cannabis businesses shall first obtain a license from the Wantage Township Committee, in accordance with Wantage Township Code Section 29-6 prior to making application for conditional use approval.

(1) Cannabis cultivator, manufacturer, wholesaler or distributor. A cannabis cultivator, manufacturer, wholesaler, or distributor shall meet the following conditions and standards when permitted as a conditional use:

(A) Number of cannabis cultivator, manufacturer, wholesaler or distributor licenses. There shall be a maximum of one (1) cultivator, one (1) manufacturer, one (1) wholesaler and one (1) distributor facility within Wantage Township.

(B) Location. A cannabis cultivator, manufacturer, wholesaler or distributor business shall be permitted as a conditional use only within the HC – Highway Commercial District Zone in Wantage Township. Facilities shall be at least **500** feet from a school or state-licensed child-care or day-care facility, which distance shall be measured from the corners of each building that are closest to each other. All cannabis growing or manufacturing buildings shall be located at least **250** feet from the nearest dwelling unit located on a neighboring lot and a minimum of **500** feet from a school building, which distance shall be measured from the corners of each building that are closest to each other.

(C) Buildings. All facilities shall be fully indoors and enclosed in heated/air-conditioned permanent buildings, not trailers, hoop houses or greenhouses, etc.

(D) Minimum lot size: Ten (10) acres.

(E) Access and Setback: Access shall be provided via a driveway located on a County or State road, with all growing, production and/or manufacturing structures setback a minimum of 250 feet from the road. All newly constructed cannabis growing, production and manufacturing structures shall abide by all setback and Code requirements in effect for the Zone in which the business is located and shall provide any berms to shield the adjoining properties/roads, as determined by the Land Use Board.

(F) Landscaped Buffer: A minimum landscaped buffer at least **50** feet in width shall be established and maintained, adjacent to any road. In addition, a landscaped buffer shall be required in the event that there is not a natural buffer between the property and any dwelling unit.

(G) Fencing: All structures utilized for any growing, production or manufacturing shall be enclosed by a fence at least seven (7') feet high.

(H) Signage. Signs shall be limited to location one identification/name of business sign. The sign shall be limited to the business name only, which shall not contain any reference to cannabis or use the word "green." The sign shall not contain any logos, illustrations or otherwise depict cannabis plants, leaves or products and must comply with all other requirements of Wantage Sign Ordinances. Signage shall not promote consumption of any cannabis products.

(I) Site plan approval. When seeking site plan approval, the applicant shall submit a safety and security plan and emergency services access plan. All cannabis growing, production and manufacturing operations shall have a backup generator, which shall maintain all electronic security systems in the event of a power failure. No light generated by any cannabis cultivator, manufacturer, wholesaler or distributor structures shall result in measurable light changes at the nearest property boundary to each structure. Interior light shades may be required by the Board on greenhouse structures to manage potential lighting impacts. Lighting shall be subject to a Board engineer night lighting test. The Township Police Department shall review and approve of all security plans.

(J) Odor control. The facility shall provide an air treatment system with sufficient odor-absorbing ventilation and exhaust systems such that any odor generated inside the facility and outside the facility shall not be detectable by a person of reasonable sensitivity at the property line of the subject property. Any and all odor control devices, needs, and systems shall be paid for by the facility owner and/or the facility tenant and shall not be the financial responsibility of the Township. Odor from the facility shall be monitored, on an annual basis, at the discretion of the Township, by a licensed, qualified contractor chosen by the Township and paid for by the facility owner, and/or the facility tenant, and shall not be the financial responsibility of the Township.

(K) Hours of operation. Hours of operations for cannabis cultivator, manufacturer, wholesaler, or distributor shall be from 9:00 a.m. to 8:00 p.m., Monday through Saturday.

(L) Compliance: All growing, production and manufacturing shall be in compliance with all applicable New Jersey State requirements, licenses and permits. All cannabis growing, production and manufacturing operations shall operate in compliance with State and local noise laws and regulations.

**SECTION FIVE.** The General Ordinances of the Township of Wantage are amended to add Chapter 29:

**CANNABIS TRANSFER AND USER TAXES.**

§29-1 ESTABLISHMENT OF CANNABIS TAX. Pursuant to the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16) and N.J.S.A. 40:48I-1a(1), the Township establishes a local cannabis tax of 2% on sales realized by cannabis cultivators (Class I licensees) and cannabis manufacturers (Class II licensees), and 1% for cannabis wholesalers (Class III). The tax percentage is based on the receipts for each sale and is paid directly to the municipality in the manner prescribed by the municipality in §29-2. The following user and transfer taxes are hereby established on all Cannabis Establishments operating in the Township, at the maximum amount as permitted by the laws of the State of New Jersey or the amounts set forth below, whichever is greater:

29-1.1 A transfer tax of 2% shall be imposed on the gross receipts from each sale of all cannabis and cannabis items by any cannabis cultivator or manufacturer; a transfer tax of 1% shall be imposed on the gross receipts from each sale of all cannabis and cannabis items by any cannabis wholesaler.

29-1.2 The transfer tax shall be stated, charged and shown separately on any sales slip, invoice, receipt or other statement or memorandum of the price paid or payable or equivalent value of the transfer for the cannabis or cannabis item.

29-1.3 The transfer tax shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity with regard to cannabis.

29-1.4 In addition, there shall be a 2% user tax imposed on any concurrent license holder operating more than one Cannabis Establishment.

29-1.5 The user tax shall be imposed on the value of each transfer or use of cannabis or cannabis items not otherwise subject to the transfer tax imposed on the license holder's business that is located in the Township to any other of the license holder's businesses, whether located in this municipality or any other municipality.

§29-2 COLLECTION OF TRANSFER TAX.

Pursuant to the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), the Township is authorized to establish a procedure for the collection of a local cannabis tax for certain classes of cannabis licenses and in furtherance of that authority directs holders of State issued cannabis licenses to pay any such tax authorized to be collected under this chapter to the Wantage Chief Financial Officer who will accept said funds as revenue to the Township. The remittance of Cannabis Taxes and/or Delinquencies are to be in accordance with the following:

29-2.1 All transfer and user taxes collected by any Cannabis Establishment pursuant to this chapter shall be remitted to the Township's Chief Financial Officer on a monthly basis.

29-2.2 Delinquent taxes. If the transfer tax or user tax is not paid when due, the unpaid balance, and any interest accruing thereon per §29-3, shall be a lien on the parcel of real property comprising the Cannabis Establishment's premises.

29-2.3 The lien shall be superior and paramount to the interest in the parcel of any owner, lessee, tenant, mortgagee, or other person, except the lien of municipal taxes, and shall be on a parity with and deemed equal to the municipal lien on the parcel for unpaid property taxes due and owing in the same year.

29-2.4 The Township shall file in the office of its Tax Collector a statement showing the amount and due date of the unpaid balance of cannabis taxes and identifying the lot and block number of the parcel of real property that comprises the delinquent Cannabis Establishment's premises. The lien shall be enforced as a municipal lien in the same manner as all other municipal liens are enforced.

29-2.5 Failure of the Cannabis Establishment to make full payment of the user and transfer taxes hereinabove imposed shall be grounds for the immediate revocation and/or termination of any local annual cannabis license and/or any local annual cannabis.

#### §29-3 LATE PAYMENTS.

Pursuant to the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), the Township is authorized to impose interest upon any late payment of the local cannabis tax as permitted by N.J.S.A. 54:4-67 and in furtherance of that authority directs the Chief Financial Officer to impose the rate of interest upon any late payment of the cannabis tax in accord with the annual resolution adopted by the governing body fixing the rate of interest to be charged for nonpayment of taxes or assessments subject to any abatement or discount for the late payment of taxes as provided by law.

#### §29-4 PROHIBITIONS ON OTHER CANNABIS ESTABLISHMENTS, CANNABIS DISTRIBUTORS, CANNABIS DELIVERY SERVICES AND CANNABIS CONSUMPTION AREAS.

29-4.1 Pursuant to Section 31 of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (N.J.S.A. 24:6I-45b), Class 5 Cannabis Retail is prohibited within the geographic boundaries of the Township of Wantage and no State or local licenses shall be authorized to be issued for same.

29-4.2 Pursuant to Section 31 of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, N.J.S.A. 24:6I-45b, the operating premises/principal location of any cannabis delivery service, including any New Jersey licensed Class 6 Cannabis Delivery Service, is prohibited from being located within the geographic boundaries of the Township of Wantage, and no local licenses shall be authorized to be issued for same. Nothing herein shall be construed to prohibit the transport or delivery of cannabis items and related supplies within the Township by a New Jersey licensed Class 6 Cannabis Delivery Service on private property to a consumer of 21 years of age or older for personal use from the licensed

premises of a Class 6 Cannabis Delivery Service located outside the geographic boundaries of the Township in accordance with the Act and the regulations of the Commission.

29-4.3 Pursuant to Section 32 of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, N.J.S.A. 24:6I-21, all Cannabis Consumption Areas are prohibited from being located or otherwise operated within the geographic boundaries of the Township of Wantage.

#### §29-5 MUNICIPAL LICENSURE REQUIREMENTS.

29-5.1 Prior to commencing and engaging in any cannabis business activities and uses within the Township permitted by the New Jersey Cannabis Regulatory Commission pursuant to a State-issued Class 1, 2, 3, or 4 license validly issued in accordance with the Act, any person, business, and/or organization shall first apply for and secure from the Township a local annual cannabis license. Nothing herein shall be read or construed to conflict with the statutory provisions as to Cannabis Delivery Services licensed by the Cannabis Regulatory Commission. Any preexisting establishment engaging in any medicinal cannabis business activity within the Township prior to the enactment of N.J.S.A. 24:6I-31 et seq., who subsequently obtains a license from the New Jersey Cannabis Regulatory Commission as a Class 1, Class 2, Class 3, Class 4, or otherwise is licensed as a vertical integrated licensee shall also apply for and secure from the Township a local annual cannabis license. Additionally, any Class 1, Class 2, Class 3 or Class 4 licensee obtaining State and/or local approvals to operate within the Township prior to the effective date of this chapter shall also apply for, and secure from the Township, a local annual cannabis license.

29-5.2 The Township Committee shall begin accepting applications for Class 1, 2, 3, or 4 local annual cannabis licenses 15 days following final passage of this chapter.

29-5.3 The initial local annual cannabis license shall be valid until December 31, 2025. Thereafter the period of each annual local Cannabis Establishment license shall commence on January 1 and expire on December 31 of the calendar year.

29-5.4 By no later than December 1 of any existing license year, the licensee shall be required to file an application for the renewal of a local annual cannabis license to be authorized to continue operation as a Class 1, 2, 3, or 4 Cannabis Establishment within the Township.

29-5.5 All local annual cannabis licenses shall be conditional, and shall remain subject to all State and local laws and regulations. Failure of any licensee to comply with such applicable laws shall be grounds for revocation and/or nonrenewal of the local annual cannabis license by the Township Committee.

29-5.6 The initial application fee for each local annual cannabis license, of each class-type, shall be \$5,000 and the renewal application fee shall be \$2,500. In addition, an escrow shall be established with the Township by the licensee for Township administrative and professional fees and costs relating to the application and oversight during the term of the license.



29-5.7 Unless the Township issues a license renewal, it shall be unlawful for any person to manufacture, sell, distribute, transfer, transport, or otherwise remove cannabis or cannabis products/items from the premises of any Cannabis Establishment after the expiration date recorded on the face of the license.

29-5.8 All local annual cannabis licenses shall be nontransferrable. All local annual cannabis licenses shall be specific to the property location authorized and approved by the Township.

29-5.9 The licensed premises of all licensees shall be subject to unannounced inspections by designated representatives of the Township, including members of the Township Committee, the Zoning Officer, the Township Engineer, the Land Use Board Engineer, and the Construction Official. Access shall be permitted by the designated representative(s) on demand by the Township's authorized representative.

#### §29-6 APPLICATION FOR LOCAL LICENSE AND ANNUAL LOCAL LICENSE FEE.

29-6.1 Application Fee. The applicant shall submit an application to the Office of the Municipal Clerk, under oath on a form furnished by the Township of Wantage, with an application fee of \$5,000, which fee shall be nonrefundable to the extent it has been expended toward the Township's administrative, professional, and other costs for the application review process.

29-6.2 Annual License Renewal Fee. The annual license renewal fee for successful applicants operating cannabis establishments in the Township of Wantage shall be implemented as required in accordance with the following fee schedule, which shall be refunded in the event the applicant does not receive an annual license:

- a. Class 1 Cannabis Cultivator license: \$2,500.
- b. Class 2 Cannabis Manufacturer license: \$2,500.
- c. Class 3 Cannabis Wholesaler license: \$2,500.
- d. Class 4 Cannabis Distributor license: \$2,500.

29-6.3 Upon the receipt of an application, the Office of the Municipal Clerk shall transmit the application to the Mayor and the Township Committee for review of the application.

29-6.4 The Clerk shall establish a reasonable application period and deadline for all applications. An application shall be deemed incomplete and shall not be processed by the Clerk and transmitted for review until all documents and application fees are submitted. To be deemed complete, all applications shall be accompanied by the following:

- a. The name and home address of the applicant. If the applicant is not a natural person, the applicant shall submit a statement setting forth the names and home addresses of all stockholders in the corporation or partnership who own 10% or more of its stock, of any class or of all individual partners in the partnership who own a 10% or greater interest therein, as the case may be. If one or more such stockholder or partner is itself a corporation or partnership, the stockholders holding 10% or more of that

corporation's stock, or the individual partners owning 10% or greater interest in that partnership, as the case may be, shall also be listed with its home address. The disclosure shall be continued until names and home addresses of every noncorporate stockholder, and individual partner, exceeding the 10% ownership criteria has been listed.

- b. The name of any other business entities in which any of the individuals identified pursuant to paragraph d1 of this provision have or have had an ownership interest which: (i) cultivates, manufactures, wholesales or dispenses cannabis or cannabis products; (ii) invests or finances in any such entity; or (iii) is regulated by any governmental entity.
- c. A copy of the license issued by the Cannabis Regulatory Commission authorizing the applicant to operate as a Licensed Cannabis Establishment with a copy of all application materials and documents submitted to the Commission for a license.
- d. An affidavit from the applicant attesting to and accompanied by documentary proof of compliance with all state and local laws regarding affirmative action, antidiscrimination 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.
- e. Plans prepared by a duly licensed architect, engineer, or planner which shall depict the layout and design for the proposed location of the Licensed Cannabis Entity within the Township.
- f. The required plans shall depict the proposed security measures for the location. The plans shall be deemed confidential consistent with state law.
- g. The applicant shall also provide either a lease agreement or agreement of sale for the property where the applicant intends to operate the Licensed Cannabis Entity. The lease agreement or agreement of sale may be contingent upon the applicant's ability to successfully: (i) obtain a Local License; and (ii) if applicable, obtain approval from the Wantage Township Land Use Board.

29-6.5 The Township Committee shall evaluate any and all applicants and issue a notification of award after consideration and evaluation of the following criteria:

- a. Qualifications and Experience.  
Applicant's owners' or principals' qualifications and experience operating in highly regulated industries, including cannabis, healthcare, pharmaceutical manufacturing, and retail pharmacies, with preference to experience operating such businesses within the State of New Jersey and where the value of owners' experience shall outweigh the experience of nonowner principal, submission of formal business plan for the proposed Licensed Cannabis Entity including pro forma is required.

b. Security Plan.

Applicant's qualifications and experience related to public safety and security, including any of the applicant's owners' or principals' experience in law enforcement and drug enforcement, and a summary of the applicant's plans for storage of products and currency, physical security, video surveillance and digital storage, security personnel and their qualifications, and visitor and employee security management.

§29-7 ADDITIONAL REQUIREMENTS.

29-7.1 Cannabis Establishments shall meet all of the requirements for licensure pursuant to the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, the regulations of the Commission and all other applicable State and local laws.

29-7.2 Cannabis Establishments shall at all times hold a valid current license or permit issued by the State of New Jersey, along with a local annual cannabis license issued by the Township to undertake cannabis activities at the permitted property. Both the Township and State issued licenses are valid only for the location identified on the licenses and until the expiration date printed on the license. Both the Township and State-issued licenses shall be prominently displayed inside the permitted Cannabis Establishment in a location where it can be easily viewed by State and local law enforcement and administrative authorities.

29-7.3 Cannabis Establishments shall be conducted solely within the confines of the licensed location of the licensed premises on the permitted property. No Cannabis Establishment shall be permitted to operate from a movable, mobile or transitory location, except for the permitted transportation of cannabis products to and from the facility pursuant to State law by a licensed Class 6 Delivery Service.

29-7.4 Cannabis Establishments shall comply with the Act, the regulations of the Commission, and the Township Code, including without limitation the Zoning Code, the Building Code, and the Housing and Property Maintenance Code, at all times.

29-7.5 With the exception of loading activities incidental to the operation of the Cannabis Establishment, all operations shall occur indoors, within the enclosed licensed building, except as otherwise authorized for licensed Class 6 Delivery Services only.

29-7.6 All Cannabis Establishments shall at all times adhere to the safety and security standards and plan established and approved by the Cannabis Regulatory Commission, including the requirements for the maintenance of a security system that meets State law requirements. In addition, all Cannabis Establishments shall also comply with the following provisions:

- a. Cannabis Establishments shall have security systems in place, along with a continuous recording system that records for a minimum thirty-day archive. This system shall be shared with the New Jersey State Police as may be necessary.

- b. Cannabis Establishments shall provide the Township and the New Jersey State Police Augusta barracks with the name and telephone number of one staff person to notify during operating hours, and the name and cellphone number of at least two staff persons to notify after operating hours in cases of emergency or suspicious activity.
- c. Outside areas of the premises shall be well-illuminated for safety and security, but not in a way that is counter to Township Code requirements for outdoor lighting and screening, or in a way that is obtrusive to pedestrians, drivers or other users of the public right-of-way.
- d. All cannabis in whatever form stored at the permitted premises shall be kept in a secure manner and shall not be visible from outside the permitted premises, nor shall it be processed, exchanged, displayed or dispensed outside the confines of the licensed structure of the premises. No cannabis products shall be visible from a public sidewalk, public street or right-of-way, or any other public place.
- e. Cannabis Establishments shall properly dispose of all materials and other substances in a safe and sanitary manner in accordance with local and State laws, including the rules and regulations of the Cannabis Regulatory Commission.
- f. Cannabis Establishments shall be equipped with ventilation systems sufficient in type and capacity to eliminate cannabis odors emanating from the interior to the exterior of the premises discernible by the ordinary senses. The ventilation system shall be inspected and approved by the Township Construction Official and/or the Land Use Board Engineer if required to meet any condition of approval set forth in any Resolution of approval granted by the Wantage Land Use Board.
- g. Cannabis Establishments shall post conspicuous signage inside and outside the building that consumption of cannabis is prohibited anywhere on the premises, including the parking area and inside vehicles in the parking area.
- h. Prohibition on Mobile Structures. Each Cannabis Establishment shall at all times conduct business within the confines of a licensed premises. No Cannabis Establishment shall be housed or operated in a vehicle or any movable or mobile structure. Nothing herein shall be deemed to apply to or otherwise conflict with the statutory and regulatory provisions applicable to Cannabis Delivery Service holding a valid and current license issued by the New Jersey Cannabis Regulatory Commission.
- i. Prohibition of Unregulated Sale of Cannabis. No person shall sell cannabis in the Township of Wantage without a state license issued by the State of New Jersey Cannabis Regulatory Commission and a municipal license as required by § [15-5](#), nor shall any person gift cannabis in the Township of Wantage as part of a sale of another item or items.

## §29-8 ODOR MITIGATION AND CONTROL AND HVAC SYSTEMS.

29-8.1 The emission into the outdoor atmosphere of any volatile organic compounds, solid particles, liquid particles, vapors and/or gases in excess of the rates, limits/levels set by the New Jersey Department of Environmental Protection are hereby prohibited.

29-8.2 Cannabis Establishments are prohibited from causing, permitting, or allowing to be emitted into the outdoor atmosphere any odors detectable by the ordinary human senses, substances and/or other air contaminants, in such quantities and for such duration as are, or tend to be, injurious to human health or welfare, animal or plant life or property, or would unreasonably interfere with the enjoyment of life or property on any public or private property within the Township.

29-8.3 The business/facility location of all Cannabis Establishments shall have a fully integrated self-contained air treatment, HVAC, ventilation and exhaust system which shall be regularly maintained and fully operational and running at all times.

29-8.4 All Cannabis Establishments shall be required to retain a qualified environmental consultant approved by the Township, who shall be available to promptly respond to the site in the event of an incident or adverse event within a reasonable period of time not to exceed 12 hours.

29-8.5 All Cannabis Establishments shall be required to monitor all activities for the presence and prevention of odors and the maintenance and troubleshooting of all odor control equipment on a daily basis. All Cannabis Establishments shall maintain written records of all odor monitoring, equipment maintenance/repairs, odor investigations, air quality studies and any adverse events, and odor complaints.

29-8.6 All records as to odor control monitoring, investigations, odor control equipment maintenance/repairs, air quality studies and adverse events shall be produced to the Township upon request.

29-8.7 Outside generators and other mechanical equipment used for any kind of power supply, cooling or ventilation shall be enclosed and have appropriate baffles, mufflers, and/or other noise reduction systems to mitigate noise pollution, in accordance with the Township Code, including but not limited to Wantage Subsection [18-1.4](#), and applicable State law.

## §29-9 CIVIL FINES AND PENALTIES.

29-9.1 Any person(s), firm(s), business(es), corporation(s) and/or other organization(s), including any licensed Cannabis Establishment, found in violation of any provision(s) of the Township Code **including odor complaints** shall be subject to a civil fine and penalty not exceeding \$2,000.

29-9.2 Any violation of the Township Code by a licensed Cannabis Establishment may be grounds for revocation and/or nonrenewal of any issued local annual cannabis license. Upon

reasonable notice to the licensee by the Township Clerk, a hearing shall be conducted before the Township Committee to decide whether sufficient grounds exist to revoke any and all classes of local annual cannabis licenses issued to the licensee. The licensee may be permitted to be represented by legal counsel during the hearing, to present evidence, testimony and witnesses.

29-9.3 Each and every day any person(s), firm(s), business(es), corporation(s) and/or other organization(s), including any licensed Cannabis Establishment, remains in violation of the provisions of the Township Code after the deadline for compliance set forth in any notice of violation issued by the enforcing officer(s) of the Township, shall be considered a continuing violation punishable as a separate and distinct offense and subject to a separate civil fine and penalty for each and every day the violation continues.

29-9.4 The Municipal Court or Superior Court shall have jurisdiction to hear and decide any action(s) brought to enforce the provisions of the Township Code and any final order imposing fines and penalties for a violation of this code shall be enforceable in the Municipal Court or Superior Court and collectible as a lien against the property of the violator in accordance with the Penalty Enforcement Law of 1999, N.J.S.A. 2A:58-10 et seq.

**SECTION SIX.** Any article, section, paragraph, subsection, clause, or other provision of the Revised General Ordinance of the Township of Wantage inconsistent with the provisions of this Ordinance is hereby repealed to the extent of such inconsistency.

**SECTION SEVEN.** 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 EIGHT.** This Ordinance shall take effect upon its passage and publication and filing with the Sussex County Planning Board, and as otherwise provided for by law

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