



TOWNSHIP OF DELANCO
770 Coopertown Road
Delanco, NJ 08075
PHONE: 856-461-0561 FAX:856-461-0685

May 25, 2021

INFORMATION NOTICE TO DELANCO RESIDENTS

RE: ZONING FOR LEGAL CANNABIS BUSINESSES IN DELANCO

TOWNSHIP COMMITTEE INTRODUCED ORDINANCE TO AMEND ZONING CODE TO PROHIBIT CANNABIS LAND USES IN DELANCO

As a follow up to the public input session at the April 19, 2021 Township Committee meeting, the Township Solicitor was directed to draft an Ordinance to amend Delanco's Zoning code to prohibit businesses that cultivate, manufacture, wholesale, distribute and/or sell via retail, a now legal cannabis product. The proposed Ordinance was discussed at the Committee's May 3, 2021 meeting resulting in direction to proceed with the process to consider it. This Ordinance #2021-11 was then introduced on first reading at the Township Committee's May 17, 2021 meeting (see full ordinance end of this letter).

As background, legislation approved earlier this year by the State gave municipalities throughout the State a deadline of August 21, 2021 to finally adopt an Ordinance if the municipality wishes to prohibit these businesses in their Zoning regulations. Any location not prohibited must remain permitted for the next five years. It was noted, however, that a municipality may reverse such prohibition at any time in the future, by following the Zoning code amendment process, to allow such a business use.

The key explanation for the introduction of the Ordinance, extracted from the language, is as follows:

WHEREAS, the Township Committee of the Township of Delanco has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on the Township of Delanco in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Township of Delanco' residents and members of the public who visit, travel, or conduct business in the Township of Delanco, to amend the Township's zoning regulations to prohibit all manner of marijuana-related land use and development within the geographic boundaries of the Township of Delanco; and

WHEREAS, officials from two prominent non-profit organizations that have been established for the purpose of advising New Jersey municipalities on legal matters such as have been presented by the Act (those organizations being the New Jersey State League of Municipalities and the New Jersey Institute of Local Government Attorneys) have strongly urged that, due to the complexity and novelty of the Act; the many areas of municipal law that are or may be implicated in decisions as to whether or to what extent cannabis or medical cannabis should be permitted for land use purposes or otherwise regulated in any particular municipality; and the relatively short duration in which the Act would allow such decisions to be made before imposing an automatic authorization of such uses in specified zoning districts subject to unspecified conditions, the most prudent course of action for all municipalities, whether or not generally in favor of cannabis or medical cannabis land development and uses, would be to prohibit all such uses within the Act's 180-day period in order to ensure sufficient time to carefully review all aspects of the Act and its impacts; and

WHEREAS, the Township is initially "opting-out" of the cannabis uses as permitted zoning anywhere within the municipality but intends to continue to examine the issue and undertake appropriate planning review in order to make a final and fully vetted determination on this issue.

The Ordinance was referred to the Delanco Joint Land Use Board for their input and determination as to whether the Ordinance is "consistent" with the latest Master Plan, to be discussed at their next public meeting which is scheduled for Tuesday, June 1 at 7 pm on Zoom. Then the Committee will hold a formal public hearing on the proposed Ordinance before any final vote at their meeting scheduled for Monday June 14 at 7 pm on Zoom.

Interested residents are encouraged to participate in this discussion by attending either or both meetings via Zoom per the information at the end of this notice. Further, anyone can write/email the Township on this subject at any time.

A number of documents have been posted on the Delanco municipal website (use this link – www.delancotownship.com or contact the municipal offices to request a copy if you don't have internet access) explaining the issues concerning this new topic. Everyone is strongly encouraged to read this information before commenting at a meeting to educate themselves on this topic in order to provide an informed and reasoned opinion. If anyone has further questions on the process or on the subject, do not hesitate to contact the Township staff at 856-461-0561 (info@delancotownship.com) or any member of the Township Committee.

If you are not able to attend a Zoom remote meeting, you may submit your comments or questions in advance of either or both meeting to the attention of the Municipal Clerk email at jlohr@delancotownship.com, or via postal service mailed to the Municipal Building at 770 Coopertown Road, Delanco, NJ 08075 or dropped off in person to the municipal building administrative office or exterior drop box.

Below is the information needed to access the Zoom **Joint Land Use Board meeting on June 1, 2021** via the internet or via telephone:

Join Zoom Meeting (<https://zoom.us>) (June 1, 2021 Joint Land Use Board Meeting)

Join Zoom Meeting

<https://zoom.us/j/97703074081?pwd=NWgrMTIPdmxYWmtVRFhLaFcyTmpRZz09>

Meeting ID: 977 0307 4081 Passcode: 640204

One tap mobile

+16465588656,,97703074081#,,,,*640204# US (New York)

+13017158592,,97703074081#,,,,*640204# US (Washington D.C)

Dial by your location - +1 646 558 8656 US (New York)

Meeting ID: 977 0307 4081 Passcode: 640204

Below is the information needed to access the Zoom **Township Committee meeting on June 14, 2021** via the internet or via telephone:

Join Zoom Meeting (<https://zoom.us>) (June 14, 2021 Township Committee meeting):

<https://zoom.us/j/98241774731?pwd=cUhxboZJb09Sc2VQc25MVXo4UnpMQT09>

Meeting ID: 982 4177 4731 Passcode: 311830

One tap mobile - +16465588656,,98241774731#,,,,*311830# US (New York)

Dial by your location or Find your local number: <https://zoom.us/u/afchwQ84m>

+1 646 558 8656 US (New York)

Meeting ID: 982 4177 4731 Passcode: 311830

TOWNSHIP OF DELANCO

ORDINANCE NO. 2021-11

AN ORDINANCE BY THE TOWNSHIP OF DELANCO IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING CHAPTER 110 OF THE TOWNSHIP CODE

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.

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, section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

WHEREAS, pursuant to section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

WHEREAS, the Township held a public meeting on April 19, 2021 and invited public comment and input on cannabis uses and zoning; and

WHEREAS, the Township Committee of the Township of Delanco has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on the Township of Delanco in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Township of Delanco' residents and members of the public who visit, travel, or conduct business in the Township of Delanco, to amend the Township's zoning regulations to prohibit all manner of marijuana-related land use and development within the geographic boundaries of the Township of Delanco; and

WHEREAS, officials from two prominent non-profit organizations that have been established for the purpose of advising New Jersey municipalities on legal matters such as have been presented by the Act (those organizations being the New Jersey State League of Municipalities and the New Jersey Institute of Local Government Attorneys) have strongly urged that, due to the complexity and novelty of the Act; the many areas of municipal law that are or may be implicated in decisions as to whether or to what extent cannabis or medical cannabis should be permitted for land use purposes or otherwise regulated in any particular municipality; and the relatively short duration in which the Act would allow such decisions to be made before imposing an automatic authorization of such uses in specified zoning districts subject to unspecified conditions, the most prudent course of action for all municipalities, whether or not generally in favor of cannabis or medical cannabis land development and uses, would be to prohibit all such uses within the Act's 180-day period in order to ensure sufficient time to carefully review all aspects of the Act and its impacts; and

WHEREAS, the Township is initially "opting-out" of the cannabis uses as permitted zoning anywhere within the municipality but intends to continue to examine the issue and undertake appropriate planning review in order to make a final and fully vetted determination on this issue.

NOW THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Delanco, in the County of Burlington, State of New Jersey, as follows:

1. Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in the Township of Delanco, except for the delivery of cannabis items and related supplies by a delivery service.

2. Chapter 110 of the Code of the Township of Delanco is hereby amended as follows:

Chapter 110-8. Prohibited Uses.

C. The following uses are expressly prohibited:

(24) All classes of cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in section 3 of P.L. 2021, c. 16 are specifically prohibited. However, the delivery of cannabis items and related supplies by a delivery service shall be permitted, as required by State law.

3. Any article, section, paragraph, subsection, clause, or other provision of the Township of Delanco inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

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.

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

NOTICE OF PUBLIC HEARING

I, Janice M. Lohr, RMC, Township Clerk of the Township of Delanco, County of Burlington, State of New Jersey, do hereby certify that this ordinance was passed on first reading at a meeting of the Township Committee held on May 17, 2021, and will be further considered for adoption following a public hearing to be held on June 14, 2021, at 7:00 p.m. at the Delanco Municipal Building.

Janice M. Lohr, RMC
Municipal Clerk