

TOWNSHIP OF MAPLEWOOD



ORDINANCE

#3048-21

***AN ORDINANCE
TO AMEND THE CODE
OF THE TOWNSHIP OF MAPLEWOOD
FOR THE REGULATION OF CANNABIS BUSINESSES
IN THE TOWNSHIP OF MAPLEWOOD***

"Interpretive Statement"

This ordinance will add a chapter to the Maplewood Code to regulate the cannabis businesses in the Township of Maplewood.

WHEREAS, on November 3, 2020, Public Question No. 1, amending the New Jersey Constitution to allow for the legalization of cannabis for adults at least twenty-one years of age, was approved by 67 percent of New Jersey voters and 72 percent of Essex County voters; and

WHEREAS, the overwhelming majority of Maplewood's voters voted in favor of the legalization of adult-use cannabis; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16 (N.J.S.A. 24:61-31 et seq.), known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (CREAMMA), which legalizes the use of cannabis by adults twenty-one years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial adult-use cannabis operations, use and possession; and

WHEREAS, on August 19, 2021, the New Jersey Cannabis Regulatory Commission (CRC) approved the first set of rules and regulations to establish the adult-use cannabis industry in the state; and

WHEREAS, the CRC's rules recognize that municipalities play a critical role in regulating the new cannabis industry and have rights to enact restrictions on businesses that make sense for their communities, including obtaining zoning approval, determining hours of operation, deciding on the number and kinds of licensed cannabis businesses within their borders, and enacting a 2% transfer tax on sales; and

WHEREAS, the Maplewood Township Committee has determined that the operation of cannabis businesses may present unique challenges and concerns and therefore should be regulated based on what is appropriate for Maplewood; and

WHEREAS, the Township of Maplewood is committed to social and restorative justice in terms of cannabis policing and enforcement; and

WHEREAS, because the burden of the criminalization of cannabis has fallen heavily on communities of color and the poor, social and racial justice considerations must be highly valued in all decision-making by the Maplewood Township Committee.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Maplewood, County of Essex, State of New Jersey that the code of the Township of Maplewood shall be amended and supplemented to add the following new chapter:

CANNABIS BUSINESSES

Section 1 Definitions.

The following words and phrases, when used in this Ordinance, shall have the following meanings:

A. “Alternative Treatment Center” means an organization issued a permit pursuant to the “Jake Honig Compassionate Use Medical Cannabis Act,” P.L.2009, c.307 (C.24:6I-1 et al.) to operate as a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant, as well as any alternative treatment center deemed pursuant to section 7 of that act (C.24:6I-7) to concurrently hold a medical cannabis cultivator permit, a medical cannabis manufacturer permit, and a medical cannabis dispensary permit.

B. “Cannabis Consumption Area” means a designated location operated by a Cannabis Retailer or permit holder for dispensing or selling cannabis, for which both a State and local endorsement has been obtained, that is either: (1) an indoor, structurally enclosed area of the Cannabis Retailer or permit holder that is separate from the area in which retail sales of cannabis items or the dispensing of medical cannabis occurs; or (2) an exterior structure on the same premises as the Cannabis Retailer or permit holder, either separate from or connected to the premises, at which cannabis items or medical cannabis either obtained from the Cannabis Retailer or permit holder, or brought by a person to the consumption area, may be consumed. A Cannabis Consumption Area shall be designated by conspicuous signage indicating whether the Cannabis Consumption Area may be used for the on-premises consumption of medical cannabis, personal use cannabis, or both.

C. “Cannabis Cultivator” means any licensed person or entity that grows, cultivates, or produces adult-use 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.

D. “Cannabis Dispensary” or “Medical Cannabis Dispensary” means an organization issued a permit by the CRC 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.24:6I-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 permit shall not authorize the permit holder to cultivate medical cannabis, to produce, manufacture, or otherwise create medical cannabis products.

E. “Cannabis Delivery Service” means any licensed person or entity that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by a Cannabis Retailer in order to make deliveries of cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the cannabis items directly through the Cannabis Delivery Service, which after presenting the purchase order to the Cannabis Retailer for fulfillment, is delivered to that consumer. This person or entity shall hold a Class 6 Cannabis Delivery license.

F. “Cannabis Distributor” shall mean any licensed person or entity that transports cannabis in bulk intrastate from one licensed Cannabis Cultivator to another licensed Cannabis Cultivator, or transports cannabis items in bulk intrastate from any one class of licensed Cannabis Establishment to another class of licensed Cannabis Establishment and may engage in the temporary storage of cannabis or cannabis items as necessary to carry out transportation activities. This person or entity shall hold a Class 4 Cannabis Distributor license.

G. “Cannabis Establishment” means a Cannabis Cultivator, Cannabis Manufacturer, Cannabis Wholesaler, Cannabis Distributor, Cannabis Retailer or Cannabis Delivery.

H. “Cannabis Manufacturer” shall mean any licensed person 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.

I. “Cannabis Retailer” shall mean any licensed person or entity that purchases or otherwise obtains usable cannabis from Cannabis Cultivators and Cannabis items from Cannabis Manufacturers or Cannabis Wholesalers, and sells these to consumers from a retail store, and may use a Cannabis Delivery Service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. A Cannabis Retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a Cannabis Delivery Service which will be delivered by the Cannabis Delivery Service to that consumer. This person or entity shall hold a Class 5 Cannabis Retailer license.

J. “Cannabis Wholesaler” shall mean any licensed person or entity that purchases or otherwise obtains, stores, sells or otherwise transfers, and may transport, cannabis items for the purpose of resale or other transfer to either another Cannabis Wholesaler or to a Cannabis Retailer, but not to consumers. This person or entity shall hold a Class 3 Cannabis Wholesaler license.

K. “Consumer” shall mean a person 21 years of age or older who purchases, directly or through a cannabis delivery service, acquires, owns, holds, or uses cannabis items for personal use by a person 21 years of age or older, but not for resale to others.

L. “Consumption” shall mean the act of ingesting, inhaling, or otherwise introducing cannabis items into the human body.

M. “Diversely Owned Business” means a license applicant or license-holder where the entity has been certified, pursuant to the criteria in N.J.A.C. 17:30-6.4, as:

1. A minority business pursuant to N.J.S.A. 52:27H-21.18 et seq.;
2. A women’s business pursuant to N.J.S.A. 52:27H-21.18 et seq.;
3. A disabled-veterans’ business, as defined in N.J.S.A. 52:32-31.2; or
4. Any combination of one through three above

N. “License” shall mean any license issued under relevant State law, including a license that is designated as either:

- Class 1 Cannabis Cultivator license
- Class 2 Cannabis Manufacturer license
- Class 3 Cannabis Wholesaler license
- Class 4 Cannabis Distributor license
- Class 5 Cannabis Retailer license
- Class 6 Cannabis Delivery license

A person or entity that holds a License is a “Licensee.”

O.. “Manufacture” shall mean “the drying, processing, compounding, or conversion of usable cannabis into cannabis products or cannabis resins. “Manufacture” does not include packaging or labeling.

P. "Microbusiness" means 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.

Q. “Municipal Cannabis License” shall mean a license issued by the Township of Maplewood.

R. “Public Place” shall mean any place to which the public has access to that is not privately owned; or any place to which the public has access to where alcohol or cannabis consumption is not allowed including, but not limited to, a public street, road, thoroughfare, sidewalk, bridge, alley, plaza, park, playground, swimming pool, shopping area, public transportation facility, vehicle used for public transportation, parking lot, public library, or any other public building, structure, or area.

S. "Social equity business" means, under N.J.A.C.17:30-6.6, a license applicant or license holder that meets one of the following criteria:

1. More than 50 percent of the ownership interest of the license applicant or license holder is held by one or more persons that demonstrate one of the following criteria:

i. At the time the initial application is submitted, have lived in an economically disadvantaged area for five of the 10 preceding years; and

ii. Are, at the time the initial application is submitted and based on the preceding year's income, a member of a household that has a total household income that is 80 percent or less of the average median household income in the State, as determined annually by the U.S. Census Bureau; or

2. More than 50 percent of the ownership interest of the license applicant or license holder is held by one or more persons who are eligible to be pronounced rehabilitated in accordance with N.J.A.C. 17:30-7.12(e), if necessary, and have been adjudicated delinquent for, or convicted of, whether expunged or not, in this State, another state, or the Federal government:

i. At least two marijuana- or hashish-related disorderly persons offenses; or

ii. At least one marijuana- or hashish-related indictable offense.

T. “Wholesale Trade” shall mean establishments or places of business primarily engaged in selling merchandise to other businesses, including retailers, industrial, commercial, institutional, or professional business users, other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Section 2 Conformity with State Law.

It is the intention of the Township Committee that the definitions in Section XXX-1 are and remain consistent with the laws of the State of New Jersey. In the event that the meaning of any of the above words and phrases is not consistent with State law now or in the future, the State law definition shall govern.

Section 3 License Required.

A. No person or entity shall operate as a Cannabis Establishment in the Township of Maplewood unless a cannabis license is issued by the State of New Jersey in accordance with CREAMMA and municipal cannabis license issued by the Township of Maplewood pursuant to this chapter.

B. The sale of cannabis shall be conducted in compliance with all laws, ordinances, regulations or policies applicable to similar activities.

C. No person or entity shall operate as an Alternative Treatment Center unless a license is issued by the State of New Jersey.

D. An Alternative Treatment Center may convert to a Cannabis Establishment after obtaining written approval from the State of New Jersey and Township of Maplewood and receiving appropriate state and municipal licenses.

E. Properly state licensed cannabis delivery services may deliver in the Township of Maplewood as authorized by State law subject to this Chapter.

Section 4 Licensing.

A. The Township Committee is hereby designated to act as the local licensing authority of the Township for all Cannabis Establishments.

B. The Township Committee may approve or deny an application for a municipal cannabis license to operate a Cannabis Establishment at its sole discretion, consistent with all governing State Law, based on an evaluation of the benefits to the Township.

C. If the applicant for a municipal cannabis license does not hold a valid state issued license, then a license issued by the Township is conditional and contingent upon the subsequent receipt of a State permit or license of the same class or type of regulated cannabis activity. Under no circumstances shall a municipal license for a Cannabis Establishment issued by the Township Committee be effective unless and until the State has issued the requisite permits or licenses to operate such a facility.

D. All municipal cannabis licenses shall be issued for the term of one year and shall expire one year after the date of issuance.

E. A municipal cannabis license shall not be transferable, assignable, or divisible.

Section 5 Classification of cannabis licenses.

The Township, subject to the provisions of this Chapter, land use approval and State licensure, may issue a maximum of the following cannabis licenses:

- One (1) Class 1 Cultivator License
- One (1) Class 2 Manufacturer License
- One (1) Class 3 Wholesaler License
- One (1) Class 4 Distributor License
- Four (4) Class 5 Retailer Licenses
- Five (5) Class 6 Delivery Licenses

Section 6 Application for municipal cannabis licenses.

Persons or entities wishing to obtain a municipal cannabis license shall file a license application with the Township Committee, on a standardized form established by the Township Committee and available in the office of the Township Clerk. The Township Committee shall establish a reasonable application period and deadline for all applications. An application shall be deemed incomplete, and shall not be processed, until all documents and application fees are submitted.

To be deemed complete, all applications shall be accompanied by the following:

A. 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.

B. 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, gender identity, age, national origin (ancestry), disability, marital status, sexual orientation, or military status, in any of its activities or operations.

C. The applicant has received a Zoning Review from the Maplewood Building Department indicating the location proposed for licensing either complies with all applicable municipal zoning laws or requires approval from the Maplewood Planning Board or Maplewood Zoning Board of Adjustment.

D. The applicant shall submit, to the satisfaction of the Township Committee, proof of financial capability to open and operate the Cannabis Establishment for which the applicant is seeking a license. Standards for proof of financial capability shall be determined by the Township Committee.

E. The applicant shall submit all required fees for the application and conditional license in accordance with the fee schedule set forth in this chapter. All fees shall be nonrefundable except as expressly provided herein.

F. 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.

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

Section 7 Evaluation of Applications.

In the event there are multiple applicants for a limited number of licenses, the Township Committee shall evaluate all applicants on the following criteria, not in a particular order or rank of importance:

A. 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 non-owner principals (up to ten (10) points, response not to exceed 2,500 words);

B. Applicant's description for the storage of products, physical security, video surveillance, security personnel, and visitor management (up to five (5) points, response not to exceed 2,500 words);

C. Applicant's demonstrated commitment or sufficient experience as responsible employers, for example providing employee health care insurance and/or paid family leave; paying a \$15 minimum wage (up to five (5) points, response not to exceed 1,500 words) In the alternative, if an applicant entity or its parent company is a party to a collective bargaining agreement in the regulated cannabis industry for at least one year prior to an application for a Municipal Cannabis license, the applicant will automatically receive five (5) points and no further response for Item C is necessary;

D. Applicant's written commitment to employ Maplewood residents in at least 50% of full-time equivalent positions (up to ten (10) points, response not to exceed 1,000 words)

E. Summary of the applicant's environmental impact and sustainability plan (up to five (5) points, not to exceed 1,000 words);

F. Applicant's ties to the host community, demonstrated by at least one owner's proof of residency in Maplewood for five or more years or at least one owner's continuous ownership of a business based in Maplewood for five or more years in the past ten years (five (5) points);

G. Applicant's proposal to provide community benefits (up to ten (10) points, response not to exceed 3,000 words);

H. Applicant's demonstrated commitment to diversity in its ownership composition and hiring practices (up to ten (10) points, response not to exceed 1,500 words).

Total = up to 60 points.

Additional points:

1. Applicant is a Social Equity Business (ten (10) points)
2. Applicant is a Diversely Owned Business (ten (10) points)
3. Applicant is a Microbusiness (ten (10) points)
4. Applicant is an Alternative Treatment Center in Maplewood (10 points)

Section 8 Operating Requirements and Prohibitions.

A. The hours of operation of a Class 5 Retailer shall be no earlier than 8:00am and no later than 10:00pm on Monday through Sunday. The hours of operation or other classes of licenses shall follow Township regulations.

B. No persons under the age of twenty-one (21) shall be allowed in a Cannabis Establishment. No person under the age of eighteen (18) shall be allowed in an Alternative Treatment Center.

C. No cannabis shall be smoked, eaten or otherwise consumed or ingested on the premises of any cannabis establishment. Consumption or ingestion shall not be permitted at any public place.

D. The sale or consumption of alcohol at a Licensed Cannabis Entity shall be prohibited.

E. Cannabis Consumption Areas shall be prohibited.

F. A Cannabis Establishment shall be secured and have full-time security protocols in place subject to review and approval from the Maplewood Police Department which shall include at least a twenty-four (24) hour security video system with footage to be kept for at least thirty (30) days and a vault for storage of money when the Cannabis Establishment is closed. Prior to the commencement of any operations, a Cannabis Establishment must first obtain from the Maplewood Police Chief, or the Chief’s designee, written approval of the Cannabis Establishment’s security protocols. The Maplewood Police Chief, or Chief’s designee, shall have to authority to require additional safety and security measures.

G. A Cannabis Establishment shall provide the Maplewood Police Department, Fire Department and Department of Community Development with the name, e-mail address and twenty-four-hour phone number of the responsible staff person for the Cannabis Establishment to notify during suspicious activity or an emergency.

H. In no event shall a Class 1 Cultivator Establishment, a Class 2 Manufacturer Establishment, a Class 3 Wholesaler Establishment, a Class 4 Distributor Establishment, or a Class 6 Delivery Establishment be open to the public.

I. A Class 6 Delivery Establishment shall submit an identification plan to the Township detailing all measures taken to ensure compliance that delivery patrons are at least twenty-one years of age.

Section 9 Fees.

A Cannabis Establishment shall pay initial and renewal application fees and annual registration fees according to the following schedule:

	Initial Application Fee	Annual Registration Fee
Class 1 Cultivator	\$2,500	\$2,500
Class 2 Manufacturer	\$2,500	\$2,500
Class 3 Wholesaler	\$2,500	\$2,500
Class 4 Distributor	\$2,500	\$2,500

Class 5 Retailer	\$2,500	\$2,500
Class 6 Delivery	\$750	\$750
Microbusiness	\$1,000	\$1,000

Section 10 CANNABIS TRANSFER AND USER TAX.

a. Pursuant to N.J.S.A. 24A:6I-10(i) of the Jake Honig Compassionate Use Medical Cannabis Act and N.J.S.A. 40:48I-1(a)(1) of CREAMMA, there is hereby established a Cannabis Transfer Tax in the Township of Maplewood which shall be fixed at a uniform percentage rate of two percent (2%) on all sales or transfers of cannabis products from a Cannabis Establishment, except for sales or transfers of cannabis products from a Cannabis Wholesaler which shall be taxed at a percentage rate of one percent (1%) on all sales or transfers of cannabis products.

b. The Cannabis Transfer Tax shall be in addition to any other tax or fee imposed pursuant to statute, state and federal, or local ordinance or resolution by any government entity upon a Cannabis Establishment.

d. The tax imposed by this section shall be paid to the Township on a quarterly basis no later than the fifteenth (15th) day of the month following the last month of the quarter along with a report certified as true and accurate by the Cannabis Establishment’s Chief Financial Officer, Controller or other similarly situated person showing the gross revenues for the Cannabis Establishment for each month of the quarter.

e. A Cannabis Establishment operating within the Township of Maplewood shall file on an annual basis no later than February 1 of each year a financial report from an independent accountant certifying as to the annual revenues for the preceding year.

f. A copy of this section shall be transmitted to the State Treasurer and to every Cannabis Establishment within the Township of Maplewood.

Section 11 Inspections.

Maplewood’s Health Department, Community Development Department, Police Department, and Fire Department shall, from time to time, make an inspection of the Cannabis Establishment for the purpose of determining whether the provisions of this section are complied with. It shall be unlawful for any Licensed Cannabis Entity to refuse to allow such inspection or to hinder such an inspection.

Section 12 Penalty for Violation.

Any violation of the provisions of this Chapter shall be punishable by a civil fine of \$2,000. Each day that a violation is committed, exists or continues shall be deemed a separate and distinct offense. All violations shall be reported to the CRC.

Subsequent violations of the provisions of this Chapter may result in suspension of the license. When the Township Committee 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 Township Committee may order the immediate suspension of such license pending further investigation. The foregoing suspensions are in addition to the Township’s right to seek other appropriate and proper remedies, including actions in law or equity.

Section 13

1. Zoning

Cannabis Establishments shall be a permitted use as follows:

Cannabis License Classes	Zones
1 Cultivator	Commercial/Industrial Special Light Industrial District Redevelopment Area 2
2 Manufacturer	Commercial/Industrial Special Light Industrial District Redevelopment Area 2
3 Wholesaler	Commercial/Industrial Special Light Industrial District Redevelopment Area 2
4 Distributor	Commercial/Industrial Special Light Industrial District Redevelopment Area 2
5 Retailer	Neighborhood Business Parkside Pedestrian Business Retail Business Redevelopment Area 3 Baker Street Redevelopment Area Post Office Redevelopment Area
6 Delivery	All residential, business and office business zones.

2. Cannabis Buffer Zones.

A. The primary entrance of a Cannabis Establishment shall not be closer than 500 feet from the primary entrance of the nearest public or private K-12 school or 250 feet from the primary entrance of the nearest House of Worship. The buffer zone distance shall be measured in a straight line from the geometric center of the primary entrance of the cannabis establishment to the geometric center of the primary entrance of the nearest pre-existing public or private K-12 school or House of Worship, unless there is an impassable barrier; in these cases, the buffer zone distance shall be measured along the center of the shortest publicly accessible pedestrian travel path.

B. The primary entrance of a Cannabis Retail Establishment shall not be closer than 1,000 feet from the primary entrance of another Cannabis Retail Establishment.

3. Signage.

Any signage for a Cannabis Establishment shall be subject to the regulations of the CRC and Township of Maplewood. In Maplewood’s Special Improvement Districts, signage must be approved by the district management organization.

4. Prohibited Uses.

Except as expressly permitted by this Chapter, any activity involved in the cultivation, manufacture, processing, testing, dispensation, distribution and/or sale of cannabis, marijuana or cannabis products, are expressly prohibited as land uses or otherwise in the Township of Maplewood.

5. Product Display and Storage.

No cannabis products shall be visible from a public sidewalk, public street or right-of-way, or any other public place. All cannabis products shall be stored securely indoors and on-site.

6. Entrances

An entrance to a Cannabis Establishment shall be through a separate entrance, independent from any other retail or residential ingress to the building.

7. Home-Based Businesses

No cannabis establishment, except a Cannabis Delivery Establishment, shall be allowed as a Home-Based Business as defined in §271-3 of the Maplewood Code.

8. Vehicles

No cannabis establishment shall be housed in a vehicle or any movable or mobile structure.

9. Odor

A Cannabis Establishment shall provide an air treatment system with sufficient odor absorbing ventilation and exhaust systems such that any odor generated inside the facility is not detectable by a person of reasonable sensitivity at the property line of the subject property. Odor from the facility shall be monitored on a regular basis at the discretion of the Township by a licensed, qualified contractor chosen by the Township at a cost that shall be paid for by the property owner.

Section 14 Severability.

If any section, paragraph, subparagraph, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the specific section, paragraph, subparagraph, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Section 15 Repeal of Prior Ordinances.

Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of any such inconsistencies.

Section 16 Effective Date.

This Ordinance shall take effect after final passage and publication as provided by law and with filing a copy with the Essex County Planning Board and serving a copy on adjacent municipalities.

PUBLIC NOTICE is hereby given that the foregoing proposed Ordinance was introduced and read by title at a meeting of the Township Committee of the Township of Maplewood, held on December 7, 2021, and that the Township Committee met again on December 21, 2021, at the Municipal Building, 574 Valley Street, Maplewood, New Jersey, at which time and place the Township Committee held a hearing and proceeded to consider the said Ordinance on final reading and final passage.

ELIZABETH J. FRITZEN, R.M.C.
Township Clerk