

**TOWNSHIP OF JEFFERSON  
COUNTY OF MORRIS, NEW JERSEY**

**ORDINANCE #23-21**

**“ORDINANCE OF THE TOWNSHIP OF JEFFERSON, IN THE COUNTY OF MORRIS, NEW JERSEY,  
PERMITTING CANNABIS BUSINESSES WITHIN THE TOWNSHIP,  
ADDING DEFINITIONS TO SECTION 490-5 OF THE TOWNSHIP CODE,  
DELETING SUBSECTION I OF CODE SECTION 490-27,  
AND ADOPTING NEW SECTIONS 490-13.D(6), 490-14.D(4), 490-16.D(3), AND 490-35.N  
PERMITTING THE OPERATION OF CLASS 1 THROUGH CLASS 6 CANNABIS LICENSES  
AS CONDITIONAL USES WITHIN CERTAIN ZONES IN THE TOWNSHIP”**

**TAKE NOTICE** that Ordinance #23-21 was introduced at a Regular meeting of the Township Council of the Township of Jefferson, in the County of Morris and State of New Jersey, held on **October 18, 2023**, and passed its first reading; and that said Ordinance will be considered for final passage at a meeting of the Township Council of said Township, to be held on **November 29, 2023 at 7:00 pm** or soon thereafter, in the **Jefferson Township Municipal Building, 1033 Weldon Road, Lake Hopatcong, New Jersey, 07849** at which time and place all persons who may be interested will be given an opportunity to be heard. Copies of said Ordinance are available at the office of the Township Clerk during regular office hours or can be requested by emailing [jeffersonclerk@jeffersontownship.net](mailto:jeffersonclerk@jeffersontownship.net).

**PURPOSE**

The Purpose of this Ordinance is to authorize licensed State Cannabis Facilities to conduct cannabis operations in prescribed areas in Jefferson Township with such usages being allowed only under conditions that the Governing Body has deemed will ensure compliance with all applicable laws and have the least impact on the day to day activities of the residents.

**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**, Jefferson Township adopted Ordinance 2021-14 on August 4, 2021, prohibiting cannabis businesses within the Township; and

**WHEREAS**, the Township of Jefferson Council 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 Jefferson's residents and members of the public who visit, travel, or conduct business in the Township of Jefferson, to amend the Township's zoning regulations to permit cannabis businesses within the geographic boundaries of the Township of Jefferson as a conditional use pursuant to Section 490-35.N, 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 170-1.

**NOW THEREFORE, BE IT ORDAINED**, by the Township of Jefferson Council, in the County of Morris, State of New Jersey, as follows:

**SECTION ONE.** The General Ordinance of the Township of Jefferson is amended by adopting new definitions to Code Section 490-5, "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 Jefferson is amended by adding a new Subsection (6) to Section 490-13.D of the Code to allow for cannabis retail business and cannabis delivery service as a conditional use in the C-1 Neighborhood Business Zone, as follows:

D. Conditional uses (subject to Section 490-35). Conditional uses shall be as follows:

- (6) Cannabis retail business and cannabis delivery service

**SECTION THREE.** The General Ordinance of the Township of Jefferson is amended by adding a new Subsection (4) to Section 490-14.D of the Code to allow for cannabis retail business and cannabis delivery service as a conditional use in the C-2 Highway Business Zone, as follows:

D. Conditional uses (subject to Section 490-35). Conditional uses shall be as follows:

- (4) Cannabis retail business and cannabis delivery service

**SECTION FOUR.** The General Ordinance of the Township of Jefferson is amended by adding a new Subsection (3) to Section 490-16.D of the Code to allow for cannabis cultivator, manufacturer, wholesaler or distributor business as a conditional use in the IP

Industrial Park Zone, as follows:

D. Conditional uses (subject to Section 490-35). Conditional uses shall be as follows:

(3) Cannabis cultivator, manufacturer, wholesaler or distributor business

**SECTION FIVE.** The General Ordinance of the Township of Jefferson is amended by deleting subsection I of Code Section 490-27, "Prohibited Uses", which prohibited "I. 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, but not the delivery of cannabis items and related supplies by a delivery service."

**SECTION SIX.** The General Ordinance of the Township of Jefferson is amended by adopting a new subsection N, Cannabis Businesses, of Code Section 490-35, "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 Jefferson Township Council, in accordance with Jefferson Township Code Section 170-1 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 two (2) cultivator, one (1) manufacturer, one (1) wholesaler and one (1) distributor facility within Jefferson Township. At least one (1) cultivator license shall be provided to microbusiness, per N.J.A.C. 17:30-6.7, provided all other eligibility requirements are met.
  - (B) Location. A cannabis cultivator, manufacturer, wholesaler or distributor business shall be permitted as a conditional use only within the IP Zone in Jefferson Township. A microbusiness cultivator shall also be permitted as a conditional use within the C1 and C2 Zones; any addition or change to a microbusiness cultivator facility shall be subject to all applicable Ordinance and approvals. 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 400 feet from the nearest dwelling unit located on a neighboring lot and a minimum of 1,000 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: Five (5) acres; except that a microbusiness cultivator may be permitted on a lot at least 10,000 square feet in size.
  - (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 400 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 100 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. 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.

(2) Cannabis retailer and cannabis delivery. Cannabis retailers and cannabis delivery services that operate from a business located within Jefferson Township shall meet the following conditions and standards when permitted as a conditional use:

(A) Number of retail business and cannabis delivery service licenses. There shall be a maximum of four (4) total cannabis retailers within Jefferson Township and a maximum of two (2) cannabis delivery service businesses within Jefferson Township. At least one (1) retail license shall be provided to a New Jersey certified women-owned, veteran-owned, disadvantaged business and/or minority-owned business, provided all other eligibility requirements are met.

(B) Location. A cannabis retail business and cannabis delivery service shall be permitted as a conditional use only within the C1 and C2 Zones in Jefferson Township, and only at those locations with direct access to or frontage along State Route 23 or State Route 15, and/or Berkshire Valley Road where it intersects with Ridge Road and Chamberlain Road. No cannabis retailers or delivery service shall be located on the same lot as any residential use or any residentially-zoned property. Facilities shall be at least 500 feet door-to-door, from a school or state-licensed child-care or day-care facility, which distance shall be measured via the shortest natural path. All cannabis retailers and delivery service buildings shall be located at least 400 feet from the nearest dwelling unit located on a neighboring lot and a minimum of 1,000 feet from a school building, which distance shall be measure from the corners of each building that are closest to each other. Cannabis retailers and cannabis delivery businesses shall be separate and distinct from growing operations.

(C) Buildings. All cannabis retailers and cannabis delivery businesses shall be fully indoors and enclosed in heated/air-conditioned permanent buildings, not trailers, outdoors, moveable kiosks, carts, sheds, tents, etc.

(D) Signage. Signs shall be limited to one location identification/name of business sign. Signage shall not promote consumption of any cannabis products. A "No Loitering" sign shall be posted on the outside of the building.

(E) Site plan approval. When seeking site plan approval, the applicant shall submit a safety and security plan and emergency services access plan. The Township Police Department shall review and approve of all security plans.

(F) Accessibility. Any cannabis retailer and cannabis delivery service shall only have one primary public access point, which shall be directly adjacent to the right-of-way or parking area of the building. Access should not be through common entrances with other uses.

(G) Hours of operation. Hours of operation shall be limited generally to daytime and early evening hours from 9:00 a.m. to 8:00 p.m., Monday through Saturday.

(H) Interior security. The applicant shall provide a secure location for storage of products with minimum products in any customer service area.

(I) Exterior loitering and security. People shall not be permitted to congregate, loiter or wait in line to access the cannabis retailer or delivery service. The facility shall have a plan in place if interior capacity is exceeded, i.e., numbers are given and customers wait in their vehicles until called.

(J) Curbside and drive-through sales prohibited. There shall be no curbside retail sales or drive-through sales of cannabis permitted in Jefferson Township.

(K) Product consumption. No products shall be permitted to be consumed on site. "No Smoking" signs shall be posted inside and outside the building.

(L) Compliance: All cannabis retail and delivery businesses 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.

(M) Gifting prohibited. Under no circumstance shall any individual, cannabis business or cannabis license holder, under any class of license, engage in gifting cannabis or marijuana as defined herein. Any individual, cannabis business or cannabis license holder found in violation of this provision shall be subject to punishment including fines and/or imprisonment as set forth within the Township Code, including but not limited to Section 1-15, Violations and Penalties, and depending upon other carefully defined circumstances, possible criminal prosecution.

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

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

**MICHELE REILLY, RMC  
TOWNSHIP CLERK**