

TOWN OF NEWTON

ORDINANCE 2021-13

AN ORDINANCE TO AMEND, REVISE, AND SUPPLEMENT ORDINANCE NO. 2021-12, “AN ORDINANCE AMENDING, REVISING, AND SUPPLEMENTING SECTIONS 320-2C “PERMITTED USES”, 320-3 “DEFINITIONS” AND 320-28 “CONDITIONAL USES” OF THE ZONING CODE OF THE TOWN OF NEWTON OF NEWTON TO REGULATE THE CULTIVATION, PROCESSING, SALES, AND DISTRIBUTION OF LEGAL CANNABIS WITHIN THE TOWN OF NEWTON”

WHEREAS, the Town Council of the Town of Newton introduced Ordinance 2021-12 to regulate legal cannabis as to the processing, sales, and distribution within the Town of Newton as per P.L. 2021, c. 16 (“New Jersey Cannabis Regulatory, Enforcement Assistance and Marketplace Modernization Act”) at its meeting on June 14, 2021; and,

WHEREAS, as part of the ordinance process, Ordinance No. 2021-12 was referred to the Town Planning Board for its review and consideration; and

WHEREAS, the Town Planning Board was generally accepting of the proposed Ordinance, with two (2) changes the Board unanimously wanted to see in the proposed ordinance, which the Town Council wishes to consider subsequent to the adoption of Ordinance No. 2021-12 and which the Town Council desires to make an overall part of its regulation of legal cannabis within the Town.

NOW, THEREFORE BE IT ORDAINED, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that Ordinance No. 2021-12 is hereby amended, revised, and supplemented as follows:

SECTION 1

- A. Section 320-28 “Conditional Uses” shall be further revised as to Section M “Cannabis Retailer” as follows:

“(7) Hours of Operation: Hours of Operations for Cannabis Retailers shall be limited generally to daytime and early evening hours [no earlier than] from 9:00 a.m., [no later than] to 9:00 p.m., Monday through Saturday.

- B. Add a new provision to Section 320-28 “Conditional Uses” in subsection N “Cannabis Delivery” by creating a new subsection (9), which shall read as follows:

“(9) Hours of Operation: Hours of Operations for Cannabis Delivering businesses shall be from 9:00 a.m. to 9:00 p.m., Monday through Saturday.

[Brackets] mean deletions; Underlines means additions

- C. Revised Section 320-28 “Conditional Uses”, Subsection O “Cannabis Cultivator, Manufacturer, Wholesaler, or Distributor Subsection “(5) “Odor Control” shall be further amended, revised, and supplemented as follows:

“(5) Odor Control. The facility shall provide an air treatment system with sufficient odor absorbing ventilation and exhaust systems such that [and] any odor generated inside the facility and outside the facility [is] shall not be detectable by a person of reasonable sensitivity at the property line of the subject property. [Odor from the facility shall be monitored on an annual basis at the discretion of the Town by a licensed, qualified contractor chosen by the Town.] 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 Town. Odor from the facility shall be monitored, on an annual basis, at the discretion of the Town by a licensed, qualified contractor chosen by the Town and paid for by the facility owner, and/or the facility tenant and shall not be the financial responsibility of the Town.

- D. Add a new provision to Section 320-28 “Conditional Uses” in subsection O “Cannabis Cultivator, Manufacturer, Wholesaler, or Distributor” by adding a new subsection (6), which shall read as follows:

“(6) Hours of Operation: Hours of Operations for Cannabis Cultivator, Manufacturer, Wholesaler, or Distributor shall be from 9:00 a.m. to 9:00 p.m., Monday through Saturday.

[Brackets] mean deletions; Underlines means additions

SECTION 2

SEVERABILITY AND REPEALER

Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof other than the part held invalid.

SECTION 3

NOTICE

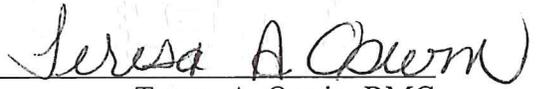
The Town Clerk is hereby directed to give notice of the second (2nd) reading of this Ordinance pursuant to law. Since the Planning Board has already commented on the proposals that make up this Ordinance, and unanimously approved the same, there is no need for a referral back to the Planning Board, but there shall be notice to those municipalities and the Sussex County Planning Board pursuant to N.J.S.A. 40:55D-15. Upon adoption of this Ordinance, after public hearing, the Town Clerk is further directed to publish notice of the passage and to file a copy of this Ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

SECTION 4

EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption and publication with law.

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on Monday, June 28, 2021 via video conferencing. It was adopted, after final reading and public reading thereon, at a regular meeting of the Newton Town Council to be conducted at 7:00 p.m. or as soon thereafter as the matter be heard on Monday, July 12, 2021 in the Council Chambers at the Newton Town Municipal Building, 39 Trinity Street, Newton, New Jersey or via electronic means via Zoom, whichever way the Town shall be conducting its meetings at that time, and the Ordinance shall take effect in accordance with law.



Teresa A. Oswin, RMC
Deputy Municipal Clerk