

TOWN OF NEWTON

ORDINANCE 2023-18

AN ORDINANCE TO AMEND, REVISE, AND SUPPLEMENT SECTION 320-28 "CONDITIONAL USES" OF THE ZONING CODE OF THE TOWN OF NEWTON TO REGULATE THE NUMBER OF APPROVED CANNABIS RETAIL FACILITIES AND DELIVERY BUSINESSES IN CERTAIN ZONES WITHIN THE TOWN OF NEWTON

WHEREAS, the Town Council of the Town of Newton adopted Ordinances 2021-12 and 2021-13 which 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"); and

WHEREAS, the Town Council wishes to adopt further regulations in regard to Class 5 Cannabis Retailer Licenses, for locations at which cannabis items and related supplies are sold to consumers, and Class 6 Cannabis Delivery Licenses, 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 consumers 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;

NOW, THEREFORE BE IT ORDAINED, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that Section 320-28 "Conditional Uses" of the Zoning Code of the Town of Newton 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" by creating a new subsection (11), which shall read as follows:

"(11) Limits on the number of licensed cannabis retail facilities and delivery businesses in certain zones. The Town of Newton shall limit the total number of licensed Cannabis Retail facilities and Cannabis Delivery businesses in the Town of Newton as follows: (a) there shall be no more than two (2), in total, licensed Cannabis Retail facilities and Cannabis Delivery businesses approved by the Town of Newton for location on Water Street; (b) there shall be no more than two (2), in total, licensed Cannabis Retail facilities and Cannabis Delivery businesses approved by the Town of Newton for location on Mill Street; and (c) there shall be no more than one (1), in total, licensed Cannabis Retail facility and Cannabis Delivery business approved by the Town of Newton for location in the SD-3 Zone. No licenses in excess of the amounts established above shall be permitted/allowed by any Town employee, board, body, or commission.

[Brackets] mean deletions; Underlines means additions

- B. Section 320-28 "Conditional Uses" shall be further revised as to Section N "Cannabis Delivery" by creating a new subsection (10), which shall read as follows:

“(10) Limits on the number of licensed cannabis retail facilities and delivery businesses in certain zones. The Town of Newton shall limit the total number permitted on Water Street, Mill Street, and in the SD-3 Zone for cannabis delivery businesses in conjunction with the limits established in Section 320-28 (M) (11) above. No licenses in excess of the amounts established in Section 320-28 (M) (11) above shall be permitted/allowed by any Town employee, board, body, or commission.

[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. The Town of Newton Planning Board shall be instructed to review this Ordinance at the Board's June 21, 2023 Planning Board meeting. Furthermore, there shall be notice to other municipalities and the Sussex County Planning Board, pursuant to N.J.S.A. 40:55D-15. Upon adoption of this Ordinance, after public hearing and approval, 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.

NOTICE

TAKE NOTICE the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on June 12, 2023. It was adopted, after final reading and public hearing thereon, at a meeting of the Newton Town Council conducted at 7:00 pm on June 26, 2023, in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect in accordance with law.



Teresa A. Oswin, RMC
Municipal Clerk