

**BOROUGH OF WOODBINE
COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

ORDINANCE NO. 629-2024

**AN ORDINANCE AMENDING ORDINANCE NO. 505-2009 AND
ORDINANCE 606-22, AS AMENDED, CHAPTER 26 OF THE CODE OF
THE BOROUGH WOODBINE ENTITLED ZONING SO AS TO PERMIT
AND CONTROL THE OPERATION AND LOCATION OF MEDICAL
AND ADULT CANNABIS**

WHEREAS, in 2009, the State of New Jersey Legislature adopted the New Jersey Compassionate Use Medical Marijuana Act, N.J.S.A. 24-61-1 et seq to establish a system whereby cannabis could be manufactured and dispensed for the treatment of designated medical conditions; and

WHEREAS, on November 4, 2020, a Public Question was put before the residents of the State of New Jersey to determine if the residents were in favor of permitting adult use cannabis for recreational purposes; and

WHEREAS, the voting public overwhelmingly approved adult use cannabis by 68% with Cape May County approving the legislation by 66%; and

WHEREAS, considering the affirmative vote of two-thirds of the State population and that of Cape May County, the State Legislature adopted the New Jersey Cannabis Regulatory, Enforcement Assistance and Marketplace Modernizations Act which legalizes adult cannabis; and

WHEREAS, the law allows municipalities that permit certain licenses for growing, processing/manufacturing, wholesaling distributing and retailing activities within their boarders to charge a “tax” per license at the rate of 2% and 1% of the gross sales of cannabis as well as a licensing fee for each license, which represents a substantial income to the Borough; and

WHEREAS, the Borough Council has considered the above factors both beneficial and potentially detrimental to allowing certain licenses and finds the benefits outweigh the detriments and therefore rejects the reasons set forth by the Land Use Board in their recommendation to opt out of allowing certain licenses under the new law.

WHEREAS, the Council of the Borough of Woodbine finds it to be in the best interest of the Borough to adopt certain regulations to allow certain additional licenses within the Borough.

NOW, THEREFORE BE IT ORDAINED that Ordinance No. 505-2009, as amended, Chapter 26 of the Code of the Borough of Woodbine be amended as follows:

Section 26-4.8 a shall be amended with the addition of the following:

- a.
 10. Cannabis Retailer in accordance with this Chapter. No on

premises consumption shall be permitted.

11. Cannabis Delivery Service.
12. Medical Cannabis Dispensary. No on premises consumption shall be permitted.

Section 26-4.8 j shall be amended to delete paragraph j 2 in its entirety and the remaining paragraphs of section j renumbered.

Section 26-4.8 j shall be amended with the addition of the following:

j.

4. No Retail Cannabis Establishment may open for customers for business before 9 am or remain open to customers for business after 5 pm.

Section 26-4.12 a 1 shall be amended with the addition of the following:

a.

- j. Cannabis Retailer in accordance with this Chapter. No on premises consumption shall be permitted.
- k. Cannabis Delivery Service.
- l. Medical Cannabis Dispensary. No on premises consumption shall be permitted.

Section 26-4.12 h shall be amended to delete paragraph h 2 in its entirety and the remaining paragraphs of section h renumbered.

Section 26-4.12 h shall be amended with the addition of the following:

j.

4. No Retail Cannabis Establishment may open for customers for business before 9 am or remain open to customers for business after 5 pm.

Section 26-23.11 shall be amended as follows:

Section 26-23-11 a shall be deleted in its entirety and replaced as follows:

- a. Cannabis Establishments shall refer to Medical Cannabis Cultivator, Medical Cannabis Manufacturer, Medical Cannabis Dispensary, Cannabis Cultivator, Cannabis Manufacturer, Cannabis Wholesaler, Cannabis Distributor, Cannabis Retailer and Cannabis Delivery. Cannabis Establishments shall not reference or include Medical Cannabis Alternative Treatment Centers. Cannabis Establishments shall be permitted within the Airport Business (AB) and Light Industrial Manufacturing (LIM) zoning districts only if the following requirements are complied with:

BE IT FURTHER ORDAINED that any portion of Ordinance 505-2009 and Ordinance 606-22, as amended, not amended hereby shall remain in full force and effect.

BE IT FURTHER ORDAINED that should any Ordinance or portion thereof be inconsistent

with this Ordinance, such Ordinance or portion thereof shall be void to the extent of such inconsistencies.

BE IT FURTHER ORDAINED that should any portion of this Ordinance be deemed unenforceable by any court of competent jurisdiction, the balance thereof not deemed unenforceable shall remain in full force and effect.