

**BOROUGH OF WOODBINE
COUNTY OF CAPE MAY**

ORDINANCE NO. 628-2024

**AN ORDINANCE AMENDING ORDINANCE NO. 597-2021, AS AMENDED, CHAPTER
4, SECTION 4-6 OF THE CODE OF THE BOROUGH WOODBINE ENTITLED
CANNABIS ESTABLISHMENTS**

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, on July 15, 2021 Borough Council adopted Ordinance 597-2021 permitting certain Class Cannabis Establishments within the Borough but excluded Medical Cannabis Dispensary, Class V Cannabis Retail establishment and Class VI Cannabis Delivery Businesses; and

WHEREAS, Borough Council has considered the issuance of Class V Cannabis Retail Establishments and Class VI Delivery Businesses as well as Medical Cannabis Dispensaries and intends upon considering the imposition of such tax as permitted by State Statute on each new type of license and use being permitted; 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 finds that the issuance of Class V and Class VI licenses as well as Medical Cannabis Dispensary Establishments is in the best interest of the Borough; and

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 Class V and Class VI licenses.

NOW, THEREFORE BE IT ORDAINED that Ordinance No. 597-2021, as amended, Chapter 4, Section 4-6 of the Code of the Borough of Woodbine entitled Cannabis Establishments be amended as follows:

The preamble of Section 4-6.1 shall be deleted in its entirety and replaced as follows:

Cannabis Establishments shall refer to Medical Cannabis Cultivator, Medical Cannabis Manufacturer, Cannabis Cultivator, Cannabis Manufacturer, Cannabis Wholesaler, Cannabis Distributor, Medical Cannabis Dispensary, Cannabis

Retailer and Cannabis delivery service. Cannabis Establishments shall not reference Medical Cannabis Alternative Treatment Center or Cannabis Consumption Lounge or Establishment. Cannabis Establishments shall be permitted within the Airport Business (AB), Light Industrial Manufacturing (LIM) Zones.

Section 4-6.1 shall be amended with the addition of the following subsection”

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

Section 4-6.4 shall be amended with the addition of the following subsections:

- e. Class V: Cannabis Retail License
- f. Class VI: Cannabis Delivery License

Section 4-6.5 shall be deleted in its entirety and replaced as follows:

There shall be an unlimited number of Class I, Class II, Class III, Class IV and Class VI licenses. There shall be permitted two (2) Class V licenses.

Section 4-6.6 a 5 shall be amended with the addition of the following subsections:

- (e) Class V: \$1,000 Cannabis Retail License
- (f) Class VI: \$1,000 Cannabis Delivery License

Section 4-6.6 a 6 shall be deleted in its entirety and replaced as follows:

- 6. The applicant shall submit all annual registration fees required in accordance with the following fees schedule, which shall be refunded in the event the applicant does not receive a license:
 - (a) Class I: \$15,000.00 per year Cannabis Cultivator License
 - (b) Class II: \$15,000.00 per year Cannabis Manufacturer License
 - (c) Class III: \$15,000.00 per year Cannabis Wholesaler License
 - (d) Class IV: \$15,000.00 per year Cannabis Distributor License
 - (e) Class V: \$15,000.00 per year Cannabis Retail License
 - (f) Class VI: \$15,000.00 per year Cannabis Delivery License

Section 4-6.8 shall be amended with the addition of the following subsection:

- e. No license shall be transferrable without the express approval of the Borough and the submission of a new application and all fees

set forth for new applications.

BE IT FURTHER ORDAINED that any portion of Ordinance 598-2021, 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.