

**AN ORDINANCE AMENDING CHAPTER 4, SECTIONS 5.1 and 5.2; CHAPTER 5, SECTION 34; CHAPTER 22, SECTION 3; AND CHAPTER 25, SECTIONS 4, 24.2, and PART A: PERMITTED USES TABLE OF DISTRICT REGULATIONS OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE (LICENSED CANNABIS ENTITIES)**

**BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY** that Chapters 4, 5, 22, and 25 of the Revised General Ordinances of the Township of West Orange be and are hereby amended as follows:

**I. PURPOSE**

The purpose of this ordinance is to update the zoning provisions of the Township of West Orange to incorporate the legal operation of licensed cannabis entities, including: (i) licensed medical marijuana dispensaries; and (ii) licensed cannabis businesses to specifically identify the zones for which such operations shall be allowable. This ordinance will also outline the requirements for the operation of licensed cannabis entities within the Township, including the establishment of local licensing requirement in addition to any licensing issued by the State of New Jersey and the imposition of a local cannabis transfer and user tax.

**II. CHAPTER 4, SECTION 5.1 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:**

**4-5.1 Prohibitions.**

No person shall advertise, display, dispense, sell, or offer to sell any type of syringe, needle, eye dropper, spoon, pipe, testing kit, rolling paper, or other paraphernalia or appliances designed for or ordinarily used in smoking, testing, weighing, measuring, injecting, cooking or sniffing marijuana, cocaine, opium, hashish or other controlled dangerous substances as defined by N.J.S.A. 24:21-1 et seq. **This prohibition shall not apply to the legal advertisement, legal display, legal dispensing, legal sale, or legal use of marijuana or other cannabis products pursuant to the Jake Honig Compassionate Use Medical Cannabis Act, N.J.S.A. 24:6I-1, et. seq.; the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, N.J.S.A. 24:6I-31, et. seq.; or any other State Law.**

**III. CHAPTER 4, SECTION 5.2 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:**

**4-5.2 Maintaining Premises Constitutes Common Nuisance.**

It shall constitute a common nuisance to maintain any building, conveyance or premises which is resorted to by persons for the manufacture, distribution, dispensing, administration or use of any type of syringe, needle, eye dropper, spoon, pipe, testing kit, rolling paper or other paraphernalia or appliances designed for or ordinarily used in smoking, testing, weighing, measuring, injecting, cooking or sniffing marijuana, cocaine, opium, hashish or other controlled dangerous substances as defined by N.J.S.A. 24:21-1 et seq. Except that this provision shall not apply to the legal manufacturing, legal distribution, legal dispensing, legal administration, legal sale or legal use of marijuana or other cannabis products pursuant to the Jake Honig Compassionate Use Medical Cannabis Act, N.J.S.A. 24:6I-1, et. seq.; the New Jersey Cannabis Regulatory, Enforcement

Assistance, and Marketplace Modernization Act, N.J.S.A. 24:6I-31, et. seq.; or any other State Law.

**IV. CHAPTER 5, SECTION 34 SHALL BE AND HEREBY IS ESTABLISHED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:**

**5-34 LICENSED CANNABIS ENTITY.**

**5-34.1 Purpose.**

The purpose of this section is to establish the requirements for duly Licensed Cannabis Entities operating within the Township. The provisions of this section are subject to the enabling authority of the State of New Jersey and are subject to compliance with all statutes and/or regulations adopted by the State of New Jersey or its instrumentalities. If any provisions of this Section are inconsistent with the statutes and/or regulations of the State of New Jersey, the State statute and/or regulation shall govern.

**5-34.2 Definitions.**

For the purpose of this section, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*Alternative Treatment Center* means an organization issued a permit pursuant to the Jake Honig Compassionate Use Medical Cannabis Act, N.J.S.A. 24:6I-1, et. al. to operate as a Medical Cannabis Cultivator, Medical Cannabis Manufacturer, Medical Cannabis Dispensary, or clinical registrant, as well as any organization deemed to concurrently hold a Medical Cannabis Cultivator permit, a Medical Cannabis Manufacturer permit, and a Medical Cannabis Dispensary permit or as otherwise defined under the Jake Honig Compassionate Use Medical Cannabis Act, N.J.S.A. 24:6I-1, et. al.

*Applicant* means a Licensed Cannabis Entity applying to the Township for a Local License to operate within the Township.

*Cannabis* shall have the same meaning as defined in the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, N.J.S.A. 24:6I-31, et. seq.

*Cannabis Cultivator* means any licensed person or entity who holds a Class 1 Cannabis Cultivator license 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 or as otherwise defined under the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, N.J.S.A. 24:6I-31, et. seq.

*Cannabis Delivery Service* means any licensed person or entity who holds a Class 6 Cannabis Delivery license that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by a cannabis retailer in order to make deliveries of the cannabis items and related supplies to that consumer, and which services include the ability of a consumer to

purchase the cannabis items directly through the cannabis delivery service, which after presenting the purchase order to the cannabis retailer for fulfillment, is delivered to that consumer or as otherwise defined under the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, N.J.S.A. 24:6I-31, et. seq.

*Cannabis Distributor* means any licensed person or entity who holds a Class 4 Cannabis Distributor license that transports cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed cannabis cultivator, or transports cannabis items in bulk intrastate from any one class of licensed cannabis establishment to another class of licensed cannabis establishment, and may engage in the temporary storage of cannabis or cannabis items as necessary to carry out transportation activities or as otherwise defined under the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, N.J.S.A. 24:6I-31, et. seq.

*Cannabis Manufacturer* means any licensed person or entity who holds a Class 2 Cannabis Manufacturer license 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 or as otherwise defined under the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, N.J.S.A. 24:6I-31, et. seq.

*Cannabis Retailer* means any licensed person or entity who holds a Class 5 Cannabis Retailer license from the Commission or the State of New Jersey that purchases cannabis from cannabis growers and cannabis items from cannabis processors or Cannabis Wholesalers and sells these to consumers from a retail store or as otherwise defined under the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, N.J.S.A. 24:6I-31, et. seq.

*Cannabis Wholesaler* means any licensed person or entity who holds a Class 3 Cannabis Wholesaler License from the Commission or the State of New Jersey that sells cannabis items for the purpose of resale either to another cannabis wholesaler or to a cannabis retailer or as otherwise defined under the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, N.J.S.A. 24:6I-31, et. seq.

*Commission* shall mean the Cannabis Regulatory Commission established under the New Jersey Department of Health and established pursuant to the Jake Honig Compassionate Use Medical Cannabis Act, N.J.S.A. 24:6I-1, et. al. in, but not of, the New Jersey Department of Treasury.

*Licensed Cannabis Entity* shall mean either a Licensed Cannabis Establishment or a Licensed Medical Marijuana Facility as defined in this section.

*Licensed Cannabis Establishment* shall mean a duly licensed Cannabis Cultivator, a Cannabis Manufacturer, a Cannabis Wholesaler, or a Cannabis Retailer licensed under the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, N.J.S.A. 24:6I-31, et. seq.

*Licensed Medical Marijuana Facility* shall mean a duly licensed Medical Cannabis Cultivator, a duly licensed Medical Cannabis Manufacturer, a duly licensed Cannabis Dispensary, or an Alternative Treatment Center lawfully operating pursuant to the Jake Honig Compassionate Use Medical Cannabis Act, N.J.S.A. 24:6I-1, et. al.

*Local License* shall mean a license granted by the Township of West Orange to operate a Licensed Cannabis Entity within the Township.

*Medical Cannabis Cultivator* means an organization holding a permit issued by the Commission that authorizes the organization to: possess and cultivate cannabis and deliver, transfer, transport, distribute, supply, and sell medical cannabis and related supplies to other Medical Cannabis Cultivators and to Medical Cannabis Manufacturers, clinical registrants, and Medical Cannabis Dispensaries, as well as to plant, cultivate, grow, and harvest medical cannabis for research purposes or as otherwise defined under the Jake Honig Compassionate Use Medical Cannabis Act, N.J.S.A. 24:6I-1, et. al.

*Medical Cannabis Dispensary* means an organization issued a permit by the Commission that authorizes the organization to: purchase or obtain medical cannabis and related supplies from Medical Cannabis Cultivators; purchase or obtain medical cannabis products and related supplies from Medical Cannabis Manufacturers; purchase or obtain medical cannabis, medical cannabis products, and related supplies and paraphernalia from other Medical Cannabis Dispensaries and from clinical registrants; deliver, transfer, transport, distribute, supply, and sell medical cannabis and medical cannabis products to other medical cannabis dispensaries; furnish medical cannabis, including medical cannabis products, to a medical cannabis handler for delivery to a registered qualifying patient, designated caregiver, or institutional caregiver, and possess, display, deliver, transfer, transport, distribute, supply, sell, and dispense medical cannabis, medical cannabis products, paraphernalia, and related supplies to qualifying patients, designated caregivers, and institutional caregivers or as otherwise defined under the Jake Honig Compassionate Use Medical Cannabis Act, N.J.S.A. 24:6I-1, et. al.

*Medical Cannabis Manufacturer* means an organization issued a permit by the Commission that authorizes the organization to: purchase or obtain medical cannabis and related supplies from a Medical Cannabis Cultivator or a clinical registrant; purchase or obtain medical cannabis products from another Medical Cannabis Manufacturer or a clinical registrant; produce, manufacture, or otherwise create medical cannabis products; and possess, deliver, transfer, transport, distribute, supply, and sell medical cannabis products and related supplies to other Medical Cannabis Manufacturers and to Medical Cannabis Dispensaries and clinical or as otherwise defined under the Jake Honig Compassionate Use Medical Cannabis Act, N.J.S.A. 24:6I-1, et. al.

*Targeted Microbusiness* means a Licensed Cannabis Entity located within the Township which qualifies as a microbusiness pursuant to the definitions and qualifications as set forth in N.J.S.A. 24:6I-33 and N.J.S.A. 24:6I-36(f)(2) of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act and or any other requirements set forth therein.

### **5-34.3 Local License Required; Violations and Penalties.**

Pursuant to N.J.S.A. 24:6I-45 (c)(2) of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, no Licensed Cannabis Entity shall be allowed to operate within the Township of West Orange until such person or entity shall be licensed and registered in accord with this section. For violation of any provision of this subsection, penalties shall be in accordance with Chapter **1**, § **1-5**.

**5-34.4 Local License Standards and Limitations.**

- a. The Township may approve or deny an application for a Local License to operate a License Cannabis Entity at its sole discretion, consistent with all governing State Law, based on an evaluation of the benefits compared to the potential harm of the prospective licensee’s operation of a Licensed Cannabis Entity as proposed in the prospective licensee’s application for a Local License.
- b. The number of Local Licenses shall be limited to a combined total of four (4) active Local Licenses irrespective of the categories of Licensed Cannabis Entities, except that any Local License to a Targeted Microbusiness shall not count towards the total number of Local Licenses pursuant to his section.

**5-34.5 Application for Local License and Local License Fee.**

- a. Applications for licensing pursuant to this section shall be submitted to the Office of the Township Clerk under oath on a form furnished by the Township. Upon the filing of the application, the Applicant shall pay to the Township an application fee of \$500. The Office of the Township Clerk shall then transmit the application to the Office of Police Chief for the West Orange Police Department or the Chief’s designee for review of the application. The Office of the Township Clerk shall also provide a copy of the application to the: (i) Board of Education; (ii) the Township Zoning Officer; (iii) the Health Department; and the (iv) Township Fire Chief, except for the transmission of the requirements set forth in subsection (b)(4)(a) of this provision. These departments shall review the application and forward their comments to the Police Chief for the West Orange Police Department or the Chief’s designee no later than fourteen (14) days from transmission of the application.
- b. The application shall require submission of the following information:
  - 1. The name and home address of the Applicant. If the Applicant is not a natural person, the Applicant shall submit a statement setting forth the names and home addresses of all stockholders in the corporation or partnership who own 10% or more of its stock, of any class or of all individual partners in the partnership who own a 10% or greater interest therein, as the case may be. If one or more such stockholder or partner is itself a corporation or partnership, the stockholders holding 10% or more

of that corporation's stock, or the individual partners owning 10% or greater interest in that partnership, as the case may be, shall also be listed with its home address. The disclosure shall be continued until names and home addresses of every noncorporate stockholder, and individual partner, exceeding the 10% ownership criteria has been listed.

2. The name of any other business entities in which any of the individuals identified pursuant to subsection (b)(1) of this provision have or have had an ownership interest which: (i) cultivates, manufactures, wholesales or dispenses cannabis or cannabis products; (ii) invests or finances in any such entity; or (iii) is regulated by any governmental entity.
  3. A copy of the license issued by the Commission authorizing the Applicant to operate as a Licensed Cannabis Entity with a copy of all application materials and documents submitted to the Commission for a license.
  4. Plans prepared by a duly licensed architect, engineer, or planner which shall depict the layout and design for the proposed location of the Licensed Cannabis Entity within the Township.
    - (a). The required plans shall depict the proposed security measures for the location in order for the West Orange Police Department to evaluate the sufficiency of the security measures as required under this section. The plans shall be deemed confidential and shall only be transmitted to the Police Chief for the West Orange Police Department or the Chief's designee.
    - (b). The Applicant shall also provide either a lease agreement or agreement of sale for the property where the Applicant intends to operate the Licensed Cannabis Entity. The lease agreement or agreement of sale may be contingent upon the Applicant's ability to successfully: (i) obtain a Local License; and (ii) if applicable, obtain approval from the West Orange Planning Board or the West Orange Zoning Board of Adjustment.
  5. Acknowledgment and agreement authorizing the West Orange Police Department to perform background checks and/or investigations regarding any individuals disclosed pursuant to subsection (b)(1) of this provision and any employees of the Applicant.
  6. If the Applicant is applying for a Local License as a Targeted Microbusiness, a copy of any and all documents issued by the Commission declaring the Applicant as microbusiness under the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act with a copy of all application materials and documents submitted to the Commission for such a declaration.
- c. The Police Chief for the West Orange Police Department or the Chief's designee shall review the application, review the comments from the departments provided pursuant to subsection (a) of this provision, and prepare a memorandum addressed to the Township Council: (i) analyzing the Applicant's ability to comply with all of the Township's requirements for a Licensed Cannabis Entity, including the required security measures; (ii) assessing the benefits compared to the potential harm of the Applicant's proposed

operation of a Licensed Cannabis Entity; and (iii) recommending whether to grant or deny the application for a Local License. The Police Chief or the Chief's designee shall transmit the memorandum to the Office of the Township Clerk.

- d. Within sixty (60) days from the transmission of the memorandum to the Office of the Township Clerk, the Township Council shall adopt a resolution either granting the application or denying the application. The Township Council's failure to adopt a resolution within the sixty (60) day period shall be deemed a denial of the application.

#### **5-34.6 License Term and Transferability.**

- a. All licenses shall be issued for the term of one\_year(s) and shall expire one year(s) after the date of issuance.
- b. Licenses shall not be transferable, assignable, or divisible.

#### **5-34.7 Commission Permit.**

Any Licensed Cannabis Entity shall provide a copy of its permit issued by the Commission to the Police Department and Health Department no later than thirty (30) days prior to the commencement of any operations. A Licensed Cannabis Entity shall insure that a current permit is on file with the Police Department and Health Department at all times. A copy of the current permit issued by the Commission shall be posted within the Licensed Cannabis Entity at all times at a location readily visible by any and all patrons of the facility.

#### **5-34.8 Operating Requirements and Prohibitions.**

- a. A Licensed Cannabis Entity may only operate from the hours of 8:00 A.M. through 7:00 P.M.
- b. No persons under the age of twenty-one (21) shall be allowed in a Licensed Cannabis Establishment no person under the age of eighteen (18) shall be allowed in a Licensed Medical Marijuana Facility.
- c. The sale or consumption of alcohol at a Licensed Cannabis Entity shall be prohibited.
- d. Cannabis Consumption Areas, as defined in the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, N.J.S.A. 24:6I-31, et. seq., shall be prohibited.
- e. A Licensed Cannabis Entity shall be secured and have full-time security protocols in place subject to review and approval from the West Orange Police Department which shall include at least a twenty-four (24) hour security video system with footage to be kept for at least thirty (30) days and a vault for storage of money when the Licensed Cannabis Entity is closed. Prior to the commencement of any operations, a Licensed Cannabis Entity must first obtain from the Police Chief, or designee, written approval of the Licensed Cannabis Entity's security protocols. The Police Chief, or designee, shall have to authority to require additional safety and security measures.

### **5-34.9 Inspections.**

The Health Department, the Zoning Official, the Police Department, and the Fire Department shall, from time to time, make an inspection of the Licensed Cannabis Entity for the purpose of determining whether the provisions of this section are complied with. It shall be unlawful for any Licensed Cannabis Entity to refuse to allow such inspection or to hinder such an inspection.

## **V. CHAPTER 22, SECTION 3 SHALL BE AND HEREBY IS ESTABLISHED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:**

### **22-3 CANNABIS TRANSFER AND USER TAX**

- a. Pursuant to N.J.S.A. 24A:6I-10(i) of the Jake Honig Compassionate Use Medical Cannabis Act and N.J.S.A. 40:48I-1(a)(1) of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, there is hereby established a Cannabis Transfer Tax in the Township of West Orange which shall be fixed at a uniform percentage rate of two percent (2%) on all sales or transfers of cannabis products from a Licensed Cannabis Entity, as defined in Chapter 5, Section 34.2, except for sales or transfers of cannabis products from a Cannabis Wholesaler which shall be taxed at a percentage rate of one percent (1%) on all sales or transfers of cannabis products.
- b. Pursuant to N.J.S.A. 40:48I-1(a)(2) of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, there is hereby established a Cannabis User Tax in the Township of West Orange at the same rates set forth in subsection (a) which shall apply to any Licensed Cannabis Entity which holds concurrent licenses and operating more than one cannabis establishment. This Cannabis User Tax shall apply to the value of each transfer or use of cannabis or cannabis items not otherwise subject to the Cannabis Transfer Tax from the Licensed Cannabis Entity's establishments to any of the other Licensed Cannabis Entity's establishments either without or outside the Township of West Orange.
- c. The Cannabis Transfer Tax shall be in addition to any other tax or fee imposed pursuant to statute, state and federal, or local ordinance or resolution by any government entity upon a Licensed Cannabis Entity.
- d. The tax imposed by this section shall be paid to the Township on a quarterly basis no later than the fifteenth (15th) day of the month following the last month of the quarter along with a report certified as true and accurate by the Chief Financial Officer, Controller or other similarly situated person showing the gross revenues for the Licensed Cannabis Entity for each month of the quarter.
- e. The Licensed Cannabis Entity operating within the Township shall file on an annual basis no later than February 1 of each year a financial report from an independent accountant certifying as to the annual revenues for the preceding year.



- f. A copy of this section shall be transmitted to the State Treasurer and to every Licensed Cannabis Entity within the Township of West Orange.

**VI. CHAPTER 25, SECTION 4 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:**

**25-4 DEFINITIONS**

b. Specific Definitions.

*Cannabis Retailer* means any licensed person or entity who holds a Class 5 Cannabis Retailer license from the Commission or the State of New Jersey that purchases cannabis from cannabis growers and cannabis items from cannabis processors or Cannabis Wholesalers and sells these to consumers from a retail store or as otherwise defined under the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, N.J.S.A. 24:6I-31, et. seq.

*Licensed Cannabis Entity* shall mean either a Licensed Cannabis Establishment or a Licensed Medical Marijuana Facility as defined in this section.

*Licensed Cannabis Establishment* shall mean a duly licensed Cannabis Cultivator, a Cannabis Manufacturer, a Cannabis Wholesaler, or a Cannabis Retailer as defined by and licensed under the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, N.J.S.A. 24:6I-31, et. seq.

*Licensed Medical Marijuana Facility* shall mean a duly licensed Medical Cannabis Cultivator, a duly licensed Medical Cannabis Manufacturer, a duly licensed Cannabis Dispensary, or an Alternative Treatment Center as defined by and lawfully operating pursuant to the Jake Honig Compassionate Use Medical Cannabis Act, N.J.S.A. 24:6I-1, et. al.

*Medical Cannabis Dispensary* means an organization issued a permit by the Commission that authorizes the organization to: purchase or obtain medical cannabis and related supplies from Medical Cannabis Cultivators; purchase or obtain medical cannabis products and related supplies from Medical Cannabis Manufacturers; purchase or obtain medical cannabis, medical cannabis products, and related supplies and paraphernalia from other Medical Cannabis Dispensaries and from clinical registrants; deliver, transfer, transport, distribute, supply, and sell medical cannabis and medical cannabis products to other medical cannabis dispensaries; furnish medical cannabis, including medical cannabis products, to a medical cannabis handler for delivery to a registered qualifying patient, designated caregiver, or institutional caregiver, and possess, display, deliver, transfer, transport, distribute, supply, sell, and dispense medical cannabis, medical cannabis products, paraphernalia, and related supplies to qualifying patients, designated caregivers, and institutional caregivers or as otherwise defined under the Jake Honig Compassionate Use Medical Cannabis Act, N.J.S.A. 24:6I-1, et. al.

**VII. CHAPTER 25, SECTION 24.2 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:**

**25-24.2 Conditional Uses.**

b. Specific Requirements. Subject to the stipulations, guiding principles and conditions contained in this section, the Planning Board shall have the power to grant conditional uses authorized by the Table of District Regulations, in specified districts, as follows:

2. Business and Industrial Districts.

(o) Licensed Cannabis Entities. Licensed Cannabis Retailers and Licensed Medical Cannabis Dispensaries shall be permitted as a conditional use in the B-1, B-2, and I Districts. All other Licensed Cannabis Entities shall be permitted as a conditional use in the I Districts. These conditional uses shall be subject to the following conditions:

- (1) The Licensed Cannabis Entity shall be required to have a Local License pursuant to Chapter 5, Section 34 of the Township of West Orange Municipal Code.
- (2) No Licensed Cannabis Entity shall be housed in a vehicle or any movable or mobile structure.
- (3) No Licensed Cannabis Entity shall be allowed to operate as a Home Occupation.
- (4) Any signage for a Licensed Cannabis Entity shall be subject to the approval from either the Planning Board or the Zoning Board of Adjustment.
- (5) A Licensed Cannabis Entity shall meet of the required security measures as set forth in Chapter 5, Section 34 of the Township of West Orange Municipal Code.
- (6) Cannabis Consumption Areas, as defined in the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, N.J.S.A. 24:6I-31, et. seq., shall be prohibited from all Licensed Cannabis Entities.

**VIII. CHAPTER 25, PART A: PERMITTED USES TABLE OF DISTRICT REGULATIONS SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:**

**25-Part A: Permitted Uses Table of District Regulations**

ZONE	PERMITTED PRINCIPAL USES	PERMITTED ACCESSORY USES	PERMITTED CONDITIONAL USES
B-1	SAME AS R-T AND in addition Retail store Personal service store or studio	Required accessory parking Private garage Home occupation Home professional office Signs	Motor vehicle fueling station Theater Public utility building or structure

	Office or office building Business or vocational school Restaurant Bar Massage, bodywork or somatic therapy establishment	Vending machines	Telephone exchange Senior citizens housing project Hotel Private club, other than a golf club Video or amusement arcade Fast food restaurant Commercial antenna Licensed Cannabis Retail Licensed Medical Marijuana Dispensary
B-2	Retail store Personal service store or studio Office or office building Business or vocational school Restaurant Bar Massage, bodywork or somatic therapy establishment	SAME AS OB-1 AND in addition Vending machines	SAME AS B-1
I	Light industry, including dry cleaning plants, machine shops, publishing or printing plants, research laboratories and steam laundries Office building Warehouse Self-storage facility Storage yard Wholesale business Motor vehicle fueling station Motor vehicle service station Car wash, Public utility building	SAME AS OB-1	Billiard parlor Bowling alley Commercial recreation Commercial antenna Motor vehicle sales establishment Licensed Cannabis Entities

**IX. REPEAL OF CONFLICTING ORDINANCES**

Any Ordinances of the Township which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**X. SEVERABILITY**

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

**XI. EFFECTIVE DATE**

This Ordinance shall take effect upon final passage and publication in accordance with the law.

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**ROBERT D. PARISI, MAYOR**

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**CINDY MATUTE BROWN,  
COUNCIL PRESIDENT**

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**KAREN J. CARNEVALE, R.M.C., MUNICIPAL CLERK**

**INTRODUCED: June 22, 2021**

**ADOPTED: July 13, 2021**

### **Legislative History**

The purpose of this ordinance is to update the zoning provisions of the Township of West Orange to incorporate the legal operation of licensed cannabis entities, including: (i) licensed medical marijuana dispensaries; and (ii) licensed cannabis businesses to specifically identify the zones for which such operations shall be allowable. This ordinance will also outline the requirements for the operation of licensed cannabis entities within the Township, including the establishment of local licensing requirement in addition to any licensing issued by the State of New Jersey and the imposition of a local cannabis transfer and user tax.