

BOROUGH OF BUTLER

ORDINANCE NO. 2021 – 16

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 143, LAND USE, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BUTLER FOR THE REGULATION OF CANNABIS USES AND ESTABLISHMENTS.

BE IT ORDAINED by the Borough Council of the Borough of Butler, in the County of Morris and State of New Jersey, as follows:

Section 1. Chapter 143, “Land Use,” Article XVII, “Special District Regulations,” of the Revised General Ordinances of the Borough of Butler shall be amended by the inclusion of a new Section 123.5, which shall read in its entirety as follows:

“§143-123.5 Cannabis Retail and Medical Cannabis Dispensary Conditional Use in HC Zone.

The operation of Cannabis Retail Establishments as defined by P.L.2021, c. 16, and Medical Cannabis Dispensaries shall be a conditional use in the HC Zone—Highway Commercial District as provided in Article XX of this Chapter.”

Section 2. Chapter 143, “Land Use,” Article XX, “Conditional Uses,” of the Revised General Ordinances of the Borough of Butler shall be amended by the inclusion of a new Section 173, which shall read in its entirety as follows:

“§143-173 Cannabis Retail and Medical Cannabis Dispensary Establishment.

- A. Cannabis Retail Establishments and Medical Cannabis Dispensaries shall only be permitted in the HC Zone—Highway Commercial District.
- B. Minimum setback and bulk requirements shall be as set forth in §143-118 Schedule D, except as to existing structures.
- C. No drive-through window shall be permitted.
- D. Minimum useable floor area of 1,200 square feet.
- E. No Cannabis Retail Establishment or medical cannabis dispensary shall be located within 2,000 linear feet of another Cannabis Retail Establishment or medical cannabis dispensary as measured from the property lines.
- F. No Cannabis Retail Establishment or medical cannabis dispensary shall be located within 1,000 linear feet in any direction of a school, licensed daycare facility, church, synagogue, or religious worship center, public park, library or a licensed substance abuse disorder clinic or facility, as measured from the property lines.
- G. Hours of operation shall be limited to 7 a.m. through 11 p.m. daily.”

Section 3. Chapter 143, “Land Use,” Article XVIII, “General Provisions,” Section 128, “Prohibited Use,” of the Revised General Ordinances of the Borough of Butler shall be amended by the inclusion of a new Sub-Section C, which shall read in its entirety as follows:

“§143-128 Prohibited Use

- C. Except as otherwise provided in Articles XVII and XX of this Chapter, the operation of all classes of cannabis establishments as defined by P.L.2021, c. 16, including but not limited to, cannabis retailers, cultivators, manufactures, distributors, wholesalers, testing facilities, or delivery services, are expressly prohibited uses within the jurisdictional boundaries of the Borough of Butler.”

Section 4. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 5. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 6. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.