

BOROUGH OF BUTLER

ORDINANCE NO. 2021 – 15

AN ORDINANCE TO ESTABLISH CHAPTER 68, “CANNABIS,” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BUTLER FOR THE LICENSURE OF CANNABIS ESTABLISHMENTS AND REGULATION OF CANNABIS USE.

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. The Revised General Ordinances of the Borough of Butler shall be amended by the inclusion of a new Chapter 68, which shall read in its entirety as follows:

Chapter 68

CANNABIS

ARTICLE I

Sales

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- § 68-3. Licenses.**
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- § 68-5. Persons under legal age for consumption.**
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ARTICLE I

Sales

§ 68-1. Purpose.

This Article is enacted to regulate the sale of cannabis products within the Borough of Butler in accordance with the provisions of an Act of the Legislature of the State of New Jersey, entitled "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act," P.L.2021, c.16 (hereinafter referred to as "Act") and its supplements and amendments.

§ 68-2. Word usage.

For the purpose of this Article, words and phrases shall have the meanings given in the Act.

§ 68-3. Licenses.

- A. Laws applicable. All applications for licenses, all licenses issued and all proceedings under this Article shall be in accordance with the Act, rules and regulations referred to in § 68-1 and all other applicable laws of the State of New Jersey.
- B. Issuing authority. The Clerk of the Borough is authorized and empowered to issue licenses for the retail sale of cannabis in the Borough in accordance with Chapter 150.
- C. License applications; provisions. No license shall be issued except after written application presented by the proposed licensee in such form and upon complying with the provisions of this Article.
- D. License fees. The initial license fee shall be \$1,000.00. The annual license fee shall be \$500.00.

§ 68-4. Hours; sale to certain persons.

- A. Hours of sale. The holders of licenses in the Borough shall not sell cannabis between the hours of 11:00 p.m. and 7:00 a.m.
- B. Sale to certain persons. No licensee shall sell, nor shall any licensee suffer or permit the sale, service or delivery of any cannabis product, directly or indirectly, to any minor under the age of 21 or any intoxicated person, nor permit such persons to congregate in or about the licensed premises.

§ 68-5. Persons under legal age for consumption.

- A. Presence. No person under the legal age of twenty-one (21) for the purchase of cannabis products shall be allowed in any premises where cannabis products are sold.
- B. Purchase of cannabis products by persons under the legal age. No person under the legal age for the consumption of cannabis products shall consume purchase, attempt to purchase, or have another purchase for him any cannabis product on any premises licensed for the sale of cannabis products.
- C. Purchase of cannabis products for persons under the legal age. No person shall purchase or attempt to purchase cannabis products for a person under the legal age for the consumption of cannabis products.
- D. Misstating age. No person shall misrepresent his age or the age of another person for the purpose of inducing any licensee or his employee to sell, serve or deliver any cannabis product to a person under the legal age for consumption of cannabis products or to permit a person under the legal age for the consumption of cannabis products to remain on any premises in violation of Subsection A.

§ 68-6. Revocation of licenses.

- A. Any license issued under this Article may be suspended or revoked for violation of any of the provisions of this Chapter or any provisions of any applicable statute or any of the rules or regulations of the State of New Jersey.
- B. Unless the immediate suspension is necessary for preservation of public safety, proceedings for the suspension or revocation of any license issued under this Article, shall be commenced by the service of a five-day notice of charges preferred against the licensee by the Clerk and affording a reasonable opportunity for a hearing before the Borough Council. Licenses may be suspended or revoked for any violation of this Chapter.
- C. Suspension or revocation of a license shall be in addition to any other penalty which may be imposed for a violation of this Article.

- D. Any license issued by the Borough of Butler under this Article shall be suspended and/or revoked upon the suspension and/or revocation of the licensee's license issued by the State of New Jersey and/or the New Jersey Cannabis Regulatory Commission.

§ 68-7. Violations and penalties.

Any person, firm, or corporation violating any of the provisions of this article shall be subject to such penalties as are provided for in Chapter 230, Violations and Penalties, of the Code of the Borough of Butler.

ARTICLE II
Permitted License Type and Conditions for License

§68-8. License limited to Retail Establishments.

The class of cannabis license permitted in the Borough shall be for a Cannabis Retail Establishments and Medical Cannabis Dispensaries. No license for any other class of Cannabis establishment, including cannabis cultivators, manufactures, distributors, wholesalers, testing facilities, or delivery services, shall be available.

§68-9. Conditions for Issuance and Renewal of License.

In addition to the requirements as provided in Article I, the following conditions are required for the issuance and renewal of a Cannabis Retail Establishment license:

- A. Applicant must possess any and all required licenses, permits or authorizations from the State of New Jersey and/or the New Jersey Cannabis Regulatory Commission for the operation of a Cannabis retail Establishment.
- B. The Cannabis Retail Establishment shall be located in the HC Zone—Highway Commercial District.
- C. The Applicant has received conditional use approval from the Planning Board of the Borough of Butler.
- D. No on-premises consumption or use of cannabis shall be permitted.
- E. Only cannabis related products may be sold on-premises.
- F. Cannabis Retail Establishments must be equipped with security cameras with coverage of exterior parking and loading areas, points of entry and egress, areas open to the public, and cannabis storage areas. Security footage must be maintained for the period required by State law and be subject to immediate inspection and access by the Borough of Butler Police Department upon request.
- G. Cannabis Retail Establishments must prominently display signage indicating that no individual under the age of twenty-one is permitted on the premises and that the on-premises consumption or use of cannabis, food, alcohol, tobacco is prohibited.
- H. Any Cannabis Retail Establishment must possess and prominently display all licenses required by the State of New Jersey and the Borough of Butler for operation.
- I. Cannabis Retail Establishments must be equipped with lockable doors and windows and a security system with audible alarm and direct or third-party notification the Borough of Butler Police Department.
- J. All cannabis products and cash must be stored and secured in a locked safe or hardened container securely attached to the premises.
- K. Licensee shall be current on all State and municipal tax payments.

§ 68-10. Taxation.

All Licensees under this Chapter shall be subject to quarterly remission of municipal taxes as required set forth in Article II of Chapter 210 and shall be compliant with the requirements therein.

Section 2. 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 3. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.