

**NOTICE OF PENDING ORDINANCE**  
NOTICE IS HEREBY GIVEN

that at a meeting of the Council of the Borough of North Plainfield held on January 2, 2023 there was introduced and read for the first time, and passed on such first reading, an ordinance, a true copy whereof is printed below and that said Council did then and there fix the regular meeting of said Council to be held on January 23, 2023 at 7:30 p.m. or as soon thereafter as the matter may be heard, and the North Plainfield Borough Council Chambers, 263 Somerset Street, North Plainfield, New Jersey or via Zoom as the place when and where said ordinance will be further considered for final passage, at which time and place, or at any time and place to which such meeting shall from time to time be adjourned, all persons interested will be given an opportunity to be heard concerning such ordinance.

The said ordinance as introduced and passed on first reading as aforesaid is in the following words and figures:

**BOROUGH OF NORTH PLAINFIELD**  
**COUNTY OF SOMERSET**  
**STATE OF NEW JERSEY**

**ORDINANCE NO. 23-02**

**AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT CHAPTER 4, "GENERAL LICENSING", MOST NOTABLY § 4-17, MORE SPECIFICALLY § 4-17-1, ET SEQ., ENTITLED "RECREATIONAL CANNABIS TAX" BY ADDING NEW DEFINITIONS TO §4-17.1 "DEFINITIONS" AND ADDING A NEW SECTION §4-17.4, ENTITLED "MUNICIPAL CANNABIS LICENSE REQUIRED."**

**WHEREAS**, in 2020, New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana, called "cannabis", for adults at least twenty-one (21) years of age; and,

**WHEREAS**, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (hereinafter referred to as the "Act"), which legalizes the recreational use of cannabis by adults twenty one (21) years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational adult use cannabis operations, use and possession; and,

**WHEREAS**, the Borough Council of the Borough of North Plainfield has introduced a new section of the Borough Code of the Borough of North Plainfield § 22-115.33, entitled "Commercial Recreational Adult Use Cannabis Operations", to amend the Borough of North Plainfield's zoning regulations to permit certain adult recreational cannabis-related uses to be licensed within the geographic boundaries of Borough of North Plainfield; and,

**WHEREAS**, the Borough Council of the Borough of North Plainfield wishes to insure that such licensed recreational adult use cannabis operations provide the maximum local licensing fees and municipal taxation as provided for in the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act"; and,

**WHEREAS**, the enabling legislation enacted by the New Jersey State Legislature included the enactment of *N.J.S.A. 40:48I-1*, which permits the Borough Council of the Borough of North Plainfield to

adopt transfer and user taxes for the growing, manufacturing, wholesale, distribution, retail sale and/or delivery of recreational cannabis; and,

**WHEREAS**, the enabling legislation enacted by the New Jersey State Legislature included the enactment of *N.J.S.A. 40:48I-1* and *N.J.S.A. 24:6I-31, et seq.*, which permit the Borough Council of the Borough of North Plainfield to adopt reasonable licensing fees for the operation of establishments for the cultivation, manufacture, distribution, wholesaling, retailing and/or delivery of recreational cannabis:

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of North Plainfield, in the County of Somerset, State of New Jersey, that Borough Code Chapter 4, entitled “General Licensing,” more specifically § 4-17-1, *et seq.*, entitled “Recreational Cannabis Tax,” is hereby revised, amended and supplemented by the amendment to §4-17.1 regarding Definitions and the addition of a new § 4-17-4, entitled “Municipal Cannabis License,” as follows:

## **“§4-17 RECREATIONAL CANNABIS TAX**

### **§ 4-17.1 Definitions**

As used in this section:

1. “Cannabis” means the same as that term is defined in section 3 of P.L.2021, c. 16 (N.J.S.A. 24:6I-33).
2. “Cannabis cultivator” means the same as that term is defined in section 3 of P.L.2021, c. 16 (N.J.S.A. 24:6I-33).
3. “Cannabis establishment” means the same as that term is defined in section 3 of P.L.2021, c. 16 (N.J.S.A. 24:6I-33).
4. “Cannabis items” means the same as that term is defined in section 3 of P.L.2021, c. 16 (N.J.S.A. 24:6I-33).
5. “Conditional license” means the same as that term is defined in section 3 of P.L.2021, c. 16 (N.J.S.A. 24:6I-33).
6. “Cannabis manufacturer” means the same as that term is defined in section 3 of P.L.2021, c. 16 (N.J.S.A. 24:6I-33).
7. “Cannabis retailer” means the same as that term is defined in section 3 of P.L.2021, c. 16 (N.J.S.A. 24:6I-33).
8. “Cannabis wholesaler” means the same as that term is defined in section 3 of P.L.2021, c. 16 (N.J.S.A. 24:6I-33).
9. “Consumer” means the same as that term is defined in section 3 of P.L.2021, c. 16 (N.J.S.A. 24:6I-33).
10. “License” means the same as that term is defined in section 3 of P.L.2021, c. 16 (N.J.S.A. 24:6I-33). The term includes a conditional license for a designated class, except when the context of the provisions of P.L.2021, c. 16 (C.24:6I-31 et al.)

otherwise intend to only apply to a license and not a conditional license.

11. “Licensee” means the same as that term is defined in section 3 of P.L.2021, c. 16 (N.J.S.A. 24:6I-33) except when the context of the provisions of P.L.2021, c. 16 (C.24:6I-31 et al.) otherwise intend to only apply to a person or entity that holds a license and not a conditional license.
12. “Premises” means the same as that term is defined in section 3 of P.L.2021, c. 16 (N.J.S.A. 24:6I-33).

#### **§ 4-17.4 Municipal Certificate of Permitted Use; Municipal Cannabis License Required**

- A. Every Licensee holding a Cannabis license for any Cannabis related business as set forth in § 4-17-1 shall apply for and will need to be issued a municipal Cannabis license prior to the commencement of any recreational Cannabis business.
- B. Every person, corporation, partnership or other entity seeking to locate a Cannabis establishment in the Borough of North Plainfield shall first obtain a certificate of permitted use from the North Plainfield Zoning Officer. The fee for each certificate of permitted use is One Hundred Dollars (\$100.00).
- C. Every person, corporation, partnership or other entity shall obtain a municipal Cannabis license before commencing any business of a Cannabis establishment in the Borough of North Plainfield. Each such person, corporation, partnership or other entity shall apply for a municipal Cannabis License by a form as provided by the Borough of North Plainfield through the Borough Administrator. Each applicant for a municipal Cannabis License shall pay an application fee of One Thousand Dollars (\$1,000.00) upon submission of the application for a municipal Cannabis License, which application fee shall be nonrefundable.
- D. Every person, corporation, partnership or other entity shall annually renew the municipal Cannabis license to operate a business of a Cannabis establishment in the Borough of North Plainfield. Following the first year or part of year of operation of such business of a Cannabis establishment, each such person, corporation, partnership or other entity shall annually apply for a municipal Cannabis License on or before January 31 of each renewal year on a renewal form as provided by the Borough of North Plainfield through the Borough Administrator. Each renewal of a municipal Cannabis License shall be accompanied by a license renewal fee upon submission of the application for renewal of a municipal Cannabis License, which application fee shall be nonrefundable. The renewal fee is established at One Thousand Dollars (\$1,000.00), which may be amended from time to time by Resolution of the Governing Body in December of any year for applications for renewal of a Cannabis license for the following year.

#### **[§4-17.4] § 4-17.5 Administration And Enforcement Of Transfer and User Tax**

This Ordinance shall be interpreted, administered and enforced in accordance with N.J.S.A. 40:48I-1, as the same may be amended, revised and/or supplemented from time to time. Failure to obtain a certificate

of permitted use or a municipal Cannabis License prior to conducting business at any Cannabis establishment shall constitute a violation punishable under Borough Code § 1-5.1.

**BE IT FURTHER ORDAINED** that any article, section, paragraph, subsection, clause, or other provision of the Borough Code of the Borough of North Plainfield inconsistent with the provisions of this Ordinance is hereby repealed to the extent of such inconsistency; and,

**BE IT FURTHER ORDAINED** that if any article, section, paragraph, subsection, clause, or other provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the article, section, paragraph, subsection, clause, or other provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective; and,

**NOW, THEREFORE, BE IT FURTHER ORDAINED** that this Ordinance shall take effect, after final passage, twenty (20) days following action or inaction by the Mayor as provided by law or an override of a mayoral veto by the Council, whichever is applicable and publication in accordance with law, unless a resolution is adopted, pursuant to N.J.S.A. 40:69A-181(b), declaring an emergency and providing that this Ordinance shall take effect at an earlier date.

Copies of the full Ordinance are on file with the Borough Clerk of the Borough of North Plainfield in the Municipal Building, 263 Somerset Street, North Plainfield, New Jersey. Copies may be obtained upon request and a copy is posted on the Bulletin Board in the Municipal Building reserved for such purpose.

Richard K. Phoenix, RMC  
Borough Clerk