



2021
BOROUGH OF DUMONT
ORDINANCE

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
CHAE	✓			
ENGLESE	✓			
GORMAN	✓			
HARVILLA	✓			
ROSSILLO	✓			
STEWART		✓		
MAYOR LaBRUNO				
TOTALS	5	1		

Ordinance No. 1588

Date: June 22, 2021

Page: 1 of 2

Subject: Prohibiting Operation of Cannabis Business within Geographical Boundaries

Purpose: Amending Chapter 455 of Borough Code

Dollar Amount: _____

Prepared By: Marc Liebman, Esq.

Offered by: Englese

Seconded by: Chae

Certified as a true copy of an Ordinance Introduced and Passed on 1st Reading by the Governing Body of the Borough of Dumont on the above date at a Public Meeting by:

Jeanine E. Siek
Jeanine E. Siek, RMC, Municipal Clerk
Borough of Dumont, Bergen County, New Jersey

ORDINANCE OF THE BOROUGH OF DUMONT, COUNTY OF BERGEN, STATE OF NEW JERSEY, PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESS WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING CHAPTER 455 OF THE BOROUGH CODE

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 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” (the “Act”), N.J.S.A. 24:6I-31, et seq., which legalizes the recreational use of marijuana by adults 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 Act establishes six (6) marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, Section 31b of the Act (N.J.S.A. 24:6I-45(b)) authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, Section 31b of the Act (N.J.S.A. 24:6I-45(b)) authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, Section 31b of the Act (N.J.S.A. 24:6I-45(b)) stipulates that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (i.e., by August 22, 2021) and any municipal regulation adopted prior to the effective date of the Act is void; and

WHEREAS, pursuant to Section 31b of the Act (N.J.S.A. 24:6I-45(b)), the failure to do so shall mean that for a period of five (5) years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

WHEREAS, the Borough Council of the Borough of Dumont has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on the Borough of Dumont in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Borough of Dumont’s residents and members of the public who visit, travel, or conduct business in the Borough of Dumont to prohibit all manner of marijuana-related land use and development within the geographic boundaries of the Borough of Dumont; and

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Dumont as follows:

SECTION 1. Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), N.J.S.A. 24:6I-45(b), all

cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in the Borough of Dumont.

SECTION 2. Chapter 455 of the Borough Code is hereby amended to establish § 455-12(K), to add all cannabis establishments, including a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer, cannabis distributor and cannabis delivery service, as defined in N.J.S.A. 24:6I-33, et seq., as prohibited uses in all zoning districts within the Borough of Dumont.

SECTION 3. The adopted Chapter 455-12(K) shall read as follows:

§ 455-12(K) Cannabis establishments, cannabis distributors and cannabis delivery services prohibited.

(1) Purpose.

Pursuant to Section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), N.J.S.A. 24:6I-45b, all cannabis establishments, including a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer, cannabis distributor or cannabis delivery service are hereby prohibited from operating anywhere within the Borough of Dumont.

(2) Definitions.

As used in this chapter, all classes of cannabis establishments, including a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, a cannabis retailer, and a cannabis distributor or cannabis delivery service shall have the meaning as defined in section 3 of P.O. 2021, c. 16, N.J.S.A. 24:6I-33, et seq.

(3) General prohibition.

All classes of cannabis establishments including a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer, and a cannabis distributor or cannabis delivery service, but not the delivery of cannabis items and related supplies by a delivery service, as said terms are defined in section 3 of P.L. 2021, c. 16, N.J.S.A. 24:6I-33, are hereby prohibited uses or activities within the Borough of Dumont.

(4) Fines for violations.

Any person liable for a violation under § 455-12(K) shall be subject to a minimum fine of \$500 up to a maximum fine of \$5,000.

SECTION 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 5. This ordinance shall take effect after second reading and publication as required by law.

ATTEST:

Jeanine E. Siek, RMC
Municipal Clerk

Andrew LaBruno, Mayor

Introduced: June 22, 2021

Adopted: