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OPRA request - Cannabis

message

Springfield NJ <opra+request-29378-bcd1b595@requests.opramachine.com>
o: "OPRA requests at Springfield Township (Union)" <linda.donnelly@springfield-nj.us>

Wed, Feb 9, 2022 at 8:33 AM

Dear Springfield Township (Union),

This is a request for public records made under OPRA and the common law right of access. I am not required to fill out an official form. Please acknowledge receipt of this message.

Records requested:

Ordinances & Resolutions adopted concerning cannabis regulations, licenses, and zoning (2020-present)

Please use deliver records electronically via email to the below UNIQUE address for all replies to this request:
opra+request-29378-bcd1b595@requests.opramachine.com

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https://opramachine.com/change_request/new?body=springfield_township_union

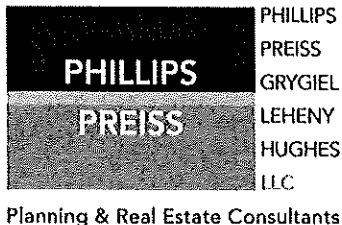
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emailed 2/9/22
Linda Donnelly RMC



August 3, 2021

Township Committee
Township of Springfield
100 Mountain Avenue
Springfield, NJ 07081

RE: Ordinance No. 2021-19 – Planning Board Review

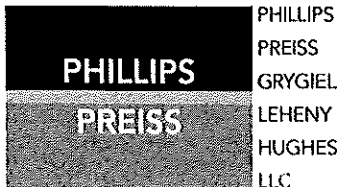
Dear Committee Members:

The Springfield Township Planning Board reviewed and discussed the ordinance during its August 2, 2021 regular meeting. On behalf of the Planning Board, please accept the following as the Board's findings and comments regarding Ordinance No. 2021-19.

First, the Board determined that the ordinance is consistent with the Township's Master Plan. In particular, the ordinance will advance Land Use Goal #3, which is to "take advantage of redevelopment opportunities along the Route 22 corridor as new uses are proposed for underutilized sites."

The Planning Board offers the following additional comments and questions:

1. Per §35-41.2.k(8), "a cannabis retailer shall not be located in or upon the same premises as a grocery store, delicatessen, indoor food market, or other store that engages in either the retail sale of food or in the licensed retail sale of alcoholic beverages." The terminology "same premises" needs to be clarified. Is it the Committee's intent to limit a cannabis retailer to its own property such that it cannot be located within a shopping center that includes retail food uses? Could it be located on its own pad site within a shopping center? Also, if a cannabis business located in a shopping center that currently does not have any retail food tenants, what would happen if a food retailer opened within the shopping center after the cannabis business is established? The Board encouraged the Committee to provide greater clarity in the ordinance to address these questions.
2. The Board noted that portions of the H-C zone abut residential properties. The Board recommended that the Township Committee should consider whether additional protections need to be provided for residential properties. Examples would include buffer areas, fencing and similar measures to mitigate potential impacts.
3. Under §4-33.15(b), any cannabis business is required to provide ownership information to the Township. The Board noted that corporate ownership structures can be extremely complex and emphasized the importance of having contact information for the actual owners (not just the LLC, but each member of the LLC) – as opposed to a list of corporate entities.
4. Finally, the Board noted the following typos in the ordinance:



Planning & Real Estate Consultants

- a. §4-33.6(b)3 – Remove “that” in first sentence
- b. §4-33.14(b) – Change “businesses” to “business” in first sentence
- c. §4-33.15(d) – Change “(HIPPA)” to “(HIPAA)”

We trust that the above information is responsive to your needs.

Respectfully submitted,

Keenan Hughes, AICP, PP
Board Planner

cc: Jeffrey Tiger, Planning Board Chair
Jennifer Law, Planning Board Secretary
Glenn Kienz, Esq.
Michael Disko, PE, Township Engineer

Explanation: This ordinance adds rules and regulations to the Township Code regarding recreational and medical cannabis within the Township.

**TOWNSHIP OF SPRINGFIELD
ORDINANCE NO. 2021-19**

WHEREAS, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and unposed by this subtitle, or by any law; and

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 "Personal Use Act"), which legalizes the recreational use of cannabis 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, section 31a of the Personal Use Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Personal Use 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 Personal Use Act 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 Personal Use Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Personal Use Act (i.e., by August 22, 2021); and

WHEREAS, pursuant to section 31b of the Personal Use Act, the failure to do so shall mean that for a period of five 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, municipalities are authorized by the Personal Use Act to impose by ordinance a transfer tax or user tax on the sale or transfer of cannabis or cannabis items by a cannabis establishment located in the municipality; and

WHEREAS, the Jake Honig Compassionate Use Medical Cannabis Act, N.J.S.A. 24:6I-1, et seq., (the "Medical Use Act") permits the authorized cultivation, processing, manufacturing, preparing, packaging, transferring, sale, purchase, research, possession, use, and consumption of medical cannabis and products created from or which include cannabis; and

WHEREAS, municipalities are authorized by the Medical Use Act to adopt an ordinance imposing a transfer tax on the purchase price of any medical cannabis dispensed by a medical cannabis dispensary located in the municipality; and

WHEREAS, regulating the manufacture, distribution, and sale of cannabis under both the Personal Use Act and the Medical Use Act is of paramount concern to the Township of Springfield ("Township") and must be designed in such a way that that enhances public health and minimizes potential harm to the community; and

WHEREAS, the Township believes it to be necessary and proper for the good government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, to adopt rules and regulations governing both recreational and medical cannabis that allow for strict regulation of the legalized cannabis market and industry in the Township, with stringent quality control and best practices by all licensees that will better ensure a safer product than an unregulated market.

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Springfield, County of Union, State of New Jersey, that the Revised General Ordinances of the Township of Springfield are amended and supplemented as set forth below:

SECTION I

Chapter 35 (Land Use), Article III (Definitions) is supplemented and amended only to add the following definitions to Section 35-7 (DEFINITIONS AND DESCRIPTIONS):

ALTERNATIVE TREATMENT CENTER

Means an organization issued a permit pursuant to the "Jake Honig Compassionate Use Medical Cannabis Act," P.L. 2009, c. 307 (N.J.S.A. 24:6I-1 et seq.) to operate as a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant, as well as any alternative treatment center deemed pursuant to section 7 of that act (N.J.S.A. 24:6I-7) to concurrently hold a medical cannabis cultivator permit, a medical cannabis manufacturer permit, and a medical cannabis dispensary permit.

CANNABIS

Means all parts of the plant Cannabis sativa L., whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant, which are cultivated and, when applicable, manufactured in accordance with P.L. 2021, c. 16 (N.J.S.A. 24:6I-31 et seq.) for use in cannabis products as set forth in this act, but shall not include the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. "Cannabis" does not include: medical cannabis dispensed to registered qualifying patients pursuant to the "Jake Honig Compassionate Use Medical Cannabis Act," P.L. 2009, c. 307 (N.J.S.A. 24:6I-1 et seq.) and P.L. 2015, c. 158 (N.J.S.A. 18A:40-12.22 et seq.); marijuana as defined in N.J.S.A. 2C:35-2 and applied to any offense set forth in chapters 35, 35A, and 36 of Title 2C of the New Jersey Statutes, or P.L. 2001, c. 114 (N.J.S.A. 2C:35B-1 et seq.), or marijuana as defined in section 2 of P.L. 1970, c. 226 (N.J.S.A. 24:21-2) and applied to any offense set forth in the "New Jersey Controlled Dangerous Substances Act," P.L. 1970, c. 226 (N.J.S.A. 24:21-1 et seq.); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the "New Jersey Hemp Farming Act," P.L. 2019, c. 238 (N.J.S.A. 4:28-6 et seq.).

CANNABIS BUSINESS

Encompasses cannabis establishments, cannabis distributors, cannabis delivery services, and alternative treatment centers.

CANNABIS CULTIVATOR

Means any licensed person or entity 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. This person or entity shall hold a Class 1 Cannabis Cultivator license.

CANNABIS DELIVERY SERVICE

Means any licensed person or entity 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. This person or entity shall hold a Class 6 Cannabis Delivery license

CANNABIS DISTRIBUTOR

Means any licensed person or entity 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. This person or entity shall hold a Class 4 Cannabis Distributor license.

CANNABIS ESTABLISHMENT

Means a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer.

CANNABIS MANUFACTURER

Means any licensed person or entity 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. This person or entity shall hold a Class 2 Cannabis Manufacturer license.

CANNABIS RETAILER

Means any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to that consumer. This person or entity shall hold a Class 5 Cannabis Retailer license.

CANNABIS WHOLESALER

Means any licensed person or entity that purchases or otherwise obtains, stores, sells or otherwise transfers, and may transport, cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers. This person or entity shall hold a Class 3 Cannabis Wholesaler license.

MEDICAL CANNABIS

Means cannabis dispensed to registered qualifying patients pursuant to the "Jake Honig Compassionate Use Medical Cannabis Act," P.L. 2009, c. 307 (N.J.S.A. 24:61-1 et seq.) and P.L. 2015, c. 158 (N.J.S.A. 18A:40-12.22 et seq.). "Medical cannabis" does not include any cannabis or cannabis item which is cultivated, produced, processed, and consumed in accordance with P.L.2021, c. 16 (N.J.S.A. 24:61-31 et seq.).

PUBLIC PLACE

Means any place to which the public has access that is not privately owned; or any place to which the public has access where alcohol consumption is not allowed, including, but not limited to, a public street, road, thoroughfare, sidewalk, bridge, alley, plaza, park, playground, swimming pool, shopping area, public transportation facility, vehicle used for public transportation, parking lot, public library, or any other public building, structure, or area.

SECTION II

Chapter 35 (Land Use), Section 35-41 (CONDITIONAL USES) is supplemented and amended at Subsection 35-41.2 (Specific Requirements) only as follows:

§ 35-41.2 Specific Requirements.

i. Cannabis Businesses.

1. Prior to the operation of any cannabis business, a permit or license must be obtained from the State of New Jersey and from the Township for the applicable type(s) or class(es) of cannabis business. No cannabis business shall be permitted to operate unless it possesses all permits and licenses required by state and local law.
2. Cannabis businesses shall, at all times, comply with the terms and conditions of the permits or licenses issued by the State of New Jersey and the Township
3. No cannabis establishment or alternative treatment center shall be housed in a vehicle or any movable or mobile structure.
4. In no case shall cannabis plants be visible from a public or private road, sidewalk, park or any public place.
5. Odor control devices and techniques shall be incorporated in all cannabis businesses to ensure that odors from cannabis are not detectable on-site. Cannabis businesses shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the cannabis business that is distinctive to its operation is not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the cannabis business. The ventilation system must be installed to meet ASHRAE62 Indoor Air Quality Standards and approved by the Township's Health Department and Construction Bureau, and may be subject to periodic inspection.
6. Outside generators and other mechanical equipment used for any kind of power supply, cooling, or ventilation shall be enclosed and have appropriate baffles, mufflers, and/or other noise reduction systems to mitigate noise pollution.
7. No cannabis businesses shall be located within one thousand (1,000) feet of any school, public park or playground, place of worship, or recreation/youth center. Distance shall be measured using a direct straight-line measurement from the nearest point of the property line of the site that contains the cannabis business to the nearest point of the property line of the site that contains the school, public park or playground, place of worship, or recreation/youth center.
8. A cannabis retailer shall not be located in or upon the same premises as a grocery store, delicatessen, indoor food market, or other store that engages in either the retail sale of food or in the licensed retail sale of alcoholic beverages.
9. All cannabis businesses shall meet the security requirements set forth in Subsection 4-33.14 of the Township Code, as well as any additional security-related requirements imposed by state or local authorities.
10. Persons under the age of twenty one (21) years shall not be allowed on the premises of a cannabis business and shall not be allowed to serve as a driver for a cannabis delivery service. A notice that no person under the age of twenty one (21) years of age is permitted to enter the premises shall be prominently displayed at all entrances to a cannabis business.
11. The provisions of this paragraph (i) shall not apply to a cannabis delivery service based outside of the Township which makes deliveries of cannabis or related supplies to consumers located within the Township.

12. Except as expressly permitted by this paragraph (i) and Section 4-33 of the Township Code, any cannabis business activities, such as cultivation, manufacturing, processing, testing, dispensing, distribution and/or sale of cannabis or cannabis products, are expressly prohibited as land uses or otherwise in the Township

SECTION III

Chapter 35 (Land Use) is supplemented and amended at Appendix A (Schedule of Zoning Limitations) only as follows:

	G-C General Commercial		H-C Highway Commercial	
Conditional Uses Permitted	1.	Automobile service station	1.	Automobile service station
	2.	Restaurant	2.	Restaurant
			3.	Motel
			4.	Automobile sales, lease and service
			5.	Automobile Rental Agency
			6.	<u>Cannabis Business</u>

SECTION IV

Chapter 4 (General Licensing) is supplemented and amended to include a new section, § 4-33, entitled "CANNABIS BUSINESSES" which shall read as follows:

§ 4-33 CANNABIS BUSINESSES

§ 4-33.1 Purpose.

It is the purpose and intent of this section to regulate cannabis businesses in the Township of Springfield in accordance with the provisions of P. L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" which is codified at N.J.S.A. 24:6I-31 et seq., as well as the "Jake Honig Compassionate Use Medical Cannabis Act," P.L. 2009, c. 307, which is codified at N.J.S.A. 24:6I-1 et seq., and also in accordance with all applicable rules and regulations adopted by the Cannabis Regulatory Commission.

Nothing in this section is intended to authorize the possession, use, or provision of cannabis or medical cannabis for purposes which violate state or federal law. The provisions of this section are in addition to any other permits, licenses and approvals which may be required to conduct business in the Township of Springfield, and are in addition to any other permits, licenses and approvals required under federal, state, county, or other applicable law.

§ 4-33.2 Definitions.

Whenever a term is used in this section which is defined either in N.J.S.A. 24:6I-33 et seq., or in the rules and regulations adopted by the Cannabis Regulatory Commission, such term is intended to have the meaning as defined in said statute, rules, or regulations, unless specifically defined to the contrary in this section. In addition, the terms listed below shall have the following meanings as used in this section:

CANNABIS BUSINESS

Encompasses cannabis establishments, cannabis distributors, cannabis delivery services, and alternative treatment centers.

STATE LICENSE OR PERMIT

Shall mean a license or permit issued by the State of New Jersey, or by its commission, agency, department or division, which authorizes the holder to operate a cannabis business in the State of New Jersey.

§ 4-33.3 Local and State Licenses Required.

No individual, partnership, corporation, or other legal entity shall engage in any cannabis-related business activity, including cultivation, manufacture, processing, laboratory testing, transporting, dispensing, sale or distribution of cannabis (including medical cannabis) or a cannabis product within the Township of Springfield unless the person or entity: (1) has a valid local license issued by the Township to operate a cannabis business of the appropriate class, (2) has a valid state license or permit to operate a cannabis business of the appropriate class; and (3) is currently in compliance with all applicable state and local laws and regulations pertaining to cannabis (including medical cannabis) and cannabis businesses.

§ 4-33.4 Maximum Number of Local Licenses Permitted Within the Township; Annual Fee.

- a. The maximum number of local licenses that may be issued by the Township for each class of cannabis business at any given time, along with the corresponding annual fee, are listed in the table below:

<u>Class of License</u>	<u>Maximum Number of Licenses</u>	<u>Annual License Fee</u>
Class 1 (Cannabis Cultivator)	1	\$500
Class 2 (Cannabis Manufacturer)	1	\$500
Class 3 (Cannabis Wholesaler)	1	\$500
Class 4 (Cannabis Distributor)	1	\$500
Class 5 (Cannabis Retailer)	1	\$500
Class 6 (Cannabis Delivery Service)	1	\$500
Alternative Treatment Center	1	\$500

- b. This subsection is only intended to establish, for each class of cannabis business, the maximum number of local licenses that may be active at any given time. Nothing in this subsection creates a mandate that the Township must issue any or all of the local licenses potentially available.
- c. An alternative treatment center shall also be required to obtain the corresponding class(es) of local license for any business activities which include recreational use cannabis.
- d. A person or entity may hold more than one local license (i.e., the same entity may hold both a Class 1 and Class 2 license).
- e. The validity of any local license issued by the Township pursuant to this section shall be contingent on the licensee's receipt of a state permit or license for the same class or type of regulated cannabis activity.

§ 4-33.5 Application for License; Application Fee.

- a. Any person or entity seeking a license to operate a cannabis business within the Township shall submit an application to the Township Clerk, using a standardized form which shall be made available at the Township Clerk's office and on the Township's website. Failure to include all information required by this form shall result in an application being deemed incomplete.
- b. To be deemed complete, all applications must be accompanied by the following:
1. A copy of all documents submitted by the applicant to the Cannabis Regulatory Commission, or to any state agency, in connection with an application for a license or permit to operate a cannabis business.
 2. A copy of all documents received by the applicant from the Cannabis Regulatory Commission, or from any state agency, in connection with an application for a license or permit to operate a cannabis business, including any notices of qualification or disqualification.
 3. Proof that the applicant has or will have lawful possession of the premises proposed for the cannabis business, which proof may consist of: a deed, a lease, a

real estate contract contingent upon successful licensing, or a binding letter of intent by the owner of the premises indicating an intent to lease the premises to the entrant contingent upon successful licensing.

4. A scale drawing of the interior of the premises showing all entrances and exits to and from the place where the business is to be conducted; the location and placement of all fire detection and fire suppression equipment (i.e., smoke detectors, hoses, extinguishers, sprinkler systems, etc.); and the location of all fire exits.
 5. A scale drawing showing the proposed plan of evacuation for the premises in the event of an emergency.
 6. A security plan that meets the requirements of Subsection 4-33.14, and includes sufficient security measures to deter and prevent the unauthorized entrance into areas containing cannabis or cannabis products, and to deter and prevent the theft of cannabis or cannabis products at the cannabis business.
 7. A certification of compliance with all state and local laws regarding affirmative action, anti-discrimination and fair employment practices. The applicant shall also certify under oath that they will not and shall not discriminate based on race, color, religion (creed), gender, gender expression, age, national origin (ancestry), disability, marital status, sexual orientation, or military status, in any of its activities or operations.
- c. All applications must be accompanied by a nonrefundable application fee of \$200.
- d. All applications shall also include the corresponding annual license fee set forth in Subsection 4-33.4(a) for each license sought, which shall be refunded if that the application is denied.
- e. Applicants shall have a continuing obligation to amend or supplement their application with any changes and/or additions to the information and documents submitted with such application, including the status of any application for site plan approvals or requests for variances within the Township.

§ 4-33.6 Application Review and Approval; Conditions.

- a. Upon receipt of a complete application for a new license or license renewal, the Township Clerk shall forward same for review and comment to: the Chief of Police, the Chief of Fire, the Zoning Officer, the Health Officer, the Township Administrator, and such other officials as deemed appropriate. The above-mentioned officials shall provide responses, including any comments and/or recommendations, within thirty (30) days of receipt.
- b. After receiving responses pursuant to paragraph (a) of this subsection, and after receiving notice that the applicant has received all applicable site plan approvals and variances, the Township Clerk, in consultation with the Township Attorney and Township Administrator, shall forward the application, along with all related comments and recommendations, to the Township Committee for consideration at an upcoming regular meeting.
 1. Upon making a determination that the applicant has satisfied the requirements of this section, the Township Committee shall adopt a resolution approving the cannabis business application, a copy of which shall be provided to the New Jersey Cannabis Regulatory Commission pursuant to N.J.S.A. 24:61-45.
 2. The Township Committee may approve more applications for a particular class of cannabis business than the maximum permitted number of local licenses for that class as set forth in Subsection 4-33.4. However, a local license shall only be issued to applicants who meet all of the requirements of Subsection 4-33.7.
 3. If that the Township Committee approves of more applications than there are available local licenses for a particular class of cannabis business, the Township Committee shall adopt a resolution ranking the approved applicants

in order of preference, a copy of which shall be provided to the New Jersey Cannabis Regulatory Commission pursuant to N.J.S.A. 24:6I-36.

4. Following the New Jersey Cannabis Regulatory Commission's initial adoption of rules and regulations pursuant to N.J.S.A. 24:6I-35, the Township's Administration shall develop criteria for the Township Committee's use in ranking approved applicants under subparagraph (b)(3) above. These criteria shall be adopted by resolution of the Township Committee, and may be reevaluated and modified from time to time by way of resolution.
- c. The Township Committee shall have the discretion to impose additional requirements beyond those set forth in this section and pursuant to the recommendations received pursuant to paragraph (a) of this subsection, as conditions on its approval of any cannabis business license.

§ 4-33.7 License Issuance.

The Township Clerk shall issue a cannabis business license only after receiving:

- a. A resolution of the Township Committee approving the cannabis business application.
- b. A copy of the applicant's state license and/or permit.
- c. A certificate of occupancy for the premises to be used by the cannabis business.
- d. A signed hold harmless and indemnification agreement, pursuant to Subsection 4-33.17.

§ 4-33.8 License Denial.

All license denials shall be forwarded to the New Jersey Cannabis Regulatory Commission pursuant to N.J.S.A. 24:6I-45. The Township Clerk shall deny an application under this section for any of the following reasons:

- a. The applicant has not included all of the information, documents, and fees required to be submitted with the application, and has failed to correct such deficiencies within thirty (30) days of being notified by the Township Clerk.
- b. The Clerk becomes aware that the Township's Planning Board or Zoning Board of Adjustment has determined that the location and use of the premises covered by the application does not conform to all applicable Township ordinances and provisions of the Township Code.
- c. The applicant has been denied a state license or permit to operate a cannabis business.
- d. The Township has already issued the maximum number of local licenses for the proposed class of cannabis business.

§ 4-33.9 License Expiration and Renewal.

- a. Except where expressly provided otherwise, all licenses shall expire on December 31 of the year of issue at 12:00 midnight. Applications for the renewal of licenses shall be submitted prior to the close of business on December 1 (or the next business day, if December 1 falls on a weekend or a holiday).
- b. Applications for renewal shall be accompanied by the same information and documentation required for a new license application under Subsection 4-33.5. An application for renewal may incorporate, by reference, information and documents previously submitted by the applicant. However, the application must note any changes to previous submissions, and include any new information and/or documents.

§ 4-33.10 License Transfers.

No license granted pursuant to this section shall be transferable to any other premises, nor assignable or transferable in any manner or to any other person or entity, except with the consent of the Township Committee.

§ 4-33.11 License Suspension or Revocation.

Suspension of a state license or permit shall immediately suspend the ability of a cannabis business to operate within the Township, until the State of New Jersey, or its respective commission, agency, department or division, reinstates or reissues the state license or permit. Should the State of New Jersey, or any of its commissions, agencies departments or divisions, revoke or terminate the license of a cannabis business, such revocation or termination shall automatically revoke or terminate the ability of a cannabis business to operate within the Township.

§ 4-33.12 Display of License.

The original copy of the cannabis business license issued by the Township pursuant to this section shall be posted inside the cannabis business in a location readily visible to the public.

§ 4-33.13 Hours of Operation.

No cannabis retailer may serve customers or open to customers for business before 8:00 am, nor may any cannabis business serve customers or remain open to customers for business after 10:00 pm.

§ 4-33.14 Security Measures.

- a. All security measures must comply with applicable law and regulations, as well as with any terms and conditions imposed by state or local authorities on the issuance of a permit or license to operate a cannabis business.
- b. Every cannabis businesses shall implement sufficient security measures to deter and prevent the unauthorized entrance into areas containing cannabis (including medical cannabis) or cannabis products, and to deter and prevent the theft of cannabis (including medical cannabis) or cannabis products at the cannabis business. Except as may otherwise be determined by the Township Committee, these security measures shall include compliance with all State security regulations required under the licensee's state cannabis license, as those regulations may be amended from time to time
- c. Every cannabis business shall provide adequate security on the premises, including lighting and alarms, to ensure the safety of persons and to protect the premises from theft. As part of an application for a cannabis business license, each applicant shall prepare and submit a security plan for review and approval by the Chief of Police, which approval or denial will be based upon the security standards stated above and in compliance with any security measures agreed upon with Chief of Police. Said plan shall remain updated and secured on file in the protective custody of the Police Department. The information provided for purposes of this section shall be maintained by the Police Department as confidential information and shall not be disclosed as public records unless pursuant to subpoena issued by a court of competent jurisdiction.
- d. The Township Committee may impose further security requirements above and beyond the minimum security requirements imposed by state regulations, upon the recommendation of the Chief of Police based on the unique circumstances associated with a particular cannabis business. Such security requirements may include fencing that meets the approval of the Chief of Police, Chief of Fire, and Zoning Officer. Except as may otherwise be determined by the Township Committee, these security measures shall include compliance with all state security regulations required under the licensee's state cannabis license, as those regulations may be amended from time to time.
- e. Every cannabis business shall identify a designated security representative/liason to the Township, who shall be reasonably available to meet with the Township Administrator, the Chief of Police, the Chief of Fire, or their designees, regarding any security related measures or any operational issues.
- f. Every cannabis business shall cooperate with the Township whenever the Chief of Police or his/her designee makes a request, upon reasonable notice to the cannabis

business, to inspect or audit the effectiveness of any security plan or of any other requirement imposed pursuant to this subsection.

- g. Every cannabis business shall notify the Chief of Police or his/her designee, as well as the Township Administrator, within twenty-four (24) hours after discovering any of the following:
1. Significant discrepancies identified during inventory.
 2. Diversion, theft, loss, or any criminal activity involving the cannabis business or any agent or employee of the cannabis business.
 3. The loss or unauthorized alteration of records related to cannabis, or employees or agents of the cannabis business.
- h. When more than one cannabis businesses is located adjacent to, or in close proximity to another cannabis business, said businesses may present a joint security plan to the Chief of Police for review and approval to avoid redundant activity and excess costs, provided the required level of security and effectiveness are not compromised, as determined by the Chief of Police.

§ 4-33.15 Recordkeeping.

- a. Each cannabis business in the Township shall maintain accurate books and records, detailing all of the revenues and expenses of the business, and all of its assets and liabilities. On no less than an annual basis (at or before the time of the renewal of a cannabis business license issued pursuant to this section), or at any other time upon reasonable request of the Township Administrator, each cannabis business shall file a sworn statement detailing the number of sales by the cannabis business during the previous twelve-month period (or shorter period based upon the timing of the request). The statement shall include gross sales for each month, and all applicable taxes paid or due to be paid.
- b. Each cannabis business in the Township shall maintain a current register of the names and the contact information (including the name, home address, personal telephone number, and percentage of ownership) of anyone owning or holding an interest in the cannabis business, and all officers, managers, employees, agents and volunteers currently or formerly employed or otherwise engaged by the cannabis business. The register required by this paragraph shall be provided to the Township Administrator upon request. If at any time a corporation, LLC, company, trust or other entity holds an interest in a cannabis business, the register required by this paragraph shall also include the name and contact information of a person designated as being able answer all questions on behalf of that entity, together with the name of every person holding an interest in that entity. The designated representative shall provide whatever additional information the Township Administrator or the Chief of Police may reasonably request concerning the owners of that entity.
- c. Each cannabis business in the Township shall maintain an inventory control and reporting system as required by state law.
- d. Subject to any restrictions under the Health Insurance Portability and Accountability Act (HIPPA) regulations, each cannabis business shall allow Township officials to have access to the business's books, records, accounts, together with any other data or documents relevant to its licensed cannabis activities, for the purpose of conducting an audit or examination. Books, records, accounts, and any and all relevant data or documents will be produced no later than five (5) business days after receipt of the Township's request, unless otherwise stipulated by the Township.

§ 4-33.16 Local Taxes.

- a. A transfer tax, payable to the Township, shall be imposed on the sale of cannabis, medical cannabis, and cannabis items by a cannabis business located within the Township, regardless of whether such sales are made to other cannabis businesses, retailer consumers, or any combination thereof. The tax authorized by this paragraph shall be imposed at the following rates:
1. Two percent (2%) of the receipts from each sale by a cannabis cultivator.

2. Two percent (2%) of the receipts from each sale by a cannabis manufacturer.
 3. Two percent (2%) of the receipts from each sale by a cannabis retailer.
 4. Two percent (2%) of the receipts from each sale by an alternative treatment center.
 5. One percent (1%) of the receipts from each sale by a cannabis wholesaler.
- b. A user tax in the amount of two percent (2%), payable to the Township, shall be imposed on a cannabis business license holder that concurrently operates more than one cannabis establishment, on each transfer or use of cannabis or cannabis items not otherwise subject to the transfer tax imposed pursuant to paragraph (a) of this subsection, from the license holder's cannabis establishment located in the Township to any of the license holder's other cannabis establishments (whether located inside or outside of the Township). The tax authorized by this paragraph shall be imposed at the same rates set forth in paragraph (a) of this subsection.
 - c. The transfer or user tax imposed pursuant to paragraphs (a) and (b) of this subsection shall be collected by the cannabis business making the sale, transfer, or use, and such tax shall be stated, charged, and shown separately on any sales slip, invoice, receipt, or other statement or memorandum of the price paid or payable, or equivalent value of the transfer, for the cannabis or cannabis item.
 - d. For each calendar quarter, no later than thirty (30) days after the last day of the month in March, June, September, and December, each cannabis business in the Township shall:
 1. File a return with the Township's Chief Financial Officer, in a form satisfactory to the Township, setting forth the amount of sales by the cannabis business in the relevant quarter, and the amount of tax owing based upon such sales.
 2. Remit payment to the Township's Chief Financial Officer in the amount of taxes shown on the return submitted pursuant to this paragraph.
 - e. The Township may require cannabis businesses to submit such other information as the Township deems necessary for proper administration of this subsection.
 - f. The Township shall enforce the payment of delinquent taxes under this subsection in the same manner as provided for municipal property taxes.

§ 4-33.17 Limitation of Township Liability; Hold Harmless and Indemnification.

To the fullest extent permitted by law, the Township shall not assume any liability whatsoever with respect to having issued a cannabis business license pursuant to this section or otherwise approving the operation of any cannabis business. As a condition to the issuance of any license under this section, the applicant shall be required to execute an agreement, in a form approved by the Township Attorney, in which the applicant agrees:

- a. To indemnify, defend, and hold harmless the Township and its officers, officials, employees, representatives, and agents, from any and all claims, losses, damages, injuries, liabilities or losses which arise out of, or which are in any way related to, the Township's issuance of the cannabis business license, the Township's decision to approve the operation of the cannabis business or activity, the process used by the Township in making its decision, or the alleged violation of any federal, state or local laws by the cannabis business or any of its officers, employees or agents.
- b. To maintain insurance at coverage limits, and with conditions deemed necessary and appropriate from time to time by the Township.
- c. To reimburse the Township for all costs and expenses, including but not limited to attorney fees and costs and court costs, which the Township may be required pay as a result of any legal challenge related to the Township's approval of the applicant's cannabis business license, or related to the Township's approval of the applicant's cannabis-related activities. The Township may, at its sole discretion, participate at its

own expense in the defense of any such action, but such participation shall not relieve the applicant of its obligations under this paragraph.

SECTION V

Chapter 9 (Smoking) is supplemented and amended only at Section 9-2 (DEFINITIONS AND USAGE) as follows:

§ 9-2 DEFINITIONS AND USAGE.

As used in this chapter, the following words shall have the following meanings:

CANNABIS

Shall have the same meaning as set forth in N.J.S.A. 24:6I-33.

SMOKING

Shall mean the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco, cannabis, or any other matter that can be smoked. Smoking includes the inhaling or exhaling of smoke or vapor from electronic cigarettes, vaping devices, personal vaporizers, or any electronic nicotine delivery system, or any device which simulates tobacco smoking.

SECTION VI - SEVERABILITY

In case any section, subsection, paragraph, subdivision, clause or provision of this ordinance shall be judged invalid by a court of competent jurisdiction, such order or judgment shall not affect or invalidate by a court of competent jurisdiction, such order or judgment shall not affect or invalidate the remainder of any section, paragraph, subdivision, clause or provision of this ordinance and to this end, the provisions of each section, paragraph, subdivision, clause or provision of this ordinance are hereby declared to be severable.

SECTION VII - REPEAL

This Ordinance is not meant to repeal any provisions of the Code other than those designated herein, and all ordinances or portions of ordinances which are inconsistent or in conflict with the provisions of this Ordinance are repealed only to the extent of such inconsistency or conflict.

SECTION VIII - EFFECTIVE DATE

This ordinance shall take effect immediately upon passage and publication according to law.

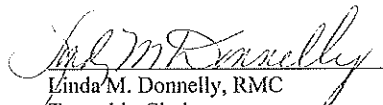
TOWNSHIP OF SPRINGFIELD

By: 
Chris Weber, Mayor

Passed and Approved:

August 4, 2021

I hereby certify that this is a true and correct copy.


Linda M. Donnelly, RMC
Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mayor Chris Weber			X			
Deputy Mayor Alexander Kelser	X		X			
Committeeman Christopher Capodice			X			
Committeewoman Erica DuBois		X	X			
Committeeman Richard Huber				X		

Explanation: This ordinance amends provisions to the Township Code governing recreational and medical cannabis within the Township.

**TOWNSHIP OF SPRINGFIELD
ORDINANCE NO. 2021-31**

WHEREAS, pursuant to N.J.S.A. 40:48-2 and N.J.S.A. 24:6I-45, Township Committee passed Ordinance 2021-19 on August 4, 2021, adopting rules and regulations governing recreational and medical cannabis within the Township; and

WHEREAS, the Township Committee has determined that it is in the best interests of the Township and its residents to amend the provisions of the Township Code regarding recreational and medical cannabis within the Township.

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Springfield, County of Union, State of New Jersey, that the Revised General Ordinances of the Township of Springfield are amended and supplemented as set forth below:

SECTION I

Chapter 4 (General Licensing) is supplemented and amended only at Section 4-33 (CANNABIS BUSINESSES) as follows:

§ 4-33 CANNABIS BUSINESSES

.....
§ 4-33.4 Maximum Number of Local Licenses Permitted Within the Township; Annual Fee.

- a.** The maximum number of local licenses that may be issued by the Township for each class of cannabis business at any given time, along with the corresponding annual fee, are listed in the table below:

Class of License	Maximum Number of Licenses	Annual License Fee for 2021-2022
Class 1 (Cannabis Cultivator)	1	\$5,000 500
Class 2 (Cannabis Manufacturer)	1	\$5,000 500
Class 3 (Cannabis Wholesaler)	1	\$5,000 500
Class 4 (Cannabis Distributor)	1	\$5,000 500
Class 5 (Cannabis Retailer)	1	\$5,000 500
Class 6 (Cannabis Delivery Service)	1	\$5,000 500
Alternative Treatment Center	1	\$5,000 500

- b.** The annual fees set forth in paragraph (a) above shall apply to local licenses issued by the Township in the 2021 and 2022 calendar years. Prior to the end of the 2022 calendar year, and up to once per year thereafter, the Township Committee may reevaluate and modify these annual fees by way of resolution, with respect to local licenses issued by the Township in subsequent calendar years.

- bc.** This subsection is only intended to establish, for each class of cannabis business, the maximum number of local licenses that may be active at any given time. Nothing in this subsection creates a mandate that the Township must issue any or all of the local licenses potentially available.

- ed.** An alternative treatment center shall also be required to obtain the corresponding class(es) of local license for any business activities which include recreational use cannabis.

- de.** A person or entity may hold more than one local license (i.e., the same entity may hold both a Class 1 and Class 2 license).

- ef.** The validity of any local license issued by the Township pursuant to this section shall be contingent on the licensee's receipt of a state permit or license for the same class or type of regulated cannabis activity.

§ 4-33.5 Application for License; Application Fee.

- b. To be deemed complete, all applications must be accompanied by the following:

7. A waste disposal, recycling, and sanitation plan, including, but not limited to, all measures to be taken with respect to the disposal of any cannabis products, components, or materials.

78. A certification of compliance with all state and local laws regarding affirmative action, anti-discrimination, and fair employment practices. The applicant shall also certify under oath that they will not and shall not discriminate based on race, color, religion (creed), gender, gender expression, age, national origin (ancestry), disability, marital status, sexual orientation, or military status, in any of its activities or operations.

- c. All applications must be accompanied by a nonrefundable application fee of ~~\$200~~\$1,000.

- d. All applications shall also include the corresponding annual license fee set forth in Subsection 4-33.4(a) for each license sought, which shall be refunded if that the application is denied.

- e. If, pursuant to Subsection 4-33.5(b), the corresponding annual license fee is modified by the Township after its receipt of a complete application, but before a local license is issued to the applicant in a subsequent calendar year, then one of the following will apply:

1. If the new annual license fee is lower than the fee that was in effect on the date that the Township received a complete application, the Township will refund the difference to the applicant at the time the local license is issued.

2. If the new annual license fee is higher than the fee that was in effect on the date that the Township received a complete application, the applicant will be required to pay the difference to the Township before the local license is issued.

- ef. Applicants shall have a continuing obligation to amend or supplement their application with any changes and/or additions to the information and documents submitted with such application, including the status of any application for site plan approvals or requests for variances within the Township.

§ 4-33.6 Application Review and Approval; Conditions.

- b. After receiving responses pursuant to paragraph (a) of this subsection, and after receiving notice that the applicant has received all applicable site plan approvals and variances, the Township Clerk, in consultation with the Township Attorney and Township Administrator, shall forward the application, along with all related comments and recommendations, to the Township Committee for consideration at an upcoming regular meeting.

3. ~~If that~~ If the Township Committee approves of more applications than there are available local licenses for a particular class of cannabis business, the Township Committee shall adopt a resolution ranking the approved applicants in order of preference, a copy of which shall be provided to the New Jersey Cannabis Regulatory Commission pursuant to N.J.S.A. 24:6I-36.

§ 4-33.7 License Issuance.

e. All outstanding fees payable to the Township, including any fees assessed pursuant to Subsection 4-33.5(e)(2).

§ 4-33.13 Hours of Operation.

No cannabis ~~retailer~~ business may serve customers or open to customers for business before 8:00 am, nor may any cannabis business serve customers or remain open to customers for business after 10:00 pm.

§ 4-33.14 Security Measures.

- b. Every cannabis businesses shall implement sufficient security measures to deter and prevent the unauthorized entrance into areas containing cannabis (including medical cannabis) or cannabis products, and to deter and prevent the theft of cannabis (including medical cannabis) or cannabis products at the cannabis business. Except as may otherwise be determined by the Township Committee, these security measures shall include compliance with all State security regulations required under the licensee's state cannabis license, as those regulations may be amended from time to time

§ 4-33.15 Recordkeeping.

- b. Each cannabis business in the Township shall maintain a current register of the names and the contact information (including the name, home address, personal telephone number, and percentage of ownership) of anyone owning or holding an interest in the cannabis business, and all officers, managers, employees, agents and volunteers currently or formerly employed or otherwise engaged by the cannabis business. The register required by this paragraph shall be provided to the Township Administrator upon request. If at any time a corporation, LLC, company, trust or other entity holds an interest in a cannabis business, the register required by this paragraph shall also include the name and contact information of a person designated as being able answer all questions on behalf of that entity, together with the name and contact information of every person holding an interest in that entity. The designated representative shall provide whatever additional information the Township Administrator or the Chief of Police may reasonably request concerning the owners of that entity.
- c. Each cannabis business in the Township shall maintain an inventory control and reporting system as required by state law.
- d. Subject to any restrictions under the Health Insurance Portability and Accountability Act (~~HIPPA~~HIPAA) regulations, each cannabis business shall allow Township officials to have access to the business's books, records, accounts, together with any other data or documents relevant to its licensed cannabis activities, for the purpose of conducting an audit or examination. Books, records, accounts, and any and all relevant data or documents will be produced no later than five (5) business days after receipt of the Township's request, unless otherwise stipulated by the Township.

§ 4-33.16 Local Taxes.

- b. A user tax ~~in the amount of two percent (2%)~~, payable to the Township, shall be imposed on a cannabis business license holder that concurrently operates more than one cannabis establishment, on each transfer or use of cannabis or cannabis items not otherwise subject to the transfer tax imposed pursuant to paragraph (a) of this subsection, from the license holder's cannabis establishment located in the Township to any of the license holder's other cannabis establishments (whether located inside or outside of the Township). The tax authorized by this paragraph shall be imposed at the same rates set forth in paragraph (a) of this subsection.

SECTION II

Chapter 35 (Land Use), Section 35-41 (CONDITIONAL USES) is supplemented and amended at Subsection 35-41.2 (Specific Requirements) only as follows:

§ 35-41.2 Specific Requirements.

k. Cannabis Businesses.

7. No cannabis businesses shall be located within two hundred (200) ~~one thousand (1,000)~~ feet of any school; ~~public park or playground, athletic field, or recreation/youth center;~~ place of worship; ~~or the S-60, S-75, S-120, or M-R residential zoning districts, or recreation/youth center.~~ Distance shall be measured using a direct straight-line measurement from the nearest point of the property line of the site that contains the cannabis business to, as applicable: (i) the nearest point of the property line of the site that contains the school, public park or playground, place of worship, or public recreation/youth center; (ii) the nearest point on the boundary of the S-60, S-75, S-120, or M-R residential zoning district; or (iii) the nearest developed portion of the public property constituting or serving the public playground or athletic field (e.g. parking area, fencing), as determined by the Township Administration upon the request of a prospective cannabis business applicant. The prohibitions of this subparagraph (k)(7) shall not prevent the siting or operation of a cannabis business (or the approval, issuance or renewal of a cannabis business license under Section 4-33 of the Township Code) if no school, public playground, athletic field, or recreation/youth center; place of worship; or S-60, S-75, S-120, or M-R residential zoning district was located within two hundred (200) feet of the cannabis business on the date of the cannabis business's original application for such site, submitted in accordance with Section 4-33 of the Township Code.

8. A cannabis retailer shall not be located in or upon the same premises as a grocery store, delicatessen, indoor food market, or other store that engages in either the retail sale of food or in the licensed retail sale of alcoholic beverages. For purposes of this subparagraph, the "premises" of a cannabis retailer shall have the same meaning set forth in N.J.A.C. 17:30-1.2.

10. Persons under the age of twenty one (21) years shall not be allowed on the premises of a cannabis business and shall not be allowed to serve as a driver for a cannabis delivery service. A notice that no person under the age of twenty one (21) years of age is permitted to enter the premises shall be prominently displayed at all entrances to a cannabis business. For purposes of this subparagraph, the "premises" of a cannabis business shall have the same meaning set forth in N.J.A.C. 17:30-1.2.

SECTION III – RATIFICATION

Except as expressly modified herein, all other provisions and terms of the Code of the Township of Springfield shall remain in full force and effect.

SECTION IV - SEVERABILITY

In case any section, subsection, paragraph, subdivision, clause or provision of this ordinance shall be judged invalid by a court of competent jurisdiction, such order or judgment shall not affect or invalidate by a court of competent jurisdiction, such order or judgment shall not affect or invalidate the remainder of any section, paragraph, subdivision, clause or provision of this ordinance and to this end, the provisions of each section, paragraph, subdivision, clause or provision of this ordinance are hereby declared to be severable.

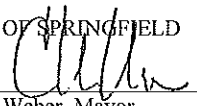
SECTION V - REPEAL

This Ordinance is not meant to repeal any provisions of the Code other than those designated herein, and all ordinances or portions of ordinances which are inconsistent or in conflict with the provisions of this Ordinance are repealed only to the extent of such inconsistency or conflict.

SECTION VI - EFFECTIVE DATE

This ordinance shall take effect immediately upon passage and publication according to law.

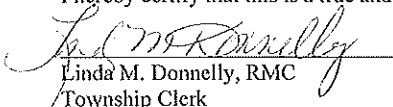
TOWNSHIP OF SPRINGFIELD

By: 
Chris Weber, Mayor

Passed and Approved:

December 14, 2021

I hereby certify that this is a true and correct copy.


Linda M. Donnelly, RMC
Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mayor Chris Weber			X			
Deputy Mayor Alexander Kelser	X		X			
Committeeman Christopher Capodice			X			
Committeewoman Erica DuBois		X	X			
Committeeman Richard Huber				X		