

T Enteado

From: T Enteado
Sent: Thursday, March 23, 2023 5:37 PM
To: 'Cape May Star & Wave
Cc: Erin Seer
Subject: WCM Ordinance Introduction Notices
Attachments: 623-23 - Intro.docx; 624-23 - Intro.docx; 625-23 - Intro.docx

Good Afternoon,

Please publish the attached three (3) ordinance introduction notices in the next edition of the paper (March 29, 2023). Please confirm receipt and provide a proof of publication for each.

Thank you!

Theresa Enteado, RMC, CMR

Municipal Clerk

Registrar of Vital Statistics

Borough of West Cape May

732 Broadway

West Cape May, NJ 08204

P: 609-884-1005 ext 101

F: 609-898-0888

Hours: Mon. – Fri., 8am – 3pm

tenteado@westcapemay.us

www.westcapemay.us

**BOROUGH OF WEST CAPE MAY NOTICE OF PENDING ORDINANCE
ORDINANCE NO. 625-23**

**AN ORDINANCE AMENDING ORDINANCE NO. 603-21 SECTION 11
REGARDING THE LOCAL CANNABIS TAX**

WHEREAS, Ordinance No. 603-21 of the Borough of West Cape May permits the operation of certain cannabis businesses within the Borough's geographic boundaries and amends the zoning ordinance accordingly; and

WHEREAS, pursuant to N.J. Stat. 40:48I-1, a municipality in New Jersey may charge a Local Cannabis Transfer Tax of up to 2% on sales of recreational cannabis or cannabis items by a cannabis establishment in that municipality; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Borough of West Cape May:

Section 11 of Borough Ordinance No. 603-21 is hereby amended as follows (strikethroughs indicate deletions and bold and underlined portions indicate additions):

SECTION 11. The Borough of West Cape May hereby establishes the following local cannabis tax:

- A. On cannabis cultivation, a tax of 2% of the amount of each sale.
- B. On cannabis manufacture, a tax of 2% on the amount of each sale
- C. On cannabis wholesaling, a tax of 1% on the amount of each sale.
- D. On cannabis retailing, a tax of ~~1%~~ 2% on the amount of each sale.

Said tax shall be payable directly to the Chief Financial Officer of the Borough on a quarterly basis. Failure to make such payments shall subject the cannabis operation to the same penalties as would accompany a failure to make timely payment of property taxes.

Section 2. Repealer. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of that conflict.

Section 3. Severability. Should any portion of this ordinance be declared unconstitutional or invalid, the remaining portion of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are declared to be severable.

Section 4. Effective Date. This ordinance shall take effect 20 days after passage and publication, according to law.

The foregoing Ordinance was introduced at a Regular Meeting of the Board of Commissioners of the Borough of West Cape May held on **March 22, 2023**, when it was read for the first time and then ordered to be published according to law.

This Ordinance will be further considered for final passage, after public hearing, by the Board of Commissioners of the Borough of West Cape May at a meeting to be held at Borough Hall, 732 Broadway, West Cape May, New Jersey on **April 12, 2023** at 7:00pm or as soon thereafter as possible, at which time and place, all persons interested will be given an opportunity to be heard concerning such ordinance.

A copy of the Ordinance may be obtained without cost by any member of the public who wants a copy at the office of the Borough Clerk during the hours of 8:00 am to 3:00 pm, Monday through Friday.

Theresa Enteadó, RMC
Municipal Clerk