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From: T Oliver
Sent: Thursday, March 30, 2023 2:11 PM
Subject: Agenda - PZB Meeting - Tuesday, April 4, 2023
Attachments: Agenda - April 4.pdf; PZB Minutes March 7, 2023.pdf; Ord. 625-23 - Amending Ordinance 603-21 Section 11 RE Local Cannabis Tax.pdf; 0512P222 - 401 Sunset Blvd Variance Review-signed.pdf; 0512Z045 110 Sunset Boulevard Site Plan Review #2-signed.pdf

Good Afternoon Board Members:

I have attached the Agenda and other materials for the meeting scheduled for Tuesday, April 4, 2023 at 7:00 pm. Below is a list of materials attached to this email for your review.

- Agenda
- March 7, 2023 Meeting Minutes
- Ordinance No. 625-23
RE: Amending Ordinance No. 603-21 Section 11 Regarding the Local Cannabis Tax

** Resolutions – Please note: There is a chance that resolutions for the Nickisher and Luberti applications (heard at the March 7, 2023 meeting) will arrive to me from Rich King's office prior to our meeting, in which case the agenda will be updated accordingly and those items will become available to everyone.*

Applications:

- RV Review
RE: Joseph & Sharon Palimeno – 401 Sunset Blvd. - Block 57 / Lot 6.01
- RV Review
RE: EZFS Sunset, LLC – 110 Sunset Blvd. - Block 32 / Lot 3

Packets of materials have been mailed out and should arrive to you shortly. As always, if there are any questions or concerns, please contact me.

I look forward to seeing you all next Tuesday evening!

Thank you,

Tricia Oliver

*Deputy Tax Collector
Planning & Zoning Board Assistant*

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BOROUGH OF WEST CAPE MAY
COUNTY OF CAPE MAY
STATE OF NEW JERSEY

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.

Carol E. Sabo, Mayor

Alan Crawford, Deputy Mayor

George Dick, Commissioner

Theresa Enteadó, RMC
Municipal Clerk

Introduced: March 22, 2023

First Publication: March 29, 2023

Second Reading & Adoption: April 12, 2023

Final Publication: April 19, 2023

Effective Date: May 2, 2023

I hereby certify that the foregoing is a true copy of an Ordinance duly passed and adopted by a majority of full membership of the Board of Commissioners of the Borough of West Cape May, County of Cape May, New Jersey, at a meeting held on _____.

Municipal Clerk