

## **ORDINANCE #2022/1**

### **AN ORDINANCE AMENDING TITLE 18 “ZONING”, TITLE 5 “GENERAL LICENSING AND BUSINESS REGULATIONS”, AND TITLE 3 “REVENUE AND FINANCE” OF THE CODE OF THE BOROUGH OF FREEHOLD ESTABLISHING LAND USE REGULATIONS AND LICENSING REQUIREMENTS FOR CANNABIS BUSINESSES**

WHEREAS, the Borough of Freehold (the “Borough”) is a public body corporate and politic of the State of New Jersey; and

WHEREAS, on July 19, 2021, the Borough enacted Ordinance #2021/11 amending and supplementing certain chapters of its Code as related to Cannabis Businesses; and

WHEREAS, additional provisions for cannabis regulation are necessary.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FREEHOLD AS FOLLOWS:

#### **SECTION ONE: AMENDMENT TO TITLE 18 ZONING**

Title 18 “Zoning” of the Code of the Borough of Freehold shall be amended as follows; additions to the current ordinance are noted in underline.

#### **Section 18.62 Cannabis Businesses Zones**

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##### **c. Zoning Districts Where Cannabis Businesses are Permitted.**

1. Cannabis Retailers and Alternative Treatment Center Dispensaries in the following areas:

a. Commercial Manufacturing (C-M) and Modified Commercial Manufacturing (MCM) Zones but only for lots fronting on Throckmorton Street and between the intersection of Throckmorton Street and Rhea Street west to the Borough limits; or

b. Office Commercial (B-1), Limited Professional Office (B-1a), and General Commercial (B-2b) Zones but only for lots fronting on Park Avenue and between the intersection of Park Avenue and South Street east to the Borough limits; or

c. Commercial Manufacturing (C-M) and General Commercial (B-2b) Zones but only for lots fronting on Jerseyville Avenue and between the intersection of Jerseyville Avenue and Parker Street east to the Borough limits.

All Cannabis Retailers and Alternative Treatment Center Dispensaries must comply with all applicable provisions set forth herein, state law, and all other applicable codes and regulations, including but not limited to the Building Code.

**d. Site Standards for Cannabis Businesses**

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9. No Cannabis Retailers or Alternative Treatment Center Dispensaries shall be located within the following distances from the specified land uses listed below:

- a. 250 feet of a licensed childcare facility or residential childcare facility;
- b. 500 feet of any elementary school, middle school, high school, college or university either public or private; or
- c. 200 feet of a halfway house or correctional facility.

**SECTION TWO: AMENDMENT AND SUPPLEMENT TO TITLE 5 GENERAL LICENSING AND BUSINESS REGULATIONS**

Title 5 “General Licensing and Business Regulations” of the Code of the Borough of Freehold shall be amended as follows; additions to the current ordinance are noted in underline.

**Chapter 5.96**

**CANNABIS BUSINESS LICENSES**

**5.96.010 Purpose.**

This chapter is enacted to regulate the cultivation, production, sale, and transportation of cannabis in the borough in accordance with the provisions of the “Jake Honig Compassionate Use Medical Cannabis Act” comprising N.J.S.A. 24:6I-1 et seq. and the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” comprising N.J.S.A. 24:6I-31 et seq., and in accordance with the rules and regulations of the Cannabis Regulatory Commission.

**5.96.020 Definitions.**

As used in this chapter, words and phrases shall have the same meanings they have in N.J.S.A. ~~24:6I-31~~ 24:6I-1 et seq., and in accordance with the rules and regulations of the Cannabis Regulatory Commission.

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**5.96.030 Licenses.**

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d. License Fees--Maximum Number. The annual license fee and maximum number of licenses for the Cannabis businesses in the borough shall be as follows:

Class of License	Annual License Fee	No. of Licenses
Class 1 Cannabis Cultivator	\$10,000	2
Class 2 Cannabis Manufacturer	\$10,000	2
Class 3 Cannabis Wholesaler	\$5,000	2
Class 4 Cannabis Distributor	\$5,000	2
Class 5 Cannabis Retailer/ <u>Alternative Treatment Center Dispensary</u>	\$5,000	2

Class 6 Delivery licenses shall not be permitted in the borough. Consumption areas shall not be permitted in the borough.

### SECTION THREE: AMENDMENT AND SUPPLEMENT TO TITLE 3 REVENUE AND FINANCE

Title 3 "Revenue and Finance" of the Code of the Borough of Freehold shall be amended as follows; additions to the current ordinance are noted in underline.

#### **Chapter 3.20 Cannabis Business Sales Tax**

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**3.20.015** A tax is hereby imposed upon any medical cannabis dispensed by an Alternative Treatment Center medical dispensary, including medical cannabis that is furnished by the dispensary to a medical cannabis handler for delivery to a registered qualifying patient or the patient's caregiver. The medical cannabis transfer tax shall be fixed at a uniform percentage rate of 2% on all sales or transfers of cannabis products from a medical cannabis dispensary, pursuant to N.J.S.A. 24:6I-10(i). The medical cannabis transfer tax shall be in addition to any other tax or fee imposed pursuant to statute, state and federal or local ordinance or resolution by any government entity upon a medical cannabis dispensary.

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SECTION FOUR: All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are repealed.

**BOROUGH OF FREEHOLD  
COUNTY OF MONMOUTH  
NO. 2022/1**

**ORDINANCE OF THE BOROUGH OF FREEHOLD, COUNTY OF  
MONMOUTH, STATE OF NEW JERSEY AMENDING TITLE 18 "ZONING",  
TITLE 5 "GENERAL LICENSING AND BUSINESS REGULATIONS", AND  
TITLE 3 "REVENUE AND FINANCE" OF THE CODE OF THE BOROUGH OF  
FREEHOLD ESTABLISHING LAND USE REGULATIONS AND LICENSING  
REQUIREMENTS FOR CANNABIS BUSINESSES**

**NOTICE IS HEREBY GIVEN** that the forgoing Ordinance was approved for final adoption by the Mayor and Council of the Borough of Freehold at a meeting held on February 7, 2022.



TRACI L. DI BENEDETTO  
BOROUGH CLERK