

ORDINANCE No. RO-10-26

AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF MORRIS, STATE OF NEW JERSEY TO REAFFIRM THE PROHIBITION OF THE OPERATION OF ANY CLASS OF CANNABIS BUSINESS WITHIN THE TOWNSHIP'S GEOGRAPHICAL BOUNDARIES AS DESCRIBED IN CHAPTER 217 OF THE TOWNSHIP CODE

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"), now codified as N.J.S.A. 24:6I-31 et seq., which legalized the recreational use of marijuana by adults 21 years of age or older, and established a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act established six (6) marketplace classes of licensed businesses, consisting of Class 1 Cannabis Cultivator license, Class 2 Cannabis Manufacturer license, Class 3 Cannabis Wholesaler license, Class 4 Cannabis Distributor license, Class 5 Cannabis Retailer license, and Class 6 Cannabis Delivery license; and

WHEREAS, N.J.S.A. 24:6I-33 defines a "cannabis establishment" as "a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer"; and

WHEREAS, N.J.S.A. 24:6I-45 authorizes municipalities to adopt by ordinance regulations governing the number of (1) cannabis establishments, (2) cannabis distributors and (3) cannabis delivery services, except for the delivery of cannabis items and related supplies directly to a consumer by a licensed cannabis delivery service having its licensed premises based outside the geographic boundaries of the municipality, and delivery initiated from that licensed premises; and

WHEREAS, N.J.S.A. 24:6I-45 also authorizes municipalities to adopt by ordinance regulations governing the local licensing endorsement, location, manner and times of operation of cannabis establishments and cannabis distributors, and the location and manner of cannabis delivery services, and to establish civil penalties for violations of any such regulations; and

WHEREAS, N.J.S.A. 24:6I-45 also authorizes municipalities to prohibit by ordinance the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality, except for the delivery of cannabis items and related supplies directly to a consumer by a licensed cannabis delivery service having its licensed premises based outside the geographic boundaries of the municipality, and delivery initiated from that licensed premises; and

WHEREAS, N.J.S.A. 24:6I-45 also stipulates that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (i.e., by August 21, 2021); and

WHEREAS, pursuant to N.J.S.A. 24:6I-45, 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, as the initial five-year period will sunset in August of 2026, municipalities that failed to act by the August 21, 2021 deadline may adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective for a subsequent five-year period from August 22, 2026; and

WHEREAS, in accordance with N.J.S.A. 24:6I-45's August 21, 2021 deadline, the Washington Township Committee timely adopted Ordinance RO-09-2021 to prohibit the operation of all classes of cannabis establishments, distributors, or delivery services anywhere in the municipality, except for the delivery of cannabis items and related supplies directly to a consumer by a licensed cannabis delivery service having its licensed premises based outside the geographic boundaries of the municipality, and delivery initiated from that licensed premises, which may not be prohibited by municipalities; and

WHEREAS, the Township Committee of the Township of Washington has determined that, due to the detrimental impacts that permitting one or more classes of cannabis business might have on New Jersey municipalities in general, and on our community in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Township's residents and members of the public who visit, travel, or conduct business in the Township, to affirm the Township's regulations to prohibit to the fullest extent as permitted by law

all manner of cannabis/marijuana-related businesses within the geographic boundaries of the Township; and

WHEREAS, it is unclear from the statutory language whether a municipality that timely prohibited all classes of cannabis operations and desires to continue the prohibition beyond the initial five-year period is required to take formal action to do so; and

WHEREAS, in an abundance of caution, the Township hereby exercises its right to prohibit all classes of cannabis related businesses to the fullest extent permitted by law for an additional five (5) years from the effective date of this ordinance.

NOW THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Washington, County of Morris, State of New Jersey, as follows:

SECTION 10NE Article IV, Zone Regulations of Chapter 217, Zoning, of the Township of Washington Code, Section 217-28.1, entitled “Cannabis Use Restriction”, shall continue to read as follows:

§217-28.1 Cannabis Use Restriction

A. Definitions.

For purposes of this Section, the following definitions shall apply:

“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. 2016, c. 16 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 (C.24:6I-1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.); marijuana as defined in N.J.S.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 (C.2C:35B-1 et seq.), or marihuana as defined in section 2 of P.L.1970, c.226 (C.24:21-2) and applied to any offense set forth in the “New Jersey Controlled Dangerous Substances Act,” P.L.1970, c.226 (C.24:21-1 et al.); 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 (C.4:28-6 et al.).

“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.

“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.

“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.

“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.

“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.

“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.

B. Cannabis establishments, distributors and delivery service uses prohibited.

Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited uses from operating anywhere in the Township of Washington, including Class 1 Cannabis Cultivator license, Class 2 Cannabis Manufacturer license, Class 3 Cannabis Wholesaler license, Class 4 Cannabis Distributor license, Class 5 Cannabis Retailer license, and Class 6 Cannabis Delivery license, except for the delivery of cannabis items and related supplies by a licensed cannabis delivery service based and initiated from a cannabis delivery service licensed location outside of the Township of Washington.

SECTION TWO. RENUMBERING. This Ordinance may be renumbered for codification purposes.

SECTION THREE. SEVERABILITY. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder off this Ordinance shall not be affected thereby.

SECTION FOUR. REPEALER. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

TOWNSHIP OF WASHINGTON
COUNTY OF MORRIS
STATE OF NEW JERSEY

ATTEST:

By:

Denean Probasco, Township Clerk

Michael A. Marino, Mayor

NOTICE OF FINAL ADOPTION

Notice is hereby given that the Ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Committee of Washington Township, in the County of Morris, New Jersey, held on the 17th of August, 2026, and the same came up for final passage at a meeting of said Township Committee on the 21st day of September, 2026 at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the Township according to law. By order of the Township Committee of the Township of Washington, County of Morris and State of New Jersey.

Attest: I herein certify that the foregoing Ordinance was duly adopted by the Washington Township Committee at a regular meeting held by the Township Committee on September 21, 2026.

Denean Probasco, RMC, Township Clerk