



VERNON TOWNSHIP COUNCIL MEETING AGENDA

SEPTEMBER 11, 2023

7:00 PM REGULAR SESSION (OPEN TO THE PUBLIC)

1. CALL TO ORDER

2. **STATEMENT:** Adequate Notice of this Regular Meeting was provided to the public and the press on January 6, 2023 and was posted at the Municipal Building in accordance with the Open Public Meetings Act, N.J.S.A.10:4-7.

3. SALUTE TO THE FLAG

4. ROLL CALL

5. PROCLAMATION

Eagle Scout Award – Edward W. Schmick

6. DISCUSSION ITEM

Draft Cannabis Ordinance

7. PUBLIC COMMENTS (For Current Agenda Items Only, Limited to 3 Minutes Per Person)

8. REVIEW OF BILLS LIST

9. APPROVAL OF MINUTES

August 28, 2023 – Executive Session

August 28, 2023 – Regular Meeting

10. CONSENT AGENDA

Resolution #23-229: Refund Overpayment (Block 478 Lot 30 – Kudo)

Resolution #23-230: Refund for Totally Disabled Veteran (Block 601 Lot 31 – Gillett)

Resolution #23-231: Refund for Totally Disabled Veteran (Block 357 Lot 1 – Hanley)

Resolution #23-232: Cancelling Taxes for Total Disabled Veteran (Block 357 Lot 1 – Hanley)

Resolution #23-233: Resolution Amending Resolution #22-258 to Update an Appointment to the Vernon Township Council for an Unexpired Term

Resolution #23-234: Chapter 159 Resolution Requesting Approval of Revenue and Appropriation Amending the 2023 Budget as a Revenue and Appropriation of \$75,000.00

Resolution #23-235: Resolution Awarding CC# 6-2023 to Municipay in a Fair and Open Award for Online Payment Processing Vendor

Resolution #23-236: Resolution Amending Contract for Resolution #23-220

11. INTRODUCTION OF ORDINANCE

Ordinance #23-19: An Ordinance of the Township of Vernon, County of Sussex, State of New Jersey, Amending and Supplementing Chapter 99 Entitled “Vehicles and Traffic” to Establish a School Zone Adjacent to the Fields of Green Montessori School

12. PUBLIC COMMENT (Limited to 5 Minutes On Any Topic)

13. MAYOR COMMENTS

14. COUNCIL COMMENTS

15. COUNCIL PRESIDENT COMMENTS

16. ADJOURNMENT

EAGLE SCOUT AWARD

Edward W. Schmick

WHEREAS, there are many from all walks of life that step forward in dedication and commitment to provide service above oneself in the daily life of our community;

WHEREAS, through boy scouting, boys learn of their importance in the world and their duty to the world around them; and

WHEREAS, boy scouting has inspired millions of boys and men with the highest ideals of character, conduct and patriotism; and

WHEREAS, through hard work and perseverance Edward has achieved his Eagle Scout award in boy scouting and his family, friends and members of his community applaud Edwards's achievements;

NOW, THEREFORE, the Township Council of Vernon Township along with the Mayor, congratulate Edward on achieving his Eagle Scout award and thank him for the contributions he has made to this community and wish him much success in all of his future endeavors.

Howard Burrell, Mayor

Natalie Buccieri, Council President

September 11, 2023

TOWNSHIP OF VERNON

ORDINANCE NO 2023-xxx

AN ORDINANCE AMENDING, REVISING, AND SUPPLEMENTING CHAPTER 330 ENTITLED “LAND DEVELOPMENT” TO CLARIFY REGULATIONS RELATIVE TO PERMITTED LOCATIONS FOR LEGAL CANNABIS USES WITHIN THE TOWNSHIP OF VERNON

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 Phil Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana 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, the Act establishes six (6) marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator License, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer License, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler License, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer License, for businesses involved in transporting cannabis plants in bulk from one licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer License, for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery License, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, section 31a of the Act authorizes municipalities, by ordinance, to adopt regulations governing the number of cannabis establishments (defined in section 3 of the 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, the Township Council of the Township of Vernon has previously adopted Ordinances 21-25, 21-16 and 22-11 to permit and regulate legal cannabis within the Township, which it now seeks to repeal and replace in order to create more cohesive and clear standards for legal cannabis uses; and

WHEREAS, the Township Council of the Township of Vernon finds after having reviewed the various zoning districts within the municipality and reviewing the restrictions of those locations within the Highlands Preservation Area, generally, zones which permit commercial and industrial uses are suitable locations as conditional uses for the Class 1, 2, 3, and 4 designated marketplaces as set forth above and below and Class 5 and 6 marketplaces should be permitted as a conditional use in commercial and retail zones, as set forth above and below;

NOW, THEREFORE BE IT ORDAINED, by the Township Council of the Township of Vernon, County of Sussex, and State of New Jersey as follows: Section 330 of the Township Land Development Ordinance shall be amended, revised, and supplemented as follows:

SECTION 1.

Ordinances 21-16, 21-25 and 22-11 are repealed in their entirety and replaced with the following sections.

SECTION 2.

Schedule A: Permitted, Conditional and Accessory Uses and Structures (Section 330-160) Township of Vernon

Legend:

P=Permitted Use

A= Permitted Accessory Use

C= Conditional Use

Uses	R-1	R-2	R-3	SR	PLC	C-1	C-2	C-3	CR	AET	LI	C	MTC	P	PLLC	TC	MVMU
Cannabis																	C
Cannabis cultivator		C								C	C						C
Cannabis distributor											C						C
Cannabis manufacturer											C						C
Cannabis wholesaler											C						C
Cannabis delivery						C	C	C			C					C	C
Cannabis retailer						C	C	C			C					C	C
Cannabis medical dispensary						C	C	C			C					C	C

SECTION 3.

Section 330-5 “Language and Definitions” shall be amended, revised, and supplemented as follows:

Cannabis

All parts of the plant *Cannabis sativa* L., whether growing or no, 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 the 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 marijuana, 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

Any licensed business 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

Any licensed business or entity involved in providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer. This person or entity shall hold a Class 6 Cannabis Delivery License.

Cannabis Distributor

Any licensed business or entity involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another. This person or entity shall hold a Class 4 Cannabis Distributor License.

Cannabis Establishment

A cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, a cannabis retailer, or a cannabis distributor.

Cannabis Medical Dispensary

See Cannabis Retailer.

Cannabis Manufacturer

Any licensed business 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

Any licensed business or entity that is involved in the sale of cannabis items and related supplies are sold to consumers. This person or entity shall hold a Class 5 Cannabis Retailer License. See also Cannabis Medical Dispensary.

Cannabis Wholesaler

Any licensed business or entity that is involved in obtaining and selling cannabis items for later resale by other licensees. This person or entity shall hold a Class 3 Cannabis Wholesaler License.

License

A license issued under relevant State law including a license that is designated as either:

- A. Class 1 Cannabis Cultivator License
- B. Class 2 Cannabis Manufacturer License
- C. Class 3 Cannabis Wholesaler License
- D. Class 4 Cannabis Distributor License
- E. Class 5 Cannabis Retailer License
- F. Class 6 Cannabis Delivery License

The term includes a conditional license for a designated class, except when the context of the provisions of relevant State law otherwise intend to only apply for a license and not a conditional license.

Manufacture

The drying, processing, compounding, or conversion of usable cannabis into cannabis products or cannabis resins. “Manufacture” does not include packaging or labeling.

Microbusiness

A person or entity license by the Cannabis Regulatory Commission as a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service that may only, with respect to its business operations, and capacity and quantity of product:

1. Employ no more than ten (10) employees;
2. Operate a cannabis establishment occupying an area of no more than two thousand five hundred (2,500) square feet, and in the case of a cannabis [grower] cultivator, grow cannabis on an area no more than two thousand five hundred (2,500) square feet measured on a horizontal plane and grow above that plane not higher than twenty-four (24) feet;
3. Possess no more than one thousand (1,000) cannabis plants each month, except that a cannabis distributor’s possession of cannabis plants for transportation shall not be subject to this limit;
4. Acquire and process each month, in the case of a cannabis manufacturer, no more than one thousand (1,000) pounds of usable cannabis;
5. Acquire for resale each month, in the case of a cannabis wholesaler, no more than one thousand (1,000) pounds of usable cannabis, or the equivalent amount in any form of manufactured cannabis product or cannabis resin, or any combination thereof; and
6. Acquire for retail sale each month, in the case of a cannabis retailer, no more than one thousand (1,000) pounds of usable cannabis, or the equivalent amount in any

form of manufactured cannabis product or cannabis resin, or any combination thereof.

Wholesale Trade

Shall mean establishments or places of business primarily engaged in selling merchandise to other businesses, including retailers, industrial, commercial, institutional, or professional business users, other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

SECTION 4.

Section 330-189 “Conditional Uses” shall be amended, revised, and supplemented as follows:

(30) – Cannabis Retailer. Cannabis Retailers shall meet the following conditions and standards when permitted as a conditional use:

- (a) Eligible locations. Facilities for cannabis retailers shall be no less than 1,000 feet from any school, public park, public ball field, child-care center, or the Vernon PAL facility.
- (b) Location. Cannabis retailers shall be separate and distinct from growing operations.
- (c) Highlands Preservation Area. Any cannabis retailer proposed in the Highlands Preservation Area must obtain a Highlands Exemption or Highlands Exception prior to submission to the Land Use Board.
- (d) Buildings. All cannabis retailers shall be enclosed in heated/air-conditioned permanent buildings, not trailers, outdoors, movable kiosks, etc.
- (e) Signage. Signs shall not promote consumption of any cannabis products.
- (f) Site plan approval. When seeking site plan approval, the applicant for a cannabis retailer shall submit a safety and security plan and emergency services access plan.
- (g) License requirements. Cannabis retailers shall obtain a Township Cannabis License prior to application before the Land Use Board.
- (h) Accessibility. Any cannabis retailer shall only have one primary public access point, which shall be directly adjacent to the right-of-way or parking area of the building. Access should not be through common entrances with other uses.
- (i) Hours of operation for cannabis retailers shall be limited to 9:00 a.m. to 10:00 p.m.
- (j) Interior security. Cannabis retailers' interiors shall provide a secure location for storage of products with minimum products in any customer service area.
- (k) Exterior loitering and security. People shall not be permitted to congregate outside of a cannabis retailer, loiter or wait in line to access the cannabis retailer. The facility shall have a plan in place if interior capacity is exceeded, i.e., numbers are given and customers wait in their vehicles until called.
- (l) Product consumption: No products shall be permitted to be consumed on-site.
- (m) State license. The facility must have a valid license to operate from the State of New Jersey.
- (n) Any cannabis facility is subject to compliance with all state laws, regulations and guidelines with respect to cannabis licenses issued by the State of NJ.

(31) – Cannabis Delivery. Cannabis Delivery services shall meet the following conditions and standards when permitted as a conditional use:

- (a) Eligible locations. Facilities for cannabis retailers shall be no less than 1,000 feet from any school, public park, public ball field, child-care center, or the Vernon PAL facility.
- (b) Location. Cannabis retailers shall be separate and distinct from growing operations.
- (c) Highlands Preservation Area. Any cannabis delivery use proposed in the Highlands Preservation Area must obtain a Highlands Exemption or Highlands Exception prior to submission to the Land Use Board.
- (d) Buildings. All cannabis retailers shall be enclosed in heated/air-conditioned permanent buildings, not trailers, outdoors, movable kiosks, etc.
- (e) Signage. Signs not promote consumption of any cannabis products.
- (f) Site plan approval. When seeking site plan approval, the applicant for a cannabis retailer shall submit a safety and security plan and emergency services access plan.
- (g) License requirements. Cannabis retailers shall obtain a Township Cannabis License prior to application before the Land Use Board.
- (h) Hours of operation for cannabis retailers shall be limited to 9:00 a.m. to 10:00 p.m.
- (i) Interior security. Cannabis retailers' interiors shall provide a secure location for storage of products with minimum products in any customer service area.
- (j) Product consumption: No products shall be permitted to be consumed on-site.
- (k) State license. The facility must have a valid license to operate from the State of New Jersey.
- (l) Any cannabis facility is subject to compliance with all state laws, regulations and guidelines with respect to cannabis licenses issued by the State of NJ.

(32) – Cannabis Cultivator, Manufacturer, Wholesaler or Distributor. Cannabis Cultivator, Manufacturer, Wholesaler, or Distributor shall meet the following conditions and standards when permitted as a conditional use:

- (a) Location: Cannabis Cultivator facilities located in the R-2 Zone shall be on a property with a minimum of six (6) acres.
- (b) Highlands Preservation Area. Any cannabis cultivator, manufacturer or wholesaler or distributor proposed in the Highlands Preservation Area must obtain a Highlands Exemption or Highlands Exception prior to submission to the Land Use Board.
- (c) Buildings: All facilities shall be enclosed in heated/air-conditioned permanent buildings, not hoop houses, greenhouses or other temporary structures.
- (d) Signage: Signs shall be limited to location identification/name of business. Signage shall not promote consumption of any cannabis products.
- (e) Site Plan Approval: When seeking site plan approval, the Applicant shall submit a safety and security plan and emergency services access plan.
- (f) Odor Control: The facility shall provide an air treatment system with sufficient odor absorbing ventilation and exhaust systems such that and odor generated inside the facility is not detectable by a person of reasonable sensitivity at the property line of the subject property. Odor from the facility shall be monitored on an annual basis at

the discretion of the Township by a licensed, qualified contractor chosen by the Township.

- (g) License requirements. Cannabis retailers shall obtain a Township Cannabis License prior to application before the Land Use Board.
- (h) State license. The facility must have a valid license to operate from the State of New Jersey.
- (i) Any cannabis facility is subject to compliance with all state laws, regulations and guidelines with respect to cannabis licenses issued by the State of NJ.

SECTION 4.

SEVERABILITY AND REPEALER

Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof other than the part held invalid.

SECTION 5.

NOTICE

The Township Clerk is directed to give notice at least ten (10) calendar days prior to the hearing on the adoption of this Ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. Upon the adoption of this Ordinance, after public hearing, the Township Clerk is further directed to publish notice of the passage and to file a copy of this Ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

SECTION 6.

EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption and publication in accordance with law. **TAKE NOTICE** that the above Ordinance was introduced at a regular meeting of the Township Council of the Township of Vernon conducted on (date) in the Council Chambers of the Municipal Building. It was adopted, after final reading and public hearing thereon, at a regular meeting of the Township Council of the Township of Vernon to be conducted at 7:00pm on (date) in the Council Chambers at the Vernon Township Municipal Building, 21 Church Street, Vernon, New Jersey, or via electronic means via Zoom as permitted by law, whichever way the Township is conducting its meetings and shall take effect according to law.

Marcy Gianattasio, RMC
Municipal Clerk

Howard Burrell, Mayor

DRAFT

TOWNSHIP OF VERNON

ORDINANCE #21-16

AN ORDINANCE AMENDING, REVISING, AND SUPPLEMENTING SECTIONS 330-4 TITLED “DEFINITIONS”, SECTION 330, SCHEDULE A TITLED “PERMITTED, CONDITIONAL AND ACCESSORY USES AND STRUCTURES AND SECTION 330-164 TITLED “OFFENSIVE USES PROHIBITED” OF THE LAND DEVELOPMENT CODE OF THE TOWNSHIP OF VERNON TO REGULATE THE CULTIVATION, PROCESSING, SALES, AND DISTRIBUTION OF LEGAL CANNABIS WITHIN THE TOWNSHIP OF VERNON

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 Phil Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana 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, the Act establishes six (6) marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator License, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer License, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler License, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer License, for businesses involved in transporting cannabis plants in bulk from one licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer License, for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery License, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis

delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

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

WHEREAS, pursuant to section 31b of the Act, the failure to do so shall mean that for a period of five (5) 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 (5) year period following a failure to enact local regulations or prohibitions, the municipality shall again have one hundred eighty (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, the Township Council of the Township of Vernon finds the lawful use of cannabis to be a viable and valuable commercial enterprise; and

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Township Council of the Township of Vernon, County of Sussex, and State of New Jersey as follows: Section 330 of the Township of Vernon Land Development Code shall be amended, revised, and supplemented to add Article XXVI entitled “Cannabis Cultivation, Processing and Purchasing” as follows:

SECTION 1.

Section 330-4 “Definitions” shall be amended, revised, and supplemented as follows:

Cannabis

All parts of the plant *Cannabis sativa* L., whether growing or no, 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 the 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 marijuana, 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

Any licensed business 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

Any licensed business or entity involved in providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer. This person or entity shall hold a Class 6 Cannabis Delivery License.

Cannabis Distributor

Any licensed business or entity involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another. This person or entity shall hold a Class 4 Cannabis Distributor License.

Cannabis Establishment

A cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, a cannabis retailer, or a cannabis distributor.

Cannabis Manufacturer

Any licensed business 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

Any licensed business or entity that is involved in the sale of cannabis items and related supplies are sold to consumers. This person or entity shall hold a Class 5 Cannabis Retailer License.

Cannabis Wholesaler

Any licensed business or entity that is involved in obtaining and selling cannabis items for later resale by other licensees. This person or entity shall hold a Class 3 Cannabis Wholesaler License.

License

A license issued under relevant State law including a license that is designated as either:

- A. Class 1 Cannabis Cultivator License
- B. Class 2 Cannabis Manufacturer License
- C. Class 3 Cannabis Wholesaler License
- D. Class 4 Cannabis Distributor License
- E. Class 5 Cannabis Retailer License
- F. Class 6 Cannabis Delivery License

The term includes a conditional license for a designated class, except when the context of the provisions of relevant State law otherwise intend to only apply for a license and not a conditional license.

Manufacture

The drying, processing, compounding, or conversion of usable cannabis into cannabis products or cannabis resins. "Manufacture" does not include packaging or labeling.

Microbusiness

A person or entity license by the Cannabis Regulatory Commission as a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service that may only, with respect to its business operations, and capacity and quantity of product:

1. Employ no more than ten (10) employees;
2. Operate a cannabis establishment occupying an area of no more than two thousand five hundred (2,500) square feet, and in the case of a cannabis [grower] cultivator, grow cannabis on an area no more than two thousand five hundred (2,500) square feet measured on a horizontal plane and grow above that plane not higher than twenty-four (24) feet;
3. Possess no more than one thousand (1,000) cannabis plants each month, except that a cannabis distributor's possession of cannabis plants for transportation shall not be subject to this limit;
4. Acquire and process each month, in the case of a cannabis manufacturer, no more than one thousand (1,000) pounds of usable cannabis;
5. Acquire for resale each month, in the case of a cannabis wholesaler, no more than one thousand (1,000) pounds of usable cannabis, or the equivalent amount in any form of manufactured cannabis product or cannabis resin, or any combination thereof; and
6. Acquire for retail sale each month, in the case of a cannabis retailer, no more than one thousand (1,000) pounds of usable cannabis, or the equivalent amount in any form of manufactured cannabis product or cannabis resin, or any combination thereof.

Wholesale Trade

Shall mean establishments or places of business primarily engaged in selling merchandise to other businesses, including retailers, industrial, commercial, institutional, or professional business users, other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

SECTION 2. Section 330-160 "Schedule of Permitted, Conditional and Accessory Uses and Structures" and "SCHEDULE A Permitted, Conditional and Accessory Uses and Structures" shall be amended and revised as follows:

Cannabis Retailer shall be a prohibited use and not permitted in any zones within the Township of Vernon.

No more than three of each of the following uses shall be permitted in the Light Industrial Zone: Cannabis Cultivator, Cannabis Delivery, Cannabis Manufacturer, Cannabis Wholesaler, and Cannabis Distributor. Additionally, no more than two Cannabis Cultivators shall also be permitted in the McAfee Village Mixed Use Zone and in the R-2 Zone for any farmland assessed property on the northbound side of County Road 517.

SECTION 3. Section 330-164 "Offensive Uses Prohibited" shall be amended, revised, and supplemented to state, "Accept as permitted pursuant to Section 330 of the Vernon Township Land Development Code"

SECTION 4.

SEVERABILITY AND REPEALER

Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof other than the part held invalid.

SECTION 5.

NOTICE

The Township Clerk is directed to give notice at least ten (10) calendar days prior to the hearing on the adoption of this Ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. Upon the adoption of this Ordinance, after public hearing, the Township Clerk is further directed to publish notice of the passage and to file a copy of this Ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

SECTION 6.

EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption and publication in accordance with law. **TAKE NOTICE** that the above Ordinance was introduced at a regular meeting of the Township Council of the Township of Vernon on Monday, June 28, 2021 via video conferencing. It will be considered for adoption, after final reading and public hearing thereon, at a regular meeting of the Vernon Township Council on Monday, July 26, 2021 at the Vernon Township Municipal Building or via electronic means via Zoom as permitted by law, whichever way the Township Council is conducting its meetings and shall take effect according to law.

CERTIFICATION

This is to certify that the above Ordinance was introduced and passed on first reading at the Meeting of the Township Council held on June 28, 2021, and the same came up for final passage and was adopted at the Regular Meeting of the Township Council held on July 26, 2021 at which time all persons interested were given an opportunity to be heard. The above ordinance will be in full force and effect in the Township of Vernon according to law.

Marcy Gianattasio, Clerk
Township of Vernon

Howard Burrell, Mayor

VERNON TOWNSHIP COUNCIL

INTRODUCED: June 28, 2021

ADOPTED: July 26, 2021

NAME	INTRODUCED: June 28, 2021						ADOPTED: July 26, 2021					
	M	S	YES	NO	ABSTAIN	ABSENT	M	S	YES	NO	ABSTAIN	ABSENT
Auberger, J		X	X				X		X			
Cilli, T			X							X		
Pitsker, A	X		X					X	X			
Weller, K			X									X
Shortway, H			X						X			

TOWNSHIP OF VERNON

ORDINANCE #21-25

ORDINANCE OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 330 ENTITLED "LAND DEVELOPMENT" TO PERMIT RETAIL SALES OF LEGALIZED CANNABIS.

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 Phil Murphy signed into law P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" ("Act"), which legalizes the recreational use of marijuana 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, the Act establishes six (6) marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator License, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer License, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler License, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer License, for businesses involved in transporting cannabis plants in bulk from one licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer License, for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery License, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, section 31a of the Act authorizes municipalities, by ordinance, to adopt regulations governing the number of cannabis establishments (defined in section 3 of the 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 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, on July 26, 2021, the Township Council of the Township of Vernon passed ordinance No. 21-16 which, in part, prohibited the operation of Cannabis Retailers in the Township of Vernon (“Township”); and

WHEREAS, upon further review, a determination has been made that it would be advantageous to allow some Cannabis Retailers in the Township with proper regulations. Cannabis Cultivation is a viable and valuable commercial enterprise that should be promoted within the Township of Vernon.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Township of Vernon, County of Sussex, and State of New Jersey, as follows:

SECTION 1

§ 330-160 “Schedule of Permitted, Conditional and Accessory Uses and Structures” and “SCHEDULE A Permitted, Conditional and Accessory Uses and Structures” shall be amended and revised as follows:

~~Cannabis Retailer shall be a prohibited use and not permitted in any zones within the Township of Vernon.~~

Cannabis Retailers within the Township of Vernon. Cannabis Retailer shall be a conditional use in all commercial and retail zones and subject to the regulations outlined in § 330-186.

Medical cannabis dispensaries as defined by N.J.S.A. 24:6I-3 within Township of Vernon. Medical cannabis dispensaries shall be a conditional use in all commercial and retail zones.

There shall be no more than three (3) in total of the following within the Township of Vernon:

- (a) Cannabis Retailers
- (b) Medical Cannabis Dispensaries

SECTION 2

§ 330-136. (Reserved) Regulations for Cannabis Retailers.

- (1) Eligible Locations: Facilities for Cannabis Retailers shall be no less than 2000 feet from any school, public park, public ball field, child care center, or the Vernon PAL facility.
- (2) Location: Cannabis Retailers shall be separate and distinct from growing operations.
- (3) Buildings: All Cannabis Retailers shall be enclosed in heated/air-conditioned permanent buildings, not trailers, outdoors, movable kiosks, etc.
- (4) Signage: Signs shall be limited to location identification/name of business. Signage shall not promote consumption of any cannabis products.

- (5) Site Plan Approval: When seeking site plan approval, the Applicant for Cannabis Retailers shall submit a safety and security plan and emergency services access plan.
- (6) Application Requirements: Cannabis Retailers shall submit an application to the Township of Vernon that shall include a community outreach plan, a business plan, a security plan, and a plan for preventing underage persons from entering the business.
- (7) Accessibility: Any Cannabis Retailer shall only have one primary public access point, which shall be directly adjacent to the right-of-way or parking area of the building. Access should not be through common entrances with other uses.
- (8) Hours of Operation for Cannabis Retailers shall be limited to 9:00 a.m. to 10:00 p.m.
- (9) Interior Security: Cannabis Retailers interiors shall provide a secure location for storage of products with minimum products in any customer service area.
- (10) Exterior Loitering and Security: People shall not be permitted to congregate outside of a Cannabis Retailer, loiter or wait in line to access the Cannabis Retailer. The facility shall have a plan in place if interior capacity is exceeded, i.e., numbers are given and customers wait in their vehicles until called.
- (11) Product Consumption: No products shall be permitted to be consumed on-site.
- (12) State License: The facility must have a valid license to operate from the State of New Jersey.
- (13) A total of 15% of the funds received from the 2% tax on the gross sales of Retail Cannabis Sales Stores will be designated for training and equipment for Vernon Township Police Officers, Drug Recognition Experts and their associated costs, and substance abuse educational programs.
- (14) A total of 10% of the funds received from the 2% tax on the gross sales of Retail Cannabis Sales Stores will be designated for the Municipal Zoning Department for administration and enforcement purposes.
- (15) Any cannabis facility is subject to compliance with all State laws, regulations and guidelines with respect to cannabis licenses issued by the State of NJ.

SECTION 3

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity of constitutionality of any other sections or parts thereof.

SECTION 4

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

SECTION 5

This Ordinance shall take effect upon final passage and publication as provided by law, however subsequent to the first reading, this ordinance must be referred to the Township Land Use Board for review, which shall be based on whether the ordinance is substantially consistent with the Master Plan. The Land Use Board has a period of thirty-five (35) days after referral to report on the proposed ordinance. The Township Clerk is further directed to give notice at least ten (10)

calendar days prior to the hearing on the adoption of this Ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. Upon the adoption of this Ordinance, after public hearing, the Township Clerk is further directed to publish notice of the passage and to file a copy of this Ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

CERTIFICATION

This is to certify that the above Ordinance was introduced and passed on first reading at the Meeting of the Township Council held on August 9, 2021 and the same came up for final passage and was adopted at the Regular Meeting of the Township Council held on September 13, 2021 at which time all persons interested were given an opportunity to be heard. The above ordinance will be in full force and effect in the Township of Vernon according to law.

 Marcy Gianattasio, Clerk
 Township of Vernon

 Howard Burrell, Mayor

VERNON TOWNSHIP COUNCIL

INTRODUCED: August 9, 2021

ADOPTED: September 13, 2021

NAME	INTRODUCED: August 9, 2021						ADOPTED: September 13, 2021					
	M	S	YES	NO	ABSTAIN	ABSENT	M	S	YES	NO	ABSTAIN	ABSENT
Auberger, J	X		X				X		X			
Cilli, T				X						X		
Pitsker, A		X	X					X	X			
Weller, K				X						X		
Shortway, H			X						X			

**TOWNSHIP OF VERNON
COUNTY OF SUSSEX, STATE OF NEW JERSEY**

ORDINANCE #2023-XXX

**AN ORDINANCE OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX,
STATE OF NEW JERSEY ADDING CHAPTER 13, "CANNABIS
ESTABLISHMENT LICENSING AND REGULATION," TO THE TOWNSHIP
CODE, ESTABLISHING LOCAL ANNUAL CANNABIS LICENSES FOR ALL
CANNABIS ESTABLISHMENTS TO OPERATE IN THE TOWNSHIP,
PURSUANT TO THE NEW JERSEY CANNABIS REGULATORY,
ENFORCEMENT ASSISTANCE, AND MARKETPLACE MODERNIZATION
ACT**

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 "Act"), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, cannabis use and possession; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer; and

WHEREAS, sections 31a-c of the Act, N.J.S.A. 24:6I-45a-c, authorizes municipalities to adopt ordinances and regulations prohibiting outright and/or limiting the number of any class of licensed "cannabis establishment" (defined in section 33 of the Act, N.J.S.A. 24:6I-33, as "a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer"), cannabis distributor and cannabis delivery service allowed to operate within its municipal boundaries; and the location, manner and times of operation of such cannabis establishment, cannabis distributor and cannabis delivery service, except that the transportation and time of operations for cannabis delivery services, shall only be subject to the regulation by the Cannabis Regulatory Commission (the "Commission" or "CRC"); and

WHEREAS, section 31b of the Act, N.J.S.A. 24:6I-45b, authorizes municipalities to prohibit, by ordinance, the operation of any one or more classes of cannabis establishment, cannabis distributor, and the principal premises of a cannabis delivery service from anywhere in the municipality except for the actual delivery and transportation of cannabis items and related supplies by a licensed cannabis delivery service operating from a principal location outside the boundaries of the municipality; and

WHEREAS, section 31b of the Act, N.J.S.A. 24:6I-45b, also stipulates, however, that any municipal prohibition must be adopted within 180 days of the effective date of the Act (August 21, 2021); and

WHEREAS, to preserve and protect the Township's rights and legal options under the Act to control such zoning decisions in light of the August 21, 2021 deadline imposed by N.J.S.A. 24:6I-45b, the Township Council has adopted ordinances in order to regulate legal cannabis uses in the Township; and

WHEREAS, pursuant to N.J.A.C. 17:30-5.1(b) of the CRC's Rules, any municipality that has timely adopted an ordinance prohibiting outright the operation of any cannabis establishment, distributor or the principal location of any cannabis delivery service business within a municipality in accordance with N.J.S.A. 24:6I-45b, may thereafter amend its ordinances to allow for, zone, license and regulate such cannabis establishments, distributors and the principal locations of cannabis delivery service businesses; and

WHEREAS, the Township Council recognizes the importance of fostering economic opportunities that provide jobs and ratables to the community, while ensuring that such uses can safely and seamlessly fit into the fabric of the community; and

WHEREAS, the Township Council has determined that the six (6) legal classes of cannabis under the Act can be permitted in the Township in such a way so as to safely and seamlessly fit into the fabric of the community while providing significant economic opportunities; and

WHEREAS, the Township Council has determined that such businesses engaged in a business with one of the six classes of legal cannabis licenses should be permitted as delineated in Chapter 330 Land Development Ordinances in the Township subject to the appropriate

Township Licensure as delineated herein.

NOW THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Vernon that the Code of the Township of Vernon shall be amended as follows:

SECTION 1.

§ 13-1 Purpose and Application.

- a. Purpose. This Section has been adopted by the Township Council of the Township of Vernon for the following purposes:
 1. To protect the public health, safety, and general welfare of the residents of the Township of Vernon by establishing strict licensing limits and regulations on the lawful sale and use of legal cannabis to persons age 21 years or older only, and at all times in conformity with the laws of the State of New Jersey, including without limitation, the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (the "Act"), the rules and regulations of the New Jersey Cannabis Regulatory Commission (the "Commission" or "CRC"), and the Township Code, as may be amended from time-to-time hereafter.
 2. To regulate the local licensing and operation of licensed Cannabis Establishments, each as defined in N.J.S.A. 24:61-33 of the Act, to protect against the unlawful operation, sale, and use of cannabis and marijuana.
 3. To establish certain conditions and limitations on the number of cannabis licenses authorized to be issued within the municipal boundaries of the Township through the local licensing process.
 4. To establish local regulations on the time, location and manner of licensed Cannabis Establishments and activities in accordance with State law.
 5. To prohibit the operation of any Cannabis Delivery Service from within the Township.
 6. To establish limitations on the number and types of Cannabis Establishment licenses and cannabis marketplace activities.
- b. Applicability. The provisions herein shall apply to all licensees, persons, organizations and businesses operating and/or seeking to operate within the Township as any class of licensed Cannabis Establishment pursuant to the Act.

§ 13-2 Definitions.

This Section defines terms and phrases as necessary to implement the annual license for Cannabis Establishments to operate in the Township. Should any of the definitions in this Section conflict with definitions located elsewhere in the Vernon Township Municipal Code, the definitions contained herein shall control for purposes of this Section. If a word, term, or phrase is defined neither in this Section nor elsewhere in the Vernon Township Municipal Code, the most common dictionary definition is presumed to be correct.

ACT

The "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act," P.L. 2021, c. 16, N.J.S.A. 24:61-31, et seq., as may be amended from time-to-time in accordance with State law.

ALTERNATIVE TREATMENT CENTER or PRE-EXISTING ALTERNATIVE TREATMENT CENTER

An organization issued a permit, conditional permit, and/or a vertically integrated permit pursuant to the "Jake Honing Compassionate Use Medical Cannabis Act," P.L. 2009, C. 307 (C. 24:61-1 et al.) to operate as a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary or clinical registrant prior to February 22, 2021; and includes any alternative treatment center deemed pursuant to section 7 of the "Jake Honing Compassionate Use Medical Cannabis Act" (C. 24:261-7) to concurrently hold a medical cannabis cultivator permit, a medical cannabis manufacturer permit, and a medical cannabis dispensary permit and/or any alternative treatment center deemed to concurrently hold any one or more class(es) of Cannabis Licensed Marketplace license(s) pursuant to PL. 2021, c. 16 §33, N.J.S.A. 24:61-46, and P.L. 2021, c.16 §34, amending N.J.S.A. 24:61-7.

APPLICANT

A Cannabis Regulatory Commission Licensed Cannabis Entity applying to the Township for a Local Annual License to operate within the Township.

CANNABIS

All parts of the plant *Cannabis sativa* L., whether growing or not, the seeds and/or flower 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, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" 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.24:61-1 et al.) and P.L.2015, c.158 (C.ISA:40-12.22 et al.); marijuana as defined in N.J.S.2C:35-47 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 CONSUMER

A person 21 years of age or older who purchases, directly or through a cannabis delivery service, acquires, owns, holds, or uses cannabis items for personal use by a person 21 years of age or older, but not for resale to others.

CANNABIS CONSUMPTION AREA

A "Cannabis Consumption Area" as defined under § 3, N.J.S.A. 24:61-33, of the Act.

CANNABIS CULTIVATOR

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 Cultivators" refers to those uses and activities that require issuance and possession of a valid current Class 1 Cannabis Cultivator license from the New Jersey Cannabis Regulatory Commission and from the Township of Vernon in accordance with the Act, the regulations promulgated by the Cannabis Regulatory Commission and the local ordinances of the Township.

CANNABIS DELIVERY SERVICE 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 delivery service" refers to those uses and activities that require issuance and possession of a valid current Class 6 Cannabis Delivery license from the Cannabis Regulatory Commission in accordance with the Act and the regulations promulgated by the Cannabis Regulatory Commission.

CANNABIS DISTRIBUTOR

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 distributors" refers to those uses and activities that require issuance and possession of a valid current Class 4 Cannabis Distributor license from the New Jersey Cannabis Regulatory Commission and the Township of Vernon in accordance with the Act, the regulations promulgated by the Cannabis Regulatory Commission and the local ordinances of the Township.

CANNABIS ESTABLISHMENT

A cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, a cannabis distributor, or a cannabis retailer as defined under the Act.

CANNABIS ITEM

Any usable cannabis, cannabis product, cannabis extract, and any other cannabis resin available for lawful consumption pursuant to the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act," P.L.2021, c.16 (C.24:61- 31 et al.). "Cannabis Item" does not include: any form of medical cannabis dispensed to registered qualifying patients pursuant to the "Jake Honig Compassionate Use Medical Cannabis Act," P.L.2009, c.307 (C.24:61-1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 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 LICENSED MARKETPLACE

A license issued under relevant State law including a license that is designated as either a:

- a. Class 1 Cannabis Cultivator license
- b. Class 2 Cannabis Manufacturer license
- c. Class 3 Cannabis Wholesaler license
- d. Class 4 Cannabis Distributor license
- e. Class 5 Cannabis Retailer license
- f. Class 6 Cannabis Delivery license

The term shall also include a conditional license for any one or more of the above designated class(es) except when the context of the provisions of relevant State law otherwise intend to only apply for a license and not a conditional license.

The term shall also include any activity related to cannabis cultivation, cannabis manufacturing, cannabis wholesale, cannabis distribution, cannabis retail and/or cannabis delivery service by a pre-existing alternative treatment center deemed to concurrently hold any one or more class(es) of the above-listed cannabis license(s) pursuant to PL. 2021, c. 16 §33, N.J.S.A. 24:61-46, and P.L. 2021, c.16 § 34 of the Act, amending N.J.S.A. 24:61-7; but shall not include the pre-existing alternative treatment's activities related to medical cannabis cultivation, medical cannabis manufacturing, medical cannabis processing and/or medical cannabis dispensing by a pre-existing medical cannabis alternative treatment center pursuant to a license or conditional licensed issued by the State of New Jersey pursuant to the "Jake Honing 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.).

CANNABIS MANUFACTURER

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 manufacturer" refers to those uses and activities that require issuance and possession of a valid current Class 2 Cannabis Manufacturer license from the New Jersey Cannabis Regulatory Commission and the Township of Vernon in accordance with the Act, the regulations promulgated by the Cannabis Regulatory Commission, and the local ordinances of the Township.

CANNABIS PRODUCT

A product containing usable cannabis, cannabis extract, or any other cannabis resin and other ingredients intended for human consumption or use, including a product intended to be applied to the skin or hair, edible cannabis products, ointments, and tinctures. "Cannabis product" does not include: (1) usable cannabis by itself; or (2) cannabis extract by itself; or (3) any other cannabis resin by itself.

CANNABIS RETAILER

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 retailer" refers to those uses and activities that require issuance and possession of a valid current Class 5 Cannabis Retailer license from the New Jersey Cannabis Regulatory Commission in accordance with the Act and the regulations promulgated by the Cannabis Regulatory Commission."

CANNABIS REGULATORY COMMISSION or COMMISSION or CRC

The administrative agency of the State of New Jersey established pursuant to section 31 of P.L. 2019, c. 153, N.J.S.A. 24:61-24, to review and approve or deny applications and issue licenses to operate as a Cannabis Establishment or Cannabis Delivery service at the State level independent of the Township's local license regulations established by ordinance.

CANNABIS WHOLESALER

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. "Cannabis wholesaler" refers to those uses and activities that require issuance and possession of a valid current Class 3 Cannabis Wholesaler license from the New Jersey Cannabis Regulatory Commission and from the Township of Vernon in accordance with the Act, the regulations promulgated by the Cannabis Regulatory Commission and the local ordinances of the Township.

CONSUMPTION

Shall mean the act of ingesting, inhaling, or otherwise introducing medical cannabis items

and/or cannabis items into the human body.

DELIVERY

Shall mean the transportation of cannabis, cannabis items and related supplies to a consumer. "Delivery" shall also mean the use by a licensed cannabis retailer of any third-party technology platform to receive, process, and fulfill orders by consumers, which third party shall not be required to be a licensed cannabis establishment, distributor, or delivery service, provided that any physical acts in connection with fulfilling the order and delivery

shall be accomplished by a certified cannabis handler performing work for or on behalf of the licensed cannabis retailer, which includes a certified cannabis handler employed or otherwise working on behalf of a cannabis delivery service making off-premises deliveries of consumer purchases fulfilled by that cannabis retailer.

INDOOR PUBLIC PLACE

Shall mean a structurally enclosed place of business, commerce or other service-related activity, whether publicly or privately owned or operated on a for-profit or nonprofit basis, which is generally accessible to the public, including, but not limited to: a commercial or other office building; office or building owned, leased or rented by the State or by a county or municipal government; public and nonpublic elementary or secondary school building; board of education building; theater or concert hall; public library; museum or art gallery; bar; restaurant or other establishment where the principal business is the sale of food for consumption on the premises, including the bar area of the establishment; garage or parking facility; any public conveyance operated on land or water, or in the air, and passenger waiting rooms and platform areas in any stations or terminals thereof; health care facility licensed pursuant to P.L.1971, c. 136 (C.26:2H-1 et seq.); patient waiting room of the office of a health care provider licensed pursuant to Title 45 of the Revised Statutes; child care center licensed pursuant to P.L.1983, c. 492 (C.30:5B-1 et seq.); race track facility; facility used for the holding of sporting events; ambulatory recreational facility; shopping mall or retail store; hotel, motel or other lodging establishment; apartment building lobby or other public area in an otherwise private building; or a passenger elevator in a building other than a single-family dwelling.

LICENSEE

Shall mean a person or entity that holds a valid local annual cannabis license issued by the Township pursuant to this Code and simultaneously holds a valid license issued by the Cannabis Regulatory Commission under P.L. 2021, c. 16 (C.24:61-31 et al.) including a license that is designated as either a Class 1 Cannabis Cultivator license, a Class 2 Cannabis Manufacturer license, a Class 3 Cannabis Wholesaler license, a Class 4 Cannabis Distributor License, and also includes: a person or entity that holds a conditional license for a designated class; a person or entity holding a pre-existing Medical Cannabis Cultivator License, pre-existing alternative treatment center permit first issued by the State of New Jersey, Department of Health, Division of Medicinal Marijuana in accordance with the provisions of the "Jake Honing 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. 15A:40-12.22 et seq.) prior to February 22, 2021, and approved by the Township to hold a concurrent municipal license

to operate as a Class 1 Cannabis Cultivator, Class 2 Cannabis Manufacturer, Class 3 Cannabis Wholesaler and/or Class 4 Cannabis Distributor in accordance with the provisions hereinafter and P.L. 2021, c. 16 § 33, N.J.S.A. 24:61-46, and P.L. 2021, c.16 §34, (amending N.J.S.A. 24:61-7) of the Act.

LICENSED CANNABIS ENTITY

A Licensed Cannabis Establishment or a Licensed Medical Marijuana Facility as defined in this section.

LICENSED CANNABIS ESTABLISHMENT

Shall mean a duly licensed Cannabis Cultivator, a Cannabis Manufacturer, a Cannabis Wholesaler, a Cannabis Distributor, or a Cannabis Retailer under the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, N.J.S.A. 24:61-31, et. seq.

LICENSED MEDICAL MARIJUANA FACILITY

Shall mean a duly licensed Medical Cannabis Cultivator, a duly licensed Medical Cannabis Manufacturer, a duly licensed Cannabis Dispensary, or an Alternative Treatment Center lawfully operating pursuant to the Jake Honig Compassionate Use Medical Cannabis Act, N.J.S.A. 24:61-1, et. al.

LOCAL ANNUAL LICENSE

Shall mean an annual license issued by the Township of Vernon which a Licensed Cannabis Establishment shall be required to obtain in order to lawfully operate within the jurisdictional boundaries of the Township in accordance with the Township's ordinances and L. 2021, c. 16 §31 C (2), N.J.S.A. 24:61-45C(2), in addition to a valid and current license separately issued by the Cannabis Regulatory Commission at the same license class and tier for the same location.

MANUFACTURE

Means the drying, processing, compounding, or conversion of usable cannabis into cannabis products, cannabis items, or cannabis resins. "Manufacture" does not include packaging or labeling.

MOVABLE OR MOBILE STRUCTURE

Means any vehicle, wagon, food truck, temporary modular structure, or other movable structure that may be used for sale or cannabis items.

PERSONAL USE or RECREATIONAL USE

Means the purchase, sale, possession, and/or consumption of cannabis items by person(s) who are not a Registered Qualifying Patient under 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. ISA:40-12.22 et seq.).

PREMISES or LICENSED PREMISES

Means the following areas of a location licensed under P.L.2021, c.16 (C. 24:61-31 et al.): all public and private enclosed areas at the location that are used in the business operated at the location, including offices, kitchens, rest rooms, and storerooms; all areas outside a building that the Cannabis Regulatory Commission has specifically licensed for the production, manufacturing, wholesaling, distributing, retail sale, or delivery of cannabis items; and, for a location that the commission has specifically licensed for the production of cannabis outside a building, the entire lot or parcel that the licensee owns, leases, or has a right to occupy.

PUBLIC PLACE

Shall mean any place to which the public has access that is not privately owned, including but not limited to any property owned by the Township of Vernon, the County of Sussex, and or any other government subdivision of the State of New Jersey situated within the geographic boundaries of the Township; or any place to which the public has access, 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.

WHOLESALE TRADE

Shall mean establishments or places of business primarily engaged in selling merchandise to other businesses, including retailers, industrial, commercial, institutional, or professional business users, other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

§ 13-3 Prohibitions on Cannabis Consumption Areas.

- a. Pursuant to section 32 of the Act, N.J.S.A. 24:61-21, all Cannabis Consumption Areas are prohibited from being located or otherwise operated within the geographic boundaries of the Township of Vernon.

§ 13-4 Numerical Limit on Local Cannabis Licenses and Class Types of Cannabis Establishments Permitted.

- a. The following number and type of Township Establishment licenses, otherwise known as "local annual cannabis license" is/are authorized to be available for issuance by the Township on an annual basis pursuant to the Act and the regulations of the Commission and the Township Code:
 - 1. Three (3) Class 1 Cultivators, three (3) Class 2 Manufacturers, three (3) Class 3 Wholesalers, three (3) Class 4 Distributors, three (3) Class 5 Retailers; and three (3) Class 6 Deliveries in each respective Zoning District where such license class is permitted and where the operator is holding the requisite current valid & active permits issued by the Commission in accordance with the Act, which authorizes the entities to cultivate & process, manufacture, wholesale, distribute, and sell to retail consumers cannabis, respectively, in accordance with the Township Code, and the Act and the regulations of the Commission, as may hereafter be amended. At no time shall

such local annual license be transferrable from the initial licensee to another entity without prior formal licensing approval from the Commission and the Township.

- b. Except as provided in al above, no additional licenses or license class types shall be issued or otherwise made available by the Township except by formal adoption of an ordinance amending the provisions of the Township Code herein.
- c. Any person, organization and/or business, including a licensed Cannabis Establishment or operation of limited class type operating outside the scope of a license, found to engage in the cultivation, manufacturing, wholesale, distribution, and/or retail sale of cannabis or cannabis items without first possessing a valid local annual cannabis license issued by the Township shall be subject to a civil fine and penalty as set forth hereinbelow.
- d. Any person, organization and/or business found to operate a Cannabis Delivery Service from any premises within the geographic boundaries of the Township shall be subject to a civil fine and penalty as set forth herein below.

§ 13-5 Municipal Licensure Requirements.

- a. Prior to commencing and engaging in any cannabis business activities and uses within the Township permitted by the Commission pursuant to a State-issued Class 1, 2, 3, 4, 5 or 6 license validly issued in accordance with the Act, any person, business, and/or organization shall first apply for and secure from the Township a local annual cannabis license. Except that nothing herein shall be read or construed to conflict with the statutory provisions as to Cannabis Delivery Services licensed by the Cannabis Regulatory Commission.
- b. The Township Committee shall begin accepting applications for Class 1, 2, 3, 4, 5 or 6 local annual cannabis licenses 15 days following final passage of this ordinance.
- c. The initial local annual cannabis license shall be valid until December 31, 2024. Thereafter the period of each annual local Cannabis Establishment license shall commence on January 1 and expire on December 31 of the calendaryear.
- d. By no later than December 1 of any existing license year, the licensee shall be required to file an application for the renewal of a local annual cannabis license to be authorized to continue operation as a Class 1, 2, 3, 4, 5 or 6 Cannabis Establishment within the Township.
- e. All local annual cannabis licenses shall be conditional, and shall remain subject to all State and local laws and regulations. Failure of any licensee to comply with such applicable laws shall be grounds for revocation and/or nonrenewal of the local annual cannabis license by the Township Council.
- f. The initial application fee for each local annual cannabis license, of each class-type, shall

be \$5,000.00 and the renewal application fee shall be \$2,500.00. In addition, an escrow shall be established with the Township by the licensee for Township administrative and professional fees and costs relating to the application and oversight during the term of the license.

- g. Unless the Township issues a license renewal, it shall be unlawful for any person to manufacture, sell, distribute, transfer, transport, or otherwise remove cannabis or cannabis products/items from the premises of any Cannabis Establishment after the expiration date recorded on the face of the license.
- h. All local annual cannabis licenses shall be non-transferrable. All local annual cannabis licenses shall be specific to the property location authorized and approved by the Township and shall not otherwise be considered a "pocket license."
- i. The licensed premises of all licensees shall be subject to unannounced inspections by a designated representative of the Township. Access shall be permitted by the designated representative on demand by the Township's authorized representative.

§ 13-6 Application for Local License and Annual Local License Fee

- a. **Application Fee.** The applicant shall submit an application to the Office of the Municipal Clerk, under oath on a form furnished by the Township of Vernon, with an application fee of five thousand dollars (\$5,000.00), which fee shall be nonrefundable to the extent it has been expended toward the Township's administrative, professional, and other costs for the application review process.
- b. **Annual License Renewal Fee.** The annual license renewal fee for successful applicants operating cannabis establishments in the Township of Vernon shall be implemented as required in accordance with the following fee schedule, which shall be refunded in the event the applicant does not receive an annual license:

Class I Cannabis Cultivator license: two thousand, five hundred dollars (\$2,500.00).

Class 2 Cannabis Manufacturer license: two thousand, five hundred dollars (\$2,500.00).

Class 3 Cannabis Wholesaler license: two thousand, five hundred dollars (\$2,500.00).

Class 4 Cannabis Distributor license: two thousand, five hundred dollars (\$2,500.00).

Class 5 Cannabis Retail license: two thousand, five hundred dollars (\$2,500.00)

Class 6 Cannabis Delivery license: two thousand, five hundred dollars (\$2,500.00)

- c. Upon the receipt of an application, the Office of the Municipal Clerk shall transmit the application to the Office of Police Chief for the Township Police Department or the Chiefs designee, the Mayor, the Business Administrator, and the Council President for review of

the application. These departments shall review the application and forward their comments to the Clerk's Office fifteen (15) business days from transmission of the application.

- d. The Clerk shall establish a reasonable application period and deadline for all applications. An application shall be deemed incomplete and shall not be processed by the Clerk and transmitted for review until all documents and application fees are submitted. To be deemed complete, all applications shall be accompanied by the following:
 1. The name and home address of the Applicant. If the Applicant is not a natural person, the Applicant shall submit a statement setting forth the names and home addresses of all stockholders in the corporation or partnership who own 10% or more of its stock, of any class or of all individual partners in the partnership who own a 10% or greater interest therein, as the case may be. If one or more such stockholder or partner is itself a corporation or partnership, the stockholders holding 10% or more of that corporation's stock, or the individual partners owning 10% or greater interest in that partnership, as the case may be, shall also be listed with its home address. The disclosure shall be continued until names and home addresses of every non-corporate stockholder, and individual partner, exceeding the 10% ownership criteria has been listed.
 2. The name of any other business entities in which any of the individuals identified pursuant to subsection (b)(1) of this provision have or have had an ownership interest which: (i) cultivates, manufactures, wholesales or dispenses cannabis or cannabis products; (ii) invests or finances in any such entity; or (iii) is regulated by any governmental entity.
 3. A copy of the license issued by the Cannabis Regulatory Commission authorizing the Applicant to operate as a Licensed Cannabis Establishment with a copy of all application materials and documents submitted to the Commission for a license.
 4. An affidavit from the Applicant attesting to and accompanied by documentary proof 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.
 5. Plans prepared by a duly licensed architect, engineer, or planner which shall depict the layout and design for the proposed location of the Licensed Cannabis

registrations with federal or New Jersey state environmental regulators for innovation in sustainability; and whether the applicant entity or its parent company holds any certification under international standards demonstrating the applicant has an effective environmental management system or has a designated sustainability officer to conduct internal audits to assess the effective implementation of an environmental management system.

4. **Community Commitment**
Applicant's ties to the host community, demonstrated by at least one shareholder's proof of residency in the Township of Vernon for five or more years in the past ten years or at least one shareholder's continuous ownership of a business based in the Township of Vernon for five or more years in the past ten years.
 5. **Workforce Development Plan**
Applicant's workforce development and job creation plan, which may include information on the applicant's history of job creation and planned job creation at the proposed Licensed Cannabis Entity; education, training and resources to be made available for employees; any relevant certifications, and an optional diversity plan.
 6. **Customer Advocacy Plan**
Applicant's customer advocacy plan, which may include information on the applicant's history of customer counseling and planned customer counseling at the proposed Licensed Cannabis Entity; education, training and resources to be made available for customers.
 7. **Community Impact Plan**
Applicant's community impact plan summarizing how the applicant intends to have a positive impact on the community in which the proposed Licensed Cannabis Entity is to be located; which shall include an economic impact plan and a description of outreach activities and potential contributions to the community.
 8. **New Jersey Minority-Owned**
Applicant's demonstrated commitment to diversity in its ownership composition and hiring practices and whether the applicant entity or its parent company holds any certifications as a NJ minority-owned, women-owned, or veteran-owned business.
- f. Notwithstanding the foregoing competitive application process, a notification of award and conditional municipal license shall allow the recipient applicant to pursue a State permit or license in the appropriate classification for up to 12 months, which may be

extended in the Township Committee's discretion for an additional 6 months for good cause. No license to operate shall be issued until the applicant has received a State permit and satisfied other prerequisites of municipal licensure. If the recipient of a notice of award and conditional license has not received a State permit or license within 12 months from issuance, unless extended for good cause, the Municipal Clerk shall issue a new request for applications and evaluate all applicants for licensure under the above criteria.

§ 13-7 Additional Requirements,

- a. Cannabis Establishments shall meet all of the requirements for licensure pursuant to the Act, the regulations of the Commission and all other applicable State and local laws.
- b. Cannabis Establishments shall at all times hold a valid current license or permit issued by the State of New Jersey, along with a local annual cannabis license issued by the Township to undertake cannabis activities at the permitted property. Both the Township and State-issued licenses are valid only for the location identified on the licenses and until the expiration date printed on the license. Both the Township- and State-issued licenses shall be prominently displayed inside the permitted Cannabis Establishment in a location where they can be easily viewed by State and local law enforcement and administrative authorities.
- c. Cannabis Establishments shall be conducted solely within the confines of the licensed location of the licensed premises on the permitted property. No Cannabis Establishment shall be permitted to operate from a movable, mobile or transitory location, except for the permitted transportation of cannabis products to and from the facility pursuant to State law by a licensed Class 6 Delivery Service.
- d. Cannabis Establishments shall comply with the Act, the regulations of the Commission, and the Township Code, including without limitation the Zoning Code, the Building Code, and the Housing and Property Maintenance Code, at all times.
- e. With the exception of loading activities incidental to the operation of the Cannabis Establishment, all operations shall occur indoors, within the enclosed licensed building, except as otherwise authorized for licensed Class 6 Delivery Services only.
- f. All Cannabis Establishments shall at all times adhere to the safety and security standards and plan established and approved by the Commission, including the requirements for the maintenance of a security system that meets State law requirements. In addition, all Cannabis Establishments shall also comply with the below provisions. The Vernon Township Chief of Police shall make the determination as to whether Cannabis Establishments are in compliance with the following provisions:
 1. Cannabis Establishments shall have security systems in place, along with a continuous recording system that records for a minimum 30-day archive. This system shall be shared with the Vernon Township Police Department via web browser providing

direct access to real-time and archived video.

2. Cannabis Establishments shall provide the Vernon Township Police Department with the name and telephone number of one staff person to notify during operating hours, and the name and cellphone number of at least two staff persons to notify after operating hours regarding suspicious activity.
3. Outside areas of the premises shall be well-illuminated for safety and security, but not in a way that is counter to Township Code requirements for outdoor lighting and screening, or in a way that is obtrusive to pedestrians, drivers or other users of the public right-of-way.
4. All cannabis in whatever form stored at the permitted premises shall be kept in a secure manner and shall not be visible from outside the permitted premises, nor shall it be processed, exchanged, displayed or dispensed outside the confines of the licensed structure of the premises. No cannabis products shall be visible from a public sidewalk, public street or right-of-way, or any other public place.
5. Cannabis Establishments shall properly dispose of all materials and other substances in a safe and sanitary manner in accordance with local and State laws, including the rules and regulations of the Commission.
6. Cannabis Establishments shall be equipped with ventilation systems sufficient in type and capacity to eliminate cannabis odors emanating from the interior to the exterior of the premises discernible by the ordinary senses. The ventilation system shall be inspected and approved by the Township Construction Official.
7. The hours of operation for all Cannabis Establishments shall be limited to 9:00 a.m. to 10:00 p.m. Eastern Standard Time.
8. Cannabis Establishments shall post conspicuous signage inside and outside the building that consumption of cannabis is prohibited anywhere on the premises, including the parking area and inside vehicles in the parking area.
9. Prohibition on Mobile Structures. Each Cannabis Establishment shall at all times conduct business within the confines of a licensed premises. No Cannabis Establishment shall be housed or operated in a vehicle or any movable or mobile structure. Nothing herein shall be deemed to apply to or otherwise conflict with the statutory and regulatory provisions applicable to Cannabis Delivery Service holding a valid and current license issued by the New Jersey Cannabis Regulatory Commission

§ 13-8 Local Cannabis Transfer and User Taxes.

- a. Establishment of Transfer and User Tax. Pursuant to section 40 of the Act, N.J.S.A. 40:481-1a(1), the following user and transfer taxes are hereby established on all Cannabis Establishments operating within the Township, at the maximum amount as permitted by the

laws of the State of New Jersey or the amounts set forth below, whichever is greater:

1. A transfer tax of 2% shall be imposed on the gross receipts from each sale of all cannabis and cannabis items by any cannabis cultivator, manufacturer, or retailer; a transfer tax of 1% shall be imposed on the gross receipts from each sale of all cannabis and cannabis items by any cannabis wholesaler.
 2. The transfer 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.
 3. The transfer tax shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity with regard to cannabis.
 4. In addition, there shall be a 2% user tax imposed on any concurrent license holder operating more than one Cannabis Establishment.
 5. The user tax shall be imposed on the value of each transfer or use of cannabis or cannabis items not otherwise subject to the transfer tax imposed on the license holder's business that is located in the Township to any other of the license holder's businesses, whether located in this municipality or any other municipality.
 6. The user tax shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity with regard to cannabis.
 7. Any transaction for which the user or transfer tax hereinabove is imposed, is exempt from the tax imposed under the Sales and Use Tax Act, except for those which generate receipts from the retail sales by cannabis retailers in the case that the retail sale of cannabis should become legal in the Township.
 8. A total of 15% of the funds received from the user taxes in this section will be designated for training and equipment for the Vernon Township Police Officers, Drug Recognition Experts and associated costs, and substance abuse programs.
 9. A total of 10% of the funds received from the user taxes in this section will be designated to the Municipal Planning and Zoning Department for administration and enforcement purposes.
- b. Remittance of Cannabis Taxes; Delinquencies.
1. All transfer and user taxes collected by any Cannabis Establishment pursuant to this Chapter shall be remitted to the Township's Chief Financial Officer on a monthly basis.
 2. Delinquent taxes. If the transfer tax or user tax is not paid when due, the unpaid balance, and any interest accruing thereon, shall be a lien on the parcel of real property

comprising the Cannabis Establishment's premises.

3. The lien shall be superior and paramount to the interest in the parcel of any owner, lessee, tenant, mortgagee, or other person, except the lien of municipal taxes, and shall be on a parity with and deemed equal to the municipal lien on the parcel for unpaid property taxes due and owing in the same year.
4. The Township shall file in the office of its Tax Collector a statement showing the amount and due date of the unpaid balance of cannabis taxes and identifying the lot and block number of the parcel of real property that comprises the delinquent Cannabis Establishment's premises. The lien shall be enforced as a municipal lien in the same manner as all other municipal liens are enforced.
5. Failure of the Cannabis Establishment to make full payment of the user and transfer taxes hereinabove imposed shall be grounds for the immediate revocation and/or termination of any local annual cannabis license and/or any local annual cannabis license shall not be renewed unless until all outstanding user and transfer taxes are paid in full. All user and transfer taxes shall also be paid should the licensee make application to the Vernon Township Planning Board and/or the Vernon Township Land Use Board.

§ 13-9 Odor Mitigation and Control.

- a. The emission into the outdoor atmosphere of any volatile organic compounds, solid particles, liquid particles, vapors and/or gases in excess of the rates, limits/levels set by the New Jersey Department of Environmental Protection are hereby prohibited.
- b. Cannabis Establishments are prohibited from causing, permitting, or allowing to be emitted into the outdoor atmosphere any odors detectable by the ordinary human senses, substances and/or other air contaminants, in such quantities and for such duration as are, or tend to be, injurious to human health or welfare, animal or plant life or property, or would unreasonably interfere with the enjoyment of life or property on any public or private property within the Township.
- c. The business/facility location of all Cannabis Establishments shall have a fully integrated self-contained air treatment, HVAC, ventilation and exhaust system which shall be regularly maintained and fully operational and running at all times.
- d. All Cannabis Establishments shall be required to retain a qualified environmental consultant approved by the Township, who shall be available to promptly respond to the site in the event of an incident or adverse event within a reasonable period of time not to exceed 12 hours.
- e. All Cannabis Establishments shall be required to monitor all activities for the presence and prevention of odors and the maintenance and trouble-shooting of all odor control equipment on a daily basis. All Cannabis Establishments shall maintain written records

of all odor monitoring, equipment maintenance/repairs, odor investigations, air quality studies and any adverse events, and odor complaints.

- f. All records as to odor control monitoring, investigations, odor control equipment maintenance/repairs, air quality studies and adverse events shall be produced to the Township upon request.
- g. 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, in accordance with the Township Code and applicable State law.

§ 13-10 Corporate Designee Contact.

All Cannabis Establishments operating within the Township shall be required to designate a corporate representative of the business who shall be available 24 hours daily to serve as the primary person of contact for the business, and shall have full authority to make decisions on behalf of the business in the event of an emergency. The Cannabis Establishment shall provide the up-to-date direct telephone and email contact information for the corporate representative to the Township Police Department and the Township Administrator and shall assure that such contact information remains current at all times. At a minimum, the corporate representative shall be responsible to respond to the Township in the event of a report of criminal activity, adverse odor event, or any suspected violation of applicable State and/or local laws.

§ 13-11 Manner of Delivery of Cannabis and Cannabis Items.

The actual sale, transfer, and/or delivery of cannabis and cannabis items by any Class 6 Cannabis Delivery Service to a consumer occurring within the Township shall be prohibited from taking place in any public place or on any public property. Class 6 Cannabis Delivery Services shall only be permitted to deliver cannabis and cannabis items to private property, and only with the express permission and authorization of the owner of the property. Nothing herein shall be read or construed to conflict with any regulations and/or license conditions established by the Commissions with respect to the transport and delivery of cannabis and cannabis items by Class 6 Cannabis Delivery services.

§ 13-12 Civil Fines and Penalties.

- a. Any person(s), firm(s), business(es), corporation(s) and/or other organization(s), including any licensed Cannabis Establishment, found in violation of any provision(s) of the Township Code shall be subject to a civil fine and penalty not exceeding \$2,000, in accordance with the Township Code.
- b. Any violation of the Township Code by a licensed Cannabis Establishment may be grounds for revocation and/or nonrenewal of any issued local annual cannabis license. Upon reasonable notice to the licensee by the Township Administration, a hearing shall

be conducted before the Township Committee to decide whether sufficient grounds exist to revoke any and all classes of local annual cannabis licenses issued to the licensee. The licensee may be permitted to be represented by legal counsel during the hearing, to present evidence, testimony and witnesses.

- c. Each and every day any person(s), firm(s), business(es), corporation(s) and/or other organization(s), including any licensed Cannabis Establishment, remains in violation of the provisions of the Township Code after the deadline for compliance set forth in any notice of violation issued by the enforcing officer(s) of the Township, shall be considered a continuing violation punishable as a separate and distinct offense and subject to a separate civil fine and penalty for each and every day the violation continues.
- d. The Municipal Court or Superior Court shall have jurisdiction to hear and decide any action(s) brought to enforce the provisions of the Township Code, the hearing for which shall be conducted in a summary manner pursuant to N.J.S.A. 2B12-16a, and any final order imposing fines and penalties for a violation of this code shall be enforceable in the Municipal Court or Superior Court and collectible as a lien against the property of the violator in accordance with the Penalty Enforcement Law of 1999, N.J.S.A. 2A:58-10 et seq.

SECTION 2.

SEVERABILITY AND REPEALER

Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof other than the part held invalid.

SECTION 3.

NOTICE

The Township Clerk is directed to give notice at least ten (10) calendar days prior to the hearing on the adoption of this Ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. Upon the adoption of this Ordinance, after public hearing, the Township Clerk is further directed to publish notice of the passage and to file a copy of this Ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

SECTION 4.

EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption and publication in accordance with law. **TAKE NOTICE** that the above Ordinance was introduced at a regular meeting of the Township Council of the Township of Vernon conducted on (date) in the Council Chambers of the Municipal Building. It was adopted, after final reading and public hearing thereon, at a regular meeting of the Township Council of the Township of Vernon to be conducted at 7:00pm on (date) in the Council Chambers at the Vernon Township Municipal Building, 21 Church Street, Vernon, New Jersey, or via electronic means via Zoom as permitted by law, whichever way the Township is conducting its meetings and shall take effect according to law.

Marcy Gianattasio, RMC
Municipal Clerk

Howard Burrell, Mayor

Range of Checking Accts: First to Last Range of Check Dates: 08/25/23 to 09/06/23
Report Type: All Checks Report Format: Condensed Check Type: Computer: Y Manual: Y Dir Deposit: Y

Check #	Check Date	Vendor	Reconciled/Void	Ref Num
PO #	Description	Amount Paid	Contract	
12-001		PLANNING/ZONING		
4536	08/29/23	HAROL005 HAROLD E PELLOW AND ASSOC, INC		462
23-01127	august 2023	lub payments	7,143.50	
4537	08/29/23	JCALD005 J. CALDWELL & ASSOCIATES LLC		462
23-01125	august 2023	lub payments	2,162.50	
4538	08/29/23	WEINE005 WEINER LAW GROUP LLP		462
23-01126	august 2023	lub payments	583.50	

Checking Account Totals	Paid	Void	Amount Paid	Amount Void
Checks:	3	0	9,889.50	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	3	0	9,889.50	0.00

22-001		PAYROLL AGENCY		
4831	08/29/23	AFSCM005 A.F.S.C.M.E., NEW JERSEY COUNC		461
23-01131	AUGUST 2023		929.20	
4832	08/29/23	LOCAL005 P.B.A. LOCAL 285		461
23-01130	AUGUST 2023		1,400.00	
4833	08/29/23	LOCAL010 U.A.W. LOCAL 2326		461
23-01129	AUGUST 2023		691.20	
4834	08/29/23	POLIC005 POLICE AND FIREMAN'S INS. ASSO		461
23-01128	AUGUST 2023		98.34	
4835	08/29/23	TRANS015 TRANS WORLD ASSURANCE COMPANY		461
23-01132	AUGUST 2023		1,120.00	

Checking Account Totals	Paid	Void	Amount Paid	Amount Void
Checks:	5	0	4,238.74	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	5	0	4,238.74	0.00

Report Totals	Paid	Void	Amount Paid	Amount Void
Checks:	8	0	14,128.24	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	8	0	14,128.24	0.00

Totals by Year-Fund Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
ESCROW	E-12	9,889.50	0.00	0.00	9,889.50
PAYROLL	T-22	4,238.74	0.00	0.00	4,238.74
Total of All Funds:		<u>14,128.24</u>	<u>0.00</u>	<u>0.00</u>	<u>14,128.24</u>

Action Data Services
0577 Township of Vernon

Payroll Summary

Page: 1

Run: 05772316 Pay Date: Thursday 8/31/23 Pay Period: 16 Type: Regular Schedule: 1

	Current	Qtr To Date	Year To Date	
Taxable Wages				
Federal Income	355,547.39	1,433,092.42	5,475,324.57	
FICA - Social Security	387,134.44			
FICA - Medicare	387,134.44	1,560,823.27	6,025,450.18	
State Income	411,174.46	1,657,130.76	6,414,383.38	
State Unemployment	90,893.54	487,611.69	4,206,527.65	
State FLI / DIS	407,734.00	1,633,403.79	6,329,405.73	
Amount Your Account Will Be Debited:			161,489.64	
	Employer Share	Employee Share	Total	ADS
Federal Taxes				
Federal Income Tax		49,377.19	49,377.19	*
Social Security 6.200% / 6.200%	24,002.34	24,002.34	48,004.68	*
Medicare 1.450% / 1.450%	5,613.43	5,613.43	11,226.86	*
Total Federal Taxes	29,615.77	78,992.96	108,608.73	
NJ State Taxes				
NJ State Income Tax		18,107.83	18,107.83	*
NJ Unemployment / 0.425%		386.37	386.37	*
NJ Family Leave / 0.060%		244.68	244.68	*
Total NJ State Taxes		18,738.88	18,738.88	
Public Employees Retirement System				
PERS Pension		12,734.34	12,734.34	*
PERS Back Deduction		136.62	136.62	*
PERS Pension Loan		3,228.60	3,228.60	*
PERS Pension Arrears		57.20	57.20	*
PERS Contributory Insurance		848.98	848.98	*
Total PERS Pension		17,005.74	17,005.74	
Police And Firemans Retirement System				
P&F Pension		14,031.73	14,031.73	*
P&F Pension Loan		3,104.56	3,104.56	*
Total P&F Pension		17,136.29	17,136.29	
DCRP Contribution				
DCRP Contribution	181.77	246.86	428.63	
Total DCRP Contribution	181.77	246.86	428.63	
Agency / Deductions				
Child Support		353.17	353.17	
Aflac Post Tax		201.22	201.22	
Trans Wo		610.00	610.00	
POL/FIRE		49.17	49.17	
Dues AFSCME D		464.60	464.60	
Dues UAW		345.60	345.60	
Valic 457		3,837.50	3,837.50	
Lincoln 457		600.00	600.00	
Dues PBA		700.00	700.00	
AFLAC Pre Tax		537.36	537.36	
FSA Dependent Care		195.00	195.00	
Medical Pre Tax		22,744.75	22,744.75	
FSA Medical		562.91	562.91	
Total Agency / Deductions		31,201.28	31,201.28	

Run: 05772316 Pay Date: Thursday 8/31/23 Pay Period: 16 Type: Regular Schedule: 1

	Employer Share	Employee Share	Total	ADS
Net Pay				
Net Checks		10,045.81	10,045.81	
Net Deposits Checking		211,718.31	211,718.31	
Net Deposits Savings		1,779.69	1,779.69	
Partial Checking		5,600.00	5,600.00	
Partial Savings 1		1,750.00	1,750.00	
Partial Savings 2		270.00	270.00	
Net Memorandums		16,375.00	16,375.00	
Total Net Pay		247,538.81	247,538.81	
Grand Totals				
Taxes, Pension, Agency, & Net Pay	29,797.54	410,860.82	440,658.36	
Payroll Funding				
Gross Payroll		410,860.82		
Total Payroll Funding	29,797.54	410,860.82	440,658.36	
Gross Earnings				
Regular		334,095.62	334,095.62	
Overtime		21,919.27	21,919.27	
Retro		120.13-	120.13-	
Rec Sec		250.00	250.00	
Sgnt Pay		139.89	139.89	
Sgnt Overtime		292.08	292.08	
Comp Payment		1,051.11	1,051.11	
Benefit		1,528.46	1,528.46	
Longevity		4,773.61	4,773.61	
On Call		350.00	350.00	
Dispatch Lunch		547.27	547.27	
Sick Payout		13,324.37	13,324.37	
PS Payout		2,225.88	2,225.88	
VC Payout		13,819.01	13,819.01	
Outside		13,089.99	13,089.99	
Wed Pay		75.00	75.00	
Health Care Stipend		2,218.40	2,218.40	
Stipend		104.17	104.17	
Workers Compensation		1,176.82	1,176.82	
Total Gross Earnings		410,860.82	410,860.82	
Taxable / Non Taxable / Other				
Group Life		1,490.46	1,490.46	
Total Txbl/Non Taxable/Other		1,490.46	1,490.46	
Deductions Summary				
Total Taxes	29,615.77	97,731.84	127,347.61	
Total Pension		34,142.03	34,142.03	
Total DCRP	181.77	246.86	428.63	
Total Agency		31,201.28	31,201.28	
Total Deductions	29,797.54	163,322.01	193,119.55	

TOWNSHIP OF VERNON

RESOLUTION #23-229

**REFUND OVERPAYMENT
(Block 478 Lot 30 – KUDO)**

BE IT RESOLVED, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to Adam Kudo in the amount of \$2236.25 representing refund for overpayment of 3rd qtr. 2023 property taxes for Block 478 Lot 30.

OWNER	BLOCK	LOT	REFUND AMOUNT
KUDO	478	30	\$2236.25
		TOTAL:	\$2236.25

CERTIFICATION

I certify that this is a true copy of the Resolution adopted by the Council of the Township of Vernon at their Regular Meeting held on September 11, 2023 7:00 pm in the Vernon Municipal Center.

Marcy Gianattasio, RMC, CMR
Municipal Clerk

VERNON TOWNSHIP COUNCIL

NAME	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Distasi, M						
Rizzuto, P						
Sparta, B						
Tadrick, J						
Buccieri, N						

Submitted by: Lisa A. Kimkowski, CTC

TOWNSHIP OF VERNON

RESOLUTION #23-230

**REFUND FOR TOTALLY DISABLED VETERAN
(Block 601 Lot 31 – (Gillett))**

WHEREAS, THE DEPARTMENT OF VETERANS AFFAIRS awarded Brandon Gillett a 100% permanent and totally disabled veteran: and,

WHEREAS, the law exempts said property from taxation.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Township of Vernon hereby authorizes the Tax Collector to refund 2nd quarter 2023 property tax in the amount of \$593.63 and 3rd quarter 2023 in the amount of \$1,763.66 to Corelogic.

FINALLY, BE IT RESOLVED, that a certified copy of this Resolution be forwarded to the Township Tax Collector.

CERTIFICATION

I certify that this is a true copy of the Resolution adopted by the Council of the Township of Vernon at their Regular Meeting held on September 11, 2023 7:00 pm in the Vernon Municipal Center.

Marcy Gianattasio, RMC, CMR
Municipal Clerk

VERNON TOWNSHIP COUNCIL

NAME	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Distasi, M						
Rizzuto, P						
Sparta, B						
Tadrick, J						
Buccieri, N						

Submitted by: Lisa A. Kimkowski, CTC

TOWNSHIP OF VERNON

RESOLUTION #23-231

**REFUND FOR TOTALLY DISABLED VETERAN
(Block 357 Lot 1 – (Hanley))**

WHEREAS, THE DEPARTMENT OF VETERANS AFFAIRS awarded Richard Hanley a 100% permanent and totally disabled veteran: and,

WHEREAS, the law exempts said property from taxation.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Township of Vernon hereby authorizes the Tax Collector to refund 2nd quarter 2023 property tax in the amount of \$58.18 to Richard Hanley.

FINALLY, BE IT RESOLVED, that a certified copy of this Resolution be forwarded to the Township Tax Collector.

CERTIFICATION

I certify that this is a true copy of the Resolution adopted by the Council of the Township of Vernon at their Regular Meeting held on September 11, 2023 7:00 pm in the Vernon Municipal Center.

Marcy Gianattasio, RMC, CMR
Municipal Clerk

VERNON TOWNSHIP COUNCIL

NAME	MO-TION	SEC-OND	YES	NO	ABSTAIN	ABSENT
Distasi, M						
Rizzuto, P						
Sparta, B						
Tadrick, J						
Buccieri, N						

Submitted by: Lisa A. Kimkowski, CTC

TOWNSHIP OF VERNON

RESOLUTION #23-232

**CANCELLING TAXES FOR TOTAL DISABLED VETERAN
(Hanley Block 357 Lot 1)**

WHEREAS THE DEPARTMENT OF VETERANS AFFAIRS awarded Richard Hanley 100% permanent and total disabled veteran; and

WHEREAS, as of said date the law exempts said property from taxation.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Township of Vernon authorizes the Tax Collector to cancel the taxes for 2023 in the amount of \$1,936.31.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the Tax Collector.

CERTIFICATION

I certify that this is a true copy of the Resolution adopted by the Council of the Township of Vernon at their Regular Meeting held on September 11, 2023 7:00 pm in the Vernon Municipal Center.

Marcy Gianattasio, RMC, CMR
Municipal Clerk

VERNON TOWNSHIP COUNCIL

NAME	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Distasi, M						
Rizzuto, P						
Sparta, B						
Tadrick, J						
Buccieri, N						

Submitted by: Lisa A. Kimkowski, CTC

TOWNSHIP OF VERNON

RESOLUTION #23-233

RESOLUTION AMENDING RESOLUTION 22-258 TO UPDATE AN APPOINTMENT TO THE VERNON TOWNSHIP COUNCIL FOR AN UNEXPIRED TERM

WHEREAS, Councilman Harry Shortway was elected to the Council of the Township of Vernon and sworn into office on January 1, 2020 for a four-year term; and

WHEREAS, on October 14, 2022 Councilman Shortway resigned from the Council of the Township of Vernon; and

WHEREAS, the resignation of Councilman Shortway has created a vacancy on the Council of the Township of Vernon (“Vacancy”); and

WHEREAS, on November 10, 2022, the Township Council passed Resolution No. 22-258 appointing Joseph Tadrick to serve the unexpired term of Councilman Shortway until December 31, 2023; and

WHEREAS, on or about July 20, 2023, P.L. 2023, c. 124 was enacted which moved the reorganization date from January 1st to January 15th for municipalities that hold non-partisan elections in November; and

WHEREAS, a determination has been made that Resolution No. 22-258 needs to be amended to reflect a new expiration date for Joseph Tadrick’s appointment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Vernon that:

1. Resolution No. 22-258 is hereby amended to reflect that Joseph Tadrick’s appointment as a Council Member shall now run until January 14, 2023.
2. This Resolution shall take effect immediately upon adoption according to law.

CERTIFICATION

I certify that this is a true copy of the Resolution adopted by the Council of the Township of Vernon at their Regular Meeting held on September 11, 2023 7:00 pm in the Vernon Municipal Center.

Marcy Gianattasio, RMC, CMR
Municipal Clerk

VERNON TOWNSHIP COUNCIL

NAME	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Distasi, M						
Rizzuto, P						
Sparta, B						
Tadrick, J						
Buccieri, N						

TOWNSHIP OF VERNON

RESOLUTION #22-258

RESOLUTION APPOINTING TO THE VERNON TOWNSHIP COUNCIL FOR AN UNEXPIRED TERM ENDING DECEMBER 31, 2023

WHEREAS, Councilman Harry Shortway was elected to the Council of the Township of Vernon and sworn into office on January 1, 2020 for a four-year term; and

WHEREAS, on October 14, 2022 Councilman Shortway resigned from the Council of the Township of Vernon; and

WHEREAS, the resignation of Councilman Shortway has created a vacancy on the Council of the Township of Vernon (“Vacancy”); and

WHEREAS, Joseph Tadrick has been determined to be qualified to hold the office of Township Council Member; and


WHEREAS, pursuant to N.J.S.A. 40A:16-5(a) and N.J.S.A. 40A:16-7, a vacancy in the office of Council Member is filled by a majority vote of the remaining members of the Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Vernon that:

1. Joseph Tadrick is hereby appointed as a Council Member to fill the vacancy on the Council of the Township of Vernon created by the resignation of Councilman Shortway and shall serve the unexpired term of Councilman Shortway of December 31, 2023.
2. This Resolution shall take effect immediately upon adoption according to law.

CERTIFICATION

I certify that this is a true copy of the Resolution adopted by the Council of the Township of Vernon at their Special Meeting held on November 10, 2022 5:00 pm in the Vernon Municipal Center.


Marcy Gianattasio, RMC, CMR
Municipal Clerk

VERNON TOWNSHIP COUNCIL

NAME	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Buccieri, N		X	X			
Lynch, B	X		X			
Rizzuto, P			X			

TOWNSHIP OF VERNON

RESOLUTION #23-234

**CHAPTER 159 RESOLUTION REQUESTING APPROVAL OF
REVENUE AND APPROPRIATION AMENDING THE 2023 BUDGET
AS A REVENUE AND APPROPRIATION OF \$75,000.00**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Township has been awarded a \$75,000.00 New Jersey Department of Environmental Protection MS4 Tier A Grant; and wishes to amend its 2023 budget for the difference of the awarded amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Vernon hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2023 in the sum of \$75,000.00 which is now available as a revenue,

BE IT FURTHER RESOLVED that a like sum of \$75,000.00 is hereby appropriated under the caption New Jersey Department of Environmental Protection MS4 Tier A Grant.

CERTIFICATION

I certify that this is a true copy of the Resolution adopted by the Council of the Township of Vernon at their Regular Meeting held on September 11, 2023 7:00 pm in the Vernon Municipal Center.

Marcy Gianattasio, RMC, CMR
Municipal Clerk

VERNON TOWNSHIP COUNCIL

NAME	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Distasi, M						
Rizzuto, P						
Sparta, B						
Tadrick, J						
Buccieri, N						

TOWNSHIPSHIP OF VERNON

RESOLUTION #23-235

**Resolution Awarding CC# 6-2023
To Municipay in a Fair and Open Award
for Online Payment Processing Vendor**

WHEREAS, there is a need for an Online Payment Processing Vendor to accomplish the daily service requirements of various departments within the Township of Vernon; and

WHEREAS, the New Jersey Local Public Contracts Law (N.J.S.A. 40A:11-4.1 et seq.) allows the use of competitive contracts and approved by council resolution; and

WHEREAS, the Township approved Resolution 23-194 Authorizing the Hiring of an On-Line and In Person Credit Card Payment and Processing Vendor Through the Competitive Contracting Process Concession” on July 10, 2023; and

WHEREAS, the Township duly advertised for public receipt of competitive contracts providing the required 20 days prior to receipt for CC# 6-2023 in a fair and open manner, consistent with N.J.S.A.19:44A-20.4 et. Seq., and

WHEREAS, the Township of Vernon received competitive contracts for Online Payment Processing Vendor at 11:00am on August 24, 2023; and

WHEREAS, the rating committee has reviewed the submittals and rated according to the direction under competitive contracts as required within N.J.A.C. 5:34-4 et. Seq., and

WHEREAS, Municipay, 10 Dynamic Drive, Scarborough, Maine, 04074, has provided the response most advantageous to the Township of Vernon under the demands of price and other factors found within statute; and

WHEREAS, the process was administered as required by law by the Qualified Purchasing Agent who has concurred with the legality of the purchase in accord with the New Jersey Local Publics Contract Law (N.J.S.A. 40A:11-1 et seq.); and

WHEREAS, the term of contract is allowable for up to five (5) years as authorized under N.J.S.A.40A:11-4.1 et. Seq., and

WHEREAS, the subject to future budget approvals in the yearly budget as approved by the governing body the Chief Financial Officer hereby certifies that funds are available:

<u>Charges to Public</u>	<u>Rate</u>	<u>Rate per Transaction</u>	<u>Rate per Transaction</u>
Transactional			
Visa	2.39%	\$3.00	2.39% + \$3.00
MasterCard	2.39%	\$3.00	2.39% + \$3.00
Discover	2.39%	\$3.00	2.39% + \$3.00
American Express	2.39%	\$3.00	2.39% + \$3.00
Total	2.39%	\$3.00	2.39% + \$3.00

Charges to Township	
One Time Fees	
Setup Fee	\$229.00/ unit

Line Item: 3-01-25-240-20

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Vernon that:

1. The contract for CC#6-2023 Online Payment Processing Vendor is hereby awarded to Municipay, 10 Dynamic Drive, Scarborough, Maine, 04074 for a five (5) year contract.
2. The Mayor is hereby authorized and directed to execute a contract with Municipay, 10 Dynamic Drive, Scarborough, Maine, 04074, as provided for in resolution and payment proposal as found within CC#6-2023.

CERTIFICATION

I certify that this is a true copy of the Resolution adopted by the Council of the Township of Vernon at their Regular Meeting held on September 11, 2023 7:00 pm in the Vernon Municipal Center.

 Marcy Gianattasio, RMC, CMR
 Municipal Clerk

VERNON TOWNSHIP COUNCIL

NAME	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Distasi, M						
Rizzuto, P						
Sparta, B						
Tadrick, J						
Buccieri, N						

2. The Contractor declares and agrees that he will be responsible for the full performance and completion of all work to be done under this contract and by the execution hereof admits that he has carefully informed himself respect all conditions at the site and pertaining to the work to be done. All work shall be done in a workmanlike manner and in accordance with all applicable laws and regulations.
3. The TOWNSHIP will pay by Voucher and the Contractor will accept in full payment and consideration for performance of the Contractor's obligations hereunder:

Proposal as per submittal 6-2023

For a term of five (5) years from the date of resolution of award

<u>Charges to Township</u>	
One Time Fees	
Setup Fee	\$229.00/ unit

The Contractor will be permitted to charge the fees as follows for transactions:

<u>Charges to Public</u>	<u>Rate</u>	<u>Rate per Transaction</u>	<u>Rate per Transaction</u>
Transactional			
Visa	2.39%	\$3.00	2.39% + \$3.00
MasterCard	2.39%	\$3.00	2.39% + \$3.00
Discover	2.39%	\$3.00	2.39% + \$3.00
American Express	2.39%	\$3.00	2.39% + \$3.00
Total	2.39%	\$3.00	2.39% + \$3.00

4. All increases in labor rates and material costs that may develop during the performance of the work contemplated by this contract shall be assumed by the Contractor.

5. It is expressly understood that the parties hereof that this contract includes where applicable, the tenets, general conditions and legal requirements as complete within proposal, as the source of the scope of work and measures of successful performance of the contract.
6. In addition to all other remedies and relief provided by other contract documents, including the Specifications, the Contract shall indemnify, hold and save harmless the Owner, its agents and all representatives thereof, from and against all loss, injury, cause of action, damage and liability to person or property in whatever form and will forever defend in the name of and on behalf of the Owner every suit or cause of action, even if groundless, seeking to enforce any such loss, injury, cause of action, damages and liability to person and property by reason of, arising out of, or in connection with this contract or contract documents, or the failure or neglect or conditions, the aforesaid being in addition to any other right or remedy which the Owner may have against the contractor in law or equity or otherwise.
7. The Contractor covenants and agrees that anything in this contract or in the contract documents to the contrary notwithstanding, or regardless of any matter, thing, contingency or conditions, unforeseen, or otherwise, present or future, the Contractor shall not be entitled to receive any additional or further sums of money than the amounts in said contract documents provided, and the failure of the Owner to insist upon strict performance of any terms, covenants, agreements, provisions or conditions in this contractor in the contract documents, in any one or more instances, shall not be construed as a waiver or relinquishment, for the future of any such terms, covenants, agreements, provisions and conditions, the same shall be the remain in full force and effect with power and authority on the part of the Owner to enforce the same or cause the same to be enforced at any time, without prejudice to the other rights which the Owner may have against the Contractor under this contract or the contract documents.
8. This contract shall inure to the benefit of and be binding to the parties hereto, their respective heirs, executors, administrators, successors and assigns, but it is expressly understood, covenanted, and agreed that this contract shall not be assigned, sold, subcontracted, pledged, mortgaged or set over the Contractor to any person, firm, corporation or association, except upon the expressed written consent of the Owner.
9. During the performance of this contract the Contractor agrees that he will fully comply with the Affirmative Action Requirements as outlined in the Specifications annexed to and incorporated in full in this contract document (P.L. 1975, c.127.).
10. This Agreement is not a Third-Party Beneficiary Contract and shall not in any respect whatsoever create any rights on behalf of any party not expressly a party to this Agreement.

11. If any provision of this Agreement is held to be invalid, void, or unenforceable, the remaining provisions shall nevertheless remain in full force and effect, unless the absence of the invalid, void or unenforceable provision or provisions cause this Agreement to fail in its essential purposes.
12. No delay or failure by either party to exercise any right under this Agreement, no partial or single exercise of that right, shall constitute a waiver of that or any other right, unless otherwise expressly provided herein.
13. During the term of this Agreement, it is understood and agreed that there shall be no change or modification of this Agreement unless reduced to writing and signed by all parties hereto.
14. This Agreement shall, except as otherwise expressly provided herein, be governed by, and construed in accordance with, the laws of the State of New Jersey without regard to the conflict of laws provisions thereof.
15. Any lawsuit or legal proceeding arising out of or relating to this Agreement in any way whatsoever shall be exclusively brought and litigated at New Jersey Superior Court, Sussex County Vicinage.
16. If any term or condition of the Agreement is, to any extent, invalid or unenforceable, the remainder of the Agreement is not to be affected thereby and each term and condition of this Agreement is to be valid and enforceable to the fullest extent permitted by law.

IN WITNESS WHEREOF, the said party of the first part has caused this instrument to be signed by its Mayor, attest by its Clerk and its official seal to be hereto affixed, and the said party of the second part has hereunto set his hand and seal or caused these presents to be signed by its proper officers and its corporate seal to be hereto affixed, the day and year first above written.

ATTEST:

TOWNSHIP OF VERNON

ATTEST:

VENDOR NAME

TOWNSHIP OF VERNON

RESOLUTION #23-236

RESOLUTION AMENDING CONTRACT FOR RESOLUTION #23-220

WHEREAS, Township Council approved the Award of Contract to Atlantic Ambulance Corporation for EMS Services through Resolution #23-220 dated August 28, 2023; and

WHEREAS, after review of said contract, Item #6 required revisions and was agreed upon by both parties.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Vernon that:

1. Contract for Resolution #23-220 is hereby amended to reflect needed revisions, specifically Item #6 and agreed upon by both parties.
2. This Resolution shall take effect immediately upon adoption according to law.

CERTIFICATION

I certify that this is a true copy of the Resolution adopted by the Council of the Township of Vernon at their Regular Meeting held on September 11, 2023 7:00 pm in the Vernon Municipal Center.

Marcy Gianattasio, RMC, CMR
Municipal Clerk

VERNON TOWNSHIP COUNCIL

NAME	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Distasi, M						
Rizzuto, P						
Sparta, B						
Tadrick, J						
Buccieri, N						

2. The Contractor declares and agrees that he will be responsible for the full performance and completion of all work to be done under this contract and by the execution hereof admits that he has carefully informed himself respect all conditions at the site and pertaining to the work to be done. All work shall be done in a workmanlike manner and in accordance with all applicable laws and regulations.
3. The TOWNSHIP will pay by Voucher and the Contractor will accept in full payment and consideration for performance of the Contractor's obligations hereunder:

Proposal as per submittal 5-2023

For a term of five (5) years from the date of resolution of award

4. All increases in labor rates and material costs that may develop during the performance of the work contemplated by this contract shall be assumed by the Contractor.
5. It is expressly understood that the parties hereof that this contract includes where applicable, the tenets, general conditions and legal requirements as complete within proposal, as the source of the scope of work and measures of successful performance of the contract.
6. Contractor will defend, indemnify, and hold harmless Vernon Township, its agents, servants, and employees from and against any costs, including but not limited to any attorneys' fees and costs of suit, arising out of or resulting from the performance of the work as described in the Agreement for EMS BLS Services for Vernon Township provided that any claims, damages, loss, or expenses are (i) attributable to bodily injury, or to injury to or destruction of tangible property and (ii) are caused by any negligent or willful act or omission by Contractor. In the event the injury is caused in part by the negligent or willful act or omission of Contractor, Atlantic Health System shall only be required to defend, indemnify and hold harmless The Vernon Township its agents, servants, and employees to the extent of Contractor's negligence or willful act or omission. This Hold Harmless and Indemnification Clause shall apply without contribution from Vernon Township's insurance carriers.
7. The Contractor covenants and agrees that anything in this contract or in the contract documents to the contrary notwithstanding, or regardless of any matter, thing, contingency or conditions, unforeseen, or otherwise, present or future, the Contractor shall not be entitled to receive any additional or further sums of money than the amounts in said contract documents provided, and the failure of the Owner to insist upon strict performance of any terms, covenants, agreements, provisions or conditions in this contractor in the contract documents, in any one or more instances, shall not be construed as a waiver or relinquishment, for the future of any such terms,

covenants, agreements, provisions and conditions, the same shall be the remain in full force and effect with power and authority on the part of the Owner to enforce the same or cause the same to be enforced at any time, without prejudice to the other rights which the Owner may have against the Contractor under this contract or the contract documents.

8. This contract shall inure to the benefit of and be binding to the parties hereto, their respective heirs, executors, administrators, successors and assigns, but it is expressly understood, covenanted, and agreed that this contract shall not be assigned, sold, subcontracted, pledged, mortgaged or set over the Contractor to any person, firm, corporation or association, except upon the expressed written consent of the Owner.
9. During the performance of this contract the Contractor agrees that he will fully comply with the Affirmative Action Requirements as outlined in the Specifications annexed to and incorporated in full in this contract document (P.L. 1975, c.127.).

IN WITNESS WHEREOF, the said party of the first part has caused this instrument to be signed by its Mayor, attest by its Clerk and its official seal to be hereto affixed, and the said party of the second part has hereunto set his hand and seal or caused these presents to be signed by its proper officers and its corporate seal to be hereto affixed, the day and year first above written.

ATTEST:

Harvey Karatharis

TOWNSHIP OF VERNON

Howard L. Bunell, Mayor

ATTEST:

VENDOR NAME

TOWNSHIP OF VERNON

RESOLUTION #23-220

**Resolution Awarding CC# 5-2023
To Atlantic Ambulance Corporation in a Fair and Open Award
for EMS Services**

WHEREAS, there is a need for EMS Services as per CC# 5-2023 in the Township of Vernon procured as a competitive contract, authorized by resolution R#23-156; and

WHEREAS, the New Jersey Local Public Contracts Law (N.J.S.A. 40A:11-4.1 et seq.) allows the use of competitive contracts and approved by council resolution; and

WHEREAS, the Township duly advertised for public receipt of competitive contracts providing the required 20 days prior to receipt for CC# 5-2023 in a fair and open manner, consistent with N.J.S.A.19:44A-20.5 et. Seq., and

WHEREAS, the Township of Vernon received competitive contracts from two (2) firms on August 15, 2023; and

WHEREAS, the rating committee has reviewed the submittals and rated according to the direction under competitive contracts as required within N.J.A.C. 5:34-4 et. Seq., and

WHEREAS, Atlantic Ambulance Corporation, 475 South Street, Morristown, NJ 07960, has provided the response most advantageous to the Township of Vernon under the demands of price and other factors found within statute; and

WHEREAS, the process was administered as require by law by the Qualified Purchasing Agent who has concurred with the legality of the purchase in accord with the New Jersey Local Publics Contract Law (N.J.S.A. 40A:11-1 et seq.); and

WHEREAS, the term of contract is allowable for up to five (5) years as authorized under N.J.S.A.40A:11-4.1 et. Seq.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Vernon that:

1. The contract for CC# 5-2023 EMS Services is hereby awarded to Atlantic Ambulance Corporation, 475 South Street, Morristown, NJ 07960 for a period of five (5) year as per the tenets contained within CC#5-2023.
2. The Mayor is authorized and directed to execute a contract with Atlantic Ambulance Corporation, 475 South Street, Morristown, NJ 07960.

CERTIFICATION

I certify that this is a true copy of the Resolution adopted by the Council of the Township of Vernon at their Regular Meeting held on August 28, 2023 7:00 pm in the Vernon Municipal Center.



Marcy Gianattasio, RMC, CMR
Municipal Clerk

VERNON TOWNSHIP COUNCIL

NAME	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Distasi, M	X		X			
Rizzuto, P			X			
Sparta, B		X	X			
Tadrick, J			X			
Buccieri, N			X			

TOWNSHIP OF VERNON

ORDINANCE #23-19

ORDINANCE OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 99 ENTITLED “VEHICLES AND TRAFFIC” TO ESTABLISH A SCHOOL ZONE ADJACENT TO THE FIELDS OF GREEN MONTESSORI SCHOOL

WHEREAS, Chapter 99 of the Township of Vernon (“Township”) City Code establishes regulations for vehicles and traffic on the Township’s public streets; and

WHEREAS, § 99-41 establishes speed limits on public streets; and

WHEREAS, the Township has received a request to establish a school zone adjacent to the Fields of Green Montessori School; and

WHEREAS, a determination has been made that establishing this school zone in accordance with N.J.S.A. 39:4-8 (a) would be in the best interests of the Township.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Township of Vernon, County of Sussex, and State of New Jersey, that Chapter 99 is amended and supplemented as follows:

SECTION 1

§ 99-41. Limits established.

Street	Speed Limit (mph)	Location
<u>Sandhill Road</u>	<u>25**</u>	<u>Fields of Green Montessori School Zone</u>

SECTION 2

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity of constitutionality of any other sections or parts thereof.

SECTION 3

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

SECTION 4

This Ordinance shall take effect immediately as provided by law.

~~Strikeouts~~ are deletions. Underlines are added material.