

NOTICE IS HEREBY GIVEN that the following Ordinance was introduced at a meeting of the Township Committee of the Township of Lebanon, Hunterdon County, NJ on September 21, 2022 and passed on first reading, and the same was then ordered to be published according to law; and that such Ordinance will be further considered for a final passage at a meeting of the Lebanon Township Committee to be held on November 2, 2022 at the **Woodglen School, 70 Bunnvale Road, Califon, NJ, 07830**, at 7:00 p.m. prevailing time, at which time and place, or at any time or place to which such meeting shall be from time to time be adjourned, and all persons interested will be given an opportunity to be heard concerning this Ordinance.

Karen J. Sandorse, RMC/CMC
Municipal Clerk

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
ORDINANCE NO. 2022-10
PROHIBITING THE OPERATION OF
ALL CLASSES OF MEDICINAL CANNABIS BUSINESSES
AND AMENDING SECTION
OF LEBANON TOWNSHIP CHAPTER 400 "ZONING" - §400--9(A-C)

WHEREAS, the regulation of Alternative Treatment Centers ("ATCs") and other establishments engaged in the cultivation, manufacturing, wholesaling, distribution, retail dispensing and delivery of medicinal cannabis is governed by the Jake Honig Compassionate Use Medical Cannabis Act ("CUMCA"), N.J.S.A. 24:61-1, et seq.; and

WHEREAS, The Highlands Water Protection and Planning Act, ("Highlands") N.J.S.A. 13:20-1 et seq. is a law to preserve open space and protect the state's greatest diversity of natural resources including the water resources that supply drinking water to more than half of New Jersey's families; and

WHEREAS, Lebanon Township is located in the New Jersey Highlands and regulated and governed by the preservation and planning areas of the Highlands; and

WHEREAS, it has been established that activities set forth in CUMCA require extensive quantities of water related to their operations and produce significant quantities of wastewater far exceeding the amounts envisioned during the adoption of the Highlands Act; and

WHEREAS, CUMCA (a) did not require Lebanon Township to adopt an ordinance concerning the zoning of ATCs or other medicinal cannabis establishments; and (b) does not restrict Lebanon Township's authority to adopt an ordinance concerning the zoning of ATCs or other medicinal cannabis establishments; and

WHEREAS, the Controlled Substances Act, 21 U.S.C. §§ 801, et seq., prohibits the cultivation, distribution, and possession of marijuana, for any reason, regardless of State law. New Jersey's cannabis regulations conflict with Federal law; and

WHEREAS, the Township Committee of the Township of Lebanon has determined that uses that violate the intent of the Highlands Act should be prohibited uses; and

WHEREAS, the Township Committee of the Township of Lebanon has determined that the presence of ATCs and other medicinal cannabis establishments in the Township would be inconsistent with the efforts in the Township's public and private schools to promote respect for

the law and discourage substance abuse and necessary and appropriate and in the best interests of the health, safety and welfare of the Township's residents; and

WHEREAS, the Township Committee of the Township of Lebanon has determined that ATCs and other medicinal cannabis establishments present similar zoning concerns as those cannabis establishments regulated by Ordinance No. 2021-07, and should be regulated consistently in order to implement a rational zoning plan; and

WHEREAS, the Township Committee of the Township of Lebanon acknowledges that State Law allows that the legitimate needs of Township residents and visitors to obtain cannabis products as medically required can be adequately served by ATCs, medical cannabis dispensaries and cannabis delivery services located in other municipalities; and

WHEREAS, the Township Committee of the Township of Lebanon have determined that it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Township's residents to amend the Township of Lebanon's zoning regulations to prohibit the following cannabis-related land use development within the Township of Lebanon: "All medicinal cannabis uses related to the cultivation, manufacturing, wholesaling, warehousing, distribution, retail dispensing and delivery(originating from within the Township) of medicinal cannabis of any kind.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Committee of the Township of Lebanon, in the County of Hunterdon, New Jersey, as follows:

1. All alternative Treatment Centers and other establishments engaged in the cultivation, manufacturing, wholesaling, warehousing, distribution, retail dispensing or delivery (unless delivery originates outside the boundaries of the Township) of medicinal cannabis as set forth in CUMCA, N.J.S.A. 24:61-1, et seq., are hereby prohibited from operating in any zoning district in the Township of Lebanon.
2. Section 400-9(A-C) of the Township of Lebanon's Code "Zoning – Use Regulations" is hereby amended by adding to the list as prohibited uses in all zoning districts, the following: "Any Alternative Treatment Centers and other Medicinal Cannabis Establishments engaged in the cultivation, manufacturing, wholesaling, warehousing, distribution, retail dispensing or delivery (originating from within the Township) of medicinal cannabis.
3. Any article, section, paragraph, subsection, clause, or other provision of Lebanon Code "Zoning" inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.
4. If any portion of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole, or any other part thereof. Any invalidation shall be confined in its operation to the section, paragraph, sentence, clause, phrase, term, or provision or part thereof directly involved in the controversy in which such judgment shall have been rendered.
5. Upon adoption of this Ordinance after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of this Ordinance with the County Planning Board, the Highlands Commission and other agencies as required by law.
6. This ordinance shall take effect upon its passage and publication, and as otherwise provided for by law.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon final passage and adoption and publication according to law.

Mike Schmidt, Mayor

ATTEST:

Karen J. Sandorse, RMC/CMC/CMR
Township Clerk