

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

ORDINANCE NO. 11-2024

**AMENDING CHAPTER 400, ARTICLE II, §400-9 ENTITLED “USE REGULATIONS”
OF THE CODE OF THE TOWNSHIP OF LEBANON BY PROHIBITING THE
OPERATION OF ALL COMMERCIAL PRODUCTION, MANUFACTURING AND
SERVICE PROVISIONING OF PSILOCYBIN, PSILOCIN AND PSYLOCYBE SPORES**

WHEREAS, the Township of Lebanon has under the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., and the police power, N.J.S.A. 40:48-1, et seq., the authority to regulate land uses within its municipal boundaries; and

WHEREAS, the Township of Lebanon through adoption of Lebanon Township Code Chapter 400 has established Land Use and Development Regulations; and

WHEREAS, the Township of Lebanon through adoption of §400-9 has established use regulations for the Township of Lebanon; and

WHEREAS, the Township of Lebanon in exercising its authority under the MLUL and its general police powers has determined that the establishment of Psilocybin manufacturing facilities and services centers present special concerns for security, safety and location; and

WHEREAS, the Federal Department of Justice/Drug Enforcement Administration lists Psilocybin as a Schedule 1 substance under the Controlled Substances Act, having a high potential for abuse, no currently accepted medical use in treatment in the United States and a lack of accepted safety for use under medical supervision; and

WHEREAS, the Township Committee of the Township of Lebanon has determined that Psilocybin manufacturing and service administration present similar zoning concerns as those for cannabis establishments regulated by Ordinance No. 2021-07 and 2022-10 and therefore, should be regulated consistently to implement a rational zoning plan; and

WHEREAS, the Township Committee of the Township of Lebanon has determined that it is currently necessary, appropriate and in the best interest of the health, safety and welfare of the Township’s residents to proactively amend the Township of Lebanon zoning regulations to prohibit commercial production and manufacturing of Psilocybin and derivatives and the operation of Psilocybin service centers in all zoning districts within the Township of Lebanon.

NOW THEREFORE, IT BE ORDAINED, BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF LEBANON, IN THE COUNTY OF HUNTERDON, NEW JERSEY, AS FOLLOWS:

SECTION 1. Chapter 400, Article II, §400-9 A. Residential districts, B. Business districts, C. Industrial District, is hereby amended by adding the following as “Prohibited uses” in all zoning districts:

All commercial manufacturing and service provisioning of Psilocybin, psilocin and psilocybe spores. “Manufacturing” and “service provisioning” means the planting, cultivation, growing, harvesting, production preparation, propagation, compounding, conversion or processing of, retail or wholesaling sale of, warehousing, delivery (originating from within the Township), or client administration sessions of under the supervision of a service facilitator or provider, operation of a testing lab of, operation of an alternate treatment facility or other facility licensed to administer and guide and/or monitor clients through episodes associated with the use of Psilocybin.

SECTION 2. At least three copies of said full Ordinance are on file in the Office of the Municipal Clerk for public examination and acquisition. Copies are available for inspection or acquisition during regular weekday working hours and arrangements have been made for the publication of said proposed Ordinance in pamphlet or other similar form which will be available for purchase from the Township Clerk.

SECTION 3. This ordinance shall take effect upon final passage and publication according to law.

SECTION 4. The Township Clerk is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the County Planning Board, and to all others entitled thereto pursuant to the provisions of N.J.S. 40:55D-15. Upon adoption of this Ordinance, after public hearing thereon, the Township Clerk is further directed to publish notice of passage thereof and file a copy of this Ordinance as finally adopted with the County Planning Board as required by N.J.S. 40:55D-16, the Highlands Commission, and with the Township Tax Assessor.

The Township Clerk shall execute Affidavits of Proof of Service of the notices required by this section and shall keep the Affidavits on file along with the Proof of Publication of the notice of the required public hearing on the proposed change.

SECTION 5. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 6. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

Introduced: August 21, 2024
Public Hearing: September 18, 2024
Adopted: September 18, 2024

ATTEST

Carolynn Budd, RMC
Township Clerk

Beverly Koehler
Mayor

CERTIFICATION

I, Carolynn Budd, Township Clerk of the Township of Lebanon, County of Hunterdon, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of an Ordinance introduced by the Lebanon Township Committee at a meeting held August 21, 2024, and adopted by the Township Committee on September 18, 2024.

Carolynn Budd, RMC
Township Clerk