

**TOWNSHIP OF ANDOVER  
SUSSEX COUNTY, NEW JERSEY**

**ORDINANCE #2021-11**

**AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY PROHIBITING THE OPERATION OF RETAIL AND DELIVERY LICENSE OF CANNABIS BUSINESSES WITHIN THE TOWNSHIP BY AMENDING AND SUPPLEMENTING ARTICLE XVII “CANNABIS CULTIVATION AND PROCESSING” AS FOLLOWS**

**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, 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 purchases 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**, the Andover Township Committee, by way of Ordinance 2021-03 provided for conditions and the ability of Class 1 Cannabis Cultivator License, Class 2 Cannabis Manufacturing License, Class 3 Cannabis Wholesaler License, and Class 4 Cannabis Distributor Licens; however, the Township desires to prohibit Class 5, Retail License and Class 6 Cannabis Delivery based business in the Township.

**NOW THEREFORE, BE IT ORDAINED**, by the Andover Township Committee in the County of Sussex and State of New Jersey, as follows:

**SECTION 1.** Chapter 190-120(B) “Zoning” of the Township Code is hereby established to prohibit Class 5 cannabis retail licenses anywhere in the Township and Class 6 cannabis delivery service operating facilities anywhere in the Township. In addition, “cannabis consumption area” as defined by NJSA 24:6I-33 shall be prohibited throughout the Township.

**SECTION 2.** Any article, chapter, section, paragraph, subsection, clause, or other provision of the Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

**SECTION 3.** In case, for any reason, any portion or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other portion or provision of this Ordinance, except so far as the portion or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

**SECTION 4.** This Ordinance shall take effect in accordance with the law.

## **NOTICE OF PENDING ORDINANCE**

PUBLIC NOTICE is hereby given that the foregoing Ordinance was introduced and passed at first reading at a Regular Meeting of the Township Committee of the Township of Andover held on June 17, 2021. A public hearing regarding same will be held at a meeting scheduled for July 15, 2021, beginning at 7:00PM to be held in person at the Municipal Building, 134 Newton-Sparta Road, Newton, NJ 07860.

All persons interested both for and against said ordinance shall be given an opportunity to be heard concerning same. A full copy of the ordinance is available on the Township's official website [www.andovertwp.org](http://www.andovertwp.org), or may be obtained in print from the Municipal Clerk's office during regular business hours.

Patricia L. Bussow, RMC  
Administrator/Municipal Clerk

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**NOTICE OF FINAL ADOPTION**

PUBLIC NOTICE is hereby given that the foregoing Ordinance was adopted at a public hearing held at a Regular Meeting of the Township Committee of the Township of Andover on July 17, 2021. Said meeting was held at the Municipal Building, 134 Newton Sparta Road, Newton, NJ 07860, at which time all persons were given the opportunity to be heard concerning same. This Ordinance shall take effect immediately upon publication, as required by law.

Patricia L. Bussow, RMC  
Administrator/Municipal Clerk