

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

**ORDINANCE #2022-20**

**AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX,  
STATE OF NEW JERSEY AMENDING CHAPTER 190 “ZONING” SECTION 120  
“CANNABIS CULTIVATORS, ESTABLISHMENTS AND MANUFACTURERS”  
OF THE TOWNSHIP CODE, RESCINDING THE PROHIBITION ON CLASS 5  
CANNABIS RETAILERS**

**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**, a majority of Andover Township voters approved Public Question No. 1; 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**, the Andover Township Committee on July 15, 2021 approved Ordinance #2021-11, creating Chapter 190-120(B) of the Township Code, establishing that Class 5 cannabis

retail licenses anywhere in the Township and Class 6 cannabis delivery service operating facilities anywhere in the Township are prohibited and, additionally, that "cannabis consumption areas" as defined by N.J.S.A. 24:6I-33 shall be prohibited throughout the Township; and

**WHEREAS**, the Township Committee 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 Committee has determined that the retail sale of cannabis and cannabis items under the Act can be permitted in a very limited geographic area of 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 Committee has determined that such businesses engaged in the retail sale of legal cannabis should be permitted in certain zones and in appropriate locations.

**NOW THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Andover that the Code of the Township of Andover shall be amended as follows:

**SECTION 1.**

**§ 190-120(B)**

Class 6 cannabis delivery service operating facilities anywhere in the Township are prohibited. In addition, "cannabis consumption areas" as defined by N.J.S.A. 24:6I-33 shall be prohibited throughout the Township.

**SECTION 2.** This Ordinance shall take effect upon final passage and publication according to law.

**SECTION 3.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION 4.** If any section, subsection, paragraph, sentence or any part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance not directly involved in the controversy in which such judgment shall have been rendered.

**SECTION 5.** This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

**SECTION 6.** This Ordinance may be renumbered for codification purposes.

**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 October 6, 2022. A public hearing regarding same will be held at a hybrid meeting scheduled for November 3, 2022, beginning at 7:00PM, to be held both in person and virtually via Zoom, which details for accessing the meeting are as follows:

Webinar ID: 832 6104 1515  
Passcode: 100240  
Join Zoom Meeting with browser:

<https://us02web.zoom.us/j/83261041515?pwd=dktJOGJRMWc5MjUxcE9UWWxadINRdz09>

or

Join Zoom Meeting by Phone:  
+ 1 301 715 8592

All persons interested both for and against said ordinance shall be given an opportunity to be heard concerning same.

Patricia L. Bussow, RMC  
Administrator/Municipal Clerk