

**TOWNSHIP OF FAIRFIELD
ORDINANCE #2021-08**

**AN ORDINANCE AMENDING VARIOUS ZONING PROVISIONS OF
THE CODE OF THE TOWNSHIP OF FAIRFIELD RELATED TO
CANNABIS ESTABLISHMENTS**

WHEREAS, on June 24, 2019, the Township of Fairfield adopted Ordinance 2019-08 providing for the prohibition of various marijuana facilities throughout the Township; 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 provides, in relevant part, that “any ordinance enacted by a municipality prior to the effective date of this section addressing the issue of prohibiting one or more types of cannabis-related activities within the jurisdiction of the municipality is null and void[;]” and

WHEREAS, the Act authorizes municipalities to prohibit by ordinance the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality, except for the delivery of cannabis items and related supplies by a delivery service based and initiated from outside of the municipality; and

WHEREAS, the Township of Fairfield wishes to amend its ordinances to provide for the permission and prohibition of certain cannabis businesses in accordance with the Act.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Fairfield, County of Essex, and State of New Jersey as follows:

SECTION 1. Chapter 8, Section 12.1, of the Township Code of the Township of Fairfield entitled “Business and Promotion of Marijuana” shall be amended to read as follows (additions are shown with underlines, deletions are shown as ~~strikethroughs~~, sections that remain unchanged are omitted below):

§ 8-12.1 Business and Promotion of Marijuana.

Introduced: 05/24/21

Adopted: 06/28/21

Any business that sells medicinal ~~and/or recreational~~ marijuana ~~and/or promotes the use of marijuana~~ is strictly prohibited in all zones.

SECTION 2. Chapter 45, Section 7.1, of the Township Code of the Township of Fairfield entitled “Terms Defined” shall be amended to add the following definitions:

CANNABIS

Shall mean all parts of the plant *Cannabis sativa* L., whether growing or not, 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 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.24:6I-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 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 CULTIVATOR

Shall mean 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 DELIVERY SERVICE

Shall mean 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 DISTRIBUTOR

Shall mean 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.

Introduced: 05/24/21

Adopted: 06/28/21

CANNABIS MANUFACTURER

Shall mean 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 RETAILER

Shall mean 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 WHOLESALE

Shall mean 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.

SECTION 3. Chapter 45, Section 12.23, of the Township Code of the Township of Fairfield entitled "Certain Cannabis Establishments Prohibited" shall be added to read as follows:

§ 45-12.23 Certain Cannabis Establishments Prohibited.

Cannabis Cultivators, Cannabis Retailers, and Cannabis Delivery Services shall be prohibited in all zones in the Township.

SECTION 4. In order to allow for certain cannabis establishments to operate in the Township's Light Industrial Zones, Chapter 45, Section 39.1, of the Township Code of the Township of Fairfield entitled "Permitted Uses" shall be amended to read as follows (additions are shown with underlines, deletions are shown as ~~strikethroughs~~, sections that remain unchanged are omitted below):

§ 45-39.1 Permitted Uses.

Introduced: 05/24/21

Adopted: 06/28/21

No structure, building or premises shall be used and no building shall be erected or altered, except for the following uses:

a. The fabrication, assembly and production of products, provided that no raw animal waste, animal matter, chemical reduction or processing, steel rolling or explosives are involved.

b. The packaging, warehousing and distribution of products.

c. Offices: general, business, professional, banks, financial and government.

d. Planned industrial parks.

e. Research and product testing laboratories.

f. Business schools.

g. Business services.

h. (Reserved)

i. Printing and publishing.

j. Churches and Houses of Worship.

k. Public buildings and parks.

l. Wholesale supply establishments.

m. Cannabis distributors.

n. Cannabis manufacturers.

o. Cannabis wholesalers.

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

SECTION 6. If any section, paragraph, subdivision, clause of provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to that section, paragraph, subdivision, clause or provision so adjudged, and the remainder of this ordinance shall be deemed to be valid and effective.

Introduced: 05/24/21
Adopted: 06/28/21

SECTION 7. This ordinance shall take effect immediately after final passage, approval and publication as required by law.



JAMES GASPARINI
Mayor


ATTEST:



DENISE D. CAFONE
Municipal Clerk

NOTICE

Notice is hereby given that the foregoing Ordinance was submitted in writing at a meeting of the Mayor and Council of the Township of Fairfield, County of Essex, State of New Jersey, held on May 24, 2021 introduced and read by title and passed first reading and that said Governing Body will further consider the same for second reading and final passage thereof at a meeting that is to be held on June 28, 2021 at 7:00 p.m.; at the Municipal Building, 230 Fairfield Road, Fairfield, New Jersey, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens of interest shall have an opportunity to be heard concerning same.



DENISE D. CAFONE
Municipal Clerk

Introduced: 05/24/21
Adopted: 06/28/21

INTRODUCTION OF ORDINANCE

ORDINANCE #2021-08, AN ORDINANCE AMENDING VARIOUS ZONING PROVISIONS OF THE CODE OF THE TOWNSHIP OF FAIRFIELD RELATED TO CANNABIS ESTABLISHMENTS.

**INTRODUCED BY: COUNCILMAN MCGLYNN
SECONDED BY: COUNCILMAN CIFELLI
PUBLISHED: JUNE 10, 2021**

ROLL CALL VOTE

GOVERNING BODY	AYES	NAYS	ABSTAIN	ABSENT	NOT VOTING
COUNCIL PRESIDENT WILLIAM GALESE	X				
COUNCILMAN JOSEPH CIFELLI	X				
COUNCILMAN JOHN LAFORGIA	X				
COUNCILMAN MICHAEL B. MCGLYNN	X				
MAYOR JAMES GASPARINI	X				

2ND READING AND PUBLIC HEARING:

**INTRODUCED BY: COUNCILMAN CIFELLI
SECONDED BY: COUNCILMAN MCGLYNN
PUBLISHED: JULY 8, 2021**

ROLL CALL VOTE

GOVERNING BODY	AYES	NAYS	ABSTAIN	ABSENT	NOT VOTING
COUNCIL PRESIDENT WILLIAM GALESE	X				
COUNCILMAN JOSEPH CIFELLI	X				
COUNCILMAN JOHN LAFORGIA	X				
COUNCILMAN MICHAEL B. MCGLYNN	X				
MAYOR JAMES GASPARINI	X				