

**TOWNSHIP OF DENNIS  
COUNTY OF CAPE MAY  
STATE OF NEW JERSEY**

**ORDINANCE NO. 2021-03**

**AN ORDINANCE OF THE TOWNSHIP OF DENNIS, COUNTY OF CAPE MAY, AND  
STATE OF NEW JERSEY AMENDING CHAPTER 185, SECTION 4, ENTITLED,  
“PROHIBITED USES” OF THE DENNIS TOWNSHIP CODE PROHIBITING THE  
OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS  
GEOGRAPHICAL BOUNDARIES**

**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**, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as

“a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

**WHEREAS**, section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

**WHEREAS**, section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

**WHEREAS**, the Township of Dennis has a comprehensive land use development ordinance which identifies uses in each zoning district and prohibits uses which are not expressly permitted; and

**WHEREAS**, the Township Committee of the Township of Dennis (“Dennis Township”) has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on Dennis Township in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of Dennis Township residents and members of the public who visit, travel, or conduct business in Dennis Township to amend Dennis Township’s zoning regulations to prohibit all manner of marijuana-related land use and development within the geographic boundaries of Dennis Township; and

**NOW THEREFORE, BE IT ORDAINED**, by the Township Committee of the Dennis Township, in the County of Cape May, State of New Jersey, as follows:

**Section One.** Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in Dennis Township except for the delivery of cannabis items and related supplies by a delivery service.

**Section Two.** The portion of Chapter 185, Section 4 of the Dennis Township Code is hereby amended by adding to the list of prohibited uses as follows (additions are underlined; deletions are [bracketed]):

**ARTICLE I General Provisions**  
**(Amended 7-15-13 by Ord. No. 2013-03)**

**§185-4 Prohibited uses.**

- A. All uses not expressly permitted in this chapter are prohibited.
- B. In addition, the following uses are specifically prohibited in all districts:

- (1) Trailer parkers.

- (2) Incinerators.
- (3) Landfills
- (4) Junkyards.
- (5) The use of land for the dumping or disposal of toxic or hazardous wastes or sludge material.
- (6) Commercial resource extraction, specifically including sand mining and commercial water removal.
- (7) The manufacture of explosives, volatile chemicals, or any use which significantly presents a similar risk, hazard, or nuisance as the manufacture of explosives or volatile chemicals. Uses believed to significantly present a similar risk, hazard or nuisance include, but are not limited to, the following:

(Added 6-4-07 by Ord. No. 2007-09)

- a. Acetylene gas manufacture and/or storage of more than one cylinder of 10 cubic feet.
- b. Acid manufacture (hydrochloric, nitric, acrid, sulfuric, carbolic)
- c. Ammonia, bleaching power or chlorine manufacture.
- d. Aresenal.
- e. Asphalt manufacture.
- f. Oil refining.

- (8) The following classes of Cannabis licenses, enumerated in P.L. 2021, c. 16, are prohibited in all zoning districts of Dennis Township, except for the delivery of cannabis items and related supplies by a delivery service.

- a. Class 1 – Cannabis Grower, for facilities involved in growing and cultivating cannabis;
- b. Class 2 - Cannabis Processor, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- c. Class 3 – Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- d. Class 4 – Cannabis Distributor license, for businesses involved in transporting cannabis items in bulk intrastate, from one licensed cannabis establishment to another;
- e. Class 5 – Cannabis Retailer license, for locations at which cannabis items and paraphernalia are sold to consumers;
- f. Class 6 – Cannabis Delivery license, for business providing courier services for a licensed cannabis retailer in order to make deliveries of cannabis items and related supplies to a consumer.

**Section Three.** Any article, section, paragraph, subsection, clause, or other provision of the Dennis Township Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

**Section Four.** If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

**Section Five.** This ordinance shall take effect immediately upon its passage and publication as provided by law.

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Zeth A. Matalucci, Mayor

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Scott J. Turner, Deputy Mayor

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Thomas VanArtsdalen, III, Committee Member

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Matthew Cox, Committee Member

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Frank L. Germanio, Jr., Committee Member

The foregoing Ordinance was introduced at a meeting of the Township Committee of the Township of Dennis on April 27, 2021. Publication will be held on May 03, 2021 and a Public Hearing will be held at a meeting of the said Township Committee to be held on June 08, 2021 at 5:30 p.m. in the Municipal Building located at 571 Petersburg Road in Dennisville.

**ATTEST** \_\_\_\_\_  
**Jacqueline B. Justice, RMC/Clerk**