

*BOROUGH OF ROOSEVELT
COUNTY OF MONMOUTH
STATE OF NEW JERSEY*

**ORDINANCE NO.: 2025-07
INTRODUCTION DATE: 03-03-2025
PUBLIC HEARING DATE: 04-07-2025**

**AN ORDINANCE AMENDING CHAPTER 20: “CANNABIS” AND CHAPTER Z:
“ZONING” OF THE BOROUGH’S REVISED GENERAL ORDINANCES TO PERMIT
CANNABIS CULTIVATORS WITHIN THE R-AG/400 ZONE UNDER THE
BOROUGH’S LAND USE AND DEVELOPMENT REGULATIONS**

BE IT ORDAINED by the Governing Body of the Borough of Roosevelt, County of Monmouth, State of New Jersey, that:

SECTION 1. Chapter 20: “Cannabis” of the Revised General Ordinances of the Borough of Roosevelt is hereby amended as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

**CHAPTER 20
“CANNABIS”**

§ 20-1 Cannabis Businesses Prohibited/Permitted as per Chapter Z: “Zoning”.

- a. ~~Pursuant to section 31(b) 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 Borough of Roosevelt, except for the delivery of cannabis items and related supplies by a delivery service.~~
- a. Under Section 4.500 of the Borough Zoning Ordinances, the operation of Cannabis Cultivators and Medical Cannabis Cultivators is permitted within the R-Ag/400 zone.
- b. Pursuant to Section 4.300 of the Borough Zoning Ordinances, the operation of ~~Cannabis Cultivators~~, Cannabis Distributors, Cannabis Manufacturers, Cannabis Wholesalers, Cannabis Retailers, Medical Cannabis Alternative Treatment Centers, ~~Medical Cannabis Cultivators~~, Medical Cannabis Dispensaries, and Medical Cannabis Manufacturers are prohibited uses in all zones within the Borough of Roosevelt.

§ 20-2 Public Consumption of Cannabis Prohibited.

- a. It shall be unlawful for any person to consume a cannabis item available for lawful consumption pursuant to the New Jersey Cannabis Regulatory, Enforcement

Assistance, and Marketplace Modernization Act in any public place as defined in said Act, including any public highway, public street, public sidewalk, public parking lot or lot, playground, park or other property owned by, belonging to or over which the Borough has control, other than school property for which unlawful consumption is a disorderly persons offense, or when not prohibited by the owner or person responsible for the operation of that public place.

- b. Any person violating this Section 20-2 shall be subject to a civil penalty of up to \$200.00, which shall be recovered in a civil action by a summary proceeding in the name of the Borough pursuant to the Penalty Enforcement Law of 1999. The Municipal Court and the Superior Court shall have jurisdiction of proceedings for the enforcement of the penalty provided by this section.

§ 20-3 Possession or Consumption by Underaged Persons on Private Property.

- a. It shall be unlawful for any person under the legal age who, without legal authority, knowingly possesses or consumes a cannabis item on private property.
- b. Any person violating this Section 20-3, in the case of an adult under the legal age to purchase cannabis items, shall be punished as follows:
 - 1. If the cannabis item possessed is an amount which may be lawfully possessed by a person of the legal age to purchase cannabis items pursuant to N.J.S.A. 2C:35-10a: for a first offense, a civil penalty of \$100.00; for a second offense, a civil penalty of \$200.00; and for a third or subsequent offense, a fine of \$350.00. The civil penalties provided for in this section shall be recovered in a civil action by a summary proceeding in the name of the municipality pursuant to the Penalty Enforcement Law of 1999. The Municipal Court shall have jurisdiction of proceedings for the enforcement of the penalty provided by this section.
 - 2. If the cannabis item possessed is an amount that exceeds what may be lawfully possessed by a person of the legal age to purchase cannabis items pursuant to N.J.S.A. 2C:35-10a, or if any cannabis item is consumed: for a first offense, a fine of \$250.00; and for a second or subsequent offense, a fine of \$350.00.

§ 20-4 Local Cannabis Transfer Tax and User Tax.

- a. The Borough hereby adopts and imposes a Local Cannabis Transfer Tax on the sale of any cannabis or cannabis items by any cannabis business within the Borough, which Local Cannabis Transfer Tax shall be imposed, at the rate of 2.0%, upon all receipts of such cannabis business.
- b. Local Cannabis User Tax.

1. The Borough hereby adopts and imposes a Local Cannabis User Tax, at the same and equivalent rates as established for the Local Cannabis Transfer Tax rates set forth in Section 20-4a hereinabove.
2. The Local Cannabis User Tax shall be imposed upon any concurrent license holder operating more than one cannabis business, and shall be imposed on the value of each transfer or use of cannabis or cannabis items not otherwise subject to the Local Cannabis Transfer Tax imposed pursuant to Section 20-4a hereinabove, from the license holder's business that is located in the Borough to any of the other license holder's businesses, whether located in the Borough or in another municipality.

c. Other Local Cannabis Tax Regulations.

1. The Local Cannabis Transfer Tax and User Tax imposed pursuant to this section shall be in addition to any other tax imposed by law.
2. The Local Cannabis Transfer Tax and User Tax shall be collected or paid, and remitted to the Borough by the cannabis business from the cannabis business purchasing or receiving the cannabis or cannabis item.
3. The Local Cannabis Transfer Tax and User Tax shall be stated, charged, and shown separately on any sales slip, invoice, receipt, or other statement or memorandum of the price paid or payable, or equivalent value of the transfer, for the cannabis or cannabis item.
4. Every cannabis business required to collect the Local Cannabis Transfer Tax and User Tax imposed by this section shall be personally liable for the Local Cannabis Transfer Tax and User Tax imposed, collected, or required to be collected under this section. Any cannabis business shall have the same right with respect to collecting the Local Cannabis Transfer Tax and User Tax from another cannabis business as if the Local Cannabis Transfer Tax or User Tax was a part of the sale and payable at the same time, or with respect to non-payment of the Local Cannabis Transfer Tax and User Tax by the cannabis business, as if the Local Cannabis Transfer Tax and User Tax was a part of the purchase price of the cannabis or cannabis item, or equivalent value of the transfer of the cannabis or cannabis item, and payable at the same time; provided, however, that the Chief Financial Officer of the Borough shall be joined as a party in any action or proceeding brought to collect a Local Cannabis Transfer Tax and User Tax.
5. No cannabis business required to collect the Local Cannabis Transfer Tax and User Tax pursuant to this section shall advertise or hold out to any person or to the public in general, in any manner, directly or indirectly, that the Local Cannabis Transfer Tax and User Tax will not be separately charged and stated

to another cannabis business, or that the Local Cannabis Transfer Tax and User Tax will be refunded to the cannabis business.

6. All revenues collected from the Local Cannabis Transfer Tax and User Tax pursuant to this section shall be remitted to the Chief Financial Officer of the Borough. The Chief Financial Officer shall collect and administer the Local Cannabis Transfer Tax and User Tax imposed by this section. The Borough shall enforce the payment of delinquent Local Cannabis Transfer Tax and User Tax in the same manner as provided for municipal real property taxes.
7. In the event that the Local Cannabis Transfer Tax and User Tax imposed by this section is not paid as and when due by a cannabis business, the unpaid balance, and any interest accruing thereon, shall be a lien on the parcel of real property comprising the cannabis business in the same manner as all other unpaid municipal taxes, fees, or other charges. The lien shall be superior and paramount to the interest in the parcel of any owner, lessee, tenant, mortgagee, or other person, except the lien of municipal taxes, and shall be on a parity with and deemed equal to the municipal lien on the parcel for unpaid property taxes due and owing in the same year. In the event of a delinquency, the Chief Financial Officer shall file with the Tax Collector a statement showing the amount and due date of the unpaid balance and identifying the lot and block number of the parcel of real property that comprises the delinquent cannabis business. The lien shall be enforced as a municipal lien in the same manner as all other municipal liens are enforced.

§ 20-5 Cannabis Business Licensing.

§ 20-5.1 License.

- a. *Laws applicable.* All applications for licenses, all licenses issued, and all proceedings under this Chapter shall be in accordance with the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (“the Act”), rules, regulations, and all other applicable laws of the State of New Jersey.
- b. *Issuing authority.* All licenses required shall be issued by the Borough Clerk.
- c. *License required.* It shall be unlawful for any person, firm, or corporation to own or operate within the Borough any cannabis businesses without first having obtained properly issued licenses in accordance with the Act and this Chapter.
- d. *License fees.* The annual license fee for a license for a cannabis business shall be as follows: initial application fee is \$5,000 and \$2,500 per annual renewal thereafter.

§ 20-5.2 Licensing Requirements.

- a. Any licensed establishment located on property that abuts residential property shall be required to have sufficient buffering between the site and the residential property.
- b. All cannabis operations shall be required to submit an Odor Mitigation Plan as part of their license application. All cannabis establishments shall have appropriate equipment to mitigate cannabis-related odor. All buildings shall be equipped with an air treatment system with sufficient odor absorbing ventilation and exhaust systems such that any odor generated inside the facility is not detectable by a person of reasonable sensitivity at the property line of the subject property. Odor complaints will be directed to NJDEP's environmental hotline for further investigation and compliance with the Air Pollution Control Act.
- c. Security Requirements for all classes of cannabis establishments:
 1. All licensed facilities shall be equipped with security cameras covering all exterior parking and loading areas, all points of entry into the facilities, and interior spaces that are used to store cannabis. Security cameras shall be installed to monitor and record all areas of the premises, except in restrooms, and where persons may gain or attempt to gain access to cannabis or cash maintained by the cannabis business. Cameras shall record operations of the business and all potential areas of ingress and egress to the facility with sufficient detail to identify facial features and clothing. Recordings from security cameras shall be maintained for a minimum of sixty (60) days in a secure offsite location or through a service over a network that provides on-demand access, commonly referred to as a "cloud."
 2. All licensed cannabis businesses shall provide the State Police with access to recorded security footage immediately upon request by the Borough.
 3. All cannabis businesses shall provide a dimensioned floor plan, clearly labeled, showing: the layout of the structure and floor plan in which the operation is to be located; the principal uses of the areas depicted on the floor plan including, but not limited to, public areas, processing and manufacturing areas, loading and unloading areas, storage areas and restricted areas where cannabis will be located, storage areas and restricted areas where cannabis will be located; all points of entry into the facility; and the locations of all security cameras that will be positioned within the facility.
 4. All licensed cannabis businesses shall provide a plan for exterior lighting for security purposes.
 5. All licensed cannabis businesses shall install and use a safe for storage of any cash on the premises when the business is closed. The safe shall be incorporated into the building structure or securely attached thereto.

6. All licensed cannabis businesses shall install and use an alarm system that is monitored by a company that is staffed twenty-four hours a day, seven days a week. The name, location and contact information of the company monitoring the alarm shall be provided to the Borough and shall be updated within forty-eight hours of any change of monitoring company.

§ 20-5.3 Revocation of License.

- a. Any license issued under this chapter may be suspended or revoked for a violation of any of the provisions of this Chapter, or any provision of the Act or any of the rules or regulations of the State of New Jersey.
- b. The provisions of this Chapter shall be enforced by the State Police and/or the Borough Code Enforcement Officer. If the Borough finds upon a written complaint that there is such a serious infraction of the rules, regulations and ordinances of the Borough or the rules, regulations and laws of the State of New Jersey or that the operation of a premises licensed hereunder will constitute a menace to the health, safety, welfare and morals of the people of the Borough or the occupants of such licensed premises, the Borough shall have the right to hold a hearing where said operator and complainant will be given the right to provide testimony and be subject to cross-examination regarding said complaint. Upon the Borough's finding of good cause, it may immediately suspend the license of such person, firm, partnership, corporation or entity licensed under this article. The hearing to continue the suspension or revocation of the license or take such other action as the Borough deems necessary in its lawful discretion shall proceed where applicable in the same manner as if the proceeding were for the issuance of a new license. Nothing contained herein shall prevent the Borough or its officers from proceeding against the applicant in a court of competent jurisdiction.
- c. Suspension or revocation of a license shall be in addition to any other penalty which may be imposed for a violation of this Chapter.

§ 20-5.4 Violations and Penalties.

Any licensee or person who shall violate or fail to comply with the provisions of this Chapter shall, upon conviction, have his, her or its license subject to a fine of \$500.00 for the first offense and \$2,000.00 for any subsequent offense or by imprisonment for a term not exceeding 90 days or by a period of community service not exceeding 90 days as well as such penalties as may otherwise be provided by law.

SECTION 2. Section 4.300: "General Use Restrictions" of Article IV: "District Use and Development Regulation" of Chapter Z: "Zoning" of the Revised General Ordinances of the Borough of Roosevelt is hereby amended as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

§ 4.300 General Use Restrictions.

- a. Any use not designated as a principal permitted use, a permitted accessory use, or a conditional use is specifically prohibited from any zoning district in the Borough of Roosevelt. Farming as defined in this ordinance shall be prohibited in all zones other than R-Ag/400.
- b. The operation of ~~Cannabis—Cultivators~~, Cannabis Distributers, Cannabis Manufacturers, Cannabis Wholesalers, Cannabis Retailers, Medical Cannabis Alternative Treatment Centers, ~~Medical—Cannabis—Cultivators~~, Medical Cannabis Dispensaries, and Medical Cannabis Manufacturers are prohibited uses in all zones within the Borough of Roosevelt.

SECTION 3. Section 4.500: “District Regulations” of Article IV: “District Use and Development Regulation” of Chapter Z: “Zoning” of the Revised General Ordinances of the Borough of Roosevelt is hereby amended as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

§ 4.500 District Regulations.

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DISTRICT R-AG 400 RESIDENTIAL/AGRICULTURAL DISTRICT

Purpose: The purpose of this district is to facilitate the continuation of traditional agricultural lands for productive farming purposes in accordance with the original plan and design of Jersey Homesteads and the Roosevelt National Historical District; to minimize residential sprawl; to encourage the perpetuation of the Borough's agro-industrial design so long as it may be appropriate and to otherwise further the general purposes of this ordinance.

Principal Permitted Uses:

Farms for growing of field, vegetable, <u>fruit, and tree crops, and vineyards</u>
Nurseries and greenhouses
Single-family detached dwellings
Group homes for the developmentally disabled license by the New Jersey Department of Human Services.
Houses of worship subject to the requirements below.
Public and private schools. Public and private schools shall comply with applicable requirements in accordance with State law and be subject to the requirements below.
<u>Cannabis Cultivators and Medical Cannabis Cultivators, subject to the requirements set forth in Section 6.800.</u>

Winery, subject to the requirements of Sections 6.200, 6.210, 6.211, 6.212, 6.213, 6.220, 6.230, 6.240, 6.250 and 6.700.
Sales Room, Winery, subject to the requirements of Sections 6.200, 6.210, 6.211, 6.212, 6.213, 6.220, 6.230, 6.240, 6.250 and 6.700.
Winemaking, Instructional Facility, subject to the requirements of Sections 6.200, 6.210, 6.211, 6.212, 6.213, 6.220, 6.230, 6.240, 6.250, and 6.700.
Athletic and recreation facilities ancillary to a public or private school provided that such facilities shall be located on the same parcel as the school within the R/Ag-400 Zone and further provided that such facilities shall not utilize field lighting, that any scoreboard structures be located a minimum of 500 feet from any off-tract residential use, and that a planted buffer and landscaping be provided in accordance with the requirements below.
Dormitories for private schools in the R-AG400 Zone shall conform with the following:
a. Dormitories shall be located on the same property as the school facility for which the dormitory is providing boarding services.
b. Dormitories shall comply with requirements applicable to dormitories in accordance with State law.
c. Provisions for affordable housing generated in accordance with State law shall be provided by private schools.
d. Parking. Parking shall be provided in accordance with Section 6.220.
e. Loading. Loadings bases shall be provided and designed in accordance with Section 6.230.
Houses of worship, private and public schools, athletic fields and dormitories shall provide for the following:
a. A planted buffer of not less than 50 feet in width shall be provided between a dormitory, school and/or athletic and recreation field and an adjacent residential structure within 100 feet of the facility in accordance with the standards of Article 5 of Ordinance, 187, Subdivision and Site Plan Ordinance. The length of a planted buffer shall be sufficient to provide a visual screen from the residence to the facility or facilities to be developed.
b. Landscaping in accordance with Article 5 of Ordinance 187, Subdivision and Site Plan Ordinance.

DISTRICT R-AG 400 RESIDENTIAL/AGRICULTURAL DISTRICT

Permitted Accessory Uses:

Buildings and structures incidental to permitted principal uses, including customary farming accessory uses for farms, nurseries and greenhouses and customary residential accessory uses.

Other accessory uses as permitted in the R-40 district

Signs pursuant to Section 6.300

Parking pursuant to Section 6.200

Conditional Uses:

Breeding, raising, training, boarding and/or rehabilitation of horses provided that there is, at least, one acre of pasture per horse over the age of seven months and there are no nuisance factors generated.

SECTION 4. Article IV: “District Use and Development Regulation” of Chapter Z: “Zoning” of the Revised General Ordinances of the Borough of Roosevelt is hereby supplemented with *new* Section 6.800: “Cannabis Businesses” as follows:

§ 6.800 Cannabis Businesses.

Cannabis businesses shall be permitted, pursuant to this Chapter, only if the following requirements are complied with:

- a. The regulations of this Section are subject to the enabling authority of the State of New Jersey and are subject to compliance with all statutes and/or regulations adopted by the State of New Jersey or its instrumentalities. If any provision of this Section is inconsistent with the statutes and/or regulations of the State of New Jersey, the State statutes and/or regulations shall prevail.
- b. Prior to the operation of any cannabis business, a license must be obtained from the State of New Jersey and from the Borough. No cannabis business shall be permitted to operate without State and Borough permits or licenses.
- c. Permitted uses shall, at all times, comply with the terms and conditions of the licensee’s cannabis business license for permits or licenses issued by the State of New Jersey and the Borough.
- d. No cannabis business shall be allowed as a home occupation under Section 6.400.
- e. No cannabis business shall be housed in a vehicle or any movable or mobile structure.
- f. Cannabis businesses shall have equipment to mitigate odor. The cannabis business shall be equipped with a ventilation system sufficient in type and capacity to mitigate cannabis odors emanating from the interior of the premises.

- g. Outside generators and other mechanical equipment used for any kind of power supply, cooling, or ventilation shall be enclosed and have appropriate baffles, mufflers, and/or other noise reduction systems to mitigate noise pollution.
- h. All cannabis businesses shall be secured in accordance with State of New Jersey statutes and regulations and shall have a round-the-clock video surveillance system, 365 days a year.
- i. All cannabis businesses must provide the State Police with access to security footage immediately upon request by the Borough.
- j. Cannabis business signage shall not contain text and/or image intended to promote excessive consumption of legal cannabis products. The signage shall not have the words “Weed” or “Marijuana”, or depict marijuana or cannabis plants, or contain graphics indicating such images or wording.
- k. The applicant shall submit a written report setting forth the full particulars of the proposed use, including hours of operation, anticipated customer volume, parking facilities necessary to service such customer volume and measures to be taken to avoid nuisance effects upon adjacent and nearby residential areas.
- l. Cannabis businesses shall be prohibited in any area in which, under State or Federal law, any cannabis business would be prohibited from operating based upon its proximity to a school, park, housing authority property, public or private youth center, playground, or swimming pool.

SECTION 5. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 6. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Borough of Roosevelt are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 7. After introduction, the Borough Clerk is directed to submit a copy of the within Ordinance to the Planning Board of the Borough for its review under N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Mayor & Council, within 35 days after referral, a report including identification of any provisions in the

proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

SECTION 8. This Ordinance shall take effect upon (1) adoption; (2) publication in accordance with the laws of the State of New Jersey; and (3) filing of the final adopted Ordinance by the Clerk with the Monmouth County Planning Board pursuant to N.J.S.A. 40:55D-16.