

**TOWNSHIP OF VERNON**  
**ORDINANCE #23-21**

**AN ORDINANCE OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, STATE OF NEW JERSEY ADDING CHAPTER 13, "CANNABIS ESTABLISHMENT LICENSING AND REGULATION," TO THE TOWNSHIP CODE, ESTABLISHING LOCAL ANNUAL CANNABIS LICENSES FOR ALL CANNABIS ESTABLISHMENTS TO OPERATE IN THE TOWNSHIP, PURSUANT TO THE NEW JERSEY CANNABIS REGULATORY, ENFORCEMENT ASSISTANCE, AND MARKETPLACE MODERNIZATION ACT**

**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, 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**, sections 31a-c of the Act, N.J.S.A. 24:6I-45a-c, authorizes municipalities to adopt ordinances and regulations prohibiting outright and/or limiting the number of any class of licensed "cannabis establishment" (defined in section 33 of the Act, N.J.S.A 24:61-33, as "a cannabis cultivator,

a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer"), cannabis distributor and cannabis delivery service allowed to operate within its municipal boundaries; and the location, manner and times of operation of such cannabis establishment, cannabis distributor and cannabis delivery service, except that the transportation and time of operations for cannabis delivery services, shall only be subject to the regulation by the Cannabis Regulatory Commission (the "Commission" or "CRC"); and

**WHEREAS**, pursuant to NJ.A.C. 17:30-5.1(b) of the CRC's Rules, any municipality that has timely adopted an ordinance prohibiting outright the operation of any cannabis establishment, distributor or the principal location of any cannabis delivery service business within a municipality in accordance with N.J.S.A 24:6I-45b, may thereafter amend its ordinances to allow for, zone, license and regulate such cannabis establishments, distributors and the principal locations of cannabis delivery service businesses; and

**WHEREAS**, the Township Council 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 Council has determined that the six (6) legal classes of cannabis under the Act can be permitted in 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 Council has determined that such businesses engaged in a business with one of the six classes of legal cannabis licenses should be permitted as delineated in Chapter 330 Land Development Ordinances in the Township subject to the appropriate Township Licensure as delineated herein.

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

**SECTION 1.**

**§ 13-1 Purpose and Application.**

- a. Purpose. This Section has been adopted by the Township Council of the Township of Vernon for the following purposes:
  1. To protect the public health, safety, and general welfare of the residents of the Township of Vernon by establishing strict licensing limits and regulations on the lawful sale and use of legal cannabis to persons age 21 years or older only, and at all times in conformity with the laws of the State of New Jersey, including without limitation, the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (the "Act"), the rules and regulations of the New Jersey Cannabis Regulatory Commission (the "Commission" or "CRC"), and the Township Code, as may be amended from time-to-time hereafter.

2. To regulate the local licensing and operation of licensed Cannabis Establishments, each as defined in N.J.S.A. 24:61-33 of the Act, to protect against the unlawful operation, sale, and use of cannabis and marijuana.
  3. To establish certain conditions and limitations on the number of cannabis licenses authorized to be issued within the municipal boundaries of the Township through the local licensing process.
  4. To establish local regulations on the time, location and manner of licensed Cannabis Establishments and activities in accordance with State law.
  5. To establish limitations on the number and types of Cannabis Establishment licenses and cannabis marketplace activities.
- b. Applicability. The provisions herein shall apply to all licensees, persons, organizations and businesses operating and/or seeking to operate within the Township as any class of licensed Cannabis Establishment pursuant to the Act.

c.

**§ 13-2 Definitions.**

The terms used herein shall be as defined in the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act," P.L. 2021, c. 16, N.J.S.A. 24:61-31, et seq. (the Act) as may be amended from time-to-time in accordance with State law. Should any of the definitions in this Section conflict with definitions located elsewhere in the Vernon Township Municipal Code, the definitions contained in the Act as noted herein shall control for purposes of this Section. If a word, term, or phrase is defined neither in the Act nor elsewhere in the Vernon Township Municipal Code, the most common dictionary definition is presumed to be correct.

**§ 13-3 Prohibitions on Cannabis Consumption Areas.**

- a. Pursuant to section 32 of the Act, N.J.S.A. 24:61-21, all Cannabis Consumption Areas are prohibited from being located or otherwise operated within the geographic boundaries of the Township of Vernon.

**§ 13-4 Numerical Limit on Local Cannabis Licenses and Class Types of Cannabis Establishments Permitted.**

- a. The following number and type of Township Establishment licenses, otherwise known as "local annual cannabis license" is/are authorized to be available for issuance by the Township on an annual basis pursuant to the Act and the regulations of the Commission and the Township Code:
1. **Two (2) Class 1 Cultivators, two (2) Class 2 Manufacturers, two (2) Class 3 Wholesalers, two (2) Class 4 Distributors, two (2) Class 5 Retailers; and two (2) Class 6 Deliveries** in each respective Zoning District where such license class is permitted and

where the operator is holding the requisite current valid & active permits issued by the Commission in accordance with the Act, which authorizes the entities to cultivate & process, manufacture, wholesale, distribute, and sell to retail consumers cannabis, respectively, in accordance with the Township Code, and the Act and the regulations of the Commission, as may hereafter be amended. At no time shall such local annual license be transferrable from the initial licensee to another entity without prior formal licensing approval from the Commission and the Township.

- b. Except as provided in al above, no additional licenses or license class types shall be issued or otherwise made available by the Township except by formal adoption of an ordinance amending the provisions of the Township Code herein.
- c. Any person, organization and/or business, including a licensed Cannabis Establishment or operation of limited class type operating outside the scope of a license, found to engaged in the cultivation, manufacturing, wholesale, distribution, and/or retail sale of cannabis or cannabis items without first possessing a valid local annual cannabis license issued by the Township shall be subject to a civil fine and penalty as set forth hereinbelow.
- d. Resolutions of support. Resolutions of support obtained by a potential licensee from the Township Council shall be valid for the period of one (1) year, unless an extension is granted by the Township Council. Resolutions of support shall not be deemed as an agreement to hold a license available for the potential licensee.

### § 13-5 Municipal Licensure Requirements.

- a. Prior to commencing and engaging in any cannabis business activities and uses within the Township permitted by the Commission pursuant to a State-issued Class 1, 2, 3, 4, 5 or 6 license validly issued in accordance with the Act, any person, business, and/or organization shall first apply for and secure from the Township a local annual cannabis license. Except that nothing herein shall be read or construed to conflict with the statutory provisions as to Cannabis Delivery Services licensed by the Cannabis Regulatory Commission.
- b. The Township Administration shall begin accepting applications for Class 1, 2, 3, 4, 5 or 6 local annual cannabis licenses 15 days following final passage of this ordinance.
- c. The initial local annual cannabis license shall be valid until December 31, 2024. Thereafter the period of each annual local Cannabis Establishment license shall commence on January 1 and expire on December 31 of the calendaryear.
- d. By no later than December 1 of any existing license year, the licensee shall be required to file an application for the renewal of a local annual cannabis license to be authorized to continue operation as a Class 1, 2, 3, 4, 5 or 6 Cannabis Establishment within the Township.
- e. All local annual cannabis licenses shall be conditional, and shall remain subject to all

State and local laws and regulations. Failure of any licensee to comply with such applicable laws shall be grounds for revocation and/or nonrenewal of the local annual cannabis license by the Township Administration.

- f. The initial application fee for each local annual cannabis license, of each class-type, shall be \$10,000 for all classes and the renewal application fee shall be \$10,000 for all classes. The application fee is non-refundable.
- g. A new licensee must file an application with the Township Land Use Board seeking site plan and associated approvals for a specific site within six (6) months of receiving a Township license. If application is not made within six (6) months, the Township license will be revoked.
- h. Unless the Township issues a license renewal, it shall be unlawful for any person to manufacture, sell, distribute, transfer, transport, or otherwise remove cannabis or cannabis products/items from the premises of any Cannabis Establishment after the expiration date recorded on the face of the license.
- i. All local annual cannabis licenses shall be non-transferrable. All local annual cannabis licenses shall be specific to the property location authorized and approved by the Township and shall not otherwise be considered a "pocket license."
- j. The licensed premises of all licensees shall be subject to unannounced inspections by a designated representative of the Township. Access shall be permitted by the designated representative on demand by the Township's authorized representative.

### § 13-6 Application for Local License and Annual Local License Fee

- a. Application Fee. The applicant shall submit an application to the Office of the Municipal Clerk, under oath on a form furnished by the Township of Vernon, with an application fee as enumerated herein, which fee shall be nonrefundable. The initial application fee for each local annual cannabis license, of each class-type, shall be \$10,000 for all classes.
- b. Annual License Renewal Fee. The annual license renewal fee for successful applicants operating cannabis establishments in the Township of Vernon shall be implemented as required in accordance with the following fee schedule, renewal fees are non-refundable:

Class I Cannabis Cultivator license: ten thousand dollars (\$10,000.00).

Class 2 Cannabis Manufacturer license: ten thousand dollars (\$10,000.00). Class 3

Cannabis Wholesaler license: ten thousand dollars (\$10,000.00).

Class 4 Cannabis Distributor license: ten thousand dollars (\$10,000.00).

Class 5 Cannabis Retail license: ten thousand dollars (\$10,000.00).

Class 6 Cannabis Delivery license: **ten thousand dollars (\$10,000.00)**

- c. Upon the receipt of an application, the Office of the Municipal Clerk shall transmit the application to the Office of Police Chief for the Township Police Department or the Chiefs designee, the Mayor, the Business Administrator, and the Council President for review of the application. These departments shall review the application and forward their comments to the Clerk's Office fifteen (15) business days from transmission of the application.
- d. The Clerk shall establish a reasonable application period and deadline for all applications. An application shall be deemed incomplete and shall not be processed by the Clerk and transmitted for review until all documents and application fees are submitted. To be deemed complete, all applications shall be accompanied by the following:
  1. The name and home address of the Applicant. If the Applicant is not a natural person, the Applicant shall submit a statement setting forth the names and home addresses of all stockholders in the corporation or partnership who own 10% or more of its stock, of any class or of all individual partners in the partnership who own a 10% or greater interest therein, as the case may be. If one or more such stockholder or partner is itself a corporation or partnership, the stockholders holding 10% or more of that corporation's stock, or the individual partners owning 10% or greater interest in that partnership, as the case may be, shall also be listed with its home address. The disclosure shall be continued until names and home addresses of every non-corporate stockholder, and individual partner, exceeding the 10% ownership criteria has been listed.
  2. The name of any other business entities in which any of the individuals identified pursuant to subsection (b)(1) of this provision have or have had an ownership interest which: (i) cultivates, manufactures, wholesales or dispenses cannabis or cannabis products; (ii) invests or finances in any such entity; or (iii) is regulated by any governmental entity.
  3. A copy of the license issued by the Cannabis Regulatory Commission authorizing the Applicant to operate as a Licensed Cannabis Establishment with a copy of all application materials and documents submitted to the Commission for a license.
  4. An affidavit from the Applicant attesting to and accompanied by documentary proof of compliance with all state and local laws regarding affirmative action, anti-discrimination and fair employment practices. The applicant shall also certify under oath that they will not and shall not discriminate based on race, color, religion (creed), gender, gender expression, age, national origin (ancestry), disability, marital status, sexual orientation, or military status, in any of its activities or operations.



5. Plans prepared by a duly licensed architect, engineer, or planner which shall depict the layout and design for the proposed location of the Licensed Cannabis Entity within the Township.
  - (a) The required plans shall depict the proposed security measures for the location. The plans shall be deemed confidential consistent with state law.
  - (b) The Applicant shall also provide either a lease agreement or agreement of sale for the property where the Applicant intends to operate the Licensed Cannabis Entity. The lease agreement or agreement of sale may be contingent upon the Applicant's ability to successfully: (i) obtain a Local License; and (ii) if applicable, obtain approval from the Vernon Township Planning Board and/or the Vernon Township Land Use Board.
6. Acknowledgment and agreement authorizing the Vernon Police Department to perform background checks and/or investigations regarding any individuals disclosed pursuant to subsection (b)(1) of this provision and any employees of the Applicant.
- e. The Office of Police Chief for the Vernon Police Department or the Chiefs designee, the Mayor or Mayor's designee, the Business Administrator, and the Council President, who may seek additional review from the Township Attorney, Engineer and/or Planner, shall evaluate any and all applicants and issue a notification of award after consideration and evaluation of the following criteria:
  1. **Qualifications and Experience**

Applicant's owners' or principals' qualifications and experience operating in highly regulated industries, including cannabis, healthcare, pharmaceutical manufacturing, and retail pharmacies, with preference to experience operating such businesses within the State of New Jersey and where the value of owners' experience shall outweigh the experience of non-owner principal, submission of formal business plan for the proposed Licensed Cannabis Entity including pro forma is required.
  2. **Security Plan**

Applicant's qualifications and experience related to public safety and security, including any of the applicant's owners' or principals' experience in law enforcement and drug enforcement, and a summary of the applicant's plans for storage of products and currency, physical security, video surveillance and digital storage, security personnel and their qualifications, and visitor and employee security management.
  3. **Environmental Plan**

Summary of the applicant's environmental impact and sustainability plan; whether

the applicant entity or its parent company has any recognitions from or registrations with federal or New Jersey state environmental regulators for innovation in sustainability; and whether the applicant entity or its parent company holds any certification under international standards demonstrating the applicant has an effective environmental management system or has a designated sustainability officer to conduct internal audits to assess the effective implementation of an environmental management system.

4. New Jersey Minority-Owned

Applicant's demonstrated commitment to diversity in its ownership composition and hiring practices and whether the applicant entity or its parent company holds any certifications as a NJ minority-owned, women-owned, or veteran-owned business.

- f. Notwithstanding the foregoing competitive application process, a notification of award and conditional municipal license shall allow the recipient applicant to pursue a State permit or license in the appropriate classification for up to 12 months, which may be extended in the Township Committee's discretion for an additional 6 months for good cause. No license to operate shall be issued until the applicant has received a State permit and satisfied other prerequisites of municipal licensure. If the recipient of a notice of award and conditional license has not received a State permit or license within 12 months from issuance, unless extended for good cause, the Municipal Clerk shall issue a new request for applications and evaluate all applicants for licensure under the above criteria.

**§ 13-7 Additional Requirements,**

- a. Cannabis Establishments shall meet all of the requirements for licensure pursuant to the Act, the regulations of the Commission and all other applicable State and local laws.
- b. Cannabis Establishments shall at all times hold a valid current license or permit issued by the State of New Jersey, along with a local annual cannabis license issued by the Township to undertake cannabis activities at the permitted property. Both the Township and State-issued licenses are valid only for the location identified on the licenses and until the expiration date printed on the license. Both the Township- and State-issued licenses shall be prominently displayed inside the permitted Cannabis Establishment in a location where they can be easily viewed by State and local law enforcement and administrative authorities.
- c. Cannabis Establishments shall be conducted solely within the confines of the licensed location of the licensed premises on the permitted property. No Cannabis Establishment shall be permitted to operate from a movable, mobile or transitory location, except for the permitted transportation of cannabis products to and from the facility pursuant to State law by a licensed Class 6 Delivery Service.



- d. Cannabis Establishments shall comply with the Act, the regulations of the Commission, and the Township Code, including without limitation the Zoning Code, the Building Code, and the Housing and Property Maintenance Code, at all times.
- e. With the exception of loading activities incidental to the operation of the Cannabis Establishment, all operations shall occur indoors, within the enclosed licensed building, except as otherwise authorized for licensed Class 6 Delivery Services only.
- f. All Cannabis Establishments shall at all times adhere to the safety and security standards and plan established and approved by the Commission, including the requirements for the maintenance of a security system that meets State law requirements. In addition, all Cannabis Establishments shall also comply with the below provisions. The Vernon Township Chief of Police shall make the determination as to whether Cannabis Establishments are in compliance with the following provisions:
  - 1. Cannabis Establishments shall have security systems in place, along with a continuous recording system that records for a minimum 30-day archive. This system shall be shared with the Vernon Township Police Department via web browser providing direct access to real-time and archived video.
  - 2. Cannabis Establishments shall provide the Vernon Township Police Department with the name and telephone number of one staff person to notify during operating hours, and the name and cellphone number of at least two staff persons to notify after operating hours regarding suspicious activity.
  - 3. Outside areas of the premises shall be well-illuminated for safety and security, but not in a way that is counter to Township Code requirements for outdoor lighting and screening, or in a way that is obtrusive to pedestrians, drivers or other users of the public right-of-way.
  - 4. All cannabis in whatever form stored at the permitted premises shall be kept in a secure manner and shall not be visible from outside the permitted premises, nor shall it be processed, exchanged, displayed or dispensed outside the confines of the licensed structure of the premises. No cannabis products shall be visible from a public sidewalk, public street or right-of-way, or any other public place.
  - 5. Cannabis Establishments shall properly dispose of all materials and other substances in a safe and sanitary manner in accordance with local and State laws, including the rules and regulations of the Commission.
  - 6. Cannabis Establishments shall be equipped with ventilation systems sufficient in type and capacity to eliminate cannabis odors emanating from the interior to the exterior of the premises discernible by the ordinary senses. The ventilation system shall be inspected and approved by the Township Construction Official.
  - 7. The hours of operation for all Cannabis Establishments shall be limited to 9:00 a.m. to

10:00 p.m. Eastern Standard Time.

8. Cannabis Establishments shall post conspicuous signage inside and outside the building that consumption of cannabis is prohibited anywhere on the premises, including the parking area and inside vehicles in the parking area.
9. Prohibition on Mobile Structures. Each Cannabis Establishment shall at all times conduct business within the confines of a licensed premises. No Cannabis Establishment shall be housed or operated in a vehicle or any movable or mobile structure. Nothing herein shall be deemed to apply to or otherwise conflict with the statutory and regulatory provisions applicable to Cannabis Delivery Service holding a valid and current license issued by the New Jersey Cannabis Regulatory Commission

### **§ 13-8 Local Cannabis Transfer and User Taxes.**

- a. Establishment of Transfer and User Tax. Pursuant to section 40 of the Act, N.J.S.A. 40:481-1a(1), the following user and transfer taxes are hereby established on all Cannabis Establishments operating within the Township, at the maximum amount as permitted by the laws of the State of New Jersey or the amounts set forth below, whichever is greater:
  1. A transfer tax of 2% shall be imposed on the gross receipts from each sale of all cannabis and cannabis items by any cannabis cultivator, manufacturer, or retailer; a transfer tax of 1% shall be imposed on the gross receipts from each sale of all cannabis and cannabis items by any cannabis wholesaler.
  2. The transfer 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.
  3. The transfer tax shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity with regard to cannabis.
  4. In addition, there shall be a 2% user tax imposed on any concurrent license holder operating more than one Cannabis Establishment.
  5. The user tax shall be imposed on the value of each transfer or use of cannabis or cannabis items not otherwise subject to the transfer tax imposed on the license holder's business that is located in the Township to any other of the license holder's businesses, whether located in this municipality or any other municipality.
  6. The user tax shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity with regard to cannabis.
  7. Any transaction for which the user or transfer tax hereinabove is imposed, is exempt from the tax imposed under the Sales and Use Tax Act, except for those which generate receipts from the retail sales by cannabis retailers in the case that the retail sale of

cannabis should become legal in the Township.

8. A total of 15% of the funds received from the user taxes in this section will be designated for training and equipment for the Vernon Township Police Officers, Drug Recognition Experts and associated costs, and substance abuse programs.
9. A total of 10% of the funds received from the user taxes in this section will be designated to the Municipal Planning and Zoning Department for administration and enforcement purposes.

b. **Remittance of Cannabis Taxes; Delinquencies.**

1. All transfer and user taxes collected by any Cannabis Establishment pursuant to this Chapter shall be remitted to the Township's Chief Financial Officer on a monthly basis.
2. Delinquent taxes. If the transfer tax or user tax is not paid when due, the unpaid balance, and any interest accruing thereon, shall be a lien on the parcel of real property comprising the Cannabis Establishment's premises.
3. 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.
4. The Township shall file in the office of its Tax Collector a statement showing the amount and due date of the unpaid balance of cannabis taxes and identifying the lot and block number of the parcel of real property that comprises the delinquent Cannabis Establishment's premises. The lien shall be enforced as a municipal lien in the same manner as all other municipal liens are enforced.
5. Failure of the Cannabis Establishment to make full payment of the user and transfer taxes hereinabove imposed shall be grounds for the immediate revocation and/or termination of any local annual cannabis license and/or any local annual cannabis license shall not be renewed unless until all outstanding user and transfer taxes are paid in full. All user and transfer taxes shall also be paid should the licensee make application to the Vernon Township Planning Board and/or the Vernon Township Land Use Board.

**§ 13-9 Corporate Designee Contact.**

All Cannabis Establishments operating within the Township shall be required to designate a corporate representative of the business who shall be available 24 hours daily to serve as the primary person of contact for the business, and shall have full authority to make decisions on behalf of the business in the event of an emergency. The Cannabis Establishment shall provide the up-to-date direct telephone and email contact information for the corporate representative to the Township Police Department and the Township

Administrator and shall assure that such contact information remains current at all times. At a minimum, the corporate representative shall be responsible to respond to the Township in the event of a report of criminal activity, adverse odor event, or any suspected violation of applicable State and/or local laws.

### **§ 13-10 Civil Fines and Penalties.**

- a. Any person(s), firm(s), business(es), corporation(s) and/or other organization(s), including any licensed Cannabis Establishment, found in violation of any provision(s) of the Township Code shall be subject to a civil fine and penalty not exceeding \$2,000, in accordance with the Township Code.
- b. Any violation of the Township Code by a licensed Cannabis Establishment may be grounds for revocation and/or nonrenewal of any issued local annual cannabis license. Upon reasonable notice to the licensee by the Township Administration, a hearing shall be conducted before the Township Council to decide whether sufficient grounds exist to revoke any and all classes of local annual cannabis licenses issued to the licensee. The licensee may be permitted to be represented by legal counsel during the hearing, to present evidence, testimony and witnesses.
- c. Each and every day any person(s), firm(s), business(es), corporation(s) and/or other organization(s), including any licensed Cannabis Establishment, remains in violation of the provisions of the Township Code after the deadline for compliance set forth in any notice of violation issued by the enforcing officer(s) of the Township, shall be considered a continuing violation punishable as a separate and distinct offense and subject to a separate civil fine and penalty for each and every day the violation continues.
- d. The Municipal Court or Superior Court shall have jurisdiction to hear and decide any action(s) brought to enforce the provisions of the Township Code, the hearing for which shall be conducted in a summary manner pursuant to N.J.S.A. 2B12-16a, and any final order imposing fines and penalties for a violation of this code shall be enforceable in the Municipal Court or Superior Court and collectible as a lien against the property of the violator in accordance with the Penalty Enforcement Law of 1999, N.J.S.A. 2A:58-10 et seq.

## **SECTION 2.**

### **SEVERABILITY AND REPEALER**

Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof other than the part held invalid.

**SECTION 3.**

NOTICE

The Township Clerk is directed to give notice at least ten (10) calendar days prior to the hearing on the adoption of this Ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. Upon the adoption of this Ordinance, after public hearing, the Township Clerk is further directed to publish notice of the passage and to file a copy of this Ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.


**SECTION 4.**


EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption and publication in accordance with law.

**CERTIFICATION**

This is to certify that the above Ordinance was introduced and passed on first reading at the Meeting of the Township Council held on November 27, 2023, and the same came up for final passage and was adopted at the Meeting of the Township Council held on December 11, 2023 at which time all persons interested were given an opportunity to be heard. The above ordinance will be in full force and effect in the Township of Vernon according to law.

  
Marcy Gianattasio, Clerk  
Township of Vernon

  
Howard Burrell, Mayor

**Township of Vernon**

**INTRODUCED: November 27, 2023**

NAME	M	S	YES	NO	ABSTAIN	ABSENT
DeBenedetto, J		X	X			
Rizzuto, P.			X			
Sparta, B.	X		X			
Tadrick, J.			X			
Buccieri, N.			X			

**ADOPTED: December 11, 2023**

NAME	M	S	YES	NO	ABSTAIN	ABSENT
DeBenedetto, J			X			
Rizzuto, P.		X	X			
Sparta, B.	X		X			
Tadrick, J.			X			
Buccieri, N.			X			