

ORDINANCE 2022-01
THE TOWNSHIP OF FRANKLIN
COUNTY OF HUNTERDON, NEW JERSEY

AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF FRANKLIN IN THE COUNTY OF HUNTERDON TO AMEND CHAPTER 220, “LAND USE,” TO CREATE ARTICLE XV “CANNABIS RELATED BUSINESSES”, AND TO AMEND CHAPTER 322, “TAXATION,” TO CREATE ARTICLE II “CANNABIS TRANSFER TAX”.

WHEREAS, the voters of the State of New Jersey endorsed the legalization of Adult Use Cannabis with the Legislature and Governor signing into law The New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, furthering strengthening municipal control over such uses and allowing, at the discretion of the municipality, the tax may be imposed on: receipts from the sale of cannabis by a cannabis cultivator to another cannabis cultivator; receipts from the sale of cannabis items from one cannabis establishment to another cannabis establishment; receipts from the retail sales cannabis items by a cannabis retailer to retail consumers, with each municipality setting its own rate or rates, but in no case shall a rate exceed: two percent of the receipts from each sale by a cannabis cultivator; two percent of the receipts from each sale by a cannabis manufacturer; one percent of the receipts from each sale by a cannabis wholesaler; and two percent of the receipts from each sale by a cannabis retailer.; and

WHEREAS, the Township supports safe and appropriate siting of cannabis related and supporting businesses within the Township, including cultivation centers, manufacturing facilities, and testing facilities; and

WHEREAS, at this time, the Township does not support the siting of cannabis dispensaries or retail facilities within the Township; and

WHEREAS, the Township wishes to amend Chapter 220 “Land Use,” to create Article XV entitled “Cannabis Related Businesses” and to amend Chapter 322, “Taxation”, to create Article II entitled “Cannabis Transfer Tax” to conform with such amendments; and

NOW, THEREFORE, BE IT ORDAINED, by the Committee of the Township of Franklin, County of Hunterdon that the Code of the Township of Franklin be amended as follows:

Section 1 Chapter 220, LAND USE, ARTICLE XV “CANNABIS RELATED BUSINESSES”:

§220-87 Definitions. As used in this section, the following terms shall have the meanings indicated:

ACT

The New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act.

ADULT USE CANNABIS BUSINESS

Encompasses all components of the cannabis industry. Accordingly, it shall mean any business involved in cultivating, manufacturing, distribution, sales, or testing of marijuana. While it may have a component that administers Medical Cannabis to qualifying patients, it is open to adult use of cannabis for person 21 years and older.

ADULT USE CANNABIS CULTIVATION CENTER or CULTIVATION CENTER

A building, structure, or premises used for the cultivation or storage of cannabis. Includes the planting, propagating, cultivation, growing, harvesting, labeling or manufacturing, compounding and storing of cannabis for the limited purpose of this chapter.

ADULT USE CANNABIS DISPENSARY or DISPENSARY

An ATC facility that acquires, possesses, sells, distributes, transmits, gives, dispenses, or otherwise provides cannabis to person 21 years and older. While it may administer medical cannabis to qualifying patients, it is open to Adult Use.

ADULT USE CANNABIS MANUFACTURING FACILITY

Facility involved with compounding, making, and processing of medical cannabis in all forms including those that involve food handling.

ALTERNATIVE TREATMENT CENTER (ATC) or MEDICAL CANNABIS

ALTERNATIVE TREATMENT CENTER

An organization authorized through licensure issued by the NJ State Department of Health and the Board of Medical Examiners to perform activities necessary to provide registered qualifying patients with usable cannabis and related paraphernalia in accordance with the provisions of the Jake Honig Compassionate Use Medical Cannabis Act (N.J.S.A. 24:61-2, et seq.). For the purposes of zoning, an ATC is the interface between provider and patient and is synonymous with a medical cannabis dispensary. Cultivation and manufacturing, unless within the same structure or property as a dispensary, shall be treated as a separate use category though it may be part of the license issued by the state for a single entity.

CANNABIS

The definition given to “marijuana,” as provided in section 2 of the New Jersey Controlled Dangerous Substances Act, P.L. 1970, c. 226 (effective January 17, 1971), codified at N.J.S.A. 24:21-1 et seq.

CANNABIS BUSINESS

An organization issued a permit by the Commission to operate as a cannabis cultivator, cannabis manufacturer, cannabis wholesaler or cannabis dispensary.

COMMISSION

See Permitting Authority

MEDICAL CANNABIS CULTIVATOR or CULTIVATION CENTER

An organization issued a permit by the Permitting Authority that authorizes the organization to: possess and cultivate cannabis and deliver, transfer, transport, distribute, supply, and sell medical cannabis and related supplies to other medical cannabis cultivators and to medical cannabis manufacturers and dispensaries, as well as to plant, cultivate, grow, and harvest medical cannabis for research purposes. For the purposes of zoning, this shall include the building, structure, or premises used for the cultivation or storage of medical cannabis. A cultivation center may be physically separate and off-site from an associated medical cannabis dispensary. When connected to, or part of, the same property as a medical cannabis dispensary, the cultivation center shall be considered part of the medical cannabis dispensary.

MEDICAL CANNABIS DISPENSARY or DISPENSARY

An organization issued a permit by the Permitting Authority that authorizes the organization to: purchase or obtain medical cannabis and related supplies from medical cannabis cultivators; purchase or obtain medical cannabis products and related supplies from medical cannabis manufacturers; purchase or obtain medical cannabis, medical cannabis products, and related supplies and paraphernalia from other medical cannabis dispensaries; deliver, transfer, transport, distribute, supply, and sell medical cannabis and medical cannabis products to other medical cannabis dispensaries; furnish medical cannabis, including medical cannabis products, to a medical cannabis handler for delivery to a registered qualifying patient, designated caregiver, or institutional caregiver consistent with the requirements of the Act; and possess, display, deliver, transfer, transport, distribute, supply, sell, and dispense medical cannabis, medical cannabis products, paraphernalia, and related supplies to qualifying patients, designated caregivers, and institutional caregivers. For the purposes of zoning, this shall include the building, structure, or premises used for the dispensing of medical cannabis.

MEDICAL CANNABIS MANUFACTURER OR MANUFACTURING FACILITY

An organization issued a permit by the Permitting Authority that authorizes the organization to: purchase or obtain medical cannabis and related supplies from a medical cannabis cultivator; purchase or obtain medical cannabis products from another medical cannabis manufacturer; produce, manufacture, or otherwise create medical cannabis products; and possess, deliver, transfer, transport, distribute, supply, and sell medical cannabis products and related supplies to other medical cannabis manufacturers and dispensaries. For the purposes of zoning, this shall include the building, structure, or premises used for the manufacturing of medical cannabis products.

PERMIT

The documents issued by the Permitting Authority pursuant to the Act granting the legal

right to operate as a cannabis business.

PERMITTING AUTHORITY

The entity responsible for the regulation and enforcement of activities associated with the medical use of cannabis. This shall include the New Jersey Department of Health and the Cannabis Regulatory Commission, established pursuant to section 31 of P.L.2019, c. 153 (C.24:6I-24), which shall assume all powers, duties, and responsibilities with regard to the regulation and oversight of activities authorized pursuant to P.L.2009, c. 307 (C.24:6I-1 et al.) from the Department of Health for the further development, expansion, regulation, and enforcement of activities associated with the medical use of cannabis pursuant to P.L.2009, c. 307 (C.24:6I-1 et al.).

USABLE CANNABIS

The dried leaves and flowers of cannabis, and any mixture or preparation thereof, but does not include the seed, stems, stalks, or roots of the plant.

VERTICALLY INTEGRATED FACILITIES. Vertically integrated operations proposing to have cultivation, manufacturing, and dispensing within the same facility. For the purpose of zoning, Vertically Integrated facilities shall be considered dispensaries.

WHOLESALE CANNABIS facilities licensed by the Commission to obtain and sell cannabis items for later resale by other licensees.

§220-88 Permitted Cannabis Business locations.

Cannabis Establishments and Businesses shall be prohibited in all zoning districts within the Township unless specifically permitted herein. Cannabis Establishments as set forth below shall be permitted as conditional uses in certain zones. The purpose of this section is to set forth the requirements and procedures applicable to permitting certain Cannabis Facilities as conditional uses, in accordance with N.J.S.A. 40:55D-67. Such uses may be permitted when authorized as a conditional use by the Planning Board, including site plan approval and (if necessary) a conditional use variance approval by the Zoning Board pursuant to N.J.S.A. 40:55D-70(d)(3). Cannabis Establishments shall comply with additional requirements set forth in subsections 220-90 through 220-100 below. Nothing herein shall prohibit the Township from adopting a redevelopment plan permitting any type of Cannabis Establishment in a designated redevelopment area.

(A) Cannabis Cultivation centers.

(1) Standalone cultivation centers shall be permitted as conditional uses in the following zones in accordance with this chapter.

- (i) AR-7
- (ii) RR-5
- (iii) C-N

(iv) C-S

(2) Cannabis Cultivation Centers shall be permitted subject to the following conditions:

- (i) Adherence to the site design standards and compliance with the underlying zone's bulk standards of the Township Land Development Ordinances through a review by the Zoning Official, and the Township Planning Board when applicable, is required. The look and design of such facility shall be in keeping with the agricultural nature of the region.
- (ii) In compliance with Section 37(b) of the NJ CREAMMA, manufacturing centers are not permitted on land that is valued, assessed or taxed as an agricultural or horticultural use pursuant to the "Farmland 6 Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.).
- (iii) A minimum lot size of twenty (20) acres.
- (iv) The parcel must be located on a County Road or State Highway with at least 50 feet of road frontage on a County Road or State Highway.
- (v) Issuance of zoning permit and site plan approval is required.
- (vi) Cultivation centers shall not be located within 1,000 feet of any school property used for school purposes which is owned by or leased to any elementary or secondary school or school board).
- (vii) Secured in accordance with all applicable provisions as defined in the Act and outlined in Subsection 220-92 below.
- (viii) No signage other than directional or discrete building identification shall be permitted. Signage shall remain innocuous, and part of the general directional signage typically found in industrial manufacturing facilities. Facade signs will be limited to those at the point of entry to the facility and may not be more than six square feet.
- (ix) Unusual odors, smells, fragrances or other olfactory stimulants shall be prohibited. Odor mitigation filtration systems must be installed and maintained in perfect working order.
- (x) Light pollution, glare or brightness resulting from glow lamps must be 0.5 footcandle or less at the property line
- (xi) Noise beyond the decibel level permitted by Township noise ordinances shall be prohibited.

- (xii) The cultivation of cannabis must be conducted indoors and shall not be permitted on exterior portions of a lot, unless under Special Permit for the Cultivation of Hemp that is in conformance with Federal Agriculture Improvement Act of 2018 (2018 Farm Bill). The cultivation of cannabis within a building or unit must not be perceptible from the exterior of the building or unit from a street or residential use. All trash receptacles must be secured so that they can not be accessed by the public.
- (xiii) Off-street parking shall be provided at a rate of one space for each 500 square feet of building floor area or one space for each employee during the peak shift, whichever is greater.

(B) Cannabis manufacturing facilities.

(1) Standalone manufacturing facilities shall be permitted as conditional uses in the following zones in accordance with this chapter.

(i) AR-7

(ii) RR-5

(iii) C-N

(iv) C-S

(2) Cannabis Manufacturing Facilities shall be permitted subject to the following conditions:

- (i) Adherence to the site design standards and compliance with the underlying zone's bulk standards of the Township Land Development Ordinances through a review by the Zoning Official, and the Township Planning Board when applicable, is required. The look and design of such facility shall be in keeping with the agricultural nature of the region.
- (ii) In compliance with Section 37(b) of the NJ CREAMMA, manufacturing facilities are not permitted on land that is valued, assessed or taxed as an agricultural or horticultural use pursuant to the "Farmland 6 Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.).
- (iii) A minimum lot size of twenty (20) acres.
- (iv) The parcel must be located on a County Road or State Highway with at least 50 feet of road frontage on a County Road or State Highway.

- (v) Issuance of zoning permit and site plan approval is required.
- (vi) Manufacturing Facilities shall not be located within 1,000 feet of any school property used for school purposes which is owned by or leased to any elementary or secondary school or school board).
- (vii) Secured in accordance with all applicable provisions as defined in the Act and outlined in Subsection 220-92 below.
- (viii) No signage other than directional or discrete building identification shall be permitted. Signage shall remain innocuous and part of the general directional signage typically found in industrial manufacturing facilities. Directional signage may be no more than three square feet. Facade signs will be limited to those at the point of entry to the facility and may not be more than six square feet.
- (ix) Unusual odors, smells, fragrances or other olfactory stimulants shall be prohibited. Odor mitigation filtration systems must be installed and maintained in perfect working order.
- (x) Light pollution, glare or brightness resulting from glow lamps must be 0.5 footcandle or less at the property line
- (xi) Noise beyond the decibel level permitted by Township noise ordinances shall be prohibited.
- (xii) The possession of cannabis within a building or unit must not be perceptible from the exterior of the building or unit from a street or residential use.
- (xiii) Off-street parking shall be provided at a rate of one space for each 600 square feet of building floor area or one space for each employee during the peak shift, whichever is greater.

(C) Cannabis Distributors and Wholesalers

- (1) Distribution and wholesaling facilities shall be permitted as a conditional use in the following zones in accordance with this chapter:
 - (i) C-S
- (2) Cannabis Distributors and Wholesalers shall be permitted subject to the following conditions:
 - (i) Adherence to the site design standards and compliance with the

underlying zone’s bulk standards of the Township Land Development Ordinances through a review by the Zoning Official, and the Township Planning Board when applicable, is required.

- (ii) A minimum lot size of twenty (20) acres.
- (iii) The parcel must be located on a County Road or State Highway with at least 50 feet of road frontage on a County Road or State Highway.
- (iv) Issuance of zoning permit and site plan approval is required.
- (v) Distribution and Wholesaling Facilities shall not be located within 1,000 feet of any school property used for school purposes which is owned by or leased to any elementary or secondary school or school board.
- (v) Secured in accordance with all applicable provisions as defined in the Act and outlined in Subsection 220-92 below.
- (vi) No signage other than directional or discrete building identification shall be permitted. Signage shall remain innocuous and part of the general directional signage typically found in industrial facilities. Facade signs will be limited to those at the point of entry to the facility and may not be more than six square feet;
- (vi) Unusual odors, smells, fragrances or other olfactory stimulants shall be prohibited. Odor mitigation filtration systems must be installed and maintained in perfect working order.
- (vii) Light pollution, glare or brightness resulting from glow lamps must be 0.5 candle or less at the property line.
- (viii) Noise beyond the decibel level permitted by Township noise ordinances shall be prohibited.
- (ix) The possession of cannabis within a building or unit must not be perceptible from the exterior of the building or unit from a street or residential use.
- (x) Off-street parking shall be provided at a rate of one space for each 2,000 square feet of building floor area or one space for each employee during the peak shift, whichever is greater.

(D) Micro Cannabis cultivation.

- (1) Standalone micro cultivation facilities shall be permitted as conditional uses

in the following zones in accordance with this chapter.

(i) AR-7

(ii) RR-5

(iii) C-N

(iv) C-S

(2) Micro Cannabis Cultivation facilities shall be permitted subject to the following conditions:

(i) Adherence to the site design standards and compliance with the underlying zone's bulk standards of the Township Land Development Ordinances through a review by the Zoning Official, and the Township Planning Board when applicable, is required. The look and design of such facility shall be in keeping with the agricultural nature of the region.

(ii) In compliance with Section 37(b) of the NJ CREAMMA, cultivation centers are not permitted on land that is valued, assessed or taxed as an agricultural or horticultural use pursuant to the "Farmland 6 Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.).

(iii) A minimum lot size of ten (10) acres.

(iv) Issuance of zoning permit and site plan approval is required.

(v) Micro Cultivation facilities shall not be located within 1,000 feet of any school property used for school purposes which is owned by or leased to any elementary or secondary school or school board).

(vi) Secured in accordance with all applicable provisions as defined in the Act and outlined in Subsection 220-92 below.

(vii) No signage other than directional or discrete building identification shall be permitted. Signage shall remain innocuous and part of the general directional signage typically found in industrial manufacturing facilities. Facade signs will be limited to those at the point of entry to the facility and may not be more than six square feet.

(viii) Unusual odors, smells, fragrances or other olfactory stimulants shall be prohibited. Odor mitigation filtration systems must be installed

and maintained in perfect working order.

- (ix) Light pollution, glare or brightness resulting from glow lamps must be 0.5 footcandle or less at the property line
- (x) Noise beyond the decibel level permitted by Township noise ordinances shall be prohibited.
- (xi) The cultivation of cannabis must be conducted indoors and shall not be permitted on exterior portions of a lot, unless under Special Permit for the Cultivation of Hemp that is in conformance with Federal Agriculture Improvement Act of 2018 (2018 Farm Bill). The cultivation of cannabis within a building or unit must not be perceptible from the exterior of the building or unit from a street or residential use.
- (xii) Off-street parking shall be provided as a rate of one space for each 500 square feet of building floor area or one space for each employee during the peak shift, whichever is greater.

§220-89. Prohibited Cannabis Businesses.

- a) **Dispensaries.** Dispensaries and retail cannabis facilities, both adult use and medical, shall be prohibited within all zones of the Township. This includes Alternative Treatment Centers and Vertically Integrated Facilities.

§220-90. Mobile Delivery of cannabis products. Cannabis products may be transferred or delivered, consistent with the requirements of the Act under a Cannabis Delivery License. Mobile facilities shall not be permitted unless expressly authorized under the Act or permitted by the Permitting Authority, and approved by Special Permit by the Township.

§220-91. Requirements applicable to all cannabis businesses.

(1) The cultivation of cannabis shall not be permitted on exterior portions of a lot, unless under Special Permit for the Cultivation of Hemp that is in conformance with Federal Agriculture Improvement Act of 2018 (2018 Farm Bill). The cultivation, production or possession of cannabis within a building or unit must not be perceptible from the exterior of the building or unit from a street or residential use. Such use shall adhere to the bulk standards of the underlying zoning.

(2) Cannabis businesses must limit signage to text on external signage, labeling, and brochures. Use of graphics shall be limited to the logo for the business so long as it does not include a cannabis plant leaf and outward glorification of cannabis consumption.

(3) All other Township sign regulations must be complied with.

(4) Cannabis business signage shall not display on the exterior of the facility or windows advertisements for cannabis or a brand name except for purposes of identifying the building by the permitted name.

(5) In the event of a conflict between the Township bulk standards and the Act or the Permitting Authority's regulations, the Township shall consider the pertinent statute or regulation as justification of any variance and/or design waiver.

§220-92. Security and reporting.

(1) Surveillance System.

(a) Cannabis Establishments shall be monitored at all times by closed-circuit television surveillance system. Security cameras shall be in use 24-hours per day, seven days per week, and shall cover all cannabis dispensing areas, storage areas, all doors and windows with access into the Cannabis Establishment, parking areas if applicable, and any other areas not mentioned if deemed necessary by the Officer in Charge of the Police Department or his/her designee. The surveillance system must be capable of providing surveillance of both interior and exterior areas of the Cannabis Establishment and must be of adequate quality, color rendition and resolution to allow the ready identification of an individual on or adjacent to the site.

(b) The security cameras must be Internet Protocol (IP) cameras capable of providing real time footage over the internet. Operators must provide the Franklin Township Police Department with access to this real-time camera footage in case of an emergency.

(c) The recordings shall be maintained at the Cannabis Operation for a period of not less than thirty (30) days and shall be provided to the Township Police Department within twenty-four (24) hours of a written request from the Police Department for any recordings.

(2) Outside areas of the premises and the perimeter shall be well lit and all doors equipped with motion censored lights.

(3) The Franklin Township Police Department shall be provided the name and phone number of a staff person to notify during suspicious activity during or after operating hours.

(4) Security staff is required on the premises during all hours of operation.

(5) The premises must only be accessed by authorized personnel and free of loitering.

(6) All cultivation of cannabis shall take place in an enclosed, locked facility.

- (7) Storage of currency. All currency over \$1,000 shall be stored within a separate vault or safe, not used for the storage of cannabis, securely fastened to a wall or floor, as approved by the Franklin Township Police Department.
- (8) Cannabis Establishments shall comply with all security requirements as established by state law and regulations, as they may be updated from time to time.

§220-93. No products to be visible from public places. Cannabis plants, products, accessories, and associated paraphernalia contained in any cannabis business shall not be visible from a public sidewalk, public street or right-of-way, or any other public place. On-site storage of usable cannabis shall comply with 21 CFR 1301.72.

§220-94. Storage of products. All products and accessories shall be stored completely indoors and on-site in accordance with the Act and the Permitting Authority regulations.

§220-95. Prevention of emissions and disposal of materials.

(1) Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting the cannabis business premises shall be provided at all times. In the event that any debris, dust, fluids or other substances shall exit the business premises, the property owner and operator shall be jointly and severally responsible for the full cleanup immediately.

(2) Businesses shall properly dispose of all materials and other substances in a safe and sanitary manner in accordance with state regulations.

(3) As applicable, cannabis businesses shall be equipped with ventilation systems with carbon filters sufficient in type and capacity to eliminate cannabis odors emanating from the interior to the exterior of the premises discernible by reasonable persons. The ventilation system must be inspected and approved by the Construction Official.

(4) If carbon dioxide will be used in any cultivation area, sufficient physical barriers or a negative air pressure system shall be in place to prevent carbon dioxide from moving into the ambient air, into other units in the same building or into an adjacent building in a concentration that would be harmful to any person, including persons with respiratory disease and shall be inspected and approved by the Construction Official and the Fire Marshall.

(5) All state regulations concerning ventilation systems shall be followed.

§220-96. Compliance with other codes. Any cannabis business and the adjacent grounds of the cannabis business shall comply with all zoning, health, building, fire, and other codes and ordinances of the Township as shown by completed inspections and approvals by the Township Planner, Construction Division, Fire Safety Division, and the County and Township Health Departments, if applicable.

§220-97. No harm to public health, safety or welfare. The premises of a cannabis business, and any adjacent grounds thereto, shall be operated in a manner that does not cause any substantial harm to the public health, safety and welfare.

§220-98. Additional requirements. At the time a site plan approval is granted, amended, or a major change to a cannabis business is approved, the Township may impose on the applicant any condition related to the proposed use that is reasonably necessary to protect the public health, safety or welfare, not inconsistent with the Permitting authority requirements, including but not limited to the following:

- (1) Additional security requirements;
- (2) Limits and requirements on parking and traffic flows;
- (3) Requirements for walls, doors, windows, locks and fences on the premises and adjacent grounds;
- (4) Requirements and limits on ventilation and lighting;
- (5) Limits on noise inside the licensed premises or on the adjacent grounds;
- (6) Prohibitions on certain conduct in the cannabis business;
- (7) Limits on hours of operation.

§220-99. Penalty for violation. Any violation of the provisions of this subsection or the conditions of the zoning permit granted, by a cannabis business shall be punishable by a civil fine of up to \$1,000. Each day that a violation is committed, exists or continues shall be deemed a separate and distinct offense. In addition, any violation of the provisions of this subsection, or any conditions imposed by the zoning permit may result in the revocation of the zoning permit.

§220-100. Relationship to any Redevelopment Plan, and the Township Zoning and site plan standards. To the extent any provisions of the Township redevelopment plans, zoning and site plan standards conflict with this section, the provisions and standards of this section shall control.

Section 2 Chapter 322, TAXATION, is hereby amended by creating Article II, CANNABIS TRANSFER TAX, to read as follows:

§ 322-1 Purpose.

It is the purpose of this article to implement the provision of New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, P.L. 2021, (signed into law February 22, 2021), which authorizes the governing body of a municipality to adopt an ordinance imposing a transfer tax at a uniform percentage rate not to exceed two percent of the receipts

from each sale by a cannabis cultivator; two percent of the receipts from each sale by a cannabis manufacturer; one percent of the receipts from each sale by a cannabis wholesaler; and two percent of the receipts from each sale by a cannabis retailer located in the Township, which shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity upon the dispensary.

§ 322-2 Adult Use Cannabis Transfer Tax.

The tax rate for each category of license shall be as follows:

- a. Cannabis Cultivator: Two percent of the receipts from each sale by a cannabis cultivator.
- b. Cannabis Manufacturer: Two percent of the receipts from each sale by a cannabis manufacturer.
- c. Cannabis Wholesaler: One percent of the from each sale by a cannabis wholesaler.

§ 322-3 Remission of Taxes.

Every cannabis business and/or licensee shall remit taxes collected and due and owing on a quarterly basis to the municipal chief financial officer, along with certified copies of sales receipts and product transfer ledgers or documentation. The dates of tax remission shall be on or before January 2, April 1, July 1 and October 1, or as established by the chief financial officer. Each licensee shall certify to the truth and accuracy of the receipts and product transfer ledgers or documentation, and shall remit a return in a form determined by the chief financial officer.

§ 322-4 Delinquent taxes.

All unpaid taxes as required under this Article shall be subject to the accrual of interest and penalties at rates and penalties set forth and established for delinquent ad valorem taxes within the Township of Franklin.

§ 322-5. Liability for taxes owed.

Each cannabis establishment owner and/or licensee shall be personally liable for any and all taxes imposed under this Article and any interest and penalty accruing thereon. In addition, any unpaid balance and interest and penalties accruing thereon shall constitute a lien on the real property in which the cannabis establishment is located and such liens shall be enforced in the same manner as municipal tax liens.

§ 322-6. Audit.

Every cannabis establishment and/or licensee within the Township of Franklin is subject to audit, no greater than once per annum, of the establishment's or licensee's business records, receipts and accounting books, such audit to be performed at the chief financial officer's discretion, by a certified public accountant. Every cannabis establishment and licensee shall be obligated to fully comply with the requirements of an auditor. Failure to cooperate with the audit, or any misrepresentation or fraud committed by the establishment or licensee, shall result in the immediate suspension of the license.

Section 3

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 4

Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 5

Effective Date. This Ordinance shall take effect upon final passage and publication as provided by law.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Committee of the Township of Franklin held on January 6, 2022 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on February 10, 2022 at 7:30 p.m. or as soon thereafter as the Township Committee may hear this Ordinance Online at <https://us02web.zoom.us/j/81271946525> and/or at the Municipal Building, 202 Sidney Road, Pittstown, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Christine Burke
Township Clerk

Additional Information:

Scheduled Zoom meeting.

Topic: Town Committee

Time: Feb 10, 2022 07:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/81271946525>

Meeting ID: 812 7194 6525

One tap mobile

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+16465588656,,81271946525# US (New York)

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