

**COUNTY OF BERGEN  
BOROUGH OF PARAMUS  
ORDINANCE No. 2021-22**

**AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION,  
CHAPTER 429, ZONING,  
OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF PARAMUS**

**WHEREAS**, in 2020 New Jersey voters approved Public Question No. 1, which amended the State of 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**, Public Question No. 1 was approved by the voters of the Borough of Paramus by a margin of 6,464 in favor and 4,122 opposed; and

**WHEREAS**, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c.16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

**WHEREAS**, the Act establishes six marketplace classes of licensed businesses, consisting of:

1. Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
2. Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
3. Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
4. Class 4 Cannabis Distributor license, for businesses involved in transporting cannabis plants in bulk from one licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
5. Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
6. 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.

**WHEREAS**, Section 3 of the Act defines a “cannabis establishment” as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”); and

**WHEREAS**, Section 31a of the Act authorizes municipalities to adopt by ordinance regulations governing the number of (1) cannabis establishments, (2) cannabis distributors and (3)

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cannabis delivery services, except for the delivery of cannabis items and related supplies by a cannabis delivery service based and initiated from outside of the municipality; and

**WHEREAS**, Section 31a of the Act also authorizes municipalities to adopt by ordinance regulations governing the local licensing endorsement, location, manner and times of operation of cannabis establishments and cannabis distributors, and the location and manner of cannabis delivery services, and establishing civil penalties for the violation of any such regulations; and

**WHEREAS**, Section 31b of the Act authorizes municipalities to prohibit by ordinance the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality, except for the delivery of cannabis items and related supplies by a delivery service based and initiated from outside of the municipality; and

**WHEREAS**, Section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (i.e., by August 21, 2021); and

**WHEREAS**, pursuant to Section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

**WHEREAS**, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again, in 2026, have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating with appropriate approvals within the municipality; and

**WHEREAS**, section 40 of the Act permits a municipality to adopt an ordinance imposing a transfer tax on the sale of cannabis or cannabis items by a cannabis establishment that is located in the municipality 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 of cannabis items by a cannabis retailer to retail consumers who are 21 years of age or older; or any combination thereof and to set its own rate or rates, but in no case exceeding: 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

**NOW THEREFORE, BE IT ORDAINED**, by the Governing Body of the Borough of Paramus, in the County of Bergen and State of New Jersey, that Part II, General Legislation, Chapter 429, Zoning, is hereby amended as follows:

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**Section 1.** The current text of Borough Ordinance, Chapter 429-6, Definitions, shall hereby be amended to include the following:

**§ 429.6 Definitions:**

**"Alternative Treatment Center" or ATC** means an organization issued a permit pursuant to the "Jake Honig Compassionate Use Medical Cannabis Act," P.L.2009, c.307 (C.24:6I-1 et al.) to operate as a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant, as well as any alternative treatment center deemed pursuant to section 7 of that act (C.24:6I-7) to concurrently hold a medical cannabis cultivator permit, a medical cannabis manufacturer permit, and a medical cannabis dispensary permit.

**"Cannabis"** means all parts of the plant *Cannabis sativa* L., whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant, which are cultivated and, when applicable, manufactured in accordance with P.L. 2016, c. 16 for use in cannabis products as set forth in this act, but shall not include the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. "Cannabis" does not include: medical cannabis dispensed to registered qualifying patients pursuant to the "Jake Honig Compassionate Use Medical Cannabis Act," P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.); marijuana as defined in N.J.S.2C:35-2 and applied to any offense set forth in chapters 35, 35A, and 36 of Title 2C of the New Jersey Statutes, or P.L.2001, c.114 (C.2C:35B-1 et seq.), or marihuana as defined in section 2 of P.L.1970, c.226 (C.24:21-2) and applied to any offense set forth in the "New Jersey Controlled Dangerous Substances Act," P.L.1970, c.226 (C.24:21-1 et al.); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the "New Jersey Hemp Farming Act," P.L.2019, c.238 (C.4:28-6 et al.).

**"Cannabis cultivator"** means any licensed person or entity that grows, cultivates, or produces cannabis in this State, and sells, and may transport, this cannabis to other cannabis cultivators, or usable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers.

**"Cannabis delivery service"** means any licensed person or entity that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by a cannabis retailer in order to make deliveries of the cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the cannabis items directly through the cannabis delivery service, which after presenting the purchase order to the cannabis retailer for fulfillment, is delivered to that consumer.

**"Cannabis distributor"** means any licensed person or entity that transports cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed cannabis cultivator, or transports cannabis items in bulk intrastate from any one class of licensed cannabis establishment to another class of licensed cannabis establishment, and may engage in the

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temporary storage of cannabis or cannabis items as necessary to carry out transportation activities.

“Cannabis establishment” means a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer.

“Cannabis manufacturer” means any licensed person or entity that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers.

“Cannabis retailer” means any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to that consumer.

“Cannabis wholesaler” means any licensed person or entity that purchases or otherwise obtains, stores, sells or otherwise transfers, and may transport, cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers.

“Medical Cannabis Dispensary” means a business licensed by the State of New Jersey to sell medical cannabis to registered qualifying patients and their authorized care givers. This term shall include the organization’s officers, directors, board members, and employees.

**Section 2.** The current text of Borough Ordinance, Chapter 429-19, Prohibited Uses, shall hereby be amended to include the following

**§ 429-19A Prohibited Uses:**

(56) All classes of license for cannabis establishments pertaining to Adult-Use Cannabis are hereby prohibited from operating anywhere in the Borough, except for the delivery of cannabis items and related supplies by a licensed cannabis delivery service based and initiated from a cannabis delivery service licensed location outside of the Borough of Paramus.

(57) All cannabis establishments pertaining to Alternative Treatment Centers, with the exception of a Medicinal Cannabis Dispensary in the Highway Corridor Commercial (HCC) Zone District.

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**Section 3.** The current text of Borough Ordinance, Part II, General Legislation, Article XXII, Highway Commercial Corridor (HCC) Zone Chapter 429-121, Permitted Uses, shall hereby be amended to include the following:

**§ 429-121 Permitted Uses:**

**(23) Medicinal Cannabis Dispensary**

**Section 4.** The current text of Borough Ordinance, Part II, General Legislation, Article XXII, Highway Commercial Corridor (HCC) Zone, is amended to include, Chapter 429, Subsection 133, Medicinal Cannabis Dispensary, as follows:

**§ 429-133 Medicinal Cannabis Dispensary:**

Within the HCC Zone District, the following additional restrictions and limitations shall apply with respect to a Medicinal Cannabis Dispensary:

- A. No more than one (1) Medicinal Cannabis Dispensary shall be permitted in the HCC Zone District.
- B. Medicinal Cannabis Dispensary shall not be located within one thousand (1,000) feet of a pre-existing primary or secondary school. The distance shall be measured from property line to property line. Early learning centers, fitness facilities, preschools, day care centers, residential care homes, colleges, and vocational/trade centers shall not be classified as a school for purposes of this section.
- C. For purposes of determining required parking, dispensaries shall be classified as "Commercial Retail".
- D. Drive-throughs shall be prohibited at Alternate Treatment Centers.
- E. No medicinal cannabis or cannabis paraphernalia shall be displayed or kept at the Alternate Treatment Center so as to be visible from outside the premises.
- F. No medicinal cannabis, or cannabis-infused product, shall be smoked, eaten, or otherwise consumed or ingested on the premises of any Alternate Treatment Center.
- G. A Medicinal Cannabis Dispensary shall not be located in a home, apartment, or condominium.
- H. A Medicinal Cannabis Dispensary shall be subject to permitting requirements. Requests for a permit, including but not limited to occupancy and building permits,

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shall be submitted via an application (herein "Dispensary Application"). The following documentation and information shall be provided to the Borough Clerk in conjunction with any application for a zoning permit or variance relief for a dispensary, cannabis cultivation, cannabis manufacturing or cannabis distributing facility:

1. A general description of the proposed structure in which the facility will be located. including co-tenancy (if in a multi-tenant building), total square footage, description of ingress and egress, proposed exterior lighting plan, and building code compliance;
2. The proposed days and hours of operation, the anticipated building occupancy capacity, and the average number of customers and employees anticipated to frequent the facility on a daily basis;
3. The anticipated parking demand and parking plan per the applicable Schedule of Off-Street Parking Requirements and available private parking supply.
4. A traffic management plan depicting on-site traffic circulation, stacking, and queuing, and demonstrating the manner in which the facility's traffic will be managed so as to minimize the impact on adjacent roadways and neighborhoods;
5. A depiction of the site design, including access points and internal site circulation;
6. A proposed signage plan;
7. A plan for disposal of refuse including disposal of any cannabis or cannabis byproducts that are not sold to a purchaser or registered qualifying patient or caregiver which disposal method protects any portion thereof from being possessed or ingested by any person or animal, and which complies with applicable federal, state, and local regulations;
8. A plan describing the mitigation measures and ventilation system that will be used to prevent any odor of cannabis off the premises;
9. The name(s) and location(s) of the offsite cultivation facilities associated with a dispensary, if any;
10. A copy of the current State-approved license, and to the extent permitted by law, a copy of the operating and security procedures required by the Act;
11. The name and complete contact information of the licensee, its primary point of contact for the application available to respond to and cooperate with

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inquiries and requests made by the Borough Clerk, and the senior person responsible for management and operation of the proposed facility, which information shall be promptly updated as necessary;

12. Such other information or documentation as determined to be necessary to assess compliance with the requirements set forth or referenced herein;
13. An affidavit or certification affirming compliance with all requirements of state and local law and identifying any matters requiring variance or waiver relief;
14. Applications shall be submitted to the Borough Clerk and will be deemed complete upon submittal of all documentation and information described in herein to the satisfaction of the Borough Clerk;
15. Subject to the provisions set forth below, an Alternate Treatment Center's occupancy permit will be allocated to an applicant on a reserve basis based on the order the completed Dispensary Applications are received;
16. Upon the Borough Clerk's receipt of a completed Dispensary Application for an available dispensary occupancy permit, said available occupancy permit shall be temporarily reserved for the applicant at the location designated until such time that the application is withdrawn by the applicant or deemed expired. Minimal progress for a period of three (3) or more months relative to obtaining the reserved available dispensary occupancy permit shall constitute a basis to deem the application expired; and
17. No Dispensary Applications will be received or considered during a period when one (1) dispensary occupancy permit has been issued or reserved.

**I. Coordination of Safety and Security Measures.**

Applicants for a Medicinal Cannabis Dispensary shall coordinate with the Borough Chief of Police, or his or her designee, regarding the measures to be taken to ensure the security of the facility and the safety of the public and facility employees. Such measures may include, but are not limited to, facility access controls, surveillance systems, site lighting, and on-site security personnel. Said coordination shall occur in conjunction with any application for a zoning permit or variance relief for a dispensary, cannabis cultivation, cannabis manufacturing or cannabis distributing facility that has been deemed complete by the zoning officer, and shall be ongoing, as needed, to address any security or safety issues.

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**J. Inspection.**

Subject to the requirements and limitations of State Law, the Borough of Paramus shall have the reasonable right to inspect the premises of any approved Medicinal Cannabis Dispensary during its regular hours of operation to ensure compliance with local ordinances and regulations.

**K. Public Nuisance Declared.**

Operation of any prohibited or unpermitted cannabis business establishment within the municipality in violation of the provisions of this Chapter is hereby declared a public nuisance and shall be abated pursuant to all available remedies.

**L. Governing Body Approval of Applications.**

Whenever the Cannabis Regulatory Commission established by the Act (the "Commission") forwards to the municipality any application for initial licensing or renewal of an existing license for any cannabis establishment, Medicinal Cannabis Dispensary, distributor, or delivery service pursuant to section 19 of the Act or for a cannabis consumption area pursuant to section 28 of P.L.2019, c.153 (C.24:6I-21), or otherwise solicits the position of the municipality on any matter related to cannabis-related activities within the municipality, or upon the request of an applicant for or holder of such license, the governing body shall determine whether the application complies with the municipality's restrictions on the number of Medicinal Cannabis Dispensaries, cannabis establishments, distributors, or delivery services, and on their location, manner, or times of operation, and promptly inform the Commission, and the applicant for or holder of a license whether the application complies with same and whether it either approves or denies each application or other request for municipal authorization forwarded to it. Notwithstanding the forgoing, nothing herein shall prohibit any elected or appointed official or employee from expressing their opinions or views on cannabis-related matters in their personal or individual official capacity, or endorsing an applicant for or holder of a license issued by the Commission, provided that such official shall not represent that their opinions or views are those of the municipality unless based on a duly adopted ordinance or resolution of the municipality, or other action of a majority of the governing body.

**M. Definitions and Repealer.**

Unless specifically defined otherwise herein, any term used herein shall be incorporate the definition of that term in the Act. Any article, section, paragraph, subsection, clause, or other provision of the Borough of Paramus inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.



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**N. Interpretation and Savings Provision.**

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

**O. Violations and penalties.**

Any person or business who violates any provision of this chapter shall, upon conviction, be subject to the penalties provided by § 1-15 of this Code.

**Section 5.** The current text of Borough Ordinance, Chapter 429-131, Minimum distances between certain uses, Subsection A (4), is hereby repealed.

**Section 6.** The current text of Borough Ordinance, Chapter § 429-133, Compliance required, is hereby amended as follows:

**§ 429-134 Compliance required.**

**Section 7.** Any article, chapter, section, paragraph, subsection, clause, or other provision of the Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

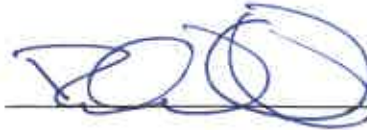
**Section 8.** In case, for any reason, any portion or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other portion or provision of this Ordinance, except so far as the portion or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

**ATTEST:**

**BOROUGH OF PARAMUS**



**Annemarie Krusznis, RMC  
Borough Clerk**



**Richard A. LaBarbiera  
Mayor**

**INTRODUCED: May 11, 2021  
ADOPTED: June 15, 2021**