TOWNSHIP OF PENNSVILLE
SALEM COUNTY, NEW JERSEY

ORDINANCE A-16-2026

Title: AN ORDINANCE OF THE TOWNSHIP OF PENNSVILLE AMENDING CHAPTER 5 OF THE LAND USE ORDINANCES OF THE TOWNSHIP OF PENNSVILLE TO CREATE A CANNABIS OVERLAY ZONE (COZ) CONSISTING OF THREE SEPARATE OVERLAY DISTRICTS AND TO ALLOW CLASS 5 CANNABIS RETAIL SALES WITHIN THE CANNABIS OVERLAY DISTRICTS

Date of Introduction: September 3, 2026

Anticipated Date of Adoption: October 15, 2026

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Title: AN ORDINANCE OF THE TOWNSHIP OF PENNSVILLE AMENDING CHAPTER 5 OF THE LAND USE ORDINANCES OF THE TOWNSHIP OF PENNSVILLE TO CREATE A CANNABIS OVERLAY ZONE (COZ) CONSISTING OF THREE SEPARATE OVERLAY DISTRICTS AND TO ALLOW CLASS 5 CANNABIS RETAIL SALES WITHIN THE CANNABIS OVERLAY DISTRICTS

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, 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 business 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 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 though the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, Section 31a of the Act authorizes municipalities to adopt by ordinance regulations governing the number of 1) cannabis establishments, 2) cannabis distributors and 3) 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, on August 19, 2021, the Township adopted Ordinance A-13-2021 which amended sections 5.7, 5.12, and 5.13 of the Township's Land Use Ordinances to 1) Prohibit The Operation Of Class 5 Recreational Cannabis Retailers In All Zoning Districts Within Its Geographical Boundaries; 2) Prohibit The Operation Of Medical Cannabis Dispensaries In All Zoning Districts Within Its Geographical Boundaries; 3) Permit Indoor Class 1 Recreational Cannabis Cultivators, Class 2 Recreational Cannabis Manufacturers, Class 3 Recreational Cannabis Wholesalers, Class 4 Recreational Cannabis Distributers, And Class 6 Recreational Cannabis Delivery Services In Light Industrial Districts And Heavy Industrial Districts Within Its Geographical Boundaries; 4) Permit Indoor Medical Cannabis Cultivators And Medical Cannabis Manufacturers In Light Industrial Districts And Heavy Industrial Districts Within Its Geographical Boundaries; and

WHEREAS, on November 2, 2023, the Township adopted Ordinance A-27-2023 which amended sections 5.7, 5.12, and 5.13 of the Township's Land Use Ordinances to 1) Permit The Operation Of Class 2, Class 3, Class 4, Class 5, And Class 6 Recreational Cannabis Establishments As A Conditional Use In Light Industrial Districts And Heavy Industrial Districts Within Its Geographical Boundaries; 2) Permit The Operation Of Medical Cannabis Manufacturers And Medical Cannabis Dispensaries As A Conditional Use In Light Industrial Districts And Heavy Industrial Districts Within Its Geographical Boundaries; 3) Prohibit Cannabis Consumption Areas In All Zoning Districts Within Its Geographical Boundaries; and

WHEREAS, the Mayor and Members of the Township Committee of the Township, after further review of the Township's Land Use Ordinances, now determine that it would be appropriate to amend those Ordinances to establish three cannabis overlay districts and to allow for the operation of no more than two (2) Class 5 Cannabis Retailers within the overlay zoning districts combined.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Pennsville, in the County of Salem, State of New Jersey, as follows:

1. Chapter 5 of the Land Use Ordinances of the Township of Pennsville is hereby amended to include the following:

SECTION 5.23 - CANNABIS OVERLAY ZONE.

A. **Purpose.**

1. To permit two (2) Class 5 Cannabis Retail Establishments to operate within the Township of Pennsville, through the mechanism known as overlay zoning.
2. To establish appropriate controls for Cannabis Establishments so as to protect and promote the health, safety, and welfare of the residents of the Township of Pennsville while promoting the growth of the commercial tax base by expanding into new and emerging markets.

B. Effect on underlying zoning.

1. As overlay zoning districts, the combined Cannabis Overlay Zone (COZ) do not replace the existing or "underlying" zone designation.
2. Any person or entity that wishes to use or develop upon a property within the COZ shall have the option to use or develop the property in accordance with the regulations of either the COZ or the underlying zone.
3. Unless specifically stated to the contrary in this subsection, all "bulk" requirements for the underlying zone shall remain in effect.

C. Cannabis Zoning Overlay Boundaries.

1. Portions of the **MU** (Mixed Use) and **C** (Commercial) zones along Route 49 and Hook Road, as highlighted on an exhibit entitled "Cannabis Zone Exhibit" dated 09/01/2026.
2. The Pennsville Township Zoning Map to be updated to include the zone as depicted in the aforementioned exhibit.

D. **Definitions**. As used in this article, the following terms shall have the meanings indicated:

1. Cannabis. 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. 24:61-1 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 marijuana 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.).

2. Cannabis Cultivator. 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.
3. Cannabis Delivery Service. 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.
4. Cannabis Distributor. 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 temporary storage of cannabis or cannabis items as necessary to carry out transportation activities.
5. Cannabis Establishment. A cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer.
6. Cannabis Item. Any usable cannabis, cannabis product, cannabis extract, and any other cannabis resin. "Cannabis Item" does not include: Any form of 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 seq.) and P.L. 2015, c. 158 (c. 18a:40-12.22 et seq.); or hemp or 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 seq.).
7. Cannabis Leaf. The leaf of the plant Cannabis sativa L. within the plant family cannabaceae.
8. Cannabis Manufacturer. 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.
9. Cannabis Manufacturing. The drying, processing, compounding, or conversion of usable cannabis into cannabis products or cannabis resins. "Manufacture" with respect to cannabis does not include packaging or labeling.
10. Cannabis Overlay Zone. The overlay zones whereby the approved classes of cannabis establishments are permitted to operate.

11. Cannabis Overlay Zone Map. The official Township map establishing the Cannabis Overlay Zone.
12. Cannabis Paraphernalia. Any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing a cannabis item into the human body. "Cannabis Paraphernalia" does not include drug paraphernalia as defined in N.J.S. 2C:36-1 and which is used or intended for use to commit a violation of Chapter 35 or 362 of Title 2C of the New Jersey Statutes.
13. Cannabis Product. A product containing usable cannabis, cannabis extract, or any other cannabis resin and other ingredients intended for human consumption or use, including product intended to be applied to the skin or hair, edible cannabis products, ointments, and tinctures. "Cannabis Product" does not include (1) usable cannabis by itself; (2) cannabis extract by itself; or (3) any other cannabis resin by itself.
14. Cannabis Retailer. 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.
15. Cannabis Wholesaler. 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.
16. Cannabis, Usable. The dried leaves and flowers of the female plant Cannabis sativa L., and does not include seedlings, seeds, stems, stalks, or roots of the plant.

E. Cannabis Overlay Zone; conditional use.

1. The conditions set forth in Subsection 2 below apply to all Cannabis Establishments located in the Cannabis Overlay Zone (COZ). All other permitted uses located within the COZ shall follow the underlying zoning regulations.
2. Conditions.
    i. Those Cannabis Establishments possessing a Class 5 Adult Use Cannabis Retail State License issued pursuant to Section 31 b of the New Jersey Cannabis Regulatory, Enforcement Assistance and Marketplace Modernization Act (P.L. 2021, c. 16), may

operate with the COZ as established in the Cannabis Overlay Map. All cannabis licenses not specifically permitted to operate in the COZ are strictly prohibited from operating anywhere else in the Township.

ii. No more than two (2) Class 5 Cannabis Retail Establishments may operate in the three overlay zoning districts of the COZ combined, with no more than one (1) Class 5 Cannabis Retail Establishments operating in any one overlay zoning district.

iii. All other classes of Cannabis Establishments are prohibited uses in the COZ.

iv. No Class 5 Cannabis Retail Establishment may be located within 1000 feet from another Class 5 Cannabis Retail Establishment.

v. The operator of the Class 5 Adult Use Cannabis Retail Establishment shall have first obtained a Resolution of Local Support issued by the Governing Body;

vi. A Cannabis Establishment shall be subject to licensing requirements established in Chapter 25 of the Ordinances of the Township of Pennsville;

vii. All Cannabis Establishments shall undergo site plan review by the Township's Land Use Board unless the property has received prior approval by the Township's Land Use Board approving the same Cannabis Establishment license to operate at the proposed location;

viii. The Cannabis Establishment shall have frontage on Route 49 or Hook Road.

ix. The Cannabis Establishment shall provide a security plan to be reviewed and approved by the Township's Chief of Police;

x. For purposes of determining required parking, Cannabis Establishments shall have a parking requirement of one (1) parking spaces per 250 square feet of net retail area plus one (1) parking space for each employee;

xi. Cannabis Establishments operating in the COZ shall be permitted to conduct business during the hours of 8:00 a.m. to 10:00 p.m., Monday through Sunday;

xii. A Cannabis Establishment shall not be located within 500 feet of a pre-existing public or private preschool, grade school and/or high school. Early learning centers, day care centers, residential care homes, colleges, and vocational/trade centers shall not be classified as a school for purposes of this section. The distance shall be measured as follows:

1. Distances shall be measured in a straight line from the center of the entrance of the cannabis establishment to the closest point of the school's property line.
2. If the entrance of the Cannabis Establishment is set back from the sidewalk by a walkway or doorway, the

measurement is taken from the center of the line where the walkway/doorway meets the sidewalk or curb.

3. For a Cannabis Establishment in a multi-story building, the building entrance at street level is to be used to guide the measurement.
4. Emergency/fire exits, maintenance access, and doors to gain access to nonpublic areas are not used in the measurement.

xiii. All activities associated with the Cannabis Establishment shall occur within the building. All Cannabis shall be stored within a secure area not accessible to the public. There shall be no cannabis displayed in the retail floor area.

xiv. The Cannabis Establishment shall provide odor mitigation infrastructure that will eliminate odor, smoke, gas, or toxic materials so as not to be detected off-site;

xv. No Cannabis Paraphernalia shall be displayed or kept at the Cannabis Establishment so as to be visible from outside the premises;

xvi. No Cannabis Product shall be consumed on the premises of any Cannabis Establishment;

xvii. Drive-through service shall be permitted by appointment only and in accordance with the terms of the underlying zone.

xviii. A Cannabis Establishment shall not be located in a residential home, apartment, townhouse, or condominium;

xix. If located in a multi-tenant or mixed-use building, the Cannabis Establishment shall have a separate entrance where no part of the Cannabis Establishment shall be directly accessible from any common area within the building;

xx. In addition to the signage requirements established for commercial uses in the underlying zone, Cannabis Establishments shall also be subject to the following signage requirements:

1. No sign shall be placed on the roof of a building nor placed on its wall so as to exceed the height of the roof of the building;
2. No internally illuminated signs shall be permitted;
3. No freestanding signs shall be permitted;
4. No more than two (2) building mounted signs per Cannabis Establishment is permitted on the site;
5. The Cannabis Establishment signage may not include a Cannabis Leaf or other image of Cannabis Paraphernalia or Cannabis Product and may not contain images that market to an underage demographic.

xxi. Except as modified herein, Cannabis Establishments shall follow the underlying zoning regulations.

2. If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance. The governing body of the Township of Pennsville declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

3. A copy of this Ordinance shall be transmitted to the Township of Pennsville Planning Board for their review and comment in accordance with the provisions of NJSA 40:55D-26.

4. This ordinance shall take effect immediately upon final passage and publication according to law however not before the provisions of the aforesaid statute, to wit, NJSA 40:55D-26 have been fully complied with.

ADOPTED: October 15, 2026
ATTEST:

Approved by the Township Committee
Township of Pennsville – September 3, 2026

Angela N. Foote, Clerk

Daniel Neu, Mayor

First reading – September 3, 2026

Roll call vote:	Yes	No	Abstaining	Absent
John Dyer	X			
Melissa Fitchett	X			
Scott Hourigan	X			
Melissa Thompson		X		
Daniel Neu	X			

Adoption – October 15, 2026

Roll call vote:	Yes	No	Abstaining	Absent
John Dyer				
Melissa Fitchett				
Scott Hourigan				
Melissa Thompson				
Daniel Neu				

FIRST RESOLUTION

Title: AN ORDINANCE OF THE TOWNSHIP OF PENNSVILLE AMENDING CHAPTER 5 OF THE LAND USE ORDINANCES OF THE TOWNSHIP OF PENNSVILLE TO CREATE A CANNABIS OVERLAY ZONE (COZ) CONSISTING OF THREE SEPARATE OVERLAY DISTRICTS AND TO ALLOW CLASS 5 CANNABIS RETAIL SALES WITHIN THE CANNABIS OVERLAY DISTRICTS was adopted on first reading, final hearing thereof be held on October 15, 2026 at 6:30 pm, Pennsville, New Jersey, and that said Ordinance, together with Notice of Final Hearing, be published on the Township's website in accordance with law.

ADOPTED: September 3, 2026

Angela N. Foote, Clerk

Daniel Neu, Mayor