

**BOROUGH OF MILLTOWN  
ORDINANCE 21-1501**

**AN ORDINANCE OF THE BOROUGH OF MILLTOWN,  
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY  
AUTHORIZING A NON-BINDING REFERENDUM TO  
CONSIDER WHETHER THE BOROUGH SHOULD  
ALLOW CLASS 5 CANNABIS RETAILER AS A PERMITTED USE  
IN THE B-4 HIGHWAY STRIP COMMERCIAL ZONE AND  
B-5 HIGHWAY STRIP COMMERCIAL ZONE  
WITHIN THE BOROUGH OF MILLTOWN**

**WHEREAS**, the Borough is authorized pursuant to N.J.S.A. 19:37-1 to submit a question or policy concerning municipal government to the voters in the municipality at a general election to ascertain the sentiment of the legal voters on the question or policy; and

**WHEREAS**, the results of the election are non-binding on the Borough but may be followed by the governing body in its discretion; 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, 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.

**WHEREAS**, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act (N.J.S.A. 24:6I-33) as "a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer"), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

**WHEREAS**, the Mayor and Council of the Borough of Milltown have determined that it would be in the public interest to place a non-binding referendum question on the November 2, 2021 general election ballot for the purpose of determining the sentiment of the majority of legal voters of the Borough of Milltown concerning the amendment of Chapter XXXIV, Comprehensive Development of the Revised General Ordinance of the Borough of Milltown to allow "Class 5 Cannabis" retailer as a permitted use within the B-4 Highway Strip Commercial Zone and the B-5 Highway Strip Commercial Zone in the Borough of Milltown;

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Milltown, County of Middlesex, State of New Jersey that:

1. The Clerk of the County of Middlesex is hereby requested to print upon the official ballots to be used at the November 2, 2021 general election the following proposition:

Shall the Borough of Milltown allow "Class 5 Cannabis Retailer" as a permitted use within the B-4 Highway Strip Commercial Zone and the B-5 Highway Strip Commercial Zone in the Borough of Milltown.

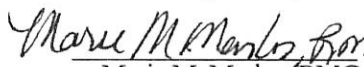
2. The Clerk of the County of Middlesex is hereby requested to print upon the official ballots to be used at the November 2, 2021 general election the following Interpretative Statement:

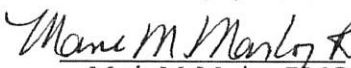
A "yes" vote for this proposal means that you do want the Borough of Milltown to take the necessary steps to amend the Chapter XXXIV, Comprehensive Development of the Revised General Ordinance of the Borough of Milltown to allow "Class 5 Cannabis" retailer as a permitted use within the B-4 Highway Strip Commercial Zone and the B-5 Highway Strip Commercial Zone in the Borough of Milltown.

A "no" vote for this proposal means that you do not want the Borough of Milltown to take the necessary steps to amend Chapter XXXIV, Comprehensive Development of the Revised General Ordinance of the Borough of Milltown to allow "Class 5 Cannabis" retailer as a permitted use within the B-4 Highway Strip Commercial Zone and the B-5 Highway Strip Commercial Zone in the Borough of Milltown.

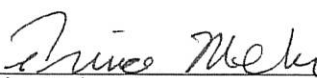
**BE IT FURTHER ORDAINED** that a copy of this ordinance shall be filed with the Clerk of Middlesex County.

**BE IT FURTHER ORDAINED** this Ordinance shall become effective upon final publication as required by law.

Motion/ Second	Roll Call	Aye	Nay	Abstain	Absent	Adopted on First Reading Dated: June 28, 2021
	Council President Farkas	X				 Marie M. Marlor, RMC Borough Clerk
	Councilman Ligotti	X				
Motion	Councilwoman Neubauer	X				
	Councilwoman O'Donnell	X				
Second	Councilman Pareti	X				
	Councilman Zambrana	X				

Motion/ Second	Roll Call	Aye	Nay	Abstain	Absent	Adopted on Second Reading Dated: July 19, 2020
	Council President Farkas	X				 Marie M. Marlor, RMC Borough Clerk
Second	Councilman Ligotti	X				
Motion	Councilwoman Neubauer	X				
	Councilwoman O'Donnell	X				
	Councilman Pareti	X				
	Councilman Zambrana	X				

Approval by the Mayor on this

  
 Trina Mehr, Mayor