

Borough of Matawan

Public Notice of Pending Ordinance 22-06

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Governing Body of the Borough of Matawan, in the County of Monmouth, State of New Jersey, on May 17, 2022. It will be further considered for final passage, after public hearing thereon, at a meeting of the Governing Body to be held at the Borough of Matawan, Matawan Municipal Community Center, 201 Broad Street, Matawan, New Jersey 07747 on June 9, 2022 at 7:00 o'clock PM. During the week prior to and up to and including the date of such meeting, copies of the full ordinance will be available at no cost and during regular business hours at the Clerk's Office for the members of the general public who shall request the same or on the Borough of Matawan website at www.matawanborough.com.

Karen Wynne, RMC
Municipal Clerk

ORDINANCE 22-06

AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MATAWAN, CHAPTER 4, LICENSING AND BUSINESS REGULATIONS, SECTION 4-16 – CANNABIS LICENSING ESTABLISHING AN APPLICATION PROCEDURE AND LICENSING FEES FOR CANNABIS BUSINESS LICENSES

WHEREAS, in November 2020, New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to legalize 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 cannabis by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational cannabis operations, use and possession; and

WHEREAS, on August 4, 2021, the Mayor and Council of the Borough of Matawan adopted Ordinance 21-13, which gave effect to the NJ Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (hereinafter, the "Act") in the Borough of Matawan and amended Chapter 34; Chapter 11.1-2; Chapter 3:3-12; and Chapter 2-12 of the Municipal Code to implement said changes; and,

WHEREAS, it is the desire of the Mayor and Council to provide for an orderly, transparent, open, neutral process for the administrative processing of all desired applications for locations of Cannabis related establishments of the Borough of Matawan, consistent with the Act and the Administrative Rules and Regulations for the municipal administration of the Act by local municipalities:

NOW, THEREFORE, BE IT ORDAINED, the Mayor and Council of the Borough of Matawan, Monmouth County, New Jersey, hereby amends and supplements the Code of the Borough of Matawan Chapter 4 – Licensing and Business Regulations as follows:

SECTION 4-16: CANNABIS LICENSING

- a) Each application shall be submitted in writing to the Office of the Clerk of the Borough of Matawan. Each Application for a license shall include a “Retail Cannabis Endorsement Application Scoring Matrix” attached herewith to this Ordinance as Exhibit A; which shall be adopted by the Council and be part of every application for a Cannabis license application requested by any person or entity. Said “Exhibit A” shall be submitted by all applicants as part of the Licensing review application process. Failure to submit the “Exhibit A” shall constitute a material defect in any submitted application.
- b) The Borough Clerk shall publish a “Retail Cannabis Endorsement Application” that shall be adopted by Resolution upon the passage of the within Ordinance. The application shall accompany any request for the issuance of a Cannabis License in the Borough of Matawan.
- c) The application fee payable to the Borough of Matawan for a Cannabis License under the within Ordinance shall be a non-refundable fee of \$2,000.00 to be submitted by Bank check or Certified check upon submission of the application. In addition to the non-refundable application fee, each applicant shall submit a Registration Fee to the Borough of Matawan at the time of application in the amount of \$10,000. The Registration fee of \$10,000.00 shall be refunded to the applicant should the applicant be unsuccessful in obtaining a State or other administrative license for the business in the Borough of Matawan.
- d) The license of any approved Cannabis business must be renewed yearly. All Cannabis licenses shall be subject to a renewal fee of \$2,500.00 due on December 31st of every year at Midnight. The termination of licenses as a result of nonpayment of renewal fees shall be subject to the provision of Chapter 4, Section 4-1 – General Provisions, et seq.

BE IT FURTHER ORDAINED, in the event of any inconsistencies between the provisions of this Ordinance and any prior Ordinance of the Borough, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Borough of Matawan are ratified and confirmed, except where inconsistent with the terms hereof.

BE IT FURTHER ORDAINED, by the Governing Body of the Borough of Matawan that this Ordinance shall take effect immediately upon passage, adoption and publication according in accordance with the laws of the State of New Jersey.

EXHIBIT A

RETAIL CANNABIS ENDORESEMENT APPLICATION SCORING MATRIX

Applicant Name (legal name of business)

Application Number

Reviewer and Date Reviewed

Address of Proposed Matawan Retail Cannabis Location

In order to consider endorsement by Borough Council, an applicant must provide documented proof that they have secured a location AND receive a minimum of 75 total points on the scoring matrix on the following page. Failure to meet these two criteria will render the application as failed.

A blank copy of this document will be provided to each applicant for informational purposes only. Only authorized Borough staff can complete this document.

Application Number: _____

Criteria	Max Points	Score
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 principals;	15	
Applicant's description for the storage of products, physical security, video surveillance, security personnel, and visitor management;	15	
Applicant's commitment to cooperate with the Matawan Police Department;	5	
Applicant's demonstrated commitment or sufficient experience as responsible employers, for example providing employee health care insurance and/or paid family leave; paying a \$15 minimum wage the alternative, if an applicant entity or its parent company is a party to a collective bargaining agreement in the regulated cannabis industry for at least one year prior to an application for a Municipal Cannabis license, the applicant will automatically receive 10 points and no further response for this Item is necessary;	15	
Applicant's written commitment to employ residents of the Borough of Matawan in at least 50% of full-time equivalent positions;	5	
Summary of the applicant's environmental impact and sustainability plan;	5	
Applicant's ties to the host community, demonstrated by at least one owner's proof of residency in the Borough Matawan for five or more years or at least one owner's continuous ownership of a business based in Matawan for five or more years in the past ten years;	5	
Applicant's proposal to provide community benefits;	15	
Applicant's demonstrated commitment to diversity in its ownership composition and hiring practices.	5	
Social Equity Business	5	
Diversely Owned Business	5	
Microbusiness	5	
Total Points		