

Township of West Milford

Passaic County, New Jersey

~ Resolution 2022 – 409 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, IN SUPPORT OF ORDINANCE NO. 2022-043, ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 500-192, “CANNABIS CULTIVATOR, MANUFACTURER, WHOLESALER AND DISTRIBUTOR

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the 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 Mayor and Township Council of the Township of West Milford have found that Cannabis Cultivation is a viable and valuable commercial enterprise that should be promoted within the Township of West Milford; and

WHEREAS, the Mayor and Township Council of the Township of West Milford have adopted an Ordinance, allowing pursuant to section 31 of the Act (N.J.S.A. 24:6I-45b), Licenses for Class 1 Cannabis Cultivation, Class 2 Cannabis Manufacturing, Class 3 Cannabis Wholesaler, Class 4 Cannabis Distribution, Class 5 Cannabis Retailer and Class 6 Cannabis Delivery; and

WHEREAS; the Township amended Chapter 500-192 pursuant to Ordinance 2022-043; and

WHEREAS, the Township Planning Board (hereinafter “the Board”) found Ordinance 2022-043 “inconsistent” with the Township of West Milford Master Plan (hereinafter “the Master Plan”); and

WHEREAS, N.J.S.A. 40:55D-62 a. allows a Governing Body to enact or revise a municipal zoning ordinance which is inconsistent with or contradictory to the Master Plan; and

WHEREAS, the Governing Body has carefully reviewed the matter along with the Planning Board recommendations and findings as delivered on November 3, 2022, and still desires to adopt the zoning legislation; and

WHEREAS, the Governing Body acknowledges its accountability for between the zoning ordinance and Master Plan and by affirmative vote of a majority of the full authorized membership of the Governing Body and acknowledging the comments of the Planning Board and as recorded within the minutes, herein does adopt Ordinance 2022-043.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford, in the County of Passaic and State of New Jersey, that it does herein adopt Ordinance 2022-043 notwithstanding the finding of the Township of West Milford Planning Board.

This Resolution shall take effect immediately.

Adopted: December 7, 2022

Adopted this 7th day of December, 2022
and certified as a true copy of an original.

William Senande, Township Clerk