

**TOWNSHIP OF STILLWATER
SUSSEX COUNTY, STATE OF NEW JERSEY**

ORDINANCE 2026- 08

**AN ORDINANCE OF THE TOWNSHIP OF STILLWATER,
COUNTY OF SUSSEX, STATE OF NEW JERSEY, AMENDING
SUPPLEMENTING AND REVISING ORDINANCE § 240-134
ENTITLED “CANNABIS”**

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Stillwater, Sussex County, State of New Jersey that Ordinance 2021-06 and Township Code Chapter 240-134, entitled “ Cannabis” are hereby amended, revised and supplemented as follows:

SECTION 1.

§ 240-134 Cannabis.

In accordance with the provisions of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act ("CREAMMA"), N.J.S.A. 24:6I-32 et. seq., the provisions of The Jake Honig Compassionate Use Medical Cannabis Act ("CUMCA"), P.L. 2009, c. 307 (approved January 18, 2010), amended by P.L. 2019, c. 153 (approved July 2, 2019), N.J.S.A. 24:6I-1 et. seq., and the regulations promulgated by the Cannabis Regulatory Commission ("CRC"), the Township of Stillwater hereby establishes the procedures to regulate the establishment and operation of cannabis businesses in the Township of Stillwater and to specify the conditions and limitations applicable thereto.

§ 240-135 Definitions

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 the 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 (N.J.S.A. 24:6I-1 et. seq.) and P.L. 2015, c. 158 (N.J.S.A. 18A:40-12.22 et. seq.); marijuana as defined in N.J.S.A. 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 (N.J.S.A. 2C:35B-1 et. seq.), or marijuana, as defined in Section 2 of P.L. 1970, c. 226 (N.J.S.A. 24:21-2) and applied to any offense set forth in the "New Jersey Controlled Dangerous Substances Act," P.L. 1970, c. 226 (N.J.S.A. 24:21-1 et. seq.); 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 (N.J.S.A. 4:28-6 et. seq.).

CANNABIS CULTIVATOR

Any licensed business 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. This person or entity shall hold a Class 1 Cannabis Cultivator license.

CANNABIS DELIVERY

Any licensed business or entity involved in 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.

CANNABIS ESTABLISHMENT

A Cannabis Cultivator or a Cannabis manufacturer.

CANNABIS MANUFACTURER

Any licensed business 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. This person or entity shall hold a Class 2 Cannabis manufacturer license.

MICROBUSINESS

A person or entity licensed by the Cannabis Regulatory Commission as a Cannabis Cultivator, Cannabis manufacturer, Cannabis wholesaler, Cannabis distributor, Cannabis retailer, or Cannabis delivery service that may only, with respect to its business operations, and capacity and quantity of product:

- A. Employ no more than ten (10) employees;
- B. Operate a Cannabis establishment occupying an area of no more than 2,500 square feet, and, in the case of a Cannabis (grower) Cultivator, grow Cannabis on an area no more than 2,500 square feet measured on a horizontal plane and grow above that plane not higher than twenty four (24) feet;
- C. Possess no more than 1,000 Cannabis plants each month, except that a Cannabis distributor's possession of Cannabis plants for transportation shall not be subject to this limit;
- D. Acquire and process each month, in the case of a Cannabis manufacturer, no more than 1,000 pounds of usable Cannabis;

- E. Acquire for resale each month, in the case of a Cannabis wholesaler, no more than 1,000 pounds of usable Cannabis, or the equivalent amount in any form of manufactured Cannabis product or Cannabis resin, or any combination thereof; and
- F. Acquire for retail sale each month, in the case of a Cannabis retailer, no more than 1,000 pounds of usable Cannabis, or the equivalent amount in any form of manufactured Cannabis product or Cannabis resin, or any combination thereof.

§ 240-136 Cannabis application and license review fee.

Any person applying to be permitted to operate a Cannabis Cultivator or Cannabis Manufacturer business under the laws of the State of New Jersey and Township Code of the Township of Stillwater, County of Sussex, State of New Jersey, shall pay an annual fee of \$5,000 to have the Township and its professionals review the application and licensing annually in order to operate the said Cannabis business in the Township of Stillwater. Said annual fee shall apply to the Cannabis Cultivator and Cannabis Manufacturer classes of licenses permitted in the Township of Stillwater. This fee is payable annually and shall not be prorated.

§ 240-137 Recreational Cannabis tax.

- A. A transfer tax on the sale of recreational Cannabis and Cannabis items is hereby established on the following transactions:
 - (1) Sale of Cannabis by a Cannabis Cultivator to another Cannabis Cultivator;
 - (2) Sale of Cannabis items from one (1) Cannabis establishment to another Cannabis establishment; and/or,
 - (3) Any combination thereof.
- B. The following transfer tax rates shall apply to all sales of recreational Cannabis and Cannabis items:
 - (1) Two percent (2.0%) of the receipts from each sale by a Cannabis Cultivator;
 - (2) Two percent (2.0%) of the receipts from each sale by a Cannabis Manufacturer;
- C. A user tax on any concurrent license holder operating more than one (1) Cannabis establishment is imposed on the value of each transfer or use of Cannabis or Cannabis items not otherwise subject to the transfer tax imposed pursuant to Subsection B above of this section, from the license holder's establishment that is located in the Township of Stillwater to any of the other license holder's establishments, whether located in this Township of Stillwater or another municipality.
- D. The following user tax rates shall apply to all transfers by a concurrent license holder of Cannabis items to any of the other license holder's establishments:

- (1) Two percent (2.0%) on the value of each transfer or use of Cannabis or Cannabis items not otherwise subject to the transfer tax imposed pursuant to Subsection C above of this section by a Cannabis Cultivator;
- (2) Two percent (2.0%) on the value of each transfer or use of Cannabis or Cannabis items not otherwise subject to the transfer tax imposed pursuant to Subsection C above of this section by a Cannabis manufacturer;
- (3) This section shall be interpreted and administered in accordance with N.J.S.A. 40:48I-1, as the same may be amended, revised, and/or supplemented from time to time.

§ 240-138 Cannabis Cultivator or Cannabis Manufacturer As Conditional Use.

A. Cannabis Cultivator or Cannabis Manufacturer as a Conditional Use.

Cannabis Cultivator and Cannabis Manufacturer businesses shall be permitted in the zones designated herein as a conditional use, and subject to the requirements set forth herein. All Cannabis Cultivator and Cannabis Manufacturer businesses shall be required to submit a site plan application to the Township of Stillwater Planning Board for concept review in order to be permitted as a conditional use. All other Cannabis businesses are not permitted in the Township of Stillwater and no variance, permit or license shall be issued by any Township official for Cannabis wholesaler, distributor, retailer or delivery service, provided, however, that Cannabis delivery services established in other municipalities may operate within the Township of Stillwater as permitted by law.

§ 240-139 Number of Licenses

- A. There shall be one (1) Class One license for a Cannabis Cultivator.
- B. There shall be one (1) Class Two license for a Cannabis Manufacturer.
- C. There shall be no other classes of cannabis license permitted in the Township of Stillwater, except as per Section 240-138 of the Stillwater Township Code.

§ 240-140 Cannabis Cultivator or Manufacturer.

A. A Cannabis Cultivator or Cannabis Manufacturer shall meet the following conditions and standards when permitted as a conditional use in all zones, except the C Commercial Zone, CR Commercial Recreation Zone and RC Recreation Conservation Zone:

- (1) Location. Facilities shall be at least five hundred (500) feet from the property line of a school, church or state-licensed child-care or day-care facility, measured from the point of public entry of the Cannabis Cultivator or Cannabis Manufacturer facility to the nearest property line of such church, school, childcare facility or day care facility, parking lots included.
- (2) Building facilities shall be at least one hundred (100) feet from the property line of the nearest residential property, measured from the point of public entry of the Cannabis

Cultivator or Cannabis Manufacturer facility to the nearest property line of such residential property, parking lots included.

(3) Building facilities shall be at least fifty (50) feet from the property line of the nearest commercial property, measured from the point of public entry of the Cannabis Cultivator or Cannabis Manufacturer facility to the nearest property line of such commercial property, parking lots included.

(4) Buildings.

A. All facilities, where applicable, shall be enclosed in heated and air-conditioned permanent buildings, not hoop houses or greenhouses.

B. However, outdoor cultivation may occur in a full greenhouse with rigid walls and/or a partial greenhouse and/or a hoop house and/or another non-rigid structure and/or an expanse of open or cleared ground fully enclosed by a physical barrier.

C. If an outdoor grow area exists, it shall be situated in such a manner that the greatest possible and achievable level of privacy and security exists and is provided.

D. (1) Any property which contains an outdoor grow area and the outdoor grow area itself shall each be securely surrounded by fencing of at least eight (8) feet in height and locked gates securing the entire perimeter of the outdoor grow site and constructed, where applicable, in accordance with the Uniform Construction Code and Township Code. The objective of such fencing and locked gates shall be to prevent access to the outdoor grow area by any and all unauthorized persons.

(2) Furthermore, the fencing shall be constructed of metal links and/or another similarly secured material and shall measure at least eight (8) feet from ground to the top of the fence. All fencing support posts must be securely anchored into concrete pads.

(3) All locks in all gates shall be commercial grade, non-residential door locks.

E. Any outdoor and indoor grow area shall be protected by a security alarm system and twenty-four (24) hour/ seven (7) days a week video surveillance system that is continuously monitored and capable of detecting, amongst other things, power loss, pursuant to N.J.A.C. 17:30-9.10, to ensure surveillance of the entire perimeter of the outdoor and indoor grow area and overall portions of the security fencing and all gates.

(5) Signage. Signs shall be limited to location identification and name of business. Signage shall not promote consumption of any Cannabis products.

- (6) Safety and Security Plan Approval. When seeking site plan approval, the Applicant shall submit a safety and security plan and emergency services access plan.
- (7) Odor control. The facility shall provide an air treatment system with sufficient odor-absorbing ventilation and exhaust systems such that any odor generated inside the facility and outside the facility shall not be detectable by a person of reasonable sensitivity at the property line of the subject property. Any and all odor control devices, needs, and systems shall be paid for by the facility owner and/or the facility tenant and shall not be the financial responsibility of the Township. Odor from the facility shall be monitored, on an annual basis, at the discretion of the Township by a licensed, qualified contractor chosen by the Township and paid for by the facility owner, and/or the facility tenant, and shall not be the financial responsibility of the Town.
- (8) A. Hours of operation. Hours of operations for a Cannabis Cultivator or Cannabis Manufacturer shall be from 9:00 a.m. to 9:00 p.m., Monday through Sunday.
 - B. There shall be controlled after-hours access solely for the purpose of maintenance/ plant wellbeing for the Cannabis Cultivator to prevent the loss of potential and/or entire crop.
 - C. The Cannabis Manufacturer shall be allowed controlled after hours access solely for the purpose of maintenance and emergencies. In addition, afterhours access to meet production deadlines can only occur as to indoor facilities only.
 - D. There shall be no direct sales to the public from the applicable property.
 - E. All access to the site proper shall be controlled with, at bare minimum, on-site video monitoring.

NOW, THEREFORE, BE IT FURTHER ORDAINED as follows:

- (1) All ordinances or parts of ordinances which are inconsistent with this Ordinance shall be repealed as to the inconsistencies only.
- (2) This Ordinance shall take effect immediately after passage and publication of this Ordinance in accordance with the law.

**TOWNSHIP COMMITTEE
OF STILLWATER TOWNSHIP**

ATTEST: _____
Valerie Ingles, RMC/CMR, Township Clerk

Vera Rumsey, Mayor

DATED: Introduced: April 21, 2026
 Adopted: _____, 2026