

**MEETING TO BE
LIVE STREAMED AT**

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**AGENDA FOR THE REGULAR BUSINESS MEETING
OF THE TOWNSHIP COUNCIL OF WEST WINDSOR TOWNSHIP
WEST WINDSOR SENIOR CENTER
271 CLARKSVILLE ROAD
TO THE EXTENT KNOWN**

May 24, 2021

VIA Zoom Video Communications

7:00 P.M.

1. Call to Order
2. Roll Call
3. Statement of Adequate Notice - Statement of Adequate Notice - January 8, 2021 to The Times and the Princeton Packet and posted on the Township web-site. All Council meetings are open to the public with access via Zoom for those who wish to attend virtually. Please see Township web-site for further details.
4. Salute to the Flag
5. Ceremonial Matters and/or Topics for Priority Consideration

Proclamation to West Windsor Arts Council for Ten Years of Service to the Community
6. Public Comment: (30 minutes comment period; 3-minute limit per person)
7. Administration Comments
8. Council Member Comments
9. Chair/Clerk Comments

10. Public Hearings

2021-09 AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 200 SECTION 219.5 AND 219.6 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHP OF WEST WINDSOR (1999) BY AMENDING THE USE STANDARDS IN THE RO-1 DISTRICT

11. Consent Agenda

A. Resolutions

2021-R090 Authorizing the Mayor and Clerk to Execute an Easement Modification Agreement for 18 Colt Circle

B. Minutes

Business Session - March 22, 2021 - as amended
Business Session - April 12, 2021 - as amended
Business Session - April 26, 2021 - as amended

C. Bills & Claims

12. Items Removed from Consent Agenda

13. Recommendations from Administration and Council/Clerk

2021-R093 Authorizing the Appointment of Jason E. Harris as Construction Code Official for a Four (4) Year Term Commencing on June 1, 2021

2021-R094 Authorizing the Business Administrator to Purchase Audio/Video Equipment for Meeting Room "A" from Network Cabling Inc. dba Net Q Multimedia Company under New Jersey State Contracts T2989-88739 and T1778 - \$36,078.29

2021-R095 Authorizing the Business Administrator to Purchase from CDW-Government LCD Monitors, Digital Signage Player and Mounting Hardware for Display Upgrades to the Municipal Building and Network Through the State of New Jersey Cooperative Purchasing Program - \$13,050.57

2021-R096 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Schiller and Hersh Associates, Inc. for Professional Electrical Engineering Services for the Project Known as Backup Emergency Generator at the Township Health and Recreation Facility - \$12,295.00

2021-R097 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Roberts Engineering for Professional Construction Administration and Observation Services for the Project Known as Southfield Road Roadway Improvements - \$15,300.00

2021-R098 Designating May as "Bag Up NJ" Month

14. Introduction of Ordinances

2021-10 AN ORDINANCE AMENDING AND SUPPLEMENTING PART I "ADMINISTRATIVE LEGISLATION" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR, NEW JERSEY (1999) SECTION 4-37 "POLICE DIVISION" OF THE TOWNSHIP CODE OF THE TOWNSHIP OF WEST WINDSOR

PUBLIC HEARING: June 14, 2021

2021-11 AN ORDINANCE OF THE TOWNSHIP OF WEST WINDSOR PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES BY ADDING CHAPTER 61-1 CANNABIS BUSINESSES AND AMENDING CHAPTER 200 TO ADD SECTION 236 CANNABIS PROHIBITED USES TO THE CODE OF THE TOWNSHIP OF WEST WINDSOR

PUBLIC HEARING: June 14, 2021

15. Additional Public Comment (three-minute limit per person)

16. Council Reports/Discussion/New Business

17. Administration Updates

18. Closed Session

19. Adjournment

ORDINANCE 2021-09

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 200 SECTION 219.5 AND 219.6 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR (1999) BY AMENDING THE USE STANDARDS IN THE RO-1 DISTRICT

BE IT ORDAINED by the Township Council of the Township of West Windsor, County of Mercer, State of New Jersey, as follows:

Section 1. Chapter 200 of the Code of the Township of West Windsor (1999), Land Use, Part 1, Site Plan Review, Article II, Terminology, Section 200-4, Definitions, Subsection B is amended by adding the following NEW definitions.

DISTRIBUTION FACILITY – A facility used for the storage and/or consolidation of goods, supplies, equipment, materials and merchandise before their distribution to other locations.

SELF-STORAGE FACILITY – A building or group of buildings in single ownership containing separate spaces or compartments for storage of goods, wares and equipment and leased or rented on an individual basis.

WAREHOUSE – A building or group of buildings in which goods, supplies, equipment, materials and merchandise are stored, where no physical change in such articles takes place and where such articles are not otherwise used on the premises, such as in storage areas when part of a retail establishment or manufacturing plant.

Section 2. Chapter 200 of the Code of the Township of West Windsor, Land Use, Part 4, Zoning, Article XXIX, Regulations for Research/Office/Manufacturing, Research/Office and Research and Development Districts, Section 200-219.5, RO-1 District (research, office) use regulations, Subsection 200-219.5A, Permitted Uses, is hereby amended to include the following:

- (9) Self-storage facilities
- (10) Warehousing and distribution facilities

Section 3. Chapter 200 of the Code of the Township of West Windsor, Land Use, Part 4, Zoning, Article XXIX, Regulations for Research/Office/Manufacturing, Research/Office and Research and Development Districts, Section 200-219.6, RO-1 District bulk and area regulations, is hereby amended as follows. Added text is underlined, and text being eliminated is ~~struck through~~.

§ 200-219.6 RO-1 District bulk and area regulations.

The bulk and area regulations for uses other than those in planned research office parks are as follows:

- A. Minimum lot area: five acres.
- B. Minimum lot area for warehouse and distribution facilities: twelve acres.

~~B.~~ C. Minimum lot frontage: 300 feet.

~~C.~~ D. Minimum lot width: 300 feet.

~~D.~~ E. Minimum yards:

(1) Front yard: 125 feet with a seventy-five-foot landscape area at the street right-of-way.

(2) Rear yard: 75 feet.

(3) Side yard: 75 feet.

(4) Rear and side yards for warehouse and distribution facilities. Side and rear yards shall be increased to three hundred 300 feet for warehouse and distribution facilities.

~~E.~~ F. Maximum floor area ratio: 0.15

~~F.~~ G. Maximum improvement cover: 40%.

~~G.~~ H. Maximum building height: three stories, but no greater than 50 feet.

Section 4. In the event of any conflict between the provisions and requirements of this section and the provisions and requirements of any other section of this chapter, the provisions and requirements of this section shall govern.

Section 5. This ordinance shall take effect twenty days after action or inaction by the Mayor as approved by law, or an override of a mayoral veto by the Council, whichever is applicable; upon filing with the Mercer County Planning Board; and upon publication according to law.

Introduction: April 26, 2021

Planning Board Approval:

Public Hearing: May 24, 2021

Adoption:

Mayor Approval:

Effective Date:

RESOLUTION

WHEREAS, Melissa Berth, owner of property located at 18 Colt Circle, West Windsor Township, New Jersey, also known as Block 27.08 Lot 27, in West Windsor, New Jersey 08550 has made a request for a waiver to permit the construction of a fence over a drainage easement along the side yard of her property; and

WHEREAS, the Township Engineer has reviewed and approved this request subject to compliance with the terms of the Easement Modification Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that the waiver requested by Melissa Berth be hereby granted subject to the acceptance of the recommendations of the Township Engineer and the execution of the annexed Easement Modification Agreement; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to execute said agreement which shall be filed in the Mercer County Clerk's Office by the Township Attorney.

Adopted: May 24, 2021

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 24th day of May, 2021.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the position of Construction Code Official will be vacant because of the retirement of the Construction Code Official; Domenick Cardarelli effective June 1, 2021; and

WHEREAS, the New Jersey Uniform Construction Code requires a municipality appoint a Construction Code Official pursuant to N.J.S.A. 52:27D-126; and

WHEREAS, the Township of West Windsor conducted a thorough recruitment process resulting in the Mayor, Business Administrator, Human Resources Assistant and Director of Community Development/Township Engineer recommending the appointment of Jason E. Harris to serve as Construction Official for the Township of West Windsor; and

WHEREAS, Jason E. Harris is a licensed Construction Code Official and has demonstrated strong professional accomplishments as Construction Official for other New Jersey Municipalities; and

WHEREAS, the Administration recommends the appointment of Jason E. Harris as the Construction Code Official.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor, County of Mercer, and State of New Jersey, that Jason E. Harris be and is hereby appointed the Construction Code Official for the Township of West Windsor for a term of four (4) years effective June 1, 2021.

Adopted: May 24, 2021

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 24th day of May, 2021.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor, pursuant to N.J.S.A._40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Township of West Windsor has awarded a construction contract for the Municipal Building Alterations Project; and

WHEREAS, the Administration deems it necessary to upgrade the audio/video equipment in the Council Meeting Room "A" for live broadcasting of Township meetings; and

WHEREAS, Network Cabling Inc. dba Net Q Multimedia Company has been awarded the New Jersey State Contract T2989-88739 for Communications Wiring Services along with New Jersey State Contract T1778 for Cable and Associated Products; and

WHEREAS, the total cost of the equipment and installation services for this project are \$36,078.29 and the Chief Financial Officer has certified the availability of funds in the following capital account:

Improvements to Municipal Complex	405-2019-33-001	\$36,078.29
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NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of West Windsor authorizes the Business Administrator to purchase the above from Network Cabling Inc. dba Net Q Multimedia Company under New Jersey State Contracts T2989-88739 and T1778.

Adopted: May 24, 2021

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 24th day of May, 2021.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Township of West Windsor has the need on a timely basis to purchase technological goods or services utilizing State contracts; and

WHEREAS, the Township is in need of LCD monitors, digital signage player and mounting hardware necessary for display upgrades to the Municipal Building and Network; and

WHEREAS, CDW Government is an authorized vendor under NJ State Approved Co-op #65MCESCCPS, Bid #ESCNJ 18/19-03-Technology Supplies & Services, and

WHEREAS, as of April 12, 2021 the Township's total aggregate spending with CDW Government under NJ State Approved Co-op #65MCESCCPS, Bid #ESCNJ 18/19-03-Technology Supplies & Services was as follows:

Purchase Order # 56131	405 2016 06 016	3/3/2021	\$1,245.96
Purchase Order # 56158	105 21 248	3/10/2021	\$7,768.32
Purchase Order # 56278	405 2020 14 001	4/6/2021	<u>\$513.10</u>
			<u>\$9,527.38</u>

WHEREAS, the total cost of the hardware necessary is \$13,050.57; and

WHEREAS, the Chief Financial Officer has certified the availability of funds in the following account for these purchases:

405 2020 14 001	Improvements-Municipal Complex	\$13,050.57
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NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor that the Business Administrator Marlena Schmid is hereby authorized to purchase the above from CDW-Government under New Jersey State approved cooperative purchasing agreement ESCNJ 18/19-03.

BE IT FURTHER RESOLVED, that the authorization to the existing New Jersey State Contract M0003-89849 is amended to reflect the \$13,050.57 increase from \$9,527.38 to \$22,577.95.

Adopted: May 24, 2021

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 24th day of May, 2021.

Gay M. Huber
 Township Clerk
 West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor has a need to acquire professional electrical engineering services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Schiller and Hersh Associates, Inc. has submitted a proposal dated April 29, 2021 indicating they will provide professional electrical engineering services in conjunction with the design and installation of a new Backup Emergency Generator located at the Township Health and Recreation Facility for \$12,295.00 which includes \$500.00 dollars for reimbursable costs; and

WHEREAS, the Township wishes to enter into an agreement with Schiller and Hersh Associates, Inc. for the aforesaid services; and

WHEREAS, Certification of Funds has been received from the Chief Financial Officer and funds for said contract are available in the following line item appropriation account:

Municipal Post Office Building General Improvements 405-2018-15-003 \$12,295.00

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor as follows:

- (1) The Mayor and Clerk are hereby authorized to execute, on behalf of the Township, a professional services agreement with Schiller and Hersh Associates, Inc. for an amount not to exceed \$12,295.00, which includes \$500.00 dollars for reimbursable costs.
- (2) The Agreement so authorized shall require the Provider to provide professional architectural design services pursuant to its proposal dated April 29, 2021. The contract may be awarded without competitive bidding as authorized by the Local Public Contracts Law pursuant to N.J.S.A. 40A:11-5(1)(a) because the services are professional in nature.
- (3) A notice of this action shall be published in the newspaper used by the Township for legal publications as required by law within ten (10) days of its passage.
- (4) An executed copy of the Contract between the Township and Schiller and Hersh Associates, Inc. and a copy of this Resolution, shall be on file and available for public inspection in the office of the Township Clerk.

Adopted: May 24, 2021

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 24th day of May, 2021.

Gay M. Huber
Township Clerk,
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor has a need to acquire professional construction administration and observation services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Roberts Engineering has submitted a proposal on March 25, 2021 indicating they will provide professional construction administration and observation services for the Southfield Road Roadway Improvements project for Fifteen Thousand Three Hundred Dollars (\$15,300); and

WHEREAS, Roberts Engineering has indicated a performance period for the construction administration and observation services concurrent with the construction project; and

WHEREAS, the Township wishes to enter into an agreement with Roberts Engineering for the aforesaid services; and

WHEREAS, Certification of Funds has been received from the Chief Financial Officer and funds for said contract are available in the following line item appropriation account:

Roadway Improvements	405-2019-18 011	\$15,300.00
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NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor as follows:

- (1) The Mayor and Clerk are hereby authorized to execute, on behalf of the Township, a professional services agreement with Roberts Engineering, with a performance period concurrent with the construction project from the date of project initiation for construction administration and observation services, for an amount not to exceed \$15,300.
- (2) The Agreement so authorized shall require the Provider to provide professional surveying and engineering design services pursuant to its proposal dated March 25, 2021. The contract may be awarded without competitive bidding as authorized by the Local Public Contracts Law pursuant to N.J.S.A. 40A:11-5(1)(a) because the services are professional in nature.
- (3) A notice of this action shall be published in the newspaper used by the Township for legal publications as required by law within ten (10) days of its passage.
- (4) An executed copy of the Contract between the Township and Roberts Engineering and a copy of this Resolution, shall be on file and available for public inspection in the office of the Township Clerk.

Adopted: May 24, 2021

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 24th day of May, 2021.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION DESIGNATING THE MONTH OF MAY AS “BAG UP NJ” MONTH

WHEREAS, P.L.2020, c.117, signed into law on November 4, 2020 is the most progressive disposable bag law in the country, with the goal of phasing out single-use plastic and paper bags and encouraging the use of reusable bags throughout New Jersey; and

WHEREAS, New Jersey is working to reduce reliance on single-use products to ensure that future generations have a clean and healthy environment to live, work, and recreate in; and

WHEREAS, banning or limiting the use of single-use plastic and paper carryout bags is a significant step in this effort; and

WHEREAS, the New Jersey Clean Communities Council, the New Jersey Department of Environmental Protection, the New Jersey Department of State, policymakers, environmental and business groups, as well as other stakeholders, are working together to educate consumers, businesses, and communities about the new law and encouraging residents and the public to “Bag Up” before the ban on single-use plastic bags goes into effect on May 4, 2022; and

WHEREAS, the comprehensive “Bag Up NJ” campaign will include educational programs, public and media engagement and reusable bag distribution programs throughout the state, with an emphasis on underserved communities; and

WHEREAS, this statewide public education campaign will provide residents, businesses and visitors with information about the types of reusable and sustainable bags and container that they may use and where to access these products; and

WHEREAS, the Township of West Windsor is already using Grant and Township resources for the distribution of well over 4,000 reusable bags, informational materials signs, and bumper stickers; and

WHEREAS, the Township of West Windsor provides information on its website on the bag legislation, benefits of reusable bags and links to state information as it becomes available; and

WHEREAS, the Township of West Windsor has distributed reusable bags and informational material to underserved communities such as Project Freedom, food banks and school food programs.

NOW, THEREFORE, BE IT RESOLVED, by Mayor Marathe and the Township Council of the Township of West Windsor that it is useful for the public to understand this new law prior to it taking effect; and

BE IT FURTHER RESOLVED, that one way to gain important recognition is to deem the month of May as “Bag Up NJ” month in West Windsor Township, as a further reminder that all residents should bring their own reusable bags to the store; and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be transmitted to the New Jersey Clean Communities Council, and the New Jersey State League of Municipalities, State Senator Shirley Turner, and Assembly members Verlina Reynolds-Jackson and Anthony S. Verrelli.

Adopted: May 24, 2021

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 24th day of May, 2021.

Gay M. Huber
Township Clerk
West Windsor Township

ORDINANCE 2021-10

AN ORDINANCE AMENDING AND SUPPLEMENTING PART I “ADMINISTRATIVE LEGISLATION” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR, NEW JERSEY (1999) SECTION 4-37 “POLICE DIVISION” OF THE TOWNSHIP CODE OF THE TOWNSHIP OF WEST WINDSOR

WHEREAS, it is recommended by the New Jersey Attorney General that all municipalities in New Jersey have certain ordinances in effect regarding police division structure; and

WHEREAS, it is prudent that the Township’s ordinance regarding the structure of the police division be current and appropriate,

NOW, THEREFORE, BE IT ORDAINED by Township Council of the Township of West Windsor, County of Mercer, State of New Jersey, that the following amendment be made to the Code Book:

§ 4-37 **Police Division.**

- A. The Police Division of the Township is hereby established with such number of subordinate police officers and sworn police positions as designated by the Mayor and authorized by the Council. The Police Division shall be headed by a Chief of Police or ranking sworn officer, who shall be appointed by the Director of Public Safety and whose duties and responsibilities shall be those as governed by law, Township Code, where applicable, and the rules and regulations of the West Windsor Police Division.
- B. Each regular police officer shall hold office and continue in said employment during good behavior and efficiency after having properly completed a one-year probationary period, pursuant to law, and no police officer shall be removed from office or employment for any causes other than incapacity, misconduct, neglect of duty, conduct unbecoming a police officer or disobedience of the rules and regulations established and hereafter established for the Division or absence from duty without just cause.
- C. Any permanent member of the Police Division may be suspended, removed/discharged, fined or reduced in rank from or in office for just cause upon due notice and written charges filed with the Director of Public Safety or his/her designee and served upon the member so charged with notice of a hearing thereon. The Director of Public Safety or his/her designee shall have the power to suspend without pay the member so charged, pending determination of such charges. The hearing shall be held not less than 10 nor more than 30 days from the date of service of the complaint. Said hearing shall take place pursuant to the rules and regulations of the Police Division.
- D. The Mayor of the Township shall serve as Public Safety Director and as the appropriate authority

E. The Police Division shall consist of no more than one Chief of Police, four Lieutenants, eight Sergeants, 3[5]6 patrol officers and 10 special law enforcement officers Class III (SLEOIII) pursuant to N.J.S.A. 40A: 14-146.10 et seq.

INTRODUCTION: May 24, 2021

PUBLIC HEARING:

ADOPTION:

MAYOR APPROVAL:

EFFECTIVE DATE:

Explanation – Matter enclosed in bold-faced brackets **[thus]** in the above ordinance is not enacted and is intended to be omitted in the ordinance. Matter underlined thus is new matter.

**WEST WINDSOR TOWNSHIP
MERCER COUNTY, NEW JERSEY**

ORDINANCE 2021-11

**ORDINANCE OF THE TOWNSHIP OF WEST WINDSOR PROHIBITING THE
OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS
GEOGRAPHICAL BOUNDARIES BY ADDING CHAPTER 61-1 CANNABIS
BUSINESSES AND AMENDING CHAPTER 200 TO ADD SECTION 236 CANNABIS
PROHIBITED USES TO THE CODE OF THE TOWNSHIP OF WEST WINDSOR**

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 cannabis 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 one 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 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, Section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, Section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

WHEREAS, pursuant to Section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

WHEREAS, the Township Council and Mayor of the Township of West Windsor has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more of the six marketplace classes of cannabis businesses might have on New Jersey municipalities in general, and on the Township of West Windsor in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Township of West Windsor’s residents and members of the public who visit, travel, or conduct business in the Township of West Windsor, to amend the Township of West Windsor’s zoning regulations to prohibit all cannabis-related land use and development within the geographic boundaries of the Township of West Windsor; and

WHEREAS, to ensure that the Township’s interests with respect to the Act are fully protected, both the Township’s general “police power” ordinances and land use ordinances shall be amended.

NOW THEREFORE, BE IT ORDAINED, by the Township Council and Mayor of the Township of West Windsor, in Mercer County State of New Jersey, as follows:

SECTION I.

Pursuant to Section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in the Township of West Windsor, except for the delivery of cannabis items and related supplies by a licensed delivery service.

SECTION II.

A new chapter, entitled “Cannabis,” shall be added as Chapter 61 to the Township of West Windsor Code.

SECTION III.

New Section 61-1 shall be added to the Township of West Windsor Code as follows:

Cannabis Establishments Prohibited. All marketplace classes of cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in section 3 of P.L. 2021, c. 16 shall be prohibited activities throughout the municipality, but the delivery of cannabis items and related supplies by a licensed delivery service is permissible.

SECTION IV.

New Section 200-236 shall be added to the Township of West Windsor Code as follows:

Prohibited uses. All marketplace classes of cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in section 3 of P.L. 2021, c. 16 shall be prohibited uses in all zones in the municipality.

SECTION V. SEVERABILITY.

If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

SECTION VI. INCONSISTENT ORDINANCES REPEALED.

All Ordinances or parts of Ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed, but only to the extent of such inconsistencies.

SECTION VII. EFFECTIVE DATE.

This ordinance shall take effect upon its passage and publication and filing with the Mercer County Planning Board, and as otherwise provided for by law.