

# Borough of Stanhope

Sussex County, New Jersey

~Ordinance 2025-07~

**“ORDINANCE OF THE BOROUGH OF STANHOPE, IN THE COUNTY OF SUSSEX, NEW JERSEY, PERMITTING CANNABIS RETAILERS WITHIN THE BOROUGH, ADDING DEFINITIONS TO SECTION 100-3 OF THE BOROUGH CODE, DELETING SECTION 10-52.1 OF THE BOROUGH CODE, AND ADOPTING NEW SECTIONS 100-117.1(F), PERMITTING CANNABIS RETAILERS AS A CONDITIONAL USE WITHIN THE HIGHWAY COMMERCIAL ZONES IN THE BOROUGH”**

**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 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; and

**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**, Stanhope Borough adopted Code Section 100-52.1 on July 13, 2021, prohibiting cannabis businesses within the Borough; and

**WHEREAS**, Stanhope Borough included a referendum question on the November 2024 General Election Ballot seeking public input as to whether retail cannabis businesses should be allowed in the Borough of Stanhope; and

**WHEREAS**, the voters in the November 2024 General Election voted in favor of allowing retail cannabis businesses as a permitted use within the Borough; and

**WHEREAS**, the Stanhope Borough Council has determined that it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Borough of Stanhope’s residents and members of the public who visit, travel, or conduct business in the Borough of Stanhope, to amend the Borough’s zoning regulations to permit cannabis retailers within the geographic boundaries of the Borough of Stanhope as a conditional use and subject to the requirements of New Jersey state statutes or administrative code regulations, as may be adopted and amended, including those of the Cannabis Regulatory Commission, and only if such cannabis establishment has first obtained a municipal cannabis license, pursuant to Borough Code Chapter 68.

**NOW THEREFORE, BE IT ORDAINED**, by the Stanhope Borough Council, in the County of Sussex, State of New Jersey, as follows:

**SECTION ONE.** The General Ordinance of the Borough of Stanhope is amended by adopting new definitions to Code Section 100-3, “Definitions”, as follows:

## **CANNABIS**

All parts of the cannabis plant, 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.

## **CANNABIS RETAILER**

Any licensed business or entity that is involved in the sale of cannabis items and related supplies that are sold to consumers. This person or entity shall hold a Class 5 cannabis retailer license.

## **GIFTING**

Any individual, cannabis business or license holder providing free samples of marijuana or cannabis items, either independent of or in connection with the sale of other goods and/or services, from any commercial structure or movable vehicle or trailer.

**SECTION TWO.** The General Ordinance of the Borough of Stanhope is amended by deleting Section 100-52.1 of the Code, "Cannabis", which prohibited all classes of cannabis establishments or cannabis distributors or cannabis delivery services, except for the delivery of cannabis items and related supplies by a delivery service, with the Borough of Stanhope

**SECTION THREE.** The General Ordinance of the Borough of Stanhope is amended by adopting a new subsection (F). Cannabis Retailers, of Code Section 100-117.1, "Conditional Uses", as follows:

**F. Cannabis Retailers** may be permitted as a conditional use in accordance with the following conditions, below.

- (1) Cannabis retailers are subject to the requirements of New Jersey state statutes and/or administrative code regulations, as may be adopted and amended, including those of the Cannabis Regulatory Commission. All cannabis businesses shall first obtain a license from the Stanhope Borough Council, in accordance with Stanhope Borough Code Chapter 68 prior to making application for conditional use approval.
- (2) There shall be a maximum of two (2) total cannabis retailers within Stanhope Borough. Licensing requirements are set forth in Borough Code Chapter 68.
- (3) A cannabis retail business shall be permitted as a conditional use only within the Highway Commercial Zones in Stanhope Borough, and only at those locations with direct access to a County or State road. No cannabis retailers or delivery service shall be located on the same lot as any residential use or any residentially-zoned property. Facilities shall be at least 500 feet door-to-door, from a school or

state-licensed child-care or day-care facility, which distance shall be measured via the shortest natural path. All cannabis retailers and delivery service buildings shall be located at least 50 feet from the nearest dwelling unit located on a neighboring lot, which distance shall be measured from the corners of each building that are closest to each other. Cannabis retailers and cannabis delivery businesses shall be separate and distinct from growing operations.

- (4) All cannabis retailers shall be fully indoors and enclosed in heated/air-conditioned permanent buildings, not trailers, outdoors, moveable kiosks, carts, sheds, tents, etc.
- (5) Signs shall be limited to one location identification/name of business sign. Signage shall not promote consumption of any cannabis products. A "No Loitering" sign shall be posted on the outside of the building.
- (6) When seeking site plan approval, the applicant shall submit a safety and security plan and emergency services access plan. The Borough Police Department shall review and approve of all security plans.
- (7) Any cannabis retailer shall only have one primary public access point, which shall be directly adjacent to the right-of-way or parking area of the building. Access should not be through common entrances with other uses.
- (8) Hours of operation shall be limited generally to daytime and early evening hours from 9:00 a.m. to 8:00 p.m.
- (9) The applicant shall provide a secure location for storage of products with minimum products in any customer service area.
- (10) People shall not be permitted to congregate, loiter or wait in line to access the cannabis retailer or delivery service. The facility shall have a plan in place if interior capacity is exceeded, i.e., numbers are given and customers wait in their vehicles until called.
- (11) Curbside and drive-through sales prohibited. There shall be no curbside retail sales or drive-through sales of cannabis permitted in Stanhope Borough.
- (12) No products shall be permitted to be consumed on site. "No Smoking" signs shall be posted inside and outside the building.
- (13) All cannabis retail businesses shall be in compliance with all applicable New Jersey State requirements, licenses and permits. All cannabis growing, production and manufacturing operations shall operate in compliance with State and local noise laws and regulations.
- (14) Gifting prohibited. Under no circumstance shall any cannabis business or

cannabis retailer engage in gifting cannabis or marijuana as defined herein. Any commercial business, individual, cannabis business or cannabis license holder found in violation of this provision shall be subject to punishment including fines and/or imprisonment as set forth within the Borough Code, and possible criminal prosecution.

**SECTION FOUR.** The General Ordinance of the Borough of Stanhope is amended by adding a new Section 100-101 to Article XVI, Highway Commercial Zones, to allow for cannabis retail businesses as a conditional use in the \_ Highway Commercial Zones, as follows:

100-101 Cannabis retailers as permitted conditional uses

Cannabis retailers are a permitted conditional use, subject to and in accordance with all conditional use requirements set forth in Code Section 100-117.1(F), with a license in accordance with Code Chapter 68, and in accordance with all other State and Borough requirements.

**SECTION FIVE.** Any article, section, paragraph, subsection, clause, or other provision of the Revised General Ordinance of the Borough of Stanhope inconsistent with the provisions of this Ordinance is hereby repealed to the extent of such inconsistency.

**SECTION SIX.** If any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

**SECTION SEVEN.** This Ordinance shall take effect upon its passage and publication and filing with the Sussex County Planning Board, and as otherwise provided for by law.

ATTEST: Ellen Horak  
Ellen Horak, Borough Clerk

SIGNED:   
Mayor Eugene Wronko

Dated: 4-22-25