

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

ORDINANCE #2025-13

Title: AN ORDINANCE AMENDING CHAPTER 400, LAND DEVELOPMENT, OF THE CODE OF THE TOWNSHIP OF LOWER TO REFLECT AMENDMENTS TO THE CANNABIS REGULATORY, ENFORCEMENT, ASSISTANCE, AND MARKETPLACE MODERNIZATION ACT AUTHORIZING CLASS 5 RETAIL LICENSEES TO PROVIDE DELIVERY SERVICES

WHEREAS, on February 22, 2021, New Jersey Governor Philip Murphy signed the 'New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act' (the "Act"), N.J.S.A. 24:6I-1 et seq., into law, thereby effectively legalizing marijuana throughout the state of New Jersey; and

WHEREAS, the Act legalized the recreational use of marijuana and established a comprehensive regulatory and licensing scheme for the creation of a commercial cannabis industry within the state of New Jersey and specifically created six (6) distinct classes of commercial cannabis licenses related to growing, processing, distributing, wholesale, delivery, and retail uses; and

WHEREAS, the Act expressly authorized Municipalities the right to prohibit and/or permit the operation of any one or more classes of cannabis licenses, with the exception of the right of an outside delivery service to deliver cannabis within the jurisdiction of the municipality by way of the enactment of an Ordinance within one hundred and eighty (180) days of the enactment of the Act; and

WHEREAS, on July 6, 2021, Township Council adopted Ordinance #2021-13 which amended Chapter 400, Land Development, of the Code of the Township of Lower and authorized the issuance of no more than two (2) Class 5 Cannabis Retail Licenses and no more than two (2) Class 6 Cannabis Delivery Licenses in the GB-1 and I zoning districts; and

WHEREAS, on November 15, 2021, Township Council adopted Ordinance #2021-20 which further amended Chapter 400, Land Development, of the Code of the Township of Lower and authorized Class 5 Cannabis Retail Licenses and Class 6 Cannabis Delivery Licenses to be located within the MD-2 zoning district; and

WHEREAS, on February 22, 2023, the New Jersey Cannabis Regulatory Commission amended its rules to allow Class 5 Cannabis Retailers to deliver cannabis directly to consumers without the need for a separate Class 6 Cannabis Delivery Service license, and, in an effort to ensure consistency with the Act, the Township Council of the Township of Lower finds it necessary to amend Chapter 400, Land Development, of the Township Code to incorporate this amendment;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that Chapter 400, Land Development, of the Code of the Township of Lower, be and hereby is amended as follows:

**Section 1.** The following subsections of Chapter 400, Land Development, are hereby added and/or amended as follows:

§ 400-17 Definitions.

**CANNABIS DELIVERY SERVICE**

Any licensed person or entity that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by a cannabis retailer in order to make deliveries of the cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the cannabis items directly through the cannabis delivery service, which, after presenting the purchase order to the cannabis retailer for fulfillment, is delivered to that consumer. Cannabis Delivery Services shall hold either a Class 5 Cannabis Retail License and maintain required approvals and authorizations outlined within N.J.A.C. 17:30-14.8 and N.J.S.A. 24:6I-44, or a Class 6 Cannabis Delivery license.

**CANNABIS RETAILER**



Any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. This person or entity shall hold a Class 5 cannabis retail license. The Holder of a Class 5 cannabis retail license shall also be permitted to provide delivery services subject to the provisions of N.J.A.C. 17:30-14.8 and N.J.S.A. 24:6I-44.

**§ 400-56 Conditional Uses.**

**P. Class 5 Cannabis Retail Stores**

- (14) The holder of a Class 5 Cannabis Retail License shall be permitted to deliver cannabis products to their consumers pursuant to the requirements of N.J.A.C. 17:30-14.8 and N.J.S.A. 24:6I-44, and subject to obtaining the necessary authorizations and approvals from the Cannabis Regulatory Commission.

**§ 400-111 GB-1 Cannabis Overlay Zone.**

**E. Additional Requirements.**

- (10) The holder of a Class 5 Cannabis Retail License shall be permitted to deliver cannabis products to their consumers pursuant to the requirements of N.J.A.C. 17:30-14.8 and N.J.S.A. 24:6I-44, and subject to obtaining the necessary authorizations and approvals from the Cannabis Regulatory Commission.

**Section 2.** All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

**Section 3.** Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

**Section 4.** This Ordinance shall become effective 20 days after final passage and publication according to law.

First Reading: May 19, 2025

Adopted:

*June 16, 2025*

Attest:

*Julie A Picard*  
Julie A Picard, Township Clerk

*Thomas Conrad*  
Thomas Conrad, Councilmember

*Joseph Wareham*  
Joseph Wareham, Councilmember

*Roland Roy, Jr.*  
Roland Roy, Jr., Councilmember

*Kevin Coombs*  
Kevin Coombs, Deputy Mayor

*Frank Sippel*  
Frank Sippel, Mayor