

**TOWNSHIP OF WOOLWICH
GLOUCESTER COUNTY, NEW JERSEY
ORDINANCE NO. 2024-13**

AN ORDINANCE ADDING CANNABIS APPLICATION AND LICENSING PROCESS TO CHAPTER 144, ENTITLED RESOLUTION OF SUPPORT AND CANNABIS LICENSING AND ADDING “TAXATION OF CANNABIS” TO CHAPTER 168, TAXATION, ARTICLE IV

WHEREAS, the Act provides, in relevant part, that a municipality may enact ordinances, not in conflict with the provisions of P.L.2021, c.16, governing the number of cannabis establishments, as well as the location, manner, and times of operation of cannabis establishments, and may establish civil penalties for violation of such an ordinance; and

WHEREAS, the Act further provides, in relevant part, that a municipality may adopt an ordinance imposing a local cannabis transfer tax and user tax on the sale of cannabis or cannabis items by a cannabis establishment that is located in the municipality; and

WHEREAS, the Township of Woolwich wishes to further amend its ordinances to provide for the licensing of cannabis establishments in accordance with the Act

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Committee of the Township of Woolwich, in the County of Gloucester, State of New Jersey, as follows:

SECTION 1. Chapter 144, entitled “Resolution of Support and Cannabis Licensing”, General Legislation of Part II, of the “Township of Woolwich Municipal Code,” is hereby added and supplemented as follows (All additions are shown with underlines. The deletions are shown as strikeovers): shall be amended to read as follows (additions are shown with underlines, deletions are shown as strikethroughs, sections that remain unchanged are omitted below):

§144-1 Definitions

As used in this section, the following terms shall have the meanings indicated:

ADULT USE CANNABINOIDS means:

1. Any tetrahydrocannabinols, artificially-derived cannabinoid, or hemp product or that is not subject to regulation pursuant to the Jake Honig Compassionate Use Medical Cannabis Act, New Jersey Compassionate Use Medical Marijuana Act, and/or Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, or otherwise regulated by State law, and that is reasonably determined to have an intoxicating effect when ingested, smoked, or otherwise consumed;

2. Tetrahydrocannabinolic acids that are artificially or naturally derived;

3. Delta-8 THC;

4. optical isomers of delta-8-tetrahydrocannabinol or delta-9-tetrahydrocannabinol

ADULT USE CANNABINOID ITEMS means any products containing 0.5 milligrams or more of any combination of THC or adult use cannabinoids as defined herein, including delta-8 THC or delta-8-tetrahydrocannabinol, delta-10 THC, Tetrahydrocannabivarin ("THC-V"), THC-O-Acetate ("THC-O"), hexahydrocannabinol ("HHC"), or any other cannabinoids advertised by the manufacturer or seller as having an intoxicating effect.

CANNABIS DELIVERY

Shall mean the transportation of cannabis items and related supplies to a consumer. "Cannabis delivery" also includes the use by a licensed cannabis retailer of any third-party technology platform to receive, process, and fulfill orders by consumers, which third party shall not be required to be a licensed cannabis establishment, distributor, or delivery service, provided that any physical acts in connection with fulfilling the order and delivery shall be accomplished by a certified cannabis handler performing work for or on behalf of the licensed cannabis retailer, which includes a certified cannabis handler employed or otherwise working on behalf of a cannabis delivery service making off-premises deliveries of consumer purchases fulfilled by that cannabis retailer.

CANNABIS DELIVERY SERVICE

Shall mean any person or entity holding a Class 6 cannabis delivery license issued by the State of New Jersey 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 ESTABLISHMENT

Shall mean a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, a cannabis retailer, a cannabis distributor and a cannabis delivery service.

CANNABIS ITEM

Shall mean any usable cannabis, cannabis product, cannabis extract, and any other cannabis resin. "Cannabis item" does not include: any form of medical cannabis dispensed to registered qualifying patients pursuant to the Honig Act and N.J.S.A. 18A:40-12.22, et al., or hemp or a hemp product cultivated, handled, processed, transported or sold pursuant to the "New Jersey Hemp Farming Act" N.J.S.A. 4:28-6, et al.

MICROBUSINESS

Shall have the same meaning as defined in N.J.S.A. 24:6I-33 and operated in accordance with N.J.A.C. 17:30-6.7. Per statute, it means a person or entity licensed by the State 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: employ no more than 10 employees; operate a cannabis establishment occupying an area of no more than 2,500 square feet, and in the case of a cannabis cultivator, grow cannabis on an area no more than 2,500 square feet measured on a horizontal plane and grow about that plane not higher than 24 feet; 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; acquire each month, in the case of a cannabis manufacturer, no more than 1,000 pounds of usable cannabis; 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 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. The application fee and license fee for a microbusiness shall be 50% of the standard application and standard license fee.

PUBLIC PLACE or QUASI-PUBLIC PLACE

Shall mean any place to which the public has access that is not privately owned; or any place to which the public has access where alcohol consumption is not allowed, including but not limited to, a public street, road, thoroughfare, school, sidewalk, bridge, alley, plaza, park, playground, swimming pool, shopping area, public transportation facility, vehicle used for public transportation, parking lot, public library or any other public building, structure or area.

All other terms as defined in the Act are hereby incorporated herein by reference and shall have the meanings set forth in the Act, as may be amended or superseded.

§144-1 Local Licensing Authority and License Maximum.

- A. The Township Council is hereby designated to act as the local licensing authority for the Township for all cannabis businesses within the Township. The Township Manager shall function as the receiver of any communications from the State Cannabis Regulatory Commission and shall promptly convey any item of information with regard to the licensing of cannabis businesses by the State or in which State law requires any review or approval by the Township of any action to the Township Council.
- B. Municipal licensing for cannabis businesses shall follow the nomenclature of the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” as indicated in the definitions in this article.

C. Permitted Classes of Licenses, Maximum number of licenses and fees. Cannabis Cultivators shall be permitted within certain boundaries of the Township. Subject to the land use and location requirements of the Township Municipal Code, the Township may issue up to and including the following number of licenses which shall require the associated license application fee for Class 1, initial annual license fee and annual renewal fee:

TOWNSHIP OF WOOLWICH CANNABIS

LICENSE AND FEE SCHEDULE

<u>License</u>	<u>Class</u>	<u>Maximum Number of Licenses to be Issued</u>	<u>Nonrefundable Application Fee</u>	<u>Nonrefundable Annual License and Renewal</u>
<u>Cannabis Cultivator</u>	<u>1</u>	<u>3</u>	<u>\$25,000.00</u>	<u>\$50,000.00</u>

The amount of the non-refundable application fee, non-refundable initial annual license fee, non-refundable annual renewal fee, number of licenses and class of licenses may be modified from time to time by a subsequent duly adopted resolution of the Township Council.

No person or entity shall operate directly or indirectly as a Cannabis Cultivator without first applying for and receiving a license from the Township Administrator of the Township of Woolwich. Should the Township establish more than one type of cannabis license, nothing herein shall prohibit a single owner from owning more than one such license, provided such ownership is not prohibited by State statute or rule. The issuance of a license under this section is in addition to, and not in derogation of, any law of the State of New Jersey or ordinance of the Township regulating the business so licensed.

§144-3 Application for and Issuance of License.

a. The Township permits Cannabis Cultivation cannabis businesses. Any person or entity seeking to operate as a Cannabis Cultivation business under the provisions of this section shall (1) submit a request to the zoning official for a zoning determination letter accompanied by the required fee of \$100; (2) submit an application to the Township Clerk accompanied by the required fee; (3) the application shall be reviewed by the Governing Body to issue or not to issue a resolution of support. The applicant has the option to apply to the Joint Land Use Board at this time or later in the process. However, no cannabis license shall be issued without Joint Land Use Board approval. The cannabis application shall be on a form provided by the Township Clerk.

b. The applicant shall provide sufficient documentation as necessary to confirm compliance with the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act as well as any applicable regulations promulgated by the New Jersey Cannabis Regulatory Commission.

c. Licenses shall be issued by the Township Administrator after review and in consultation with the Governing Body. To be deemed complete, all applications shall be accompanied by the following:

(1) Every applicant shall specify the location where the cannabis facility will operate. Name, address of owner, applicant, property location, including address and lot and block on the official tax map and zone identification. A separate application shall be required for each location at which a cannabis facility operates. The Township shall permit the co-location of cannabis businesses at the same location subject to State statute and regulations. All other requirements and fees apply.

(2) The applicant shall submit proof that the applicant has or will have lawful possession of the premises proposed for the cannabis establishment, which proof may consist of a deed, lease, a real estate contract contingent upon successful licensing, or a binding letter of intent by the owner of the premises indicating an intent to lease the premises to the applicant contingent upon applicant's receipt of a license from the State of New Jersey.

(3) The location proposed for licensing by the applicant shall comply with all applicable municipal zoning laws and the location restrictions set forth in the land development portion of the Township of Woolwich Municipal Code. A letter from the appropriate zoning official indicating that the location proposed for licensing by the applicant complies with all applicable Township zoning laws and the location restrictions set forth herein. The fee for the letter from the zoning official is \$100 and is non-refundable.

(4) The applicant, owner and its principals, as may be applicable, shall submit, to the satisfaction of the Governing Body, proof of financial capability to open and operate a cannabis establishment for which the applicant is seeking a license. Standards of proof of financial capability shall be determined by the Township. Completed applications shall include a business plan outlining the proposed operations of the cannabis business.

(5) The applicant shall submit all required nonrefundable fees for the application and license in accordance with the fee schedule.

(6) In addition to complying with any state requirement related to good character and criminal background, any person proposed to have an ownership interest in the license shall not have had any cannabis license or permit revoked for a violation affecting public safety in any state.

d. Under no circumstances shall a local license for a cannabis business issued by the Township be effective until or unless the State has issued the requisite licenses to operate such a facility. It is the intent of this article that no cannabis business may lawfully operate in the Township without the issuance of a State license and full regulatory oversight of the cannabis business by the Cannabis Regulatory Commission or other state licensing authority as required by law as well as a resolution of approval from the appropriate land use board and finally oversight and issuance of a license by the Township.

e. Resolutions of support shall be issued by the Governing Body. A resolution of support issued

by the Governing Body pursuant to N.J.A.C. 17:30-5.1(g)1 to a cannabis business shall expire within eighteen (12) months unless the business has secured a State issued cannabis license for operation of a Cannabis Cultivation within the Township. The Governing Body may extend the resolution of support at its discretion for an additional period of six (6) months for good cause, including but not limited to delays in the processing of approvals required from State, county or other local agencies. There shall be a fee of \$2,500 for each extension request.

§144-4 Transfer of License.

A Cannabis Cultivator license may not be transferred without application to and express written permission of the Township Administrator. Transfer of ownership of any local license or change of location of any license or modification to expand a licensed premises shall also be subject to joint Governing Body and Joint Land Use Board review and approval as well as a new license application and the payment of new application fees.

§144-5 Violations, Penalties and Enforcement.

A. This ordinance shall be enforced by the Code Enforcement Officer and/or their designee.

B. Jurisdiction. Violations of this ordinance shall be adjudicated in the Woolwich Municipal Court. This ordinance shall not affect the judicial proceedings of any other aspect of cannabis use in the Township of Woolwich.

C. Penalties. Convictions shall result in the following penalties:

(1) First offense and subsequent offenses: A mandatory fine shall be imposed in an amount of \$5,000.00 per day per violation. In addition to the mandatory fine, the following penalties may be imposed in the discretion of the Municipal Court Judge:

(a) Imprisonment in the County Jail for any term not exceeding 90 days; or

(b) Imposition of a period of community service for a period not exceeding 90 days.

(2) Each and every day of the violation shall be construed as a single and separate offense.

(3) Summary suspension. Notwithstanding the foregoing, when the Township Administrator has been notified of a conviction by a licensee, has reasonable grounds to believe that a licensee has engaged in deliberate and willful violation of any applicable law or regulation, or that the public health, safety, and/or general welfare has been jeopardized and requires immediate action, or in circumstances where the licensee has failed to reimburse the municipality for outside third party consultant fees in a timely manner as set forth herein or if the corresponding State license for the subject location is expired, surrendered, suspended, or revoked, the Township Administrator in consultation with the Governing Body may enter a summary suspension order which immediately suspends the licensee's license to operate and schedule a hearing as follows:

(a) The summary suspension order shall be in writing, shall state the reasons therefor, and shall schedule a hearing not less than ten (10) nor more than thirty (30) days from the date of the order. The order shall be served upon the licensee immediately.

(b) The Township Administrator in consultation with the Governing Body shall convene the Committee to conduct the hearing. The licensee shall be permitted to appear at the hearing, along with counsel, if so desired. The licensee must notify the Township Administrator at least five (5) days prior to the hearing if the licensee plans to bring counsel to the hearing. At the conclusion of the hearing, the Township Administrator may lift the suspension order and reinstate the license in cases where the licensee has taken sufficient immediate actions to rectify the violation(s) which were the cause of the summary suspension order. Alternatively, the Township Administrator may impose any fines, conditions, restrictions, suspensions, revocations or combination thereof as warranted.

(c) Inactive licenses. Following the commencement of operations by a cannabis cultivation business, the Township Administrator may suspend or revoke any license if the licensed premises has been inactive or unoccupied by the licensee for at least six (6) months.

(4) State license. The Township Administrator may suspend or revoke any locally-issued license if the corresponding State license for the subject location is expired, surrendered, suspended, or revoked.

Section 3. Chapter 168 of the Township Code, "Taxation" is hereby amended to add new Article IV, entitled "Taxation of Cannabis", as follows:

§168-9 State Enablement.

A. Legislation and Purpose. The purpose of this section is to implement N.J.S.A. 40:48I-1 and 24:6I-46 of the New Jersey Cannabis Regulatory Enforcement Assistance and Marketplace Modernization Act ("CREAMMA") which authorizes a municipality to impose cannabis transfer and user taxes on cannabis for adult use. All terms herein shall have the same meaning as found in N.J.S.A. 24:6I-33, Section 3 of CREAMMA and Chapter 88 of the Code, unless otherwise stated.

B. The Act establishes six marketplace classes of licensed businesses, including:

(1) Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;

(2) Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;

(3) Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;

(4) Class 4 Cannabis Distributor license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;

(5) Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and

(6) 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.

C. A Cannabis Business is defined as any business that holds one or more State of New Jersey issued license for Class 1 through Class 6 cannabis business and a Vertically Integrated Cannabis Business is defined as any Cannabis Business that holds more than one Cannabis License.

D. Section 40a(1) of the Act permits a municipality to adopt an ordinance imposing a transfer tax on the sale of cannabis or cannabis items by a cannabis establishment that is located in the municipality on receipts from the sale of cannabis by a cannabis cultivator to another cannabis cultivator; receipts from the sale of cannabis items from one cannabis establishment to another cannabis establishment; receipts from the retail sales of cannabis items by a cannabis retailer to retail consumers who are twenty-one (21) years of age or older; or any combination thereof and to set its own rate or rates, but in no case exceeding: two (2) percent of the receipts from each sale by a cannabis cultivator; two (2) percent of the receipts from each sale by a cannabis manufacture; one (1) percent of the receipts from each sale by a cannabis wholesaler; and two (2) percent of the receipts from each sale by a cannabis retailer.

E. Section 40a(2) of the Act requires a municipality enacting a Transfer Tax to also enact a User Tax.

§168-10 Definitions.

CONSUMER

“Consumer” means a person 21 years of age or older who purchases, directly or through a cannabis delivery service, acquires, owns, holds, or uses cannabis items for personal use by a person 21 years of age or older, but not for resale to others.

PREMISES

“Premises” or “licensed premises” includes the following areas of a location licensed under P.L.2021, c. 16 (C.24:6I-31 et al.): all public and private enclosed areas at the location that are used in the business operated at the location, including offices, kitchens, rest rooms, and storerooms; all areas outside a building that the Cannabis Regulatory Commission has specifically licensed for the production, manufacturing, wholesaling, distributing, retail sale, or delivery of cannabis items; and, for a location that the commission has specifically licensed for

the production of cannabis outside a building, the entire lot or parcel that the licensee owns, leases, or has a right to occupy.

TAXPAYER BUSINESS

Shall mean for the purposes of this Chapter any cannabis business defined in this subsection.

All other terms as defined in the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act,” also referenced herein as the “Act” or “P.L. 2021, c. 16,” are hereby incorporated herein by reference and shall have the meanings set forth in the Act, as may be amended or superseded.

§168-11 Establishment of Transfer and User Taxes.

A. Transfer Tax.

(1) There is hereby imposed a transfer tax in the amount of two percent (2%) on receipts from the sale of cannabis as follows:

(a) From the sale of cannabis by a cannabis cultivator to another cannabis establishment; and

(b) From the sale of cannabis items from one cannabis manufacturer to another cannabis establishment; and

(c) From the sale of cannabis items from a cannabis retailer to the consumer.

(2) There is hereby imposed a transfer tax in the amount of one percent (1%) on receipts of the sale of cannabis as follows:

(a) From the sale of cannabis items from one cannabis wholesaler to another cannabis establishment.

B. Collection of Transfer Tax. Such tax shall be collected or paid, and remitted to the municipality by the cannabis establishment from the cannabis establishment purchasing or receiving the cannabis or cannabis item, or from the consumer at the point of sale, on behalf of the municipality by the cannabis retailer selling the cannabis item to that consumer. The transfer tax shall be stated, charged, and shown separately on any sales slip, invoice, receipt, or other statement or memorandum of the price paid or payable, or equivalent value of the transfer, for the cannabis or cannabis item. No cannabis establishment required to collect a transfer tax imposed hereunder shall advertise or hold out to any person or to the public in general, in any manner, directly or indirectly, that the transfer tax or user tax will not be separately charged and stated to another cannabis establishment or the consumer, or that the transfer tax will be refunded to the cannabis establishment or the consumer.

C. User Tax. There shall also be imposed a user tax, at the equivalent transfer tax rates, on any concurrent license holder, as permitted by section 33 of P.L. 2021, c.16 (C.24:6 -46), operating more than one cannabis establishment. The user tax shall be imposed on the value of each transfer or use of cannabis or cannabis items not otherwise subject to the transfer tax imposed pursuant to paragraphs A and -B of this subsection, from the license holder's establishment that is located in the municipality to any of the other license holder's establishments, whether located in the municipality or another municipality. The value of each transfer or use of cannabis or cannabis items for user tax computation shall equal the statewide average retail price of an ounce of usable cannabis for consumer purchase, as determined by the Cannabis Regulatory Commission, less ten percent (10%) or the third-party dispensary wholesale price, whichever is less.

D. Relationship to Other Taxes. A transfer tax or user tax imposed pursuant to this section shall be in addition to any other tax imposed by law. Any transaction for which the transfer tax or user tax is imposed, or could be imposed, pursuant to this section, other than those which generate receipts from the retail sales by cannabis retailers, shall be exempt from the tax imposed under the "Sales and Use Tax Act," P.L. 1966, c.30 (C.54:32B-1 et seq.). The transfer tax or user tax shall be paid by the cannabis establishment purchasing or receiving any cannabis or cannabis item from any cannabis cultivator or cannabis manufacturer licensed by the municipality, and shall be collected and remitted to the municipality by the cannabis establishment licensed by the municipality. The transfer tax or user tax shall be stated, charged, and shown separately on any sales slip, invoice, receipt, or other statement or memorandum of the price paid or payable, or equivalent value of the transfer, for the cannabis or cannabis item.

E. Tax Liability. Every cannabis establishment required to collect a transfer tax or user tax imposed pursuant to this ordinance shall be personally liable for the transfer tax or user tax imposed, collected, or required to be collected under this section. Any cannabis establishment shall have the same right with respect to collecting the transfer tax or user tax from another cannabis establishment or the consumer as if the transfer tax or user tax was a part of the sale and payable at the same time, or with respect to non-payment of the transfer tax or user tax by the cannabis establishment or consumer, as if the transfer tax or user tax was a part of the purchase price of the cannabis or cannabis item, or equivalent value of the transfer of the cannabis or cannabis item, and payable at the same time; provided, however, that the chief financial officer of the Township which imposes the transfer tax or user tax shall be joined as a party in any action or proceeding brought to collect the transfer tax or user tax.

§168-12 Administration of Transfer and User Taxes.

A. Unless otherwise determined by the Township Council, the chief financial officer is charged with the administration and enforcement of the provisions of this chapter, and is empowered to prescribe, adopt, promulgate and enforce rules and regulations relating to any matter pertaining to the administration and enforcement of this chapter, including provisions for the reexamination and corrections of declarations and statements, and of payments alleged or found to be incorrect, or as to which an overpayment is claimed or found to have occurred, and to prescribe forms necessary for the administration of this chapter. The Township Council may determine at any time, in its sole discretion, to retain an outside third-party consultant (the

“outside consultant”) to exercise all of duties and responsibilities of the chief financial officer as set forth above, with the exception of the power of enforcement, levying of fines and penalties and entering into agreements with the State of New Jersey. In the event that the Township Council retains such an outside consultant, the fee schedule for the outside consultant shall be presented, for informational purposes only, to the cannabis business before such audit and other work is undertaken. The cannabis business shall be responsible for reimbursement to the Township of the fees incurred by the Township to the outside consultant for services rendered in its examination of the business’s accounts for the determination of tax to be paid. A copy of the invoice shall be sent to the cannabis business by the municipality after the municipality is billed for the outside consultant’s work. The cannabis business shall reimburse the municipality for the outside consultant’s fees and expenses within sixty (60) days thereafter. Failure to timely reimburse the municipality shall invoke the Enforcement and Penalties section herein. Should a cannabis business fail or refuse to provide adequate information to the chief financial officer or the outside consultant to determine the amount of tax due, the chief financial officer or the outside consultant may use information provided from other sources (i.e., the NJ Cannabis Regulatory Commission or NJ Department of Treasury) to determine the amount of tax liability, and the licensee shall be subject to the penalties set forth the Enforcement and Penalties section herein.

B. It shall be the duty of the chief financial officer or the outside consultant, as applicable, to collect and receive the taxes, fines, and penalties imposed by this chapter. It shall also be the duty of the chief financial officer or the outside consultant, as applicable, to keep a record showing the date of such receipt. The chief financial officer is authorized to enter into agreements with the State of New Jersey to obtain information to facilitate administration of the taxes. The chief financial officer is authorized to issue a ruling upon written request of a taxpayer or upon his or her own volition.

C. The chief financial officer or the outside consultant, as applicable, is hereby authorized to examine the books, papers and records, including METRC records, of any taxpayer to verify the accuracy of any declaration or financial statement, or if no declaration or financial statement was filed, to ascertain the tax due. Every taxpayer is hereby directed and required to give to the chief financial officer, or to the outside consultant, as applicable, the means, facilities and opportunity for such examinations and investigations, as are hereby authorized or otherwise permitted by law.

D. In the event that the transfer tax or user tax imposed pursuant to this ordinance is not paid when due by a cannabis establishment, the unpaid balance, and any interest accruing thereon, shall be a lien on the parcel of real property comprising the cannabis establishment's premises in the same manner as all other unpaid municipal taxes, fees, or other charges. The lien shall be superior and paramount to the interest in the parcel of any owner, lessee, tenant, mortgagee, or other person, except the lien of municipal taxes, and shall be on a parity with and deemed equal to the municipal lien on the parcel for unpaid property taxes due and owing in the same year.

E. The chief financial officer or outside consultant, as applicable, shall file in the office of its tax collector a statement showing the amount and due date of the unpaid balance and identifying the lot and block number of the parcel of real property that comprises the delinquent

cannabis establishment's premises. The lien shall be enforced as a municipal lien in the same manner as all other municipal liens are enforced.

F. Returns and records filed by a licensee, and the records and files of the chief financial officer or the outside consultant, as applicable, respecting the administration of the Transfer and User Tax, shall be considered confidential and privileged and neither the chief financial officer nor any employee or outside consultant engaged in the administration thereof or charged with the custody of any such records or files, nor any former officer or employee, nor any person who may have secured information therefrom shall divulge, disclose, use for their own personal advantage, or examine for any reason other than a reason necessitated by the performance of official duties any information obtained from the said returns, records or files or from any examination or inspection of the premises or property of any person, or to an officer of a public entity for a reason authorized by N.J.S.A. 54:50-9. Neither the chief financial officer nor any employee or outside consultant engaged in such administration or charged with the custody of any such returns, records or files shall be required to produce any of them for the inspection of any person or for use in any action or proceeding except when the records or files or the facts shown thereby are directly involved in an action or proceeding to collect or challenge the assessment of Transfer or User Taxes hereunder, or where the determination of the action or proceeding will affect the validity or amount of the claim of the Township hereunder, or in any lawful proceeding for the investigation and prosecution of any violation of this Article or of the criminal provisions of the State Uniform Tax Procedure Law or of any State tax law, or where production is required pursuant to the New Jersey Open Public Records Act (N.J.S.A. 47:1A-1, et seq.) or the Common Law, or the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c.16) or other applicable law.

§168-13 Recordkeeping, Tax Payments and Financial Statements.

A. Requirement to Keep Records. Taxpayers liable for the transfer and/or user tax are required to keep such records as will enable the filing of true and accurate financial statements of the tax and such records shall be preserved for a period of not less than three (3) years from the filing date or due date, whichever is later, in order to enable the chief financial officer or any agent designated by him to verify the correctness of the declarations or financial statements filed. If records are not available in the Township to support the financial statements which were filed or which should have been filed, the taxpayer will be required to make them available to the chief financial officer either by producing them at a location in the municipality or by paying for the expenses incurred by the chief financial officer or his agent in traveling to the place where the records are regularly kept.

B. Tax Payments and Financial Statements. All cannabis establishments operating in the Township shall be required to file a transfer and/or user tax statement with the chief financial officer to report their sales during each calendar quarter and the amount of tax in accordance with the provisions of this chapter. Financial statements shall be filed and payments of tax imposed for the preceding calendar quarter shall be made on or before the last day of April, July, October, and January, respectively. A taxpayer who has overpaid the transfer tax, or who believes it is not liable for the tax, may file a written request on an amended financial statement with the chief financial officer for a refund or a credit of the tax.

Section 4. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 5. In the event any clause, section or paragraph of the Ordinance is deemed invalid or unenforceable for any reason, it is the intent of the Township Committee that the balance of the Ordinance remains in full force and effect to the extent it allows the Township to meet the goals of the Ordinance.

Section 6. This Ordinance shall take effect after final adoption and publication according to law.

TOWNSHIP OF WOOLWICH

ATTEST: _____
Jessica Mignogna, Municipal Clerk

Natalie Matthias, Mayor

NOTICE

Notice is hereby given that the foregoing ordinance was introduced and passed on first reading at a meeting of the Township Committee of the Township of Woolwich, held on the 6th day of May, 2024 and will be considered for final passage at a meeting of the Township of Woolwich, to be held on the 20th day of May, 2024 at 6:30 p.m. at which time and place any interested party will be given the opportunity to be heard.

Jessica Mignogna, Clerk

CERTIFICATION OF ADOPTION

The foregoing Ordinance was adopted by the Township Committee of the Township of Woolwich upon second reading and subsequent to a public hearing conducted on said Ordinance at a meeting of the Woolwich Township Committee held on May 20, 2024

Jessica Mignogna, Clerk