

**ORDINANCE NO. 17-21**

**ORDINANCE OF THE BOROUGH OF BROOKLAWN, COUNTY OF CAMDEN AND STATE OF NEW JERSEY TO ADDING ARTICLE III TO CHAPTER 130, TAXATION, IN THE CODE OF THE BOROUGH OF BROOKLAWN**

**WHEREAS**, the Borough of Brooklawn, (“Borough”) is a municipal entity organized and existing under the laws of the State of New Jersey and located in Camden County; and

**WHEREAS**, on February 21, 2021, the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (“CREAMMA”) was signed into law; and

**WHEREAS**, CREEAMA both legalizes and decriminalizes adult use cannabis within New Jersey; and

**WHEREAS**, the law establishes six (6) specific classes of cannabis businesses that may be licensed by the State and allows each municipality to determine whether or not each of these types of businesses shall be permitted within their municipal boundaries; and

**WHEREAS**, the Borough has amended its zoning ordinance to permit Class V licensed retail cannabis businesses to operate within the Brooklawn Redevelopment Area Overlay Zone within the Borough; and

**WHEREAS**, Section 40 of CREAMMA authorizes the imposition of a municipal tax on the lawful sale of cannabis; and

**WHEREAS**, the Borough desires to impose a two percent (2%) municipal transfer tax on revenues generated by the lawful sale of cannabis by Class V retail license holders; and

**NOW, THEREFORE BE IT ORDAINED**, by the Mayor and Borough Council of the Borough of Brooklawn, County of Camden, and State of New Jersey as follows:

**ARTICLE III.**

**Cannabis Municipal Tax**

**ARTICLE I.           ARTICLE III.           SECTION 130-11    Cannabis Municipal Tax.**

Pursuant to Section 40 of the New Jersey Cannabis Regulatory, Enforcement and Marketplace Modernization Act (CREAMMA), a two percent (2%) municipal transfer tax shall be imposed on the lawful sale of cannabis by any Class V license holder.

**ARTICLE II.            ARTICLE III.            SECTION 130-12    Additional to other taxes and fees.**

The Cannabis Municipal Tax shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity upon the lawful purchase of cannabis.

**ARTICLE III.            ARTICLE III.            SECTION 130-13    Payment by purchaser required; violations and penalties.**

A.     All taxes imposed by this Section shall be paid by the purchaser. A licensee shall not assume or absorb any tax imposed by this Section.

B.     A licensee shall not in any manner advertise or hold out to any person or to the public in general, in any manner, directly or indirectly, that the tax will be assumed or absorbed by the licensee, that the tax will not be separately charged and stated to the customer, or that the tax will be refunded to the customer.

C.     Each assumption or absorption by a licensee of the tax shall be deemed a separate offense and each representation or advertisement by a licensee for each day that the representation or advertisement continues shall be deemed a separate offense.

D.     Any licensee who violates any of the provisions of this Section shall, upon conviction thereof, be liable for penalties or any combination thereof as set forth in Chapter 1-15 of the Code of the Borough of Brooklawn, in the discretion of the Judge of the Municipal Court before whom such violation is heard and conviction made. Each day that a violation occurs shall be deemed a separate and distinct violation, subject to the penalty provisions of this Section.

**ARTICLE IV.**

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

**ARTICLE V.**

This Ordinance shall take effect upon passage and publication according to law.

**THE BOROUGH OF BROOKLAWN**

**BY:** \_\_\_\_\_  
**THERESA M. BRANELLA, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**RYAN GILES, BOROUGH CLERK**

The foregoing ordinance was introduced by Mayor and Council at its regular meeting held on August 16, 2021. This Ordinance will be considered for adoption on final reading and public hearing to be held on September 20, 2021 at 6:30 p.m. in the Council Meeting Room, Brooklawn Borough Hall, 301 Christiana Street, Brooklawn, New Jersey.

The purpose of this Ordinance is to establish a Cannabis Municipal Tax pursuant to Section 40 of CREAMMA on the lawful sale of cannabis. A copy of this Ordinance is available at no charge to the general public between the hours of 8:30 AM to 4:30 PM, Monday through Thursday (Legal Holidays excluded), at the Office of the Borough Clerk, Brooklawn Borough Hall, 301 Christiana Street, Brooklawn, New Jersey.