

**BOROUGH OF RED BANK
COUNTY OF MONMOUTH
RESOLUTION NO. 22-278**

A RESOLUTION ACKNOWLEDGING THAT CANNABIS BUSINESS LICENSE APPLICANT HAS PROPOSED A TYPE OF CANNABIS BUSINESS THAT IS PERMITTED WITHIN THE BOROUGH AND WOULD NOT EXCEED ANY MUNICIPAL LICENSE LIMIT

WHEREAS, in November 2020, New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to legalize 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 cannabis operations, use and possession; and

WHEREAS, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis businesses allowed to operate within their boundaries, as well as the location, manner, and times of operation of such businesses, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, by Ordinance introduced July 21, 2021, the Governing Body of the Borough of Red Bank (the “Borough”) permitted and established land use regulations and local taxes for regulated cannabis businesses within the Borough in accordance with the Act and the New Jersey Municipal Land Use Law; and

WHEREAS, under the Act, prospective cannabis business license-applicants are required to submit to the New Jersey Cannabis Regulatory Commission, *inter alia*, a Resolution from the governing body of any potential host-municipality, certifying that the municipality has authorized the type of cannabis business license being sought by the license-applicant to operate within its jurisdiction, and a confirmation that, if the municipality has imposed a limit on the number of licensed cannabis businesses, the issuance of a license to the applicant by the Commission would not exceed that limit; and

WHEREAS, the Borough has received a request for such an aforementioned Resolution from Divine Garden LLC, which seeks a license from the Commission for a Class 1 cannabis business license to be potentially located within the Borough;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Red Bank, County of Monmouth, State of New Jersey has reviewed the request of Divine Garden LLC for a Resolution, and finds that the Borough has indeed authorized the type of cannabis business license being sought by the license-applicant, and the issuance of a license to the applicant by the Commission would not exceed any municipally-imposed limit; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Borough Administrator, Director of Community Development, and Divine Garden LLC.

	MOVED	SECONDED	YES	NAYS	ABSTAIN	ABSENT	
Councilwoman Mirandi			x				
Councilwoman Sturdvant			x				
Councilwoman Triggiano			x				
Councilman Ballard			x				
Councilman Zipprich		x	x				
Councilwoman Horgan	x		x				
Mayor Menna							
ON CONSENT AGENDA		Yes x		No			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Red Bank, In the County of Monmouth at a Meeting held on November 9, 2022.

Laura Reinertsen

Laura Reinertsen, Borough Clerk