

**COUNTY OF BERGEN  
TOWNSHIP OF SOUTH HACKENACK  
ORDINANCE NUMBER 2025-01**

**ORDINANCE 2025-01 AN ORDINANCE TO AMEND PART II, GENERAL  
LEGISLATION, CHAPTER 208 ZONING, OF THE REVISED GENERAL  
ORDINANCES OF THE TOWNSHIP OF SOUTH HACKENSACK**

**NOW THEREFORE, BE IT ORDAINED**, by the Governing Body of the Township of South Hackensack, located in the County of Bergen, State of New Jersey, that Part II, General Legislation, Chapter 208, Zoning, is hereby amended as follows:

Section 1. Chapter 208, “Zoning,” Article XIII, Cannabis Overlay Zone (COZ) Subsection 208-71, “Purpose” is hereby amended as follows:

- A. To permit a total of 10 Cannabis Establishments as defined in §208-73 to operate within the Township of South Hackensack, through the mechanism known as overlay zoning.

Section 2. Chapter 208, “Zoning,” Article XIII, Subsection 208-74, “Green Street Cannabis Overlay Zone, Conditional Use” is hereby amended as follows:

§208-74. Green Street Cannabis Overlay Zone, Conditional Use.

A. Conditions.

1. Those Cannabis Establishments possessing either a Class 1, Class 2, Class 4 or Class 6 State License issued pursuant to Section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance and Marketplace Modernization Act (P.L. 2021, c. 16), may operate within the GCOZ. All other classes of Cannabis Licenses not specifically permitted above are strictly prohibited from operating in the GCOZ;
2. A Cannabis Establishment shall be subject to licensing requirements outlined in Township Code, Section 131;
3. All Cannabis Establishments shall undergo site plan review by the Township’s land use board, unless the property has been the recipient of a site plan approval to permit the same type of Cannabis Establishment and no additional modifications are proposed;

4. In addition to the signage requirements established for commercial uses in the underlying zone, Cannabis Establishments shall be also be subject to the following signage requirements:
  - a. No sign shall be placed on the roof of a building nor placed on its wall so as to exceed the height of the roof of the building;
  - b. No internally illuminated signs shall be permitted;
  - c. No freestanding signs shall be permitted;
  - d. Only one sign per Cannabis Establishment is permitted on the site;
  - e. The sign text shall be on a solid background; and
  - f. The Cannabis Establishment logo may not include an image of a Cannabis Leaf, Cannabis Paraphernalia, or Cannabis Product.
5. For purposes of determining required parking, Cannabis Establishments permitted to operate in the GCOZ shall have a parking requirement of one (1) parking space per 1000 square feet of gross floor area;
6. A Cannabis Establishment shall not be located within one thousand (1,000) feet of a pre-existing primary or secondary school. The distance shall be measured from main entrance to main entrance. Early learning centers, preschools, day care centers, residential care homes, colleges, and vocational/trade centers shall not be classified as a school for purposes of this section:
  - a) Distances shall be measured in a straight line from the center of the entrance of the cannabis establishment to the closest point of the school's main entrance. .
  - b) If the entrance of the Cannabis Establishment or school is set back from the sidewalk by a walkway or doorway, the measurement is taken from the center of the line where the walkway/doorway meets the sidewalk or curb.
  - c) For a Cannabis Establishment in a multi-story building, the building entrance at street level is to be used to guide the measurement.
  - d) Emergency/fire exits, maintenance access, and doors to gain access to nonpublic areas are not used in the measurement.

7. All activities and storage associated with the Cannabis Establishment shall occur within a secured building;
8. The Cannabis Establishments shall provide odor mitigation infrastructure that will eliminate odor, smoke, gas, or toxic materials which would impair the quiet use and enjoyment of adjoining lands;
9. Drive-thru access shall be prohibited;
10. No Cannabis Paraphernalia shall be displayed or kept at the Cannabis Establishment so as to be visible from outside the premises;
11. No Cannabis Product shall be smoked, eaten, or otherwise consumed or ingested on the premises of any Cannabis Establishment;
12. A Cannabis Establishment shall not be located in a home, apartment, or condominium;
13. If located in a multi-tenant or mixed-use building, the Cannabis Establishment shall have a separate entrance where no part of the Cannabis Establishment shall be directly accessible from any common area within the building;
14. Applicants for a Cannabis Establishment shall coordinate with the Township Chief of Police, or his or her designee, regarding the measures to be taken to ensure the security of the facility and the safety of the public and facility employees. Such measures may include, but are not limited to, facility access controls, access to surveillance systems, improved site lighting, and on-site law enforcement or security personnel. Said coordination shall occur in conjunction with any application for site plan, zoning permit or variance relief for a Cannabis Establishment and shall be ongoing, as needed, to address any security or safety issues.
15. Subject to the requirements and limitations of State Law, the Township of South Hackensack shall have the reasonable right to inspect the premises of any approved Cannabis Establishment during its regular hours of operation to ensure compliance with local ordinances and regulations.
16. Operation of any prohibited or unpermitted cannabis business establishment within the municipality in violation of the provisions of this Chapter is hereby declared a public nuisance and shall be abated pursuant to all available remedies.

17. Whenever the Cannabis Regulatory Commission established by the Act (the “Commission”) forwards to the municipality any application for initial licensing or renewal of an existing license for any Cannabis Establishment pursuant to section 19 of the Act or for a cannabis consumption area pursuant to section 28 of P.L.2019, c.153 (C.24:6I-21), or otherwise solicits the position of the municipality on any matter related to cannabis-related activities within the municipality, or upon the request of an applicant for or holder of such license, the governing body shall determine whether the application complies with the municipality’s restrictions on the number of Cannabis Establishments and on their location, manner, or times of operation, and promptly inform the Commission, and the applicant for or holder of a license whether the application complies with same and whether it either approves or denies each application or other request for municipal authorization forwarded to it. Notwithstanding the forgoing, nothing herein shall prohibit any elected or appointed official or employee from expressing their opinions or views on cannabis-related matters in their personal or individual official capacity, or endorsing an applicant for or holder of a license issued by the Commission, provided that such official shall not represent that their opinions or views are those of the municipality unless based on a duly adopted ordinance or resolution of the municipality, or other action of a majority of the governing body.

Section 3. Chapter 208, “Zoning,” Article XIII, Subsection 208-75, “Empire Boulevard Cannabis Overlay Zone, Conditional Use” is hereby amended as follows:

Section 208-75. Empire Boulevard Cannabis Overlay Zone, Condition Use.

A. Conditions.

1. Those Cannabis Establishments possessing any class of cannabis license (Class 1, Class 2, Class 3, Class 4, Class 5 or Class 6) issued pursuant to Section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance and Marketplace Modernization Act (P.L. 2021, c. 16), may operate with the ECOZ;
2. A Cannabis Establishment shall be subject to licensing requirements outlined in Township Code, Section 131;
3. All Cannabis Establishments shall undergo site plan review by the Township’s land use board, unless the property has been the recipient of a site plan approval

to permit the same type of Cannabis Establishment and no additional modifications are proposed;

4. Class 5 Retail Licenses shall be permitted to operate on Monday through Saturday during the hours of 8:00 a.m. to 8:00 p.m.; No Class 5 Cannabis Retail Establishment shall be permitted to operate on Sunday;
5. In addition to the signage requirements established for commercial uses in the underlying zone, Cannabis Establishments shall be also be subject to the following signage requirements:
  - a. No sign shall be placed on the roof of a building nor placed on its wall so as to exceed the height of the roof of the building;
  - b. No internally illuminated signs shall be permitted;
  - c. No freestanding signs shall be permitted;
  - d. Only one sign per Cannabis Establishment is permitted on the site;
  - e. The sign text shall be on a solid background; and
  - f. The Cannabis Establishment logo may not include an image of a Cannabis Leaf, Cannabis Paraphernalia, or Cannabis Product.
6. For purposes of determining required parking, Class 5 Cannabis Retail Establishments shall have a parking requirement of one (1) parking space per 250 square feet of gross floor area. All other Cannabis Establishments shall have a parking requirement of one (1) space per every 1000 square feet of gross floor area.
7. A Cannabis Establishment shall not be located within one thousand (1,000) feet of a pre-existing primary or secondary school. The distance shall be measured from main entrance to main entrance. Early learning centers, preschools, day care centers, residential care homes, colleges, and vocational/trade centers shall not be classified as a school for purposes of this section:
  - a) Distances shall be measured in a straight line from the center of the entrance of the Cannabis Establishment to the closest point of the school's main entrance.

- b) If the entrance of the Cannabis Establishment or the school is set back from the sidewalk by a walkway or doorway, the measurement is taken from the center of the line where the walkway/doorway meets the sidewalk or curb.
  - c) For a Cannabis Establishment in a multi-story building, the building entrance at street level is to be used to guide the measurement.
  - d) Emergency/fire exits, maintenance access, and doors to gain access to nonpublic areas are not used in the measurement.
8. All activities and storage associated with the Cannabis Establishment shall occur within a secured building;
  9. The Cannabis Establishment shall provide odor mitigation infrastructure that will eliminate odor, smoke, gas, or toxic materials which would impair the quiet use and enjoyment of adjoining lands;
  10. Drive-thru access shall be prohibited;
  11. No Cannabis Paraphernalia shall be displayed or kept at the Cannabis Establishment so as to be visible from outside the premises;
  12. No Cannabis Product shall be smoked, eaten, or otherwise consumed or ingested on the premises of any Cannabis Establishment;
  13. A Cannabis Establishment shall not be located in a home, apartment, or condominium;
  14. If located in a multi-tenant or mixed-use building, the Cannabis Establishment shall have a separate entrance where no part of the Cannabis Establishment shall be directly accessible from any common area within the building;
  15. Applicants for a Cannabis Establishment shall coordinate with the Township Chief of Police, or his or her designee, regarding the measures to be taken to ensure the security of the facility and the safety of the public and facility employees. Such measures may include, but are not limited to, facility access controls, access to surveillance systems, improved site lighting, and on-site law enforcement or security personnel. Said coordination shall occur in conjunction with any application for site plan, zoning permit or variance relief for a Cannabis Establishment and shall be ongoing, as needed, to address any security or safety issues.

16. Subject to the requirements and limitations of State Law, the Township of South Hackensack shall have the reasonable right to inspect the premises of any approved Cannabis Establishment during its regular hours of operation to ensure compliance with local ordinances and regulations.
17. Operation of any prohibited or unpermitted cannabis business establishment within the municipality in violation of the provisions of this Chapter is hereby declared a public nuisance and shall be abated pursuant to all available remedies.
18. Whenever the Cannabis Regulatory Commission established by the Act (the “Commission”) forwards to the municipality any application for initial licensing or renewal of an existing license for any Cannabis Establishment pursuant to section 19 of the Act or for a cannabis consumption area pursuant to section 28 of P.L.2019, c.153 (C.24:6I-21), or otherwise solicits the position of the municipality on any matter related to cannabis-related activities within the municipality, or upon the request of an applicant for or holder of such license, the governing body shall determine whether the application complies with the municipality’s restrictions on the number of Cannabis Establishments and on their location, manner, or times of operation, and promptly inform the Commission, and the applicant for or holder of a license whether the application complies with same and whether it either approves or denies each application or other request for municipal authorization forwarded to it. Notwithstanding the forgoing, nothing herein shall prohibit any elected or appointed official or employee from expressing their opinions or views on cannabis-related matters in their personal or individual official capacity, or endorsing an applicant for or holder of a license issued by the Commission, provided that such official shall not represent that their opinions or views are those of the municipality unless based on a duly adopted ordinance or resolution of the municipality, or other action of a majority of the governing body.

Section 4. Chapter 208, “Zoning,” Article XIII, Subsection 208-76, “Ruta Court Cannabis Overlay Zone, Conditional Use” is hereby amended as follows:

Section 208-76. Ruta Court Cannabis Overlay Zone, Condition Use.

A. Conditions.

1. Those Cannabis Establishments possessing any class of cannabis license (Class 1, Class 2, Class 3, Class 4, Class 5 or Class 6) issued pursuant to Section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance and Marketplace Modernization Act (P.L. 2021, c. 16), may operate with the RCOZ;

2. A Cannabis Establishment shall be subject to licensing requirements outlined in Township Code, Section 131;
3. All Cannabis Establishments shall undergo site plan review by the Township's Land Use Board, unless the property has been the recipient of a site plan approval to permit the same type of Cannabis Establishment and no additional modifications are proposed;
4. In addition to the signage requirements established for commercial uses in the underlying zone, Cannabis Establishments shall be also be subject to the following signage requirements:
  - a. No sign shall be placed on the roof of a building nor placed on its wall so as to exceed the height of the roof of the building;
  - b. No internally illuminated signs shall be permitted;
  - c. No freestanding signs shall be permitted;
  - d. Only one sign per Cannabis Establishment is permitted on the site;
  - e. The sign text shall be on a solid background; and
  - f. The Cannabis Establishment logo may not include an image of a Cannabis Leaf, Cannabis Paraphernalia, or Cannabis Product.
5. For purposes of determining required parking, Class 5 Cannabis Retail Establishments shall have a parking requirement of one (1) parking space per 250 square feet of gross floor area. All other Cannabis Establishments shall have a parking requirement of one (1) space per every 1000 square feet of gross floor area.
6. Class 5 Retail Licenses shall be permitted to operate on Monday through Saturday during the hours of 8:00 a.m. to 8:00 p.m. Class 5 Cannabis Retail Establishments shall be prohibited operate on Sunday;
7. A Cannabis Establishment shall not be located within one thousand (1,000) feet of a pre-existing primary or secondary school. The distance shall be measured from main entrance to main entrance. Early learning centers, preschools, day care centers, residential care homes, colleges, and vocational/trade centers shall not be classified as a school for purposes of this section:



- a) Distances shall be measured in a straight line from the center of the entrance of the cannabis establishment to the closest point of the school's main entrance.
  - b) If the entrance of the Cannabis Establishment or school is set back from the sidewalk by a walkway or doorway, the measurement is taken from the center of the line where the walkway/doorway meets the sidewalk or curb.
  - c) For a Cannabis Establishment in a multi-story building, the building entrance at street level is to be used to guide the measurement.
  - d) Emergency/fire exits, maintenance access, and doors to gain access to nonpublic areas are not used in the measurement.
8. All activities and storage associated with the Cannabis Establishment shall occur within a secured building;
  9. The Cannabis Establishment shall provide odor mitigation infrastructure that will eliminate odor, smoke, gas, or toxic materials which would impair the quiet use and enjoyment of adjoining lands;
  10. Drive-thru access shall be prohibited;
  11. No Cannabis Paraphernalia shall be displayed or kept at the Cannabis Establishment so as to be visible from outside the premises;
  12. No Cannabis Product shall be smoked, eaten, or otherwise consumed or ingested on the premises of any Cannabis Establishment;
  13. A Cannabis Establishment shall not be located in a home, apartment, or condominium;
  14. If located in a multi-tenant or mixed-use building, the Cannabis Establishment shall have a separate entrance where no part of the Cannabis Establishment shall be directly accessible from any common area within the building;
  15. Applicants for a Cannabis Establishment shall coordinate with the Township Chief of Police, or his or her designee, regarding the measures to be taken to ensure the security of the facility and the safety of the public and facility employees. Such measures may include, but are not limited to, facility access controls, access to surveillance systems, improved site lighting, and on-site law enforcement or security personnel. Said coordination shall occur in conjunction with any application for site plan, zoning permit or variance relief for a

Cannabis Establishment and shall be ongoing, as needed, to address any security or safety issues.

16. Subject to the requirements and limitations of State Law, the Township of South Hackensack shall have the reasonable right to inspect the premises of any approved Cannabis Establishment during its regular hours of operation to ensure compliance with local ordinances and regulations.
17. Operation of any prohibited or unpermitted cannabis business establishment within the municipality in violation of the provisions of this Chapter is hereby declared a public nuisance and shall be abated pursuant to all available remedies.
18. Whenever the Cannabis Regulatory Commission established by the Act (the “Commission”) forwards to the municipality any application for initial licensing or renewal of an existing license for any Cannabis Establishment pursuant to section 19 of the Act or for a cannabis consumption area pursuant to section 28 of P.L.2019, c.153 (C.24:6I-21), or otherwise solicits the position of the municipality on any matter related to cannabis-related activities within the municipality, or upon the request of an applicant for or holder of such license, the governing body shall determine whether the application complies with the municipality’s restrictions on the number of Cannabis Establishments and on their location, manner, or times of operation, and promptly inform the Commission, and the applicant for or holder of a license whether the application complies with same and whether it either approves or denies each application or other request for municipal authorization forwarded to it. Notwithstanding the forgoing, nothing herein shall prohibit any elected or appointed official or employee from expressing their opinions or views on cannabis-related matters in their personal or individual official capacity, or endorsing an applicant for or holder of a license issued by the Commission, provided that such official shall not represent that their opinions or views are those of the municipality unless based on a duly adopted ordinance or resolution of the municipality, or other action of a majority of the governing body.

Section 5. All other provisions of Chapter 208 of the Code of the Township for South Hackensack shall remain unchanged.

Section 6. Pursuant to N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64, after introduction of this Ordinance, it shall be referred to the Township of South Hackensack Planning Board for the review required by the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., prior to the hearing on adoption of this Ordinance.

Section 7. Any article, chapter, section, paragraph, subsection, clause, or other provision of the Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

Section 8. In case, for any reason, any portion or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other portion or provision of this Ordinance, except so far as the portion or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

Section 9. The Township Clerk is hereby directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the Township of South Hackensack Planning Board and to all other entities entitled thereto pursuant to the provisions of N.J.S.A. 40:55D-15. Upon adoption of this ordinance, after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of this ordinance as finally adopted.

Section 10. This Ordinance shall be part of the Code of the Township of South Hackensack as though codified and fully set forth therein. The Township Clerk shall have this Ordinance codified and incorporated in the official copies of the Code.

Section 11. This Ordinance shall take effect immediately upon publication and final passage according to law.

**Introduction: January 23, 2025**

**Motion: Anzevino**

**Second: Encarnacion**

**Roll Call Vote: Anzevino, Brugger, Cagas, Encarnacion, & Perdomo**

**Adoption: February 13, 2025**

**Motion:**

**Second:**

**Roll Call Vote:**

**ATTEST:**

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Donna L. Gambutti, RMC  
Township Clerk

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James Anzevino  
Mayor