

ORDINANCE 2021-07

AN ORDINANCE TO ESTABLISH CHAPTER 141 AS “TAX OF CANNABIS SALES” OF THE CODE OF THE TOWNSHIP OF LOWER ALLOWAYS CREEK.

WHEREAS, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good of government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, the state now expressly authorized municipalities to enact a tax of Cannabis sales for certain Cannabis Classes that are permitted to conduct business by the municipality within their borders under the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act," codified at N.J.S.A. 24:61-31 ; and

WHEREAS, N.J.S.A. 24:61-31 also provides the percentage limits of the tax which can be imposed on the sales of the cannabis by Class.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of Lower Alloways Creek that Chapter 141 to be known as “TAX OF CANNABIS SALES” be established as follows:

CHAPTER 141

TAX OF CANNABIS SALES

§ 141-1. Cannabis Sales Tax imposed on a Cannabis Cultivator or Cannabis Manufacturer.

§ 141-2. Cannabis Sales Tax imposed on a Cannabis Wholesaler.

§ 141-3. Tax Imposed is in addition to any and all other taxes and charges.

§ 141-4. Tax Collector shall have the full power to administer and enforce.

§ 141-5. Record of sales to be retained and provided

§ 141-6. Taxes due quarterly

§ 141-6. Failure to collect or remit tax

§ 141-7. Penalties

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek: as Ord. No. 2021-07, August 17, 2021]

§ 141-1. Cannabis Sales Tax imposed on a Cannabis Cultivator and Cannabis Manufacturer

A tax is hereby imposed upon all persons engaged in the business of selling cannabis as a Cannabis Cultivator or Cannabis Manufacturer, in the Township of Lower Alloways Creek, at the rate of two percent (2%) of the gross receipts from such sales made in the course of that business. Each person required to collect the tax herein imposed shall be personally liable for the tax imposed, collected, or required to be collected hereunder.

§ 141-2. Cannabis Sales Tax imposed on a Cannabis Wholesaler.

A tax is hereby imposed upon all persons engaged in the business of selling cannabis as a Cannabis Wholesaler in the Township of Lower Alloways Creek, at the rate of one percent (1%) of the gross receipts from such sales made in the course of that business. Each person required to collect the tax herein imposed shall be personally liable for the tax imposed, collected, or required to be collected hereunder.

§ 141-3. Tax Imposed is in addition to any and all other taxes and charges.

The imposition of the tax imposed by this Chapter is in accordance with the provisions of State law and is in addition to any and all other taxes and charges.

§ 141-4. Tax Collector shall have the full power to administer and enforce.

The tax imposed by this Section, and all civil penalties that may be assessed as an incident thereto, shall be remitted to, collected by and enforced by the Township of Lower Alloways Creek Tax Collector, who shall have the full power to administer and enforce the provisions of this Chapter.

§ 141-5. Record of sales to be retained and provided

All Cannabis Cultivators, Cannabis Wholesalers and Cannabis Manufacturers shall be required to keep and retain records of all sales of cannabis and provide those records to the Township of Lower Alloways Creek Tax Collector for tax calculation purposes.

§ 141-6. Taxes due quarterly

The taxes imposed by this chapter shall be due to the Township Tax Collector quarterly by the tenth day of February, May, August and November.

§ 141-7. Failure to collect or remit tax

The failure to timely collect or remit all taxes due pursuant to this Chapter is a violation of this Code and may be subject to the penalties hereunder.

§ 141-8. Penalties

Penalties. Any person violating any provision of this section shall, upon conviction be subject to penalties imposed by the Judge of the Municipal Court, except that the minimum penalty shall not be less than \$500 for a first offense, \$1,000 for a second offense, and \$1,500 for a third offense.

Introduction: July 20, 2021

COMMITTEE MEMBER	MOVE	SECOND	YES	NO	ABSTAIN	ABSENT
MR. BRADWAY		S	Y			
MR. COLLIER			Y			
MR. PALOMBO			Y			
MR. VENABLE	M		Y			
MAYOR POMPPER			Y			

Final: August 17, 2021

COMMITTEE MEMBER	MOVE	SECOND	YES	NO	ABSTAIN	ABSENT
MR. BRADWAY		S	Y			
MR. COLLIER			Y			
MR. PALOMBO	M		Y			
MR. VENABLE			Y			
MAYOR POMPPER			Y			

Attest

Township of Lower Alloways Creek

Ronald L Campbell Sr., Clerk

Mayor, Ellen B. Pompper