

**ORDINANCE OF THE TOWNSHIP OF SPARTA, COUNTY OF SUSSEX,
NEW JERSEY REPEALING AND/OR WITHDRAWING ORDINANCE 25-
07, ORDINANCE 25-08, AND ORDINANCE 25-09 RELATING TO
CANNABIS ZONING, LICENSING AND TAXING REGULATIONS**

WHEREAS, on April 22, 2025, the Township Council of the Township of Sparta adopted three Cannabis related ordinances, as follows,

- Ordinance 25-07, ORDINANCE OF THE TOWNSHIP OF SPARTA, IN THE COUNTY OF SUSSEX, NEW JERSEY, PERMITTING CLASS 5 CANNABIS BUSINESSES WITHIN THE TOWNSHIP, ADDING DEFINITIONS TO SECTION 18-2 OF THE TOWNSHIP CODE, DELETING SUBSECTION 3 OF CODE SECTION 18-4.5.H, PROHIBITED USES, AND ADOPTING NEW SECTIONS 18-4.7(c)(23), 18-4.24(f)(3) AND 18-4.20(d)(2) IN PERMITTING THE OPERATION OF CLASS 5 CANNABIS LICENSES AS CONDITIONAL USES WITHIN THE TCC AND C-1 ZONES IN THE TOWNSHIP
- Ordinance 25-08, ORDINANCE ADOPTING A NEW CHAPTER 8 ENTITLED “CANNABIS LICENSE REQUIREMENTS” OF THE CODE OF THE TOWNSHIP OF SPARTA TO ADD MUNICIPAL LICENSURE REQUIREMENTS FOR CANNABIS FACILITIES
- Ordinance 25-09, ORDINANCE AMENDING CHAPTER 2 ARTICLE XI ENTITLED “TAXATION AND REVENUE” OF THE CODE OF THE TOWNSHIP OF SPARTA TO ADD NEW SECTIONS 2-62, ET SEQ., SETTING FORTH A “CANNABIS TAX”; and

WHEREAS, on May 12, 2025, the Township received two Petitions for Referendum filed under N.J.S.A. 40:69A-185 seeking to rescind Ordinance 25-07 and Ordinance 25-08 (the “Petitions”); and

WHEREAS, the filing of the Petitions initially suspended the effective dates and passage of Ordinance 25-07 and Ordinance 25-08, pursuant to N.J.S.A. 40:69A-189; and

WHEREAS, upon review of the Petitions by the Township Clerk for sufficiency, the Township determined that the Petitions were legally defective as a matter of law; and

WHEREAS, on May 16, 2025, the Township Clerk rejected the Petitions through a Certification of the Township Clerk made pursuant to N.J.S.A. 40:69A-187; and

WHEREAS, notwithstanding the Township’s rejection of the Petitions as legally deficient, the Township Council resolved to place on the November 4, 2025 General Election ballot a non-binding referendum or advisory question to gauge public opinion within the Township of Sparta as to whether or not retail Cannabis should be permitted in the Township; and

WHEREAS, in order to allow the Township, through a non-binding referendum, to assess the sentiment and will of the people on the question of whether retail Cannabis should be lawfully permitted in the Township, the Township, on June 24, 2025, adopted Ordinance 25-11, which amended and suspended the effective dates of Ordinance 25-07, Ordinance 25-08, and Ordinance 25-09 through and until January 1, 2026, with the Council further reserving the right to amend Ordinances 25-07, 25-08, and 25-09; and

WHEREAS, on November 4, 2025, the voters of the Township of Sparta, by a vote count of 3,216 “Yes” Votes, and 6,081 “No” Votes, voted down the Cannabis non-binding referendum and public question of whether to allow retail Cannabis within the Township of Sparta; and

WHEREAS, New Jersey courts have stated that “the salutary purposes of both initiative

and referendum include arousing public interest and placing in the hands of the voters direct means of controlling proposed or already enacted municipal legislation”; and

WHEREAS, N.J.S.A. 40:48-2 authorizes a municipality in New Jersey to make, amend, repeal and enforce ordinances. This statute provides:

Any 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 government, order and protection of persons 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 Township Council desires, in the interest of health, safety, and public welfare, to repeal and/or withdraw Ordinances 25-07, 25-08, and 25-09 to recognize the will and public sentiment of the people of Sparta expressed by and through the November 4, 2025 Cannabis non-binding referendum; and

WHEREAS, Section 31(a) of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (“CREAMMA”), states “[a] municipality may enact ordinances or regulations, not in conflict with [CREAMMA]; and

WHEREAS, the CREAMMA does not conflict with the Township’s powers under N.J.S.A. 40:48-2 to repeal Ordinances 25-07, 25-08 and 25-09; and

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Sparta, County of Sussex and State of New Jersey, that the following legislative acts be taken with respect to Ordinance 25-07, Ordinance 25-08, and Ordinance 25-09.

SECTION ONE. Ordinance 25-07, Ordinance 25-08 and Ordinance 25-09 are hereby repealed and/or withdrawn in their entirety and shall be void and of no legal effect.

SECTION TWO. Any article, section, paragraph, subsection, clause, or other provision of the Revised General Ordinance of the Township of Sparta inconsistent with the provisions of this Ordinance is hereby repealed to the extent of such inconsistency.

SECTION THREE. If any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

SECTION FOUR. This Ordinance shall take effect upon its passage and publication as provided for by law.

NOTICE

NOTICE is hereby given that the above ordinance was introduced and passed upon first reading at a meeting of the Mayor and Council of the Township of Sparta, in the County of Sussex, New Jersey, held on **November 25, 2025**. It will be further considered for final passage after public hearing at a meeting of the Mayor and Council to be held in the Municipal Building, 65 Main Street, in the Township of Sparta, on **December 9, 2025** at 7:00 P.M., and during the preceding week copies of the ordinance will be made available at the Clerk's office in the Municipal Building to members of the general public.

BY ORDER OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF SPARTA

ROXANNE LANDY, RMC
MUNICIPAL CLERK

NOTICE

NOTICE is hereby given that the above entitled ordinance was introduced and passed at a meeting of the Township Council of the Township of Sparta, held at the Municipal Building, 65 Main Street, Sparta, NJ on **November 25, 2025**. The same came up for final passage and adoption at a meeting of the Township Council of the Township of Sparta, held on **December 9, 2025** at 7:00 p.m., at the Municipal Building, 65 Main Street, Sparta, NJ and after all persons present were given an opportunity to be heard concerning the same, it was finally passed and adopted and will be in full force in the Township according to law.

ROXANNE LANDY, RMC
MUNICIPAL CLERK