

**AN ORDINANCE OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN,
STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE REVISED
GENERAL ORDINANCES OF THE BOROUGH, CHAPTER IV ENTITLED
“GENERAL LICENSING”, SECTION 4-5 LICENSED MARIJUANA OPERATIONS**

2022-08

WHEREAS the Mayor and Council of the Borough of Lakehurst are desirous of making certain amendments to Ordinance 2021-06, Section 4-5.1 entitled “Licensing & Fees” and Section 4-5.3 entitled “Gross Receipts, Taxes”.

NOW THEREFORE BE IT ORDAINED by the Mayor & Council of the Borough of Lakehurst, County of Ocean and State of New Jersey that Section 4-5.1 and Section 4-5.3 be and is hereby amended and supplemented, as follows:

Section 1. Amendment & supplement to Section 4-5.1 Licensing & Fees.

- a) New license application fees:
 - i) First submittal: \$10,000.00. The following is required with a first submittal:
 - (1) All applicants must submit a \$10,000.00 application fee via certified bank check.
 - (2) All applicants must concurrently submit a business proposal with one (1) original and two (2) copies along with the license application and license application fee.
 - ii) A marijuana business license selection committee will be appointed by the Mayor to administratively sort, review and consider each business. Final selection to be made by the full council.
 - iii) If a business is not selected, \$5,000.00 of the first submittal license application fee will be returned.

- b) Renewal application fee: \$5,000.00 which is non-refundable

Section 2. Amendment & Supplement to Section 4-5.3 Gross Receipts, Taxes.

- a) Every marijuana-based business shall submit a quarterly tax report to the Borough Clerk.

- b) The Borough may request an audit at the licensee’s request for any and all reasons or no reason at all. The burden of proving that any transaction is exempt from the tax shall be upon the seller. It shall be the duty of every seller to maintain, keep and preserve suitable records of all sales made by the seller and such other books or accounts as may be required to determine the amount of the tax of which the Seller is liable under this Article. It shall be the duty of every such seller to keep and preserve for a period of five (5) years all such books, invoices, and other records and the same shall be open for examination by the Borough Clerk or designee.

- c) The Borough has the right to revoke the seller’s license in the event seller does not satisfy the Two Percent (2%) sales tax within thirty (30) days of submitting its quarterly tax reports of which must be submitted in a reasonably timely manner.

Section 3. Severability.

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

Section 4. Effective date.

This Ordinance shall take effect immediately upon final passage, adoption, and publication as required by law.

Hon. Harry Robbins
Mayor

NOTICE

NOTICE IS HEREBY GIVEN that an ordinance #2022-08 entitled: AN ORDINANCE OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH, CHAPTER IV ENTITLED “GENERAL LICENSING”, SECTION 4-5 LICENSED MARIJUANA OPERATIONS was finally adopted after a public hearing and Council approval at a meeting of the governing body held on the second day of June, 2022.

Maryanne Capasso, RMC
Municipal Clerk