

**BOROUGH OF SOUTH RIVER
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY**

ORDINANCE NO. 2026-21

AN ORDINANCE AMENDING § 350-8T(9)(i) OF THE CODE OF THE BOROUGH OF SOUTH RIVER REGARDING THE CASH-ON-PREMISES LIMITATION APPLICABLE TO CLASS 5 CANNABIS RETAILERS

WHEREAS, the Borough of South River (the “Borough”) has adopted § 350-8T of the Code of the Borough of South River regulating licensed cannabis facilities as a matter of zoning and land use; and

WHEREAS, § 350-8T(9)(i) presently provides that no licensed non-retail cannabis facility or licensed retail cannabis facility shall be permitted to hold on the premises a physical reserve of cash, currency, or other monies in an amount exceeding \$5,000; and

WHEREAS, Nurturing Leaves, LLC commenced an action captioned *Nurturing Leaves, LLC v. Borough of South River, South River Borough Land Use Board, South River Borough Council, and South River Mayor Peter S. Guindi*, Superior Court of New Jersey, Law Division, Middlesex County, Docket No. MID-L-001908-26 (the “Action”); and

WHEREAS, the parties to the Action entered into a Settlement Agreement resolving the Action; and

WHEREAS, pursuant to Section 2.8 of the Settlement Agreement, the Borough agreed to adopt an ordinance amending § 350-8T(9)(i) so that the cash-on-premises limitation contained therein shall not apply to Class 5 Cannabis Retailers; and

WHEREAS, the Settlement Agreement further provides that, because § 350-8T constitutes a zoning regulation, the amendment shall proceed through all review, referral, notice, and other procedures required by the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., including referral to the South River Borough Land Use Board, acting in its capacity as Planning Board, prior to final adoption;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of South River, County of Middlesex, State of New Jersey, as follows:

SECTION 1. Amendment to § 350-8T(9)(i).

Section 350-8T(9)(i) of the Code of the Borough of South River is hereby amended to read in its entirety as follows:

- (i) No licensed non-retail cannabis facility or licensed retail cannabis facility shall be permitted to hold on the premises a physical reserve of cash, currency, or other monies in an amount exceeding \$5,000. **Notwithstanding the foregoing, the**

cash-on-premises limitation set forth in this subsection shall not apply to a Class 5 Cannabis Retailer.

SECTION 2. Remaining provisions unchanged.

Except as expressly amended by this Ordinance, all remaining provisions of § 350-8T and Chapter 350 of the Code of the Borough of South River shall remain unchanged and in full force and effect.

SECTION 3. Referral pursuant to Municipal Land Use Law.

Following introduction of this Ordinance, the Borough Clerk shall transmit a copy of this Ordinance to the South River Borough Land Use Board, acting in its capacity as Planning Board, for review and report in accordance with N.J.S.A. 40:55D-26 and all other applicable provisions of the Municipal Land Use Law.

Final adoption of this Ordinance shall occur only after completion of all review, referral, notice, hearing, and other procedures required by applicable law.

SECTION 4. Repealer.

All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed solely to the extent of such inconsistency.

SECTION 5. Severability.

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

SECTION 6. Codification.

This Ordinance shall be incorporated into the Code of the Borough of South River. The Borough's codifier is authorized to make nonsubstantive changes in numbering, formatting, capitalization, punctuation, cross-references, and other matters necessary for proper codification, provided that no substantive provision of this Ordinance is altered.

SECTION 7. Effective Date.

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

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Borough Council of the Borough of South River, in the County of Middlesex, State of New Jersey, held on September 14, 2026, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 5th day of October, 2026, at 7:00 p.m., or as soon thereafter as this matter can be reached, at the Council Chamber of the Criminal Justice Building located at 61 Main Street, South River, New Jersey, and/or virtually via Zoom meeting code 826 6082 9597: password: 000000 at which time all persons interested shall be given an opportunity to be heard concerning this ordinance.

Introduced 9-14-26

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman DaSilva</i>			X			
<i>Councilman Donato</i>			X			
<i>Councilman Dziemian</i>			X			
<i>Councilman Giannakopoulos</i>		X	X			
<i>Councilman Gurchensky</i>			X			
<i>Council President DeSantis</i>	X		X			

Silvana Jaeckle

Silvana Jaeckle
Deputy Municipal Clerk
Borough of South River