

1. Agenda

Documents:

[01-26-2022 \(PDF\).PDF](#)

2. Meeting Materials

Documents:

[PUBLIC DISCUSSION - CANNABIS OPERATIONAL ORDINANCES
INFORMATION \(PDF\).PDF](#)

**City of Woodbury
City Council Meeting Agenda
Virtual Meeting**

January 26, 2022

Virtual Waiting Room Opens 6:00 p.m.

Meeting starts 6:30 p.m.

Zoom Link: <https://bit.ly/3nMFN2q>

Zoom Passcode: CCJAN26

Telephone Call: 1-301-715-8592

Telephone Webinar ID: 828 6401 6651

Telephone Passcode: 7297716

Pledge of Allegiance

Moment of Silent Reflection

Reading of the Open Public Meeting Statement

Roll Call

Approval of the Minutes

- September 22, 2021
- October 13, 2021
- November 9, 2021

Open to the Public for Agenda Items

Ordinances

ORDINANCE NO. 2353-22 AN ORDINANCE AMENDING CHAPTER 3, ADMINISTRATION OF GOVERNMENT, ARTICLE IV, STANDING COMMITTEES, SECTION 18, ESTABLISHMENT

Resolutions

CONSENT AGENDA

RESOLUTION NO. 22-48 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODBURY AUTHORIZING THE EXECUTION OF A CONTRACT FOR PROFESSIONAL SERVICES WITH TRIAD ASSOCIATES TO PROVIDE ASSISTANCE TO THE CITY FOR SUBMITTING AN GRANT APPLICATION TO THE DEPARTMENT OF HOMELAND SECURITY ON BEHALF OF THE CITY OF WOODBURY

RESOLUTION NO. 22-49 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODBURY RATIFYING AND CONFIRMING RULES AND REGULATIONS FOR THE YEAR 2022

First
Reading

RESOLUTION NO. 22-50 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODBURY APPOINTING MEMBERS TO THE GREEN TEAM ADVISORY COMMITTEE FOR YEAR 2022

RESOLUTION NO. 22-51 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODBURY APPOINTING COUNCILPERSON TO THE PLANNING/ZONING BOARD

RESOLUTION NO. 22-52 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODBURY AWARDED A CONTRACT TO GERALD A. BARRETT, LLC FOR THE FY 2014 GREEN ACRES PROJECT STEWART LAKE PARK IMPROVEMENTS – PEDESTRIAN PATH PHASE 1

RESOLUTION NO. 22-53 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODBURY TO AUTHORIZE THE ADJUSTMENT OF TAXES DUE TO ASSESSMENT ERROR ON BLOCK 31.02 LOT 16 - 98 N COLUMBIA ST

END CONSENT AGENDA

Motion for Approval to Pay the Listed Vouchers

Unfinished Business

New Business

- Approval to go out for an RFP for a Banking Institution
- Approval to go out for an RFP for a Deferred Compensation Plan Provider
- Approval to go out for an RFP for the Development of a Operations Efficiency & Preliminary Management Plan

Public Discussion – Cannabis Operational Ordinances in Woodbury

Please see the attached notice detailing this Public Discussion Portion

Open to the Public

Adjournment

NOTICE PURSUANT TO N.J.S.A 10:4-8(d)

The items listed on this tentative agenda of the Mayor and Council President of the City of Woodbury constitutes the agenda to the extent known at the time of posting. Since this agenda is tentative, items may be added and/or deleted prior to the commencement of the meeting. Formal action may or may not be taken regarding each item listed on the final agenda.

Public Discussion About Cannabis Operational Ordinances in Woodbury

On January 26, Woodbury City Council will have an open public discussion session **during the City Council meeting** to hear public comments on forthcoming cannabis commerce ordinances. To inform this discussion, please reference the outline below, and also attached ordinances from other towns.

Outline

- Hours of operation
- Application fees
- Annual license fee to the town
- Maximum licenses per class for the town.
- Taxes collected on cannabis sales

Ordinance Examples

- [City of Bayonne](#)
- [City of Vineland](#)
- [Borough of Butler](#)
- [Borough of Freehold](#)
- [Borough of Haledon](#)

CITY OF WOODBURY, NEW JERSEY

ORDINANCE NO. 2353-22

**AN ORDINANCE AMENDING CHAPTER 3, ADMINISTRATION OF GOVERNMENT,
ARTICLE IV, STANDING COMMITTEES, SECITON 18, ESTABLISHMENT**

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Woodbury, County of Gloucester and State of New Jersey as follows:

Section 1. Chapter 3, Administration of Government, Article IV, Standing Committees, Section 18, Establishment, of the Code of the City of Woodbury is hereby amended by re-naming the title of the section to read as follows:

“Chapter 3, Administration of Government, Article IV,
Committees, Section 18, Establishment”

Section 2. Chapter 3, Administration of Government, Article IV, Standing Committees, Section 18, Establishment, of the Code of the City of Woodbury, is hereby amended to read as follows:

18. The Committee(s) of City Council, consisting of three members each, unless otherwise approved by City Council, shall be established annually by Resolution at the Annual Reorganization Meeting of the City of Woodbury.

Section 3. Repealer: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

Section 4. Severability: Each section of this Ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective, shall not be deemed to affect the validity or constitutionality of any other sections or parts hereof.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon final passage and publication as required by law.

CITY OF WOODBURY, NEW JERSEY

[SEAL]

By: _____
REED A. MERINUK,
President of Council

ATTEST:

CASSIDY L. SWANSON,
Acting City Clerk

APPROVED:

By: _____
PEG SICKEL,
Mayor

Council Member	Ayes	Nays	Abstain	Absent
Councilwoman Carter				
Councilwoman Carter				
Councilman Fleming				
Councilman Hagerty				
Councilwoman Harwell				
Councilman Miller				
Councilwoman Miller				
Councilwoman O'Connor				
Councilman Pisarick				
Council President Merinuk				
Mayor Sickel				

CERTIFICATION OF INTRODUCTION

I, Cassidy L. Swanson hereby certify that the foregoing Ordinance No. 2353-22 was introduced to the City Council, of the City of Woodbury, in the County of Gloucester and State of New Jersey at a regular business meeting held on **January 26, 2022** at City Hall 33 Delaware Street, Woodbury, New Jersey 08096.

Cassidy L. Swanson, Acting City Clerk

Council Member	Ayes	Nays	Abstain	Absent
Councilwoman Carter				
Councilman Fleming				
Councilman Hagerty				
Councilwoman Harwell				
Councilman Miller				
Councilwoman Miller				
Councilwoman O'Connor				
Councilman Pisarick				

Council President Merinuk				
Mayor Sickel				

CERTIFICATION OF ADOPTION

I, Cassidy L. Swanson hereby certify that the foregoing Ordinance 2353-22 was adopted after public hearing by the City Council, of the City of Woodbury, in the County of Gloucester and State of New Jersey at a regular business meeting held on **February 9, 2022** at City Hall 33 Delaware Street, Woodbury, New Jersey 08096.

Cassidy L. Swanson, Acting City Clerk

RESOLUTION NO. 22-48

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODBURY
AUTHORIZING THE EXECUTION OF A CONTRACT FOR PROFESSIONAL
SERVICES WITH TRIAD ASSOCIATES TO PROVIDE ASSISTANCE TO THE CITY
FOR SUBMITTING AN GRANT APPLICATION TO THE DEPARTMENT OF
HOMELAND SECURITY ON BEHALF OF THE CITY OF WOODBURY**

WHEREAS, the Department of Homeland Security (hereinafter “DHA”), in cooperation with the Federal Emergency Management Agency (hereinafter “DHA”) has presented a federal grant opportunity titled Staffing For Adequate Fire and Emergency Response (hereinafter “SAFER”); and

WHEREAS, the City of Woodbury (hereinafter “City”) has found needs within the municipality which are eligible for submission for said funding; and

WHEREAS, the City desires to increase and/or maintain the number of trained, “front line” firefighters within the Woodbury Fire Department; and

WHEREAS, Triad Associates, the City’s appointed Grant Consultant, has provided a proposal to assist the City with the submission of an application to secure grant funding.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Woodbury, that the City Council does hereby approve a contract with Triad Associates to assist the City with submitting an application to the Department of Homeland Security and the Federal Emergency Management Agency at a cost not to exceed \$5,500; and

BE IT FURTHER RESOLVED that the City Administrator, Mayor, or Council President are hereby authorized to execute said contract for services with Triad Associates on behalf of the City of Woodbury.

ADOPTED at a regular meeting of the Mayor and City Council of the City of Woodbury on January 26, 2022.

CITY OF WOODBURY

By: _____

**REED A. MERINUK,
President of Council**

ATTEST:

**CASSIDY L. SWANSON,
Acting City Clerk**

Council Member	Ayes	Nays	Abstain	Absent
Councilwoman Carter				
Councilman Fleming				
Councilman Hagerty				
Councilwoman Harwell				
Councilwoman Miller				
Councilman Miller				
Councilwoman O'Connor				
Councilman Pisarcik				
Council President Merinuk				
Mayor Sickel				

CERTIFICATION

I, Cassidy L. Swanson hereby certify that the foregoing Resolution was adopted by the City Council, of the City of Woodbury, in the County of Gloucester and State of New Jersey at the meeting held on **January 26, 2022** at City Hall 33 Delaware Street, Woodbury, New Jersey 08096.

Cassidy L. Swanson,
Acting City Clerk

RESOLUTION NO. 22-49

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODBURY
RATIFYING AND CONFIRMING RULES AND REGULATIONS FOR THE YEAR 2022**

BE IT RESOLVED by the City Council of the City of Woodbury, the Mayor concurring, as follows:

1. That until further order by the City Council within the provisions of its own by-laws, the business of the Council will be conducted under Robert's Rule of Order.

2. That the committees of the City Council are hereby established as follows:

- Cannabis Ad Hoc
- Community Events & Development
- Diversity, Equity, Inclusion
- Economic Development
- Finance
- Green Team
- Hiring Committee for Administrator Ad Hoc
- Parks & Recreation
- Public Safety
- Public Works
- School Board Liaison

3. No by-laws, rules of order of Council shall be suspended, altered or amended unless such suspensions, alterations or amendments shall have been presented at a regular or special meeting and adopted at the next meeting by a majority of Council provided, however, that any rule of order of Council may be suspended whenever two-thirds of the members consent thereto, provided further that by unanimous consent of the City Council, any rule may be suspended temporarily at any time except matters controlled by statute.

This resolution shall take effect immediately.

ADOPTED at a regular meeting of the Mayor and City Council of the City of Woodbury on January 26, 2022.

CITY OF WOODBURY

By: _____

**REED A. MERINUK,
President of Council**

ATTEST:

CASSIDY L. SWANSON,
Acting City Clerk

Council Member	Ayes	Nays	Abstain	Absent
Councilwoman Carter				
Councilman Fleming				
Councilman Hagerty				
Councilwoman Harwell				
Councilwoman Miller				
Councilman Miller				
Councilwoman O'Connor				
Councilman Pisarcik				
Council President Merinuk				
Mayor Sickel				

CERTIFICATION

I, Cassidy L. Swanson hereby certify that the foregoing Resolution was adopted by the City Council, of the City of Woodbury, in the County of Gloucester and State of New Jersey at the meeting held on **January 26, 2022** at City Hall 33 Delaware Street, Woodbury, New Jersey 08096.

Cassidy L. Swanson,
Acting City Clerk

RESOLUTION NO. 22-50

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODBURY
APPOINTING MEMBERS TO THE GREEN TEAM ADVISORY COMMITTEE FOR
YEAR 2022**

WHEREAS, the Mayor and Council of the City of Woodbury strive to save tax dollars, assure clean air and water, improve working and living environments to build a community that is sustainable economically, environmentally and socially; a community which would thrive well into the new century; and

WHEREAS, the Mayor and Council of the City of Woodbury wishes to build a model of government which benefits our residents now and far into the future with green community initiatives which are easy to replicate and affordable to implement; and

WHEREAS, in an attempt to focus attention on "Green" issues, Woodbury's Mayor and Council wishes to appoint a Green Team Advisory Committee (GTA) for 2022; and

WHEREAS, the Mayor and Council of the City of Woodbury wants to continue the process of focusing on "Green" issues by appointing the Green Team for 2022.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the City of Woodbury that the following eight persons are hereby appointed to the Green Team Advisory Committee for 2022 and are eligible to serve until December 31, 2022 or until replaced by Resolution of Council:

Cassidy Swanson	Woodbury City Clerk – Clean Communities Coord.
Rich Leidy	Woodbury Director of Public Works & Recycling Coord.
Peg Sickel	Mayor
Donna Miller	City Council Member & Resident
Karlene O'Connor	City Council Member & Resident
Tom Pisarcik	City Council Member & Resident
Robert Law	Grants Coordinator
Thomas F. Dukelow	Volunteer

BE IT FURTHER RESOLVED, by the Mayor and Council of the City of Woodbury that the Mission, Goals and Objectives for the Green Team through December 31, 2022 are established as follows:

Woodbury's Green Team Mission

As the first City in the US to institute mandatory curb side pick-up of recyclables, the City of Woodbury will continue its dedication to "Go Green" by joining other Sustainable Jersey municipalities. In doing so, we as the Woodbury Green Team will be the catalysts to promote, encourage, initiate and support activities that generate reusing, recycling or reducing energy

consumption in all areas of the City's operations and advocate for these activities throughout the City so all businesses and residents are inspired to participate.

Woodbury Green Team's Goals for 2022

1. Achieve Sustainable Jersey Silver Certification by the end of 2022.
2. Continue to promote the 'Be In the Green' Direct Install Program to all Woodbury businesses.
3. Conduct an annual Arbor Day ceremony involving students, families, Mayor and Council Members.
4. Conduct an annual Shred Event to provide our residents a secure process for disposing and recycling their confidential documents.
5. Educate our students and residents as to the virtues and benefits of recycling.
6. Implement a responsible program for replanting of trees along our City streets.
7. Where possible pursue grants to offset the costs of providing these programs to our residents, and

ADOPTED at a regular meeting of the Mayor and City Council of the City of Woodbury on January 26, 2022.

CITY OF WOODBURY

By: _____

**REED A. MERINUK,
President of Council**

ATTEST:

**CASSIDY L. SWANSON,
Acting City Clerk**

Council Member	Ayes	Nays	Abstain	Absent
Councilwoman Carter				
Councilman Fleming				
Councilman Hagerty				
Councilwoman Harwell				
Councilwoman Miller				
Councilman Miller				
Councilwoman O'Connor				
Councilman Pisarcik				
Council President Merinuk				
Mayor Sickel				

CERTIFICATION

I, Cassidy L. Swanson hereby certify that the foregoing Resolution was adopted by the City Council, of the City of Woodbury, in the County of Gloucester and State of New Jersey at the meeting held on **January 26, 2022** at City Hall 33 Delaware Street, Woodbury, New Jersey 08096.

Cassidy L. Swanson,
Acting City Clerk

RESOLUTION NO. 22-51

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODBURY
APPOINTING COUNCILPERSON TO THE PLANNING/ZONING BOARD**

WHEREAS, there exists a need for a Councilperson to be appointed as a representative to the Planning/Zoning Board of the City of Woodbury.

NOW, THEREFORE, BE IT RESOLVED that **COUNCILMAN WILLIAM FLEMING** be appointed as the Council Representative to the Planning/Zoning Board for the year 2022.

ADOPTED at a regular meeting of the Mayor and City Council of the City of Woodbury on January 26, 2022.

CITY OF WOODBURY

By: _____

**REED A. MERINUK,
President of Council**

ATTEST:

**CASSIDY L. SWANSON,
Acting City Clerk**

Council Member	Ayes	Nays	Abstain	Absent
Councilwoman Carter				
Councilman Fleming				
Councilman Hagerty				
Councilwoman Harwell				
Councilwoman Miller				
Councilman Miller				
Councilwoman O'Connor				
Councilman Pisarcik				
Council President Merinuk				
Mayor Sickel				

CERTIFICATION

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Cassidy L. Swanson,
Acting City Clerk

RESOLUTION NO. 22-52

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODBURY
AWARDING A CONTRACT TO GERALD A. BARRETT, LLC FOR THE
FY 2014 GREEN ACRES PROJECT
STEWART LAKE PARK IMPROVEMENTS – PEDESTRIAN PATH PHASE 1**

WHEREAS, the City Clerk and Engineer received bids on January 18, 2022 for the FY 2014 Green Acres Project – Stewart Lake Park Improvements – Pedestrian Path Phase 1, as set forth below:

Contractor	Base Bid	Alt. B	Total Amount
Gerald A. Barrett, LLC	\$347,448.54	\$15,651.45	\$363,099.99
Vulcan Construction	\$353,547.10	\$10,000.00	\$363,547.10
Byrd Dog Paving	\$366,052.89	\$6,000.00	\$372,052.89
Mount Construction	\$395,425.00	\$15,000.00	\$410,425.00
CTX Infrastructure	\$410,805.50	\$25,000.00	\$435,805.50
Capela Construction	\$421,110.00	\$20,000.00	\$441,110.00
Command Co., Inc	\$459,259.50	\$24,000.00	\$483,259.50
Waters & Bugbee	\$739,214.35	\$51,955.00	\$791,169.35

WHEREAS, the City Engineer has reviewed the bids received and by correspondence dated January 20, 2022, has recommended award of the contract for the Base Bid and Alternate B to Gerald A. Barrett, LLC for the total bid amount of \$363,099.99; and

WHEREAS, the low bid is compliant in all material non-waivable respects and the amount is consistent with the Engineer's Estimate; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this project.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Woodbury that:

1. The contract is hereby awarded to Gerald A. Barrett, LLC for FY 2014 Green Acres Project – Stewart Lake Park Improvements – Pedestrian Path Phase 1 in the total bid amount of \$363,099.99.
2. The Mayor and/or Administrator is hereby authorized to execute a contract in accordance with the project specifications, the afore-described bid, and the within Resolution.

ADOPTED at a regular meeting of the Mayor and City Council of the City of Woodbury on January 26, 2022.

CITY OF WOODBURY

By: _____

REED A. MERINUK,
President of Council

ATTEST:

CASSIDY L. SWANSON,
Acting City Clerk

Council Member	Ayes	Nays	Abstain	Absent
Councilwoman Carter				
Councilman Fleming				
Councilman Hagerty				
Councilwoman Harwell				
Councilwoman Miller				
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Councilman Pisarcik				
Council President Merinuk				
Mayor Sickel				

CERTIFICATION

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Cassidy L. Swanson,
Acting City Clerk

RESOLUTION NO. 22-53

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODBURY TO
AUTHORIZE THE ADJUSTMENT OF TAXES DUE TO ASSESSMENT ERROR ON
BLOCK 31.02 LOT 16 - 98 N COLUMBIA ST**

WHEREAS; The owner of block 31.02 Lot 16 known as 98 N Columbia St. was approved for a partial exemption due to being approved as a 100% Disabled Veteran; and

WHEREAS; The 2021 tax list does not reflect this partial exemption which resulted in the 2022 preliminary tax bill to receive an erroneous billing based on the full assessed value and in order to correct this oversight is due a tax adjustment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Woodbury, that the Tax Collector is hereby authorized to make such adjustments as follows:

<u>Block/Lot/Address</u>	<u>2021 Assessment</u>	<u>2022 Assessment</u>	<u>Assessment Adjustment</u>	<u>2022 Tax Adjustment</u>
31.02/16	54,100	21,600	32,500	
98 N Columbia St.	152,100	60,800	91,300	\$1392.13- 1 st qt 2022
	206,200	82,400	123,800	\$1392.13- 2 nd qt 2022

ADOPTED, at a regular meeting of the Mayor and City Council held on January 26, 2022.

CITY OF WOODBURY

By: _____

**REED A. MERINUK,
President of Council**

ATTEST:

**CASSIDY L. SWANSON,
Acting City Clerk**

Council Member	Ayes	Nays	Abstain	Absent
Councilwoman Carter				
Councilman Fleming				
Councilman Hagerty				
Councilwoman Harwell				
Councilwoman Miller				
Councilman Miller				
Councilwoman O'Connor				
Councilman Pisarcik				
Council President Merinuk				
Mayor Sickel				

CERTIFICATION

I, Cassidy L. Swanson hereby certify that the foregoing Resolution was adopted by the City Council, of the City of Woodbury, in the County of Gloucester and State of New Jersey at the meeting held on **January 26, 2022** at City Hall 33 Delaware Street, Woodbury, New Jersey 08096.

Cassidy L. Swanson,
Acting City Clerk

Public Discussion About Cannabis Operational Ordinances in Woodbury

On January 26, Woodbury City Council will have an open public discussion session **during the City Council meeting** to hear public comments on forthcoming cannabis commerce ordinances. To inform this discussion, please reference the outline below, and also attached ordinances from other towns.

Outline

- Hours of operation
- Application fees
- Annual license fee to the town
- Maximum licenses per class for the town.
- Taxes collected on cannabis sales

Ordinance Examples

- [City of Bayonne](#) *page 2*
- [City of Vineland](#) *page 16*
- [Borough of Butler](#) *page 21*
- [Borough of Freehold](#) *page 29*
- [Borough of Haledon](#) *page 36*

Ordinance Example - City of Bayonne

O-21-13
3/17/21

AN ORDINANCE OF THE CITY OF BAYONNE, NEW JERSEY AMENDING AND SUPPLEMENTING THE GENERAL ORDINANCES OF THE CITY, CHAPTER 33, PLANNING AND DEVELOPMENT REGULATIONS, SECTION 33-2.2 DEFINITIONS; CHAPTER 35, ZONING REGULATIONS, SECTION 35-4.22 RESERVED, SECTION 35-5.8 C-1 NEIGHBORHOOD COMMERCIAL DISTRICT, SECTION 35-5.10 CBD CENTRAL BUSINESS DISTRICT (BROADWAY CORRIDOR), SECTION 35-5.11 UPTOWN BUSINESS DISTRICT (BROADWAY CORRIDOR), SECTION 35-5.12 ORS OFFICE/RETAIL SERVICE DISTRICT (BROADWAY CORRIDOR), SECTION 35-5.13 H-C HIGHWAY COMMERCIAL/SELECTED LIGHT INDUSTRIAL DISTRICT, SECTION 35-5.16 IL-A AND IL-B LIGHT INDUSTRIAL DISTRICTS; AND CHAPTER 4, LICENSING, REGISTRATION AND BUSINESS REGULATIONS, SECTION 4-30 RESERVED; ESTABLISHING ZONING AND LICENSING REQUIREMENTS FOR REGULATED CANNABIS ESTABLISHMENTS

WHEREAS, the City Council of the City of Bayonne, in the County of Hudson, New Jersey (the “City”), a public body corporate and politic of the State of New Jersey (the “State”), wishes to create land use regulations and licensing requirements for regulated cannabis establishments that also protect the health, safety and general welfare of the community; and

WHEREAS, the Jake Honig Compassionate Use Medical Cannabis Act (the “Act”), N.J.S.A. 24:6I-1 to -30, permits the authorized cultivation, processing, manufacturing, preparing, packaging, transferring, sale, purchase, research, possession, use, and consumption of medical cannabis and products created from or which include cannabis; and

WHEREAS, the City finds that the expansion of the medical cannabis program in the State has provided needed compassionate relief to the many persons suffering from chronic and/or serious debilitating illnesses who may benefit; and

WHEREAS, on November 3, 2020, the citizens of New Jersey voted to approve Public Question No. 1, amending and supplementing Section VII of Article IV of the New Jersey Constitution to authorize the growth, cultivation, processing, manufacturing, preparing, packaging, transferring, and retail purchasing and consumption of cannabis, or products created from or which include cannabis for persons twenty-one (21) years or older in New Jersey, and further authorized municipalities to enact an additional municipal tax of up to two (2) percent on the receipts from each sale of cannabis or products created from or which include cannabis; and

WHEREAS, the City finds, given the Schedule I status of cannabis under the federal Controlled Substance Act, complexities with access to banking and the level of cash transactions in cannabis-related businesses, and other concerns associated with cannabis-related businesses, that only qualified operators should be permitted to safely operate strictly regulated cannabis facilities in the municipality on a limited basis and subject to reasonable time, manner, and place restrictions, in order to balance

patients' and consumers' interests and the creation of jobs and economic opportunity within the City with public safety; and

WHEREAS, in light of the enactment of the Act on July 2, 2019, expanding the New Jersey Medicinal Marijuana Program, and the passage of Public Question No. 1 on November 3, 2020, it is in the best interest of the City to proactively establish licensing requirements for regulated cannabis establishments and imposing a municipal tax to support enforcement activities.

NOW THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF BAYONNE, NEW JERSEY AS FOLLOWS:

SECTION 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

SECTION 2. The Revised General Ordinances of the City of Bayonne, Chapter 33 Planning and Development Regulations, Section 2.2, entitled "Definition of Terms", is hereby amended and supplemented as follows (additions ****between asterisks and/or in bold****, deletions ~~{within brackets and/or struck through}~~):

33-2.2 Definition of Terms.

****CANNABIS SUPPLIER.** A State-regulated cannabis grower, also referred to as a cannabis cultivation facility; a cannabis processor, also referred to as a cannabis product manufacturing facility; a medical cannabis alternative treatment center; or a clinical registrant, all of which shall possess prior to commencing operations one of the classes of permit or permit endorsement issued by the State of New Jersey that authorizes such cannabis establishment to cultivate, manufacture, process, wholesale, and/or study or research cannabis or cannabis-derived or infused products, provided that such facility shall not dispense, sell, or distribute cannabis or cannabis products from such facility.

CANNABIS RETAILER. A State-regulated cannabis retailer, medical cannabis alternative treatment center, or clinical registrant, which shall possess prior to commencing operations one of the classes of permit or permit endorsement issued by the State of New Jersey that authorizes the dispensation, sale, or distribution of cannabis or cannabis-derived or infused products and/or related clinical research, provided that such facility shall not cultivate, manufacture, process, or wholesale cannabis or cannabis products from such facility.

CANNABIS ESTABLISHMENT. A cannabis supplier or cannabis retailer.**

SECTION 3. The Revised General Ordinances of the City of Bayonne, Chapter 35, Zoning Regulations, Section 4, entitled "General Provisions", Subsection 22, entitled "Reserved", is hereby amended and supplemented as follows (additions ****between asterisks and/or in bold****, deletions ~~{within brackets and/or struck through}~~):

**** 35-4.22 Cannabis Establishments.**

Cannabis establishments shall be permitted, pursuant to this Chapter, only if the following requirements are complied with:

- a. The regulations of this Section are subject to the enabling authority of the State of New Jersey and are subject to compliance with all statutes and/or regulations adopted by the State of New Jersey or its instrumentalities. If any provision of this Section is inconsistent with the statutes and/or regulations of the State of New Jersey, the State statutes and/or regulations shall prevail.
- b. Prior to the operation of any cannabis establishment, a permit or license must be obtained from the State of New Jersey and from the City of Bayonne for the applicable type(s) of cannabis establishment. No cannabis establishment shall be permitted to operate without State and municipal permits or licenses.
- c. Permitted uses shall, at all times, comply with the terms and conditions of the licensee's cannabis establishment license for permits or licenses issued by the State of New Jersey and the City of Bayonne.
- d. No cannabis establishment shall be allowed as a Home Professional Occupation as defined in Chapter 33-2.2 and Chapter 35-4.25.
- e. No cannabis establishment shall be housed in a vehicle or any movable or mobile structure.
- f. Odor. Cannabis establishments shall have equipment to mitigate odor. The building shall be equipped with a ventilation system with carbon filters sufficient in type and capacity to mitigate cannabis odors emanating from the interior of the premises.
- g. Noise. Outside generators and other mechanical equipment used for any kind of power supply, cooling, or ventilation shall be enclosed and have appropriate baffles, mufflers, and/or other noise reduction systems to mitigate noise pollution.
- h. Security. All cannabis establishments shall be secured in accordance with State of New Jersey statutes and regulations; shall have a round-the-clock video surveillance system, 365 days a year; and shall have trained security personnel onsite at all times during operating hours.
- i. Hours. No cannabis retailer may open to customers for business before 8:00 am or remain open to customers for business after 10:00 pm.
- j. Prohibited uses. Except as expressly permitted by this Chapter and Chapter 4, Section 30 of the General Ordinances, entitled Cannabis Establishments, as well as any other activity involved in the cultivation, manufacture, processing, testing, dispensation, distribution and/or sale of cannabis, marijuana or cannabis products, are expressly prohibited as land uses or otherwise in the City of Bayonne.
- k. Reserved**

SECTION 4. The Revised General Ordinances of the City of Bayonne, Chapter 35, Zoning Regulations, Section 5.8, entitled “C-1 Neighborhood Commercial District”, is hereby amended and supplemented as follows (additions ****between asterisks and/or in bold****, deletions ~~{within brackets and/or struck through}~~):

a. Permitted Uses.

1. No change
2. No change
3. No change
4. No change
5. No change
6. No change
7. No change
8. No change
9. No change
10. No change
11. No change

12. **Cannabis retailers licensed by the State of New Jersey and the City of Bayonne.**

- b. No change
- c. No change
- d. No change
- e. No change

SECTION 5. The Revised General Ordinances of the City of Bayonne, Chapter 35, Zoning Regulations, Section 5.10, entitled “CBD Central Business District (Broadway Corridor)”, is hereby amended and supplemented as follows (additions ****between asterisks and/or in bold****, deletions ~~{within brackets and/or struck through}~~):

a. Permitted uses.

1. No change
2. No change
3. No change
4. No change

5. No change
6. No change
7. No change
8. No change
9. No change
10. No change
11. No change
12. No change
13. No change

14. **Cannabis retailers licensed by the State of New Jersey and the City of Bayonne.**

- b. No change
- c. No change
- d. No change
- e. No change
- f. No change

SECTION 6. The Revised General Ordinances of the City of Bayonne, Chapter 35, Zoning Regulations, Section 5.11, entitled “Uptown Business District (Broadway Corridor)”, is hereby amended and supplemented as follows (additions ****between asterisks and/or in bold****, deletions ~~{within brackets and/or struck through}~~):

a. Permitted uses.

1. No change
2. No change
3. No change
4. No change
5. No change
6. No change
7. No change

8. **Cannabis retailers licensed by the State of New Jersey and the City of Bayonne.**

- b. No change
- c. No change
- d. No change
- e. No change
- f. No change

SECTION 7. The Revised General Ordinances of the City of Bayonne, Chapter 35, Zoning Regulations, Section 5.12, entitled “ORS Office/Retail Service District (Broadway Corridor)”, is hereby amended and supplemented as follows (additions ****between asterisks and/or in bold****, deletions ~~{within brackets and/or struck through}~~):

a. Permitted uses.

- 1. No change
- 2. No change
- 3. No change
- 4. No change
- 5. No change
- 6. No change
- 7. No change
- 8. No change

9. **Cannabis** retailers licensed by the State of New Jersey and the City of Bayonne.****

- b. No change
- c. No change
- d. No change
- e. No change

SECTION 8. The Revised General Ordinances of the City of Bayonne, Chapter 35, Zoning Regulations, Section 5.13, entitled “H-C Highway Commercial/Selected Light Industrial District”, is hereby amended and supplemented as follows (additions ****between asterisks and/or in bold****, deletions ~~{within brackets and/or struck through}~~):

a. Permitted uses.

- 1. No change
- 2. No change

3. No change
4. No change
5. No change
6. No change
7. No change
8. No change
9. No change
10. No change
11. No change

12. **Cannabis suppliers or cannabis retailers licensed by the State of New Jersey and the City of Bayonne.**

- b. No change
- c. No change
- d. No change
- e. No change
- f. No change

SECTION 9. The Revised General Ordinances of the City of Bayonne, Chapter 35, Zoning Regulations, Section 5.16, entitled “IL-A and IL-B Light Industrial Districts”, is hereby amended and supplemented as follows (additions ****between asterisks and/or in bold****, deletions ~~{within brackets and/or struck through}~~):

a. Permitted Principal Uses.

1. No change
2. No change
3. No change
4. No change
5. No change
6. No change
7. No change

8. **Cannabis suppliers or cannabis retailers licensed by the State of New Jersey and the City of Bayonne.**

- b. No change
- c. No change
- d. No change
- e. No change
- f. No change

SECTION 10. LICENSING, REGISTRATION AND BUSINESS REGULATIONS AMENDMENT

That a Section 4-30, entitled “Cannabis Establishments,” shall be created and added to the Revised General Ordinances of the City of Bayonne, Chapter 4, Licensing, Registration and Business Regulations, as follows ((additions ****between asterisks and/or in bold****):

****4-30 Cannabis Establishments**

The regulations of this Ordinance are subject to the enabling authority of the State of New Jersey and are subject to compliance with all statutes and/or regulations adopted by the State of New Jersey or its instrumentalities, including the Cannabis Regulatory Commission. If any provision of this Ordinance is inconsistent with state statutes and/or regulations, the state statutes and/or regulations shall prevail.

4-30.1 Definitions

CANNABIS ESTABLISHMENT. A Cannabis Supplier or Cannabis Retailer.

CANNABIS RETAILER: A State-regulated cannabis retailer, medical cannabis alternative treatment center, or clinical registrant, which shall possess prior to commencing operations one of the classes of permit or permit endorsement issued by the State of New Jersey that authorizes the dispensation, sale, or distribution of cannabis or cannabis-derived or infused products and/or related clinical research, provided that such facility shall not cultivate, manufacture, process, or wholesale cannabis or cannabis products from such facility.

CANNABIS SUPPLIER: A State-regulated cannabis grower, also referred to as a cannabis cultivation facility; a cannabis processor, also referred to as a cannabis product manufacturing facility; a medical cannabis alternative treatment center; or a clinical registrant, all of which shall possess prior to commencing operations one of the classes of permit or permit endorsement issued by the State of New Jersey that authorizes such cannabis establishment to cultivate, manufacture, process, wholesale, and/or study or research cannabis or cannabis-derived or infused products, provided that such facility shall not dispense, sell, or distribute cannabis or cannabis products from such facility.

4-30.2 Licensing

- a. Local licensing authority.

1. The City Administrator is hereby designated to act as the local licensing authority for the City for all cannabis establishments. Under all circumstances in which State law requires communication to the City by the Cannabis Regulatory Commission or any other State agency with regard to the licensing of cannabis establishments by the State, or in which State law requires any review or approval by the City of any action taken by the State licensing authority, the exclusive authority for receiving such communications and granting such approvals shall be exercised by the Administrator.
 2. Under no circumstances shall a local license for a cannabis establishment issued by the Administrator be effective until or unless the State has issued the requisite permits or licenses to operate such a facility. It is the intent of this Chapter that no cannabis establishment may lawfully operate in the City of Bayonne without the issuance of a State permit or license and full regulatory oversight of the cannabis establishment by the Cannabis Regulatory Commission or other state licensing authority as well as oversight and issuance of a license by the City.
- b. Classification of licenses. The City, subject to land use approval and State licensure, may issue the following municipal licenses to operate a cannabis establishment:
- Class I: Cannabis supplier license (grower)
 - Class II: Cannabis supplier license (processor)
 - Class III: Cannabis retailer license
- c. Maximum number of licenses. The City may issue a maximum of one (1) Class I license, one (1) Class II license, and two (2) Class III licenses. Licensure in all classes may be, but are not required to be, held by the same entity or individual, but an entity may not hold more than one cannabis retailer license. Any license conditionally issued by the City is contingent upon the locally licensed entity's or individual's subsequent recipient of a State permit or license of the same class or type of regulated cannabis activity.
- d. Application. Persons wishing to obtain any classification of cannabis license shall file a license application with the Administrator, on a standardized form established by the Administrator and available in the Administrator's office. The Administrator shall establish a reasonable application period and deadline for all applications. An application shall be deemed incomplete, and shall not be processed by the Administrator, until all documents and application fees are submitted. To be deemed complete, all applications shall be accompanied by the following:
1. The applicant shall submit proof that the applicant has or will have lawful possession of the premises proposed for the cannabis establishment, which proof may consist of: a deed, a lease, a real estate contract contingent upon successful licensing, or a binding letter of intent by the owner of the premises indicating an intent to lease the premises to the entrant contingent upon successful licensing.

2. The applicant shall submit an affidavit and documentary proof of compliance with all state and local laws regarding affirmative action, anti-discrimination and fair employment practices. The applicant shall also certify under oath that they will not and shall not discriminate based on race, color, religion (creed), gender, gender expression, age, national origin (ancestry), disability, marital status, sexual orientation, or military status, in any of its activities or operations.
3. The location proposed for licensing by the applicant shall comply with all applicable municipal zoning laws and the location restrictions set forth in this Code.
4. The applicant shall submit, to the satisfaction of the Administrator, proof of financial capability to open and operate the marijuana establishment for which the applicant is seeking a license. Standards for proof of financial capability shall be determined by the Administrator.
5. The applicant shall submit all required nonrefundable fees for the application and conditional license in accordance with the following fee schedule:

Class I:	\$10,000 Cannabis supplier license (grower)
Class II:	\$10,000 Cannabis supplier license (processor)
Class III:	\$5,000 Cannabis retailer license
6. The applicant shall submit all annual registration fees required in accordance with the following fee schedule, which shall be refunded in the event the applicant does not receive a license:

Class I:	\$40,000 per year Cannabis supplier license (grower)
Class II:	\$20,000 per year Cannabis supplier license (processor)
Class III:	\$10,000 per year Cannabis retailer license
7. In addition to complying with any State requirement related to good character and criminal background, any person proposed to have an ownership interest in the license shall not have had any cannabis license or permit revoked for a violation affecting public safety in the State of New Jersey or a subdivision thereof within the preceding five (5) years.
8. The applicant and the application shall otherwise comply with any, and all qualification standards set forth in the State and City laws or regulations.
9. In the event there are multiple applicants for a license, the Administrator shall evaluate all applicants and issue a notification of award after consideration and evaluation of the following criteria:
 - (a) Applicant's owners' or principals' qualifications and experience operating in highly regulated industries, including cannabis, healthcare, pharmaceutical manufacturing, and retail pharmacies, with preference to experience operating

such businesses within the State of New Jersey and where the value of owners' experience shall outweigh the experience of non-owner principals (twenty percent, not to exceed 2,500 words);

- (b) Applicant's qualifications and experience related to public safety and security, including any of the applicant's owners' or principals' experience in law enforcement and drug enforcement (five percent, not to exceed 1,000 words), and a summary of the applicant's plans for storage of products and currency, physical security, video surveillance, security personnel, and visitor management (five percent, not to exceed 2,500 words);
- (c) Applicant's or its owners' experience conducting or supporting or plans to conduct institutional review board-approved research involving human subjects that is related to medical cannabis or substance abuse, where the value of past or ongoing clinical research with IRB approval shall outweigh plans to conduct such research (five percent, not to exceed 2,500 words), whether the applicant has had any assurance accepted by the U.S. Department of Health & Human Services indicating the applicant's commitment to complying with 45 CFR Part 46 (five percent), and whether the applicant has a research collaboration or partnership agreement in effect with an accredited U.S. school of medicine or osteopathic medicine with experience conducting cannabis-related research (five percent);
- (d) Applicant's or its owners' demonstrated commitment or sufficient experience as responsible employers, defined as the applicant entity being a party to a labor peace agreement or the applicant entity or its parent company being a party to a collective bargaining agreement in the regulated cannabis industry for at least one year prior to application for a Cannabis Establishment license, in an effort to create well-paying jobs with employee benefits in the municipality (twenty percent in total; five points for labor peace, full twenty points for collective bargaining agreement in effect for at least one year);
- (e) Summary of the applicant's environmental impact and sustainability plan (four percent, not to exceed 500 words); whether the applicant entity or its parent company has any recognitions from or registrations with federal or New Jersey state environmental regulators for innovation in sustainability (three percent); and whether the applicant entity or its parent company holds any certification under international standards demonstrating the applicant has an effective environmental management system or has a designated sustainability officer to conduct internal audits to assess the effective implementation of an environmental management system (three percent);
- (f) Applicant's ties to the host community, demonstrated by at least one shareholder's proof of residency in Bayonne for five or more years in the past ten years or at least one shareholder's continuous ownership of a business

based in Bayonne for five or more years in the past ten years (five percent); and

(g) Applicant's demonstrated commitment to diversity in its ownership composition and hiring practices and whether the applicant entity or its parent company holds any certifications as a NJ minority-owned, women-owned, or veteran-owned business (twenty percent in total; ten points for one certification and twenty points for two or more).

10. Notwithstanding the foregoing competitive application process, a notification of award and conditional municipal license shall entitle the recipient applicant to pursue a State permit or license in the appropriate classification for up to 12 months, which may be extended in the Administrator's discretion for an additional 6 months for good cause. No license to operate shall issue until the applicant has received a State permit and satisfied other prerequisites of municipal licensure. If the recipient of a notice of award and conditional license has not received a State permit or license within 12 months from issuance, unless extended for good cause, the Administrator shall issue a new request for applications and evaluate all applicants for licensure under the above criteria.

e. Term of license and license renewals.

1. Any local license issued pursuant to this Chapter shall be valid for a period of three (3) years from the date of issuance and shall be renewed in accordance with the provisions of this Chapter.
2. The Administrator may, at his/her discretion, adjust the renewal date of the local license to correlate with an applicant's State licensing and renewal schedule.
3. Renewal of any license shall be governed by any code amendments, additional restrictions or changes in regulations adopted since the previous license was issued or renewed.
4. Transfer of ownership of any local license or change of location of any license or modification to expand a licensed premise shall be subject to City Planning review and zoning approval.
5. Except where the Administrator has received a complete renewal application along with the requisite fees, and has issued a license renewal, it shall be unlawful for any person to manufacture, sell, distribute, transfer, transport, or otherwise remove cannabis or cannabis products from the premises of any license after the expiration date recorded on the face of the license.

40-30.3 Disciplinary Actions; Sanctions; Penalties

- a. Disciplinary actions. Procedures for investigation of license violations and for suspension, revocation, or other licensing sanctions as a result of any such violation shall be as follows:

1. First offense: Up to \$250 per violation per day;
 2. Second offense: Up to \$500 per violation per day;
 3. Third violation shall result in summary suspension.
- b. Summary suspension. Notwithstanding the foregoing section, when the Administrator has reasonable grounds to believe that a licensee has engaged in deliberate and willful violation of any applicable law or regulation, or that the public health, safety, and/or general welfare has been jeopardized and requires emergency action, the Administrator may enter a summary suspension order for the immediate suspension of such license pending further investigation.
1. The summary suspension order shall be in writing and shall State the reasons therefore. The licensee shall be afforded an opportunity for a hearing as outlined herein.
 2. The Administrator shall convene a review panel consisting of the Administrator, a second administrative officer designated by the Mayor, and the Chief of Police. The hearing shall be scheduled within 30 days of the date of the order.
 3. The review panel is authorized to impose any fines, conditions, restrictions, suspensions, or combination thereof authorized by the State of New Jersey. In the absence of State specified penalties, the City may issue fines up to, but not to exceed, \$2,500 per offense and/or suspension of license for a period not to exceed 6 months.
- c. Inactive licenses. Following the commencement of retail sales of cannabis or cannabis products, the Administrator may suspend or revoke any license if the licensed premises have been inactive or unoccupied by the licensee for at least 6 months.
- d. State license. The Administrator may suspend or revoke any license if the corresponding State license or permit for the subject location is expired, surrendered, suspended, or revoked.

40-30.4 Reserved

40-30.5 Reserved**

SECTION 11. Any and all ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only to the extent of such conflict or inconsistency, it being the legislative intent that all such ordinances or part of ordinances now existing or in effect unless the same are in conflict or inconsistent with any provision of this Ordinance shall remain in effect.

SECTION 12. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 13. This Ordinance shall take effect upon passage and publication as provided by law.

SECTION 14. This Ordinance shall be a part of the General Ordinances of the City of Bayonne as though codified and fully set forth therein. The City Clerk shall have this Ordinance codified and incorporated in the official copies of the City Code. The City Clerk and the City Attorney are authorized and directed to change any Chapter, Article and/or Section number of the General Ordinances of the City of Bayonne in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repeal of existing provisions not intended to be repealed.

Ordinance Example - City of Vineland

CITY OF VINELAND, NJ

ORDINANCE NO. 2021 - 42

AN ORDINANCE PROVIDING FOR THE SETTING OF MUNICIPAL STANDARDS AND QUALIFICATIONS, APPLICATIONS AND FEES AND ADMINISTRATION FOR THE LICENSING OF MEDICAL AND PERSONAL USE CANNABIS ESTABLISHMENTS IN THE CITY OF VINELAND PURSUANT TO THE NEW JERSEY CANNABIS REGULATORY, ENFORCEMENT ASSISTANCE, AND MARKETPLACE MODERNIZATION ACT.

WHEREAS, the City Council of the City of Vineland, in the County of Cumberland, New Jersey (the “City”), a municipal corporation of the State of New Jersey (the “State”), has heretofore provided for the amendment of its land use ordinances by repealing certain provisions related to medical marijuana that were adopted in 2019 and replacing them with land use regulations for both medical and adult use cannabis and now wishes to create additional regulations and licensing requirements for such regulated cannabis establishments that are permitted by the New Jersey Cannabis Regulatory Enforcement Assistance and Marketplace Modernization Act (the “Act”); and

WHEREAS, the City finds, given the Schedule I status of cannabis under the federal Controlled Substance Act, complexities with access to banking and the level of cash transactions in cannabis-related businesses, and other concerns associated with cannabis-related businesses, that only qualified operators should be permitted to safely operate strictly regulated cannabis facilities in the municipality on a limited basis and subject to reasonable time, manner, and place restrictions, in order to balance patients’ and consumers’ interests and the creation of jobs and economic opportunity within the City with public safety; and

WHEREAS, it is in the best interest of the City to proactively establish licensing requirements for regulated cannabis establishments and imposing regulatory fees to support enforcement activities.

NOW THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF VINELAND, NEW JERSEY AS FOLLOWS:

SECTION 1. The Statements of the Preamble are incorporated herein as though fully set forth at length.

SECTION 2. Cannabis Establishments (as defined in the Act)

Cannabis establishments shall be permitted, within the City, only if the following requirements are complied with:

- a. The regulations of this Section are subject to the enabling authority of the State of New Jersey and are subject to compliance with all statutes and/or regulations adopted by the State of New Jersey or its instrumentalities. If any provision of this Section is inconsistent with the statutes and/or regulations of the State of New Jersey, the State statutes and/or regulations shall prevail.
- b. Prior to the operation of any cannabis establishment, a permit or license must be obtained from the State of New Jersey and from the City of Vineland for the applicable type(s) of cannabis establishment. No cannabis establishment shall be permitted to operate without State and municipal permits or licenses.
- c. Permitted uses shall, at all times, comply with the terms and conditions of the licensee’s cannabis establishment permits and licenses issued by the State of New Jersey and the City of Vineland.
- d. Odor. Cannabis establishments shall have equipment to mitigate odor. A building for a cannabis establishment shall be equipped with a ventilation system with carbon filters sufficient in type and capacity to mitigate cannabis odors emanating from the interior of the premises.
- e. Noise. Outside generators and other mechanical equipment used for any kind of power supply, cooling, or ventilation shall be enclosed and have appropriate baffles, mufflers, and/or other noise reduction systems to mitigate noise pollution.

- f. Security. All cannabis establishments shall be secured in accordance with State of New Jersey statutes and regulations; shall have a round-the-clock video surveillance system, 365 days a year; and shall have trained security personnel onsite at all times during operating hours.
- g. Hours. No cannabis retailer may open to customers for business before 8:00 am or remain open to customers for business after 10:00 pm.
- h. Prohibition in Public Places. Consumption of cannabis, and cannabis products and items, in and by any form or manner, shall be prohibited in any public place within the City of Vineland, “public place” being defined in the City Land Use Ordinance, as amended for medical and adult use cannabis, and as defined in the Act, as well as in the definition of “indoor public place” set forth in N.J.S.A. 26:3D-57, and, notwithstanding any provisions to the contrary, to include any place privately owned or operated on a for-profit or non-profit basis, which is generally accessible to the public.

SECTION 3. Licensing, Applications, Qualifications And Standards.

The regulations of this Ordinance are subject to the enabling authority of the State of New Jersey and are subject to compliance with all statutes and/or regulations adopted by the State of New Jersey or its instrumentalities, including the Cannabis Regulatory Commission. If any provision of this Ordinance is inconsistent with state statutes and/or regulations, the state statutes and/or regulations shall prevail.

Licensing

- a. Local licensing authority.
 - 1. The City Business Administrator (the “Administrator”) is hereby designated to act as the local licensing authority for the City for all cannabis establishments. Under all circumstances in which State law requires communication to the City by the Cannabis Regulatory Commission or any other State agency with regard to the licensing of cannabis establishments by the State, or in which State law requires any review or approval by the City of any action taken by the State licensing authority, the exclusive authority for receiving such communications and obtaining/granting such approvals shall be exercised by the Administrator.
 - 2. Under no circumstances shall a local license for a cannabis establishment issued by the Administrator be effective until or unless the State has issued the requisite permits or licenses to operate such a facility. It is the intent of this Ordinance that no cannabis establishment may lawfully operate in the City of Vineland without the issuance of a State permit or license and full regulatory oversight of the cannabis establishment by the Cannabis Regulatory Commission or other authorized state licensing authority as well as oversight and issuance of a license by the City.
- b. Classification of licenses. The City, subject to land use approval and State licensure, may issue the following municipal licenses to operate a cannabis establishment:

Class I:	Cannabis Cultivator License
Class II:	Cannabis Manufacturer License
Class III:	Cannabis Wholesaler License
Class IV:	Cannabis Distributor License
Class V:	Cannabis Retailer License
ClassVI:	Cannabis Delivery License
- c. Maximum number of licenses. The City may issue an unlimited number of Class I, II, III, IV, and VI Cannabis Licenses, and one (1) Class V Retail Cannabis License in connection with a current State/City permitted medical cannabis dispensary. Licensure in all classes may be, but are not required to be, held by the same entity or individual, but an entity may not hold more than one cannabis retailer license. Any license conditionally issued by the City is contingent upon the locally licensed entity’s or individual’s subsequent receipt of a State permit or license of the same class or type of regulated cannabis activity.

Applications

- a. Persons wishing to obtain any classification of cannabis license shall file a license application with the Administrator, on a standardized form established by the Administrator and available in the Administrator’s office. The Administrator shall establish a reasonable application period and deadline for all applications. An application shall be deemed incomplete, and shall not be processed by the Administrator, until all documents and application fees are submitted. To be deemed complete, all applications shall be accompanied by the following:
 - 1. The applicant shall submit proof that the applicant has or will have lawful possession of the premises proposed for the cannabis establishment, which proof may consist of: a deed, a lease, a real estate contract contingent upon successful licensing, or a binding letter of intent by the owner of the premises indicating an intent to lease the premises to the applicant contingent upon successful licensing.
 - 2. The applicant shall submit an affidavit and documentary proof of compliance with all state and local laws regarding affirmative action, anti-discrimination and fair employment practices. The applicant shall also certify under oath that they will not and shall not discriminate based on race, color, religion (creed), gender, gender expression, age, national origin (ancestry), disability, marital status, sexual orientation, or military status, in any of its activities or operations.
 - 3. The location proposed for licensing by the applicant shall comply with all applicable municipal zoning laws and the location restrictions set forth in or otherwise to be established pursuant to this Ordinance or other controlling law.
 - 4. The applicant shall submit, to the satisfaction of the Administrator, proof of financial capability to open and operate the cannabis establishment for which the applicant is seeking a license. Standards for proof of financial capability shall be determined by the Administrator.
 - 5. The applicant shall submit all required nonrefundable fees for the application and conditional license in accordance with the following fee schedule:

Class I:	\$1,000 Cannabis Cultivator License
Class II:	\$1,000 Cannabis Manufacturer License
Class III:	\$1,000 Cannabis Wholesaler License
Class IV:	\$1,000 Cannabis Distributor License
Class V:	\$1,000 Cannabis Retailer License
ClassVI:	\$1,000 Cannabis Delivery License

6. The applicant shall submit all annual registration fees required in accordance with the following fee schedule, which shall be paid upon the receipt of a license approval:

Class I:	\$15,000 per year Cannabis Cultivator License
Class II:	\$15,000 per year Cannabis Manufacturer License
Class III:	\$15,000 per year Cannabis Wholesaler License
Class IV:	\$15,000 per year Cannabis Distributor License
Class V:	\$15,000 per year Cannabis Retailer License
ClassVI:	\$15,000 per year Cannabis Delivery License

Qualifications/Standards

- a. In addition to complying with any State requirement related to good character and criminal background, any person proposed to have an ownership interest in the license shall not have had any cannabis license or permit revoked for a violation affecting public safety in the State of New Jersey or a subdivision thereof within the preceding five (5) years.

1. The applicant and the application shall otherwise comply with any, and all qualification standards set forth in the State and City laws or regulations.
2. In the event there are multiple applicants for a license, the Administrator shall evaluate all applicants and issue a notification of award after consideration and evaluation in accordance with State permitted criteria and ranking, under criteria that include:
 - (a) Applicant's owners' or principals' qualifications and experience operating in highly regulated industries, including cannabis, healthcare, pharmaceutical manufacturing, and retail pharmacies, with preference to experience operating such businesses within the State of New Jersey and where the value of owners' experience shall outweigh the experience of non-owner principals;
 - (b) Applicant's qualifications and experience related to public safety and security, including any of the applicant's owners' or principals' experience in law enforcement and drug enforcement, and a summary of the applicant's plans for storage of products and currency, physical security, video surveillance, security personnel, and visitor management;
 - (c) Applicant's or its owners' experience conducting or supporting or plans to conduct institutional review board-approved research involving human subjects that is related to medical cannabis or substance abuse, where the value of past or ongoing clinical research shall outweigh plans to conduct such research, and whether the applicant has a research collaboration or partnership agreement in effect with an accredited U.S. school of medicine or osteopathic medicine with experience conducting cannabis-related research;
 - (d) Applicant's or its owners' demonstrated commitment or sufficient experience as responsible employers, defined as the applicant entity being a party to a labor peace agreement or the applicant entity or its parent company being a party to a collective bargaining agreement in the regulated cannabis industry for at least one year prior to application for a Cannabis Establishment license, in an effort to create well-paying jobs with employee benefits in the municipality;
 - (e) Summary of the applicant's environmental impact and sustainability plan; whether the applicant entity or its parent company has any recognitions from or registrations with federal or New Jersey state environmental regulators for innovation in sustainability; and whether the applicant entity or its parent company holds any certification under international standards demonstrating the applicant has an effective environmental management system or has a designated sustainability officer to conduct internal audits to assess the effective implementation of an environmental management system;
 - (f) Applicant's ties to the host community, demonstrated by at least one shareholder's proof of residency in Vineland for one (1) or more years in the past five (5) years or at least one shareholder's continuous ownership of a business based in Vineland for three (3) or more years in the past ten (10) years; and
 - (g) Applicant's demonstrated commitment to diversity in its ownership composition and hiring practices and whether the applicant entity or its parent company holds any certifications as a NJ minority-owned, women-owned, or veteran-owned business.

Term

b. Term of license and license renewals.

1. Any local license issued pursuant to this Ordinance shall be valid for a period of one (1) year from the date of issuance and shall be renewed in accordance with the provisions of this Ordinance.

2. The Administrator may, at his/her discretion, adjust the renewal date of the local license to correlate with an applicant's State licensing and renewal schedule.
3. Renewal of any license shall be governed by any code amendments, additional restrictions or changes in regulations adopted since the previous license was issued or renewed.
4. Any change of location of any license or modification to expand a licensed premise shall be subject to City Planning review and zoning approval.
5. Except where the Administrator has received a complete renewal application along with the requisite fees, and has issued a license renewal, it shall be unlawful for any person to manufacture, sell, distribute, transfer, transport, or otherwise remove cannabis or cannabis products from the premises of any license after the expiration date recorded on the face of the license.

SECTION 4. Any and all ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only to the extent of such conflict or inconsistency, it being the legislative intent that all such ordinances or part of ordinances now existing or in effect unless the same are in conflict or inconsistent with any provision of this Ordinance shall remain in effect.

SECTION 5. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 6. This Ordinance shall take effect upon passage and publication as provided by law.

Passed first reading:

Passed final reading:

President of Council

Approved by the Mayor:

Mayor

ATTEST:

City Clerk

Ordinance Example - Borough of Butler

Chapter 68

CANNABIS

[Adopted 7-20-2021 by Ord. No. 2021-15]

ARTICLE I

Sales

- § 68-1. Purpose.
- § 68-2. Word usage.
- § 68-3. Licenses.
- § 68-4. Hours; sale to certain persons.
- § 68-5. Persons under legal age for consumption.
- § 68-6. Revocation of licenses.
- § 68-7. Violations and penalties.

ARTICLE II

Permitted License Type and Conditions for License

- § 68-8. License limited to Retail Establishments.
- § 68-9. Conditions for Issuance and Renewal of License.
- § 68-10. Taxation.

ARTICLE I

Sales

§ 68-1. Purpose.

This Article is enacted to regulate the sale of cannabis products within the Borough of Butler in accordance with the provisions of an Act of the Legislature of the State of New Jersey, entitled "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act," P.L.2021, c.16 (hereinafter referred to as "Act") and its supplements and amendments.

§ 68-2. Word usage.

For the purpose of this Article, words and phrases shall have the meanings given in the Act.

§ 68-3. Licenses.

- A. Laws applicable. All applications for licenses, all licenses issued and all proceedings under this Article shall be in accordance with the Act, rules and regulations referred to in § 68-1 and all other applicable laws of the State of New Jersey.
- B. Issuing authority. The Clerk of the Borough is authorized and empowered to issue licenses for the retail sale of cannabis in the Borough in accordance with Chapter 150.
- C. License applications; provisions. No license shall be issued except after written application presented by the proposed licensee in such form and upon complying with the provisions of this Article.
- D. License fees. The initial license fee shall be \$1,000.00. The annual license fee shall be \$500.00.

§ 68-4. Hours; sale to certain persons.

- A. Hours of sale. The holders of licenses in the Borough shall not sell cannabis between the hours of 11:00 p.m. and 7:00 a.m.
- B. Sale to certain persons. No licensee shall sell, nor shall any licensee suffer or permit the sale, service or delivery of any cannabis product, directly or indirectly, to any minor under the age of 21 or any intoxicated person, nor permit such persons to congregate in or about the licensed premises.

§ 68-5. Persons under legal age for consumption.

- A. Presence. No person under the legal age of twenty-one (21) for the purchase of cannabis products shall be allowed in any premises where cannabis products are sold.
- B. Purchase of cannabis products by persons under the legal age. No person under the legal age for the consumption of cannabis products shall consume purchase, attempt to purchase, or have another purchase for him any cannabis product on any premises licensed for the sale of cannabis products.
- C. Purchase of cannabis products for persons under the legal age. No person shall purchase or attempt to purchase cannabis products for a person under the legal age for the consumption of cannabis products.
- D. Misstating age. No person shall misrepresent his age or the age of another person for the purpose of inducing any licensee or his employee to sell, serve or deliver any cannabis product to a person under the legal age for consumption of cannabis products or to permit a person under the legal age for the consumption of cannabis products to remain on any premises in violation of Subsection A.

§ 68-6. Revocation of licenses.

- A. Any license issued under this Article may be suspended or revoked for violation of any of the provisions of this Chapter or any provisions of any applicable statute or any of the rules or regulations of the State of New Jersey.
- B. Unless the immediate suspension is necessary for preservation of public safety, proceedings for the suspension or revocation of any license issued under this Article, shall be commenced by the service of a five-day notice of charges preferred against the licensee by the Clerk and affording a reasonable opportunity for a hearing before the Borough Council. Licenses may be suspended or revoked for any violation of this Chapter.
- C. Suspension or revocation of a license shall be in addition to any other penalty which may be imposed for a violation of this Article.
- D. Any license issued by the Borough of Butler under this Article shall be suspended and/or revoked upon the suspension and/or revocation of the licensee's license issued by the State of New Jersey and/or the New Jersey Cannabis Regulatory Commission.

§ 68-7. Violations and penalties.

Any person, firm, or corporation violating any of the provisions of this article shall be subject to such penalties as are provided for in Chapter 230, Violations and Penalties, of the Code of the Borough of Butler.

ARTICLE II**Permitted License Type and Conditions for License****§68-8. License limited to Retail Establishments.**

The class of cannabis license permitted in the Borough shall be for a Cannabis Retail Establishments and Medical Cannabis Dispensaries. No license for any other class of Cannabis establishment, including cannabis cultivators, manufactures, distributors, wholesalers, testing facilities, or delivery services, shall be available.

§68-9. Conditions for Issuance and Renewal of License.

In addition to the requirements as provided in Article I, the following conditions are required for the issuance and renewal of a Cannabis Retail Establishment license:

- A. Applicant must possess any and all required licenses, permits or authorizations from the State of New Jersey and/or the New Jersey Cannabis Regulatory Commission for the operation of a Cannabis retail Establishment.
- B. The Cannabis Retail Establishment shall be located in the HC Zone—Highway Commercial District.
- C. The Applicant has received conditional use approval from the Planning Board of the Borough of Butler.
- D. No on-premises consumption or use of cannabis shall be permitted.
- E. Only cannabis related products may be sold on-premises.
- F. Cannabis Retail Establishments must be equipped with security cameras with coverage of exterior parking and loading areas, points of entry and egress, areas open to the public, and cannabis storage areas. Security footage must be maintained for the period required by State law and be subject to immediate inspection and access by the Borough of Butler Police Department upon request.
- G. Cannabis Retail Establishments must prominently display signage indicating that no individual under the age of twenty-one is permitted on the premises and that the on-premises consumption or use of cannabis, food, alcohol, tobacco is prohibited.
- H. Any Cannabis Retail Establishment must possess and prominently display all licenses required by the State of New Jersey and the Borough of Butler for operation.
- I. Cannabis Retail Establishments must be equipped with lockable doors and windows and a security system with audible alarm and direct or third-party notification the Borough of Butler Police Department.

J. All cannabis products and cash must be stored and secured in a locked safe or hardened container securely attached to the premises.

K. Licensee shall be current on all State and municipal tax payments.

§ 68-10. Taxation.

All Licensees under this Chapter shall be subject to quarterly remission of municipal taxes as required set forth in Article II of Chapter 210 and shall be compliant with the requirements therein.

- (1) Parking location. On-street angled parking shall be allowed for retail and commercial uses.
- (2) All off-street parking shall be screened from public roadways by landscaping, to the extent feasible and reasonable.
- (3) One parking space, exclusive of any access drive or aisles, shall be provided for every 250 square feet of gross floor area, or any fraction thereof, of commercial retail or office uses. Shared parking shall be allowed as approved by the Planning Board.

F. Signs.

- (1) Signage shall comply with Article XXI, Sections 143-174 and 143-175 with the following exceptions:
 - (a) The minimum setback from the property line shall be zero feet and a freestanding sign shall have a minimum of three feet vertical clearance between the average ground level and the bottom edge of said sign, so long as the sign does not obstruct the visibility of the driver.
 - (b) Project identification signs may be erected or located on, within or over any public right-of-way directly associated with the tract subject to the review and approval of the Planning Board.

G. Buffering and landscaping.

- (1) A minimum landscaping buffer, 10 feet wide, wherever possible, shall be provided along all property lines, including public streets, except for frontage along the Pequannock River, where a minimum 25 feet wide buffer within the setback shall be provided.
- (2) The river walk buffer shall consist of a mix of walkways, sitting areas, and plantings and is not intended to be a visual "buffer" to prevent visual access to the river from the on site uses.

H. Definitions.

- (1) A Development Plan shall mean a master site plan for review and approval by the Planning Board showing the general location and distribution of the uses for the tract, their interrelationship, the potential subdivision into lots and the phasing of the development. The Development Plan may be amended from time to time with approvals from the parties.

**§143-123.5 Cannabis Retail and Medical Cannabis Dispensary Conditional Use in HC Zone.
[Amended 7-20-2021 by Ord. No. 2021-16]**

The operation of Cannabis Retail Establishments as defined by P.L.2021, c. 16, and Medical Cannabis Dispensaries shall be a conditional use in the HC Zone—Highway Commercial District as provided in Article XX of this Chapter.”

ARTICLE XVIII
General Provisions

§ 143-124. Applicability of regulations.

No land or premises shall be used and no building or structure shall be erected, raised, moved, extended, enlarged, altered or used for any purpose other than a purpose permitted herein, for the zone district in which it is located, and all construction shall be in conformity with the regulations provided for the zone district in which such building or premises is located. Each of the sections and provisions of this Article shall apply to all zone districts unless otherwise stated.

§ 143-125. Existing platted lots.

Any lot or plot as recorded at the time of passage of this Chapter that fails to comply with the minimum requirements of this Part 5 (Zoning Regulations) of this Chapter 143 may be used for any use not otherwise prohibited in such district in which it lies; provided all of the following requirements are complied with.

- A. Said lot is in single ownership as defined in this § 143-5.
- B. All yard requirements are complied with except that where the average lot width is less than its zone district requirements the side yards may be reduced by the percentage that the lot width bears to the zone district requirements; provided, however, no side yard shall be less than 1/2 the required side yard.

§ 143-126. Subdivision of lot.

When a new lot or lots are formed from part of a parcel of land, the separation must be effected in such a manner as not to impair any of the provisions of this Part 5 (Zoning Regulations) of this Chapter 143. Subdivision shall be effected in accordance with Part 3 (Development Review) of this Chapter 143.

§ 143-127. Required area or space.

No lot, yard, parking area or other space shall be so reduced in area or dimension as to make said area or dimension less than the minimum required under this Part. If already less than the minimum required under this Part, said area or dimension shall not be further reduced.

§ 143-128. Prohibited use. [Amended 7-20-2021 by Ord. No. 2021-16]

- A. Where a use is not specifically permitted in a zone district, it is prohibited.
- B. No dwelling unit shall be located in a basement or cellar.
- C. Except as otherwise provided in Articles XVII and XX of this Chapter, the operation of all classes of cannabis establishments as defined by P.L.2021, c. 16, including but not limited to, cannabis retailers, cultivators, manufactures, distributors, wholesalers, testing facilities, or delivery services, are expressly prohibited uses within the jurisdictional boundaries of the Borough of Butler.”

be of appropriate design which will not detract from the general appearance of the site and shall be well secured to the ground surface.

- J. An area shall be provided for the orderly and convenient deposit and pickup of trash in accordance with § 143-90. Said area shall be located in the rear yard, shall be enclosed on all four sides and shall be designed to conform in appearance to the principal building. Said area shall be at least 20 feet from an adjoining property line.

**§143-173. Cannabis Retail and Medical Cannabis Dispensary Establishment.
[Amended 7-20-2021 by Ord. No. 2021-16]**

- A. Cannabis Retail Establishments and Medical Cannabis Dispensaries shall only be permitted in the HC Zone—Highway Commercial District.
- B. Minimum setback and bulk requirements shall be as set forth in §143-118 Schedule D, except as to existing structures.
- C. No drive-through window shall be permitted.
- D. Minimum useable floor area of 1,200 square feet.
- E. No Cannabis Retail Establishment or medical cannabis dispensary shall be located within 2,000 linear feet of another Cannabis Retail Establishment or medical cannabis dispensary as measured from the property lines.
- F. No Cannabis Retail Establishment or medical cannabis dispensary shall be located within 1,000 linear feet in any direction of a school, licensed daycare facility, church, synagogue, or religious worship center, public park, library or a licensed substance abuse disorder clinic or facility, as measured from the property lines.
- G. Hours of operation shall be limited to 7 a.m. through 11 p.m. daily.”

§ 143-173.1. Wireless telecommunications antennas and facilities.

- A. Purpose. The purpose of this section is to establish general guidelines for the siting of wireless telecommunication facilities, towers and antennas. These goals are as follows:
 - (1) To protect residential areas and land uses from potentially adverse impacts of wireless telecommunication towers and antennas;
 - (2) To the extent that towers are proven necessary, to require their location in appropriate locations as conditional uses;
 - (3) To minimize the total number of towers throughout the community;
 - (4) To strongly encourage the siting of wireless telecommunication facilities on existing buildings, structures; the use of micro-sites; and the collocation of new facilities on existing tower sites, rather than the construction of additional single-use towers;
 - (5) To encourage users of wireless telecommunication sites to construct and configure them in a way that minimizes the adverse visual impact of the support structures and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;

ARTICLE II

Taxation of Cannabis Sales**[Adopted 7-20-2021 by Ord. No. 2021-17]****§ 210-3. Taxation of Cannabis Sales and Transfers.**

There is hereby imposed a sale and transfer tax on all cannabis products sold by cannabis retailers within the Borough of Butler. Such tax will be imposed at time of sale or transfer and shall further be imposed upon the value of cannabis products transferred by any concurrent license holder operating more than one establishment of any class, to or from the license holder's establishment located within the Borough of Butler to any or from the license holder's other establishments, whether or not such establishment is located within the Borough of Butler.

§ 210-4. Rates.

The tax rate for the retail sale of any cannabis product shall be 2% of the value of each receipt or transaction of sale. The tax rate for any transfer by concurrent license holder of cannabis products shall be 1% of the market value of the transferred cannabis product.

§ 210-5. Remission of taxes.

Every cannabis establishment and/or licensee shall remit taxes collected and due and owing on a quarterly basis to the municipal chief fiscal officer, along with certified copies of sales receipts and product transfer ledgers or documentation. The dates of tax remission shall be on or before April 1, July 1, October 1 and January 2, or as established by the chief fiscal officer. Each licensee shall certify to the truth and accuracy of the receipts and product transfer ledgers or documentation, and shall remit a return in a form determined by the chief fiscal officer.

§ 210-6. Delinquent taxes.

All unpaid taxes as required under this Article shall be subject to the accrual of interest and penalties at rates and penalties set forth and established for delinquent ad valorem taxes within the Borough of Butler.

§ 210-7. Liability for taxes owed.

Each cannabis establishment owner and/or licensee shall be personally liable for any and all taxes imposed under this Article and any interest and penalty accruing thereon. In addition, any unpaid balance and interest and penalties accruing thereon shall constitute a lien on the real property in which the cannabis establishment is located and such liens shall be enforced in the same manner as municipal tax liens.

§ 210-8. Audit.

Every cannabis establishment and/or licensee within the Borough of Butler is subject to audit, no greater than once per annum, of the establishment's or licensee's business records, receipts and accounting books, such audit to be performed at the chief fiscal officer's discretion, by a certified public accountant. Every cannabis establishment and licensee shall be obligated to fully comply with the requirements of an auditor. Failure to cooperate with the audit, or any misrepresentation or fraud committed by the establishment or licensee, shall result in the immediate suspension of the license.

1. Editor's Note: See N.J.S.A. 54:4-3.72 et seq.

Ordinance Example - Borough of Freehold

ORDINANCE #-21

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTERS 18 “ZONING”, CHAPTER 5 “GENERAL LICENSING AND BUSINESS REGULATIONS”, AND CHAPTER 3 “REVENUE AND FINANCE” OF THE CODE OF THE BOROUGH OF FREEHOLD ESTABLISHING LAND USE REGULATIONS AND LICENSING REQUIREMENTS FOR CANNABIS ESTABLISHMENTS

WHEREAS, the Borough of Freehold (the “Borough”) is a public body corporate and politic of the State of New Jersey; and

WHEREAS, the Borough Council wishes to create land use regulations and licensing requirements for cannabis dispensaries that can provide medicinal benefits and promote the health, safety, and general welfare of the community; and,

WHEREAS, the State of New Jersey is presently reviewing applications and will be issuing licenses to cannabis establishments in the State of New Jersey; and,

WHEREAS, inquiries have been made by persons and companies that operate or seek to operate cannabis facilities in New Jersey and that have expressed interest in establishing business operations in Freehold; and,

WHEREAS, these companies have applied or will apply to the State of New Jersey for licensing and are awaiting approval and issuance of a State license; and,

WHEREAS, it is in the best interest of the Borough of Freehold to be proactive in establishing such local land use regulations and licensing requirements for cannabis establishments in advance of the issuance of additional licenses by the State to facilitate the opportunity for such businesses to establish operations in the Borough of Freehold.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FREEHOLD AS FOLLOWS:

SECTION ONE: AMENDMENT TO TITLE 18 ZONING

Title 18 “Zoning” of the Code of the Borough of Freehold shall be amended as follows; additions to the current ordinance are noted in underline.

Section 18.62 Cannabis Establishment Zones

a. Definitions. The terms and definitions as delineated in N.J.S.A. 24:6I-33 are incorporated herein.

b. State Licensed Cannabis Establishments are Permitted.

1. Any business duly licensed by the State of New Jersey to conduct legal adult use marijuana operations, as defined by State law, may operate within the noted zones so long as: (i) the entity maintains its State license in good standing; (ii) the entity maintains

its Freehold Business License in good standing; and (iii) the entity otherwise remains in full compliance with the laws and regulations established by the State of New Jersey and the applicable Agency, Authority, and/or Department governing the licensed activity, as may be amended.

2. No Business License to operate within the Borough of Freehold shall be granted or renewed without such evidence as may be required by the Borough Clerk's Office to determine that the entity maintains all valid State and/or Departmental licenses and approvals, and that all such licenses and/or approvals remain in good standing at the time of registration.

c. Zoning Districts Where Cannabis Establishments are Permitted.

1. Cannabis Retailers in the following areas:

a. Commercial Manufacturing (C-M) and Modified Commercial Manufacturing (MCM) Zones but only for lots fronting on Throckmorton Street and between the intersection of Throckmorton Street and Rhea Street west to the Borough limits; or

b. Office Commercial (B-1), Limited Professional Office (B-1a), and General Commercial (B-2b) Zones but only for lots fronting on Park Avenue and between the intersection of Park Avenue and South Street east to the Borough limits; or

c. Commercial Manufacturing (C-M) and General Commercial (B-2b) Zones but only for lots fronting on Jerseyville Avenue and between the intersection of Jerseyville Avenue and Parker Street east to the Borough limits.

All Cannabis Retailers must comply with all applicable provisions set forth herein, state law, and all other applicable codes and regulations, including but not limited to the Building Code.

2. Cannabis Cultivators, Cannabis Distributors, Cannabis Manufacturers, and Cannabis Wholesalers are only permitted in the Commercial Manufacturing District (C-M) in accordance with all applicable provisions set forth herein, state law, and all other applicable codes and regulations, including but not limited to the Building Code.

3. No Cannabis Delivery businesses are permitted in any zone.

d. Site Standards for Cannabis Establishments

1. There shall be no on-site sales of alcohol or tobacco products, and no on-site consumption of food, alcohol, tobacco, or marijuana by patrons.

2. Hours of public operation shall be limited to 8:00 a.m. through 8:00 p.m. daily. No licensed Cannabis Establishment shall be open to the public between the hours of 8:01 p.m. and 7:59 a.m. on any day.

3. For any licensed cultivation, processing, or similar operation, the facility shall provide an air treatment system with sufficient odor absorbing ventilation and exhaust systems such that any odors generated inside the facility are not detectable by a person of reasonable sensitivity anywhere on adjacent property, within public rights of way, or within any other unit located within the same building as the licensed facility if the use only occupies a portion of a building.

4. For any licensed cultivation, processing, manufacturing, or similar operation, the facility shall provide for noise mitigation features designed to minimize disturbance from machinery, processing and/or packaging operations, loading, and other noise generating equipment or machinery. All licensed facilities must operate within applicable State decibel limitations.

5. To the extent not already required by the entity's State license, all sites must be equipped with security cameras covering all exterior parking and loading areas, points of entry, and interior spaces which are either open to the public or used for the storage or processing of marijuana products. Footage must be maintained for the duration required under State law.

6. All licensed facilities must provide the Freehold Police Department with access to security footage immediately upon request by the Department.

7. To the extent not already required by the entity's State license, all licensed facilities must provide at least one security guard (or more if required by the State) during all times the facility is open to the public. At a minimum, the security guard shall be a State Certified Security Officer whose certification is in good standing.

8. For any licensed cultivation operation, the facility must mitigate lighting spillover into any residential neighborhoods and must comply with all applicable State lighting limitations.

9. No Cannabis Retailers shall be located within the following distances from the specified land uses listed below:

- a. 250 feet of a licensed childcare facility or residential childcare facility;
- b. 500 feet of any elementary school, middle school, high school, college or university either public or private; or

10. Cannabis waste shall be stored, secured, and managed in accordance with applicable state laws.

11. Display of Cannabis and Related Paraphernalia: Cannabis plants, products, and paraphernalia shall be screened from view from any exterior windows.

12. All Cannabis Establishments shall conduct operations indoors. No Cannabis Cultivators shall be permitted to operate outdoors, e.g., grow canopies.

e. On-Site Signage

1. No State licensed marijuana business shall display signage containing text and/or images intended to promote excessive consumption of legal marijuana products.

2. Signage shall otherwise comply with the requirements of Chapter 15.16 (Signs) of the Freehold Borough Code to the extent permissible by applicable State laws and regulations governing signage standards for licensed marijuana businesses.

3. No State licensed marijuana business shall place or cause to be placed any off-site advertising signage.

f. Penalties.

Any person violating any provision of this section shall, upon conviction be subject to the penalties stated in Chapter 1.08 General Penalty, except that fines shall be in the amount of \$2,500 for a first offense, \$5,000 for a second offense, and \$10,000 for a third offense.

SECTION TWO: AMENDMENT TO TITLE 5 GENERAL LICENSING AND BUSINESS REGULATIONS

Title 5 “General Licensing and Business Regulations” of the Code of the Borough of Freehold shall be amended as follows; additions to the current ordinance are noted in underline.

Section 5.04.010 Purpose.

The purpose of this title is to provide a uniform set of procedures for administering the issuance, renewal and revocation of all licenses issued by the borough, except alcoholic beverage licenses, dog licenses, taxicab licenses, and cannabis establishment licenses.

Chapter 5.96

CANNABIS ESTABLISHMENT LICENSES.

5.96.010 Purpose.

This chapter is enacted to regulate the cultivation, production, sale, and transportation of cannabis in the borough in accordance with the provisions of the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” comprising N.J.S.A. 24:6I-31 et seq., and in accordance with the rules and regulations of the Cannabis Regulatory Commission.

5.96.020 Definitions.

As used in this chapter, words and phrases shall have the same meanings they have in N.J.S.A. 24:6I-31 et seq., and in accordance with the rules and regulations of the Cannabis Regulatory Commission.

5.96.030 Licenses.

a. **Laws Applicable.** All applications for licenses, all licenses issued, and all proceedings under this chapter shall be in accordance with the act, rules and regulations referred to in Section 5.96.010 and all other applicable laws of the state of New Jersey.

b. **Issuing Authority.** All licenses required by this chapter, including renewal licenses, shall be issued by the governing body, which shall also administer the provisions of this chapter.

c. **License Required.** No person shall cultivate, sell, or distribute cannabis within the borough without having obtained a license in accordance with the act referred to in Section 5.96.010 and the provisions of this chapter.

d. **License Fees--Maximum Number.** The annual license fee and maximum number of licenses for the Cannabis Establishments in the borough shall be as follows:

Class of License	Annual License Fee	No. of Licenses
Class 1 Cannabis Cultivator	\$10,000	2
Class 2 Cannabis Manufacturer	\$10,000	2
Class 3 Cannabis Wholesaler	\$5,000	2
Class 4 Cannabis Distributor	\$5,000	2
Class 5 Cannabis Retailer	\$5,000	2

Class 6 Delivery licenses shall not be permitted in the borough. Consumption areas shall not be permitted in the borough.

5.96.040 License Conditions. In order to be granted a business license or for the renewal of same for the operation of any Cannabis Establishment the following conditions must be satisfied:

a. Completion of all forms, checklists, and other submissions as may be required by the Borough Clerk's Office;

b. Payment of all applicable local fees, including inspection and licensing fees;

c. Demonstration that all applicable State licenses have been obtained;

d. Passage of all applicable State and local inspections required to be completed prior to the beginning of operations and/or renewal of any State and/or local license;

e. Emergency contact information to be utilized by police, fire, and EMT personnel in the event of an on-site emergency;

f. Submission of a full copy of the Application for State Licensure, via hard copy or digitally, with pages prominently marked "CONFIDENTIAL" as appropriate for purposes of compliance with New Jersey's Open Public Records Act (NOTE: pages not marked as confidential will be disclosed in response to an applicable OPRA request); and

g. Submission of application fee of Five Thousand (\$5,000) Dollars.

5.96.050 Regulation of licenses.

Any license issued under this chapter shall conform to the requirements of Title 18, Chapter 18.62 of the Borough Code with regard to operation.

5.96.060 Revocation of licenses.

a. Any license issued under this chapter may be suspended or revoked for violation of any of the provisions of this chapter or any provision of any applicable statute or any of the rules and regulations of the Cannabis Regulatory Commission.

b. Notice of a hearing for the suspension or revocation of a license shall be given in writing by the borough clerk. The notice shall specifically set forth the grounds upon which the proposed revocation is based and the time and place of the hearing. It shall be served by mailing a copy to the licensee at his or her last known address by certified mail, return receipt requested, at least five days prior to the date set for the hearing.

c. At the hearing, the licensee shall have the right to appear and be heard, to be represented by an attorney, to present witnesses in his or her own behalf, to cross-examine opposing witnesses and to have a permanent record made of the proceedings at his or her own expense. The council shall revoke or suspend the license if they are satisfied by a preponderance of the evidence that the licensee is guilty of the acts charged.

d. Suspension or revocation of a license shall be in addition to any other penalty which may be imposed for a violation of this chapter.

5.96.070 Penalties

Any person violating any provision of this section shall, upon conviction be subject to fines of \$2,500 for a first offense, \$5,000 for a second offense, and \$10,000 for a third offense.

SECTION THREE: AMENDMENT TO TITLE 3 REVENUE AND FINANCE

Title 3 “Revenue and Finance” of the Code of the Borough of Freehold shall be amended as follows; additions to the current ordinance are noted in underline.

Chapter 3.20 Cannabis Establishment Sales Tax

3.20.010 A tax is hereby imposed upon all persons engaged in the business of selling cannabis as a Cannabis Cultivator, Cannabis Manufacturer, or Cannabis Retailer in the Borough of Freehold, at the rate of two percent (2%) of the gross receipts from such sales made in the course of that business. Retailers may reimburse themselves for their tax liability hereunder by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with any State tax that retailers are required to collect.

3.20.020 A tax is hereby imposed upon all persons engaged in the business of selling cannabis as a Cannabis Wholesaler in the Borough of Freehold, at the rate of one percent (1%) of the gross receipts from such sales made in the course of that business. Retailers may reimburse

themselves for their tax liability hereunder by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with any State tax that retailers are required to collect. Each person required to collect the tax herein imposed shall be personally liable for the tax imposed, collected, or required to be collected hereunder.

3.20.030 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.

3.20.040 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 Borough of Freehold Tax Collector, who shall have the full power to administer and enforce the provisions of this Chapter.

3.20.050 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.

3.20.060 Penalties.

Any person violating any provision of this section shall, upon conviction be subject to the penalties stated in Chapter 1.08 General Penalty, 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.

SECTION FOUR: All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are repealed.

Ordinance Example - Borough of Haledon

BOROUGH OF HALEDON

ORDINANCE 5-27-2021

AN ORDINANCE OF THE BOROUGH OF HALEDON, NEW JERSEY AMENDING AND SUPPLEMENTING THE GENERAL ORDINANCES OF THE BOROUGH, CHAPTER 405 "ZONING", PROVIDING FOR THE ZONING, LICENSING, REGISTRATION AND REGULATIONS FOR CANNABIS ESTABLISHMENTS

WHEREAS, the Governing Body of the Borough of Haledon, in the County of Passaic, New Jersey (the "Borough"), a public body corporate and politic of the State of New Jersey (the "State"), wishes to create land use regulations and licensing requirements for regulated cannabis establishments that also protect the health, safety and general welfare of the community; and

WHEREAS, the Jake Honig Compassionate Use Medical Cannabis Act (the "Act"), N.J.S.A. 24:61-1 to -30, permits the authorized cultivation, processing, manufacturing, preparing, packaging, transferring, sale, purchase, research, possession, use, and consumption of medical cannabis and products created from or which include cannabis; and

WHEREAS, the Borough finds that the expansion of the medical cannabis program in the State has provided needed compassionate relief to the many persons suffering from chronic and/or serious debilitating illnesses who may benefit; and

WHEREAS, on November 3, 2020, the citizens of New Jersey voted to approve Public Question No. 1, amending and supplementing Section VII of Article IV of the New Jersey Constitution to authorize the growth, cultivation, processing, manufacturing, preparing, packaging, transferring, and retail purchasing and consumption of cannabis, or products created from or which include cannabis for persons twenty-one (21) years or older in New Jersey, and further authorized municipalities to enact an additional municipal tax of up to two (2) percent on the receipts from each sale of cannabis or products created from or which include cannabis; and

WHEREAS, the Borough finds, given the Schedule I status of cannabis under the federal Controlled Substance Act, complexities with access to banking and the level of cash transactions in cannabis-related businesses, and other concerns associated with cannabis-related businesses, that only qualified operators should be permitted to safely operate strictly regulated cannabis facilities in the municipality on a limited basis and subject to reasonable time, manner, and place restrictions, in order to balance patients' and consumers' interests and the creation of jobs and economic opportunity within the Borough with public safety; and

WHEREAS, in light of the enactment of the Act on July 2, 2019, expanding the New Jersey Medicinal Marijuana Program, and the passage of Public Question No. 1 on November 3, 2020, it is in the best interest of the Borough to proactively establish licensing requirements for regulated cannabis establishments and imposing a municipal tax to support enforcement activities.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE BOROUGH OF HALEDON, NEW JERSEY AS FOLLOWS:

SECTION 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

SECTION 2. The Revised General Ordinances of the Borough of Haledon, Chapter 405 Zoning, at Section 405-2 entitled "Word Usage; Definitions", is hereby amended and supplemented as follows:

405-2(b) Definition of Terms.

CANNABIS SUPPLIER. A State-regulated cannabis grower, also referred to as a cannabis cultivation facility; a cannabis processor, also referred to as a cannabis product manufacturing facility; a medical cannabis alternative treatment center; or a clinical registrant, all of which shall possess prior to commencing operations one of the classes of permit or permit endorsement issued by the State of New Jersey that authorizes such cannabis establishment to cultivate, manufacture, process, wholesale, and/or study or research cannabis or cannabis-derived or infused products, provided that such facility shall not dispense, sell, or distribute cannabis or cannabis products from such facility.

CANNABIS RETAILER. A State-regulated cannabis retailer, medical cannabis alternative treatment center, or clinical registrant, which shall possess prior to commencing operations one of the classes of permit or permit endorsement issued by the State of New Jersey that authorizes the dispensation, sale, or distribution of cannabis or cannabis-derived or infused products and/or related clinical research, provided that such facility shall not cultivate, manufacture, process, or wholesale cannabis or cannabis products from such facility.

CANNABIS ESTABLISHMENT. A cannabis supplier or cannabis retailer.

SECTION 3. The Revised General Ordinances of the Borough of Haledon shall hereby be amended to include a new Article X entitled "Cannabis Establishments" as follows:

405-65.1 Cannabis Establishments.

Cannabis establishments shall be permitted, pursuant to this Chapter, only if the following requirements are complied with:

- a. The regulations of this Section are subject to the enabling authority of the State of New Jersey and are subject to compliance with all statutes and/or regulations adopted by the State of New Jersey or its instrumentalities. If any provision of this Section is inconsistent with the statutes and/or regulations of the State of New Jersey, the State statutes and/or regulations shall prevail.
- b. Prior to the operation of any cannabis establishment, a permit or license must be obtained from the State of New Jersey and from the Borough of Haledon for

the applicable type(s) of cannabis establishment. No cannabis establishment shall be permitted to operate without State and municipal permits or licenses.

- c. Permitted uses shall, at all times, comply with the terms and conditions of the licensee's cannabis establishment license for permits or licenses issued by the State of New Jersey and the Borough of Haledon.
- d. No cannabis establishment shall be allowed as a Home Professional Occupation or Home Office Use as defined in this Code.
- e. No cannabis establishment shall be housed in a vehicle or any movable or mobile structure.
- f. Smoking/Vaping. No cannabis establishment shall permit the smoking or vaping of cannabis on premises, indoors or outdoors.
- g. Noise. Outside generators and other mechanical equipment used for any kind of power supply, cooling, or ventilation shall be enclosed and have appropriate baffles, mufflers, and/or other noise reduction systems to mitigate noise pollution.
- h. Security. All cannabis establishments shall be secured in accordance with State of New Jersey statutes and regulations; shall have a round-the-clock video surveillance system, 365 days a year; and shall have trained security personnel onsite at all times during operating hours.
- i. Hours. No cannabis retailer may open to customers for business before 8:00 am or remain open to customers for business after 10:00 pm.
- j. Prohibited uses. Except as expressly permitted by this Chapter 405, article X of the General Ordinances, entitled Cannabis Establishments, as well as any other activity involved in the cultivation, manufacture, processing, testing, dispensation, distribution and/or sale of cannabis, marijuana or cannabis products, are expressly prohibited as land uses or otherwise in the Borough of Haledon.

SECTION 4. The Revised General Ordinances of the Borough of Haledon, Chapter 405, Zoning, Section 12, entitled "C Business Zone", Part A(2) is hereby amended and supplemented to include the following as a permitted use:

Cannabis suppliers and/or retailers licensed by the State of New Jersey and the Borough of Haledon.

SECTION 5. The Revised General Ordinances of the Borough of Haledon, Chapter 405, Zoning, Section 12, entitled "Neighborhood Business Zone", Part A(2) is hereby amended and supplemented to include the following as a permitted use:

Cannabis suppliers and/or retailers licensed by the State of New Jersey and the Borough of Haledon.

SECTION 6. CANNABIS LICENSING, REGISTRATION AND BUSINESS REGULATIONS

A new Chapter 405, Section 65.2 entitled "Cannabis Licensing, Registration and Business Regulations" shall be added as follows:

405-65.2 (A) Cannabis Establishments

The regulations of this Ordinance are subject to the enabling authority of the State of New Jersey and are subject to compliance with all statutes and/or regulations adopted by the State of New Jersey or its instrumentalities, including the Cannabis Regulatory Commission. If any provision of this Ordinance is inconsistent with state statutes and/or regulations, the state statutes and/or regulations shall prevail.

405-65.2 (B) Definitions

CANNABIS ESTABLISHMENT: A Cannabis Supplier or Cannabis Retailer.

CANNABIS RETAILER: A State-regulated cannabis retailer, medical cannabis alternative treatment center, or clinical registrant, which shall possess prior to commencing operations one of the classes of permit or permit endorsement issued by the State of New Jersey that authorizes the dispensation, sale, or distribution of cannabis or cannabis-derived or infused products and/or related clinical research, provided that such facility shall not cultivate, manufacture, process, or wholesale cannabis or cannabis products from such facility.

CANNABIS SUPPLIER: A State-regulated cannabis grower, also referred to as a cannabis cultivation facility; a cannabis processor, also referred to as a cannabis product manufacturing facility; a medical cannabis alternative treatment center; or a clinical registrant, all of which shall possess prior to commencing operations one of the classes of permit or permit endorsement issued by the State of New Jersey that authorizes such cannabis establishment to cultivate, manufacture, process, wholesale, and/or study or research cannabis or cannabis-derived or infused products, provided that such facility shall not dispense, sell, or distribute cannabis or cannabis products from such facility.

405-65.2 (C) Licensing

- a. Local licensing authority.
1. The Borough Administrator is hereby designated to act as the local licensing authority for the Borough for all cannabis establishments. Under all circumstances in which State law requires communication to the Borough by the Cannabis Regulatory Commission or any other State agency with regard to the licensing of cannabis establishments by the State, or in which State

law requires any review or approval by the Borough of any action taken by the State licensing authority, the exclusive authority for receiving such communications and granting such approvals shall be exercised by the Administrator.

2. Under no circumstances shall a local license for a cannabis establishment issued by the Administrator be effective until or unless the State has issued the requisite permits or licenses to operate such a facility. It is the intent of this Chapter that no cannabis establishment may lawfully operate in the Borough of Haledon without the issuance of a State permit or license and full regulatory oversight of the cannabis establishment by the Cannabis Regulatory Commission or other state licensing authority as well as oversight and issuance of a license by the Borough.
- b. Classification of licenses. The Borough, subject to land use approval and State licensure, may issue the following municipal licenses to operate a cannabis establishment:
- Class I: Cannabis supplier license (grower)
 - Class II: Cannabis supplier license (processor) Class
 - Class III: Cannabis retailer license
- c. Maximum number of licenses. The Borough may issue a maximum of one (1) Class I license, one (1) Class II license, and two (2) Class III licenses. Licensure in all classes may be, but are not required to be, held by the same entity or individual, but an entity may not hold more than one cannabis retailer license. Any license conditionally issued by the Borough is contingent upon the locally licensed entity's or individual's subsequent recipient of a State permit or license of the same class or type of regulated cannabis activity.
- d. Application. Persons wishing to obtain any classification of cannabis license shall file a license application with the Administrator, on a standardized form established by the Administrator and available in the Administrator's office. The Administrator shall establish a reasonable application period and deadline for all applications. An application shall be deemed incomplete, and shall not be processed by the Administrator, until all documents and application fees are submitted. To be deemed complete, all applications shall be accompanied by the following:
1. The applicant shall submit proof that the applicant has or will have lawful possession of the premises proposed for the cannabis establishment, which proof may consist of: a deed, a lease, a real estate contract contingent upon successful licensing, or a binding letter of intent by the owner of the premises indicating an intent to lease the premises to the entrant contingent upon successful licensing.
 2. The applicant shall submit an affidavit and documentary proof of compliance with all state and local laws regarding affirmative action, anti-discrimination and fair employment practices. The applicant shall also certify under oath that they will not and shall not discriminate based on race, color, religion (creed), gender, gender expression, age, national origin (ancestry), disability, marital status, sexual orientation, or military status, in any of its activities or operations.
 3. The location proposed for licensing by the applicant shall comply with all applicable municipal zoning

laws and the location restrictions set forth in this Code.

4. The applicant shall submit, to the satisfaction of the Administrator, proof of financial capability to open and operate the marijuana establishment for which the applicant is seeking a license. Standards for proof of financial capability shall be determined by the Administrator.
5. The applicant shall submit all required nonrefundable fees for the application and conditional license in accordance with the following fee schedule:

Class I: \$10,000 Cannabis supplier license (grower)

Class II: \$10,000 Cannabis supplier license (processor)

Class III: \$5,000 Cannabis retailer license

6. The applicant shall submit all annual registration fees required in accordance with the following fee schedule, which shall be refunded in the event the applicant does not receive a license:

Class I: \$40,000 per year Cannabis supplier license (grower)

Class II: \$20,000 per year Cannabis supplier license (processor)

Class III: \$10,000 per year Cannabis retailer license

7. In addition to complying with any State requirement related to good character and criminal background, any person proposed to have an ownership interest in the license shall not have had any cannabis license or permit revoked for a violation affecting public safety in the State of New Jersey or a subdivision thereof within the preceding five (5) years.
8. The applicant and the application shall otherwise comply with any, and all qualification standards set forth in the State and Borough laws or regulations.
9. In the event there are multiple applicants for a license, the Administrator shall evaluate all applicants and issue a notification of award after consideration and evaluation of the following criteria:
 - (a) Applicant's owners' or principals' qualifications and experience operating in highly regulated industries, including cannabis, healthcare, pharmaceutical manufacturing, and retail pharmacies, with preference to experience operating such businesses within the State of New Jersey and where the value of owners' experience shall outweigh the experience of non-owner principals (twenty percent, not to exceed 2,500 words);
 - (b) Applicant's qualifications and experience related to public safety and security, including any of the applicant's owners' or principals' experience in law enforcement and drug enforcement (five percent, not to exceed 1,000 words), and a summary of the applicant's plans for storage of products and currency, physical security, video surveillance, security personnel, and visitor management (five percent, not to exceed 2,500 words);
 - (c) Applicant's or its owners' experience conducting or supporting or plans to conduct institutional review board-approved research involving human subjects that is related to medical cannabis or

substance abuse, where the value of past or ongoing clinical research with IRB approval shall outweigh plans to conduct such research (five percent, not to exceed 2,500 words), whether the applicant has had any assurance accepted by the U.S. Department of Health & Human Services indicating the applicant's commitment to complying with 45 CFR Part 46 (five percent), and whether the applicant has a research collaboration or partnership agreement in effect with an accredited U.S. school of medicine or osteopathic medicine with experience conducting cannabis-related research (five percent);

(d) Applicant's or its owners' demonstrated commitment or sufficient experience as responsible employers, defined as the applicant entity being a party to a labor peace agreement or the applicant entity or its parent company being a party to a collective bargaining agreement in the regulated cannabis industry for at least one year prior to application for a Cannabis Establishment license, in an effort to create well-paying jobs with employee benefits in the municipality (twenty percent in total; five points for labor peace, full twenty points for collective bargaining agreement in effect for at least one year);

(e) Summary of the applicant's environmental impact and sustainability plan (four percent, not to exceed 500 words); whether the applicant entity or its parent company has any recognitions from or registrations with federal or New Jersey state environmental regulators for innovation in sustainability (three percent); and whether the applicant entity or its parent company holds any certification under international standards demonstrating the applicant has an effective environmental management system or has a designated sustainability officer to conduct internal audits to assess the effective implementation of an environmental management system (three percent);

(f) Applicant's ties to the host community, demonstrated by at least one shareholder's proof of residency in Haledon for five or more years in the past ten years or at least one shareholder's continuous ownership of a business based in Haledon for five or more years in the past ten years (five percent); and

(g) Applicant's demonstrated commitment to diversity in its ownership composition and hiring practices and whether the applicant entity or its parent company holds any certifications as a NJ minority-owned, women-owned, or veteran-owned business (twenty percent in total; ten points for one certification and twenty points for two or more).

(h) Notwithstanding the foregoing competitive application process, a notification of award and conditional municipal license shall entitle the recipient applicant to pursue a State permit or license in the appropriate classification for up to 12 months, which may be extended in the Administrator's discretion for an additional 6 months for good cause. No license to operate shall issue until the applicant has received a State permit and satisfied other prerequisites of municipal licensure. If the recipient of a notice of award and conditional license has not received a State permit or license within 12 months from issuance, unless extended for good cause, the Administrator shall issue a new request for applications and evaluate all applicants for licensure under the above criteria.

(i) Term of license and license renewals.

1. Any local license issued pursuant to this Chapter shall be valid for a period of three (3) years from the date of issuance and shall be renewed in accordance with the provisions of this Chapter, so long as the local license remains in good standing prior to the renewal period and has not been

suspended or revoked pursuant to the terms of this Chapter.

2. The Administrator may, at his/her discretion, adjust the renewal date of the local license to correlate with an applicant's State licensing and renewal schedule.
 3. Renewal of any license shall be governed by any code amendments, additional restrictions or changes in regulations adopted since the previous license was issued or renewed.
 4. Transfer of ownership of any local license or change of location of any license or modification to expand a licensed premise shall be subject to Borough Planning review and zoning approval.
 5. Except where the Administrator has received a complete renewal application along with the requisite fees, and has issued a license renewal, it shall be unlawful for any person to manufacture, sell, distribute, transfer, transport, or otherwise remove cannabis or cannabis products from the premises of any license after the expiration date recorded on the face of the license.
10. Retail Tax. The Borough reserves the right to levy a retail tax on retail sales up to the maximum permitted by law.

405-65.3 Disciplinary Actions; Sanctions; Penalties

Disciplinary actions. Procedures for investigation of license violations and for suspension, revocation, or other licensing sanctions as a result of any such violation shall be as follows:

1. First offense: Up to \$250 per violation per day;
 2. Second offense: Up to \$500 per violation per day;
 3. Third violation shall result in summary suspension.
- b. Summary suspension. Notwithstanding the foregoing section, when the Administrator has reasonable grounds to believe that a licensee has engaged in deliberate and willful violation of any applicable law or regulation, or that the public health, safety, and/or general welfare has been jeopardized and requires emergency action, the Administrator may enter a summary suspension order for the immediate suspension of such license pending further investigation.
1. The summary suspension order shall be in writing and shall State the reasons therefore. The licensee shall be afforded an opportunity for a hearing as outlined herein.
 2. The Administrator shall convene a review panel consisting of the Administrator, a second administrative officer designated by the Mayor, and the Chief of Police. The hearing shall be scheduled within 30 days of the date of the order.
 3. The review panel is authorized to impose any fines, conditions, restrictions,

suspensions, or combination thereof authorized by the State of New Jersey. In the absence of State specified penalties, the Borough may issue fines up to, but not to exceed, \$2,500 per offense and/or suspension of license for a period not to exceed six months.

- c. Inactive licenses. Following the commencement of retail sales of cannabis or cannabis products, the Administrator may suspend or revoke any license if the licensed premises have been inactive or unoccupied by the licensee for at least six months.
- d. State license. The Administrator may suspend or revoke any license if the corresponding State license or permit for the subject location is expired, surrendered, suspended, or revoked.

SECTION 7. Any and all ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only to the extent of such conflict or inconsistency, it being the legislative intent that all such ordinances or part of ordinances now existing or in effect unless the same are in conflict or inconsistent with any provision of this Ordinance shall remain in effect.

SECTION 8. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 9. This Ordinance shall take effect upon passage and publication as provided by law.

SECTION 10. This Ordinance shall be a part of the General Ordinances of the Borough of Haledon as though codified and fully set forth therein. The Borough Clerk shall have this Ordinance codified and incorporated in the official copies of the Borough Code. The Borough Clerk and the Borough Attorney are authorized and directed to change any Chapter, Article and/or Section number of the General Ordinances of the Borough of Haledon in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repeal of existing provisions not intended to be repealed.

Memo

FROM THE DESK OF THE MUNICIPAL CLERK

To: Mayor Stampone
From: Allan R. Susen, RMC/MMC
CC:
Date: 7/22/2021
Re: ORDINANCE #5-27-2021

In accordance with NJSA 40A: 60-5d, I am presenting to you
Ordinance #5-27-2021 for approval within five days of adoption by the Borough Council.

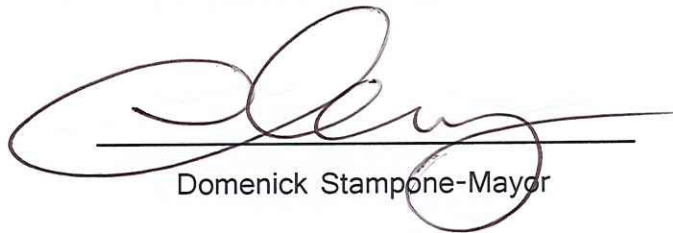
The statute states:

“The Mayor shall, within ten days after receiving the ordinance, Sundays excepted, either approve the ordinance by affixing his signature thereto or return it to the Council by delivering it to the Clerk together with a statement setting forth his objections thereto or any item or part thereof. No ordinance or any item or part thereof shall take effect without the Mayor’s approval, unless the Mayor fails to return the ordinance to the Council, as prescribed above, or unless the Council, upon consideration of the ordinance following its return, shall, by a vote of two-thirds of all the members of Council, resolve to override the veto.”

BOROUGH OF HALEDON ORDINANCE 5-27-2021

AN ORDINANCE OF THE BOROUGH OF HALEDON, NEW JERSEY
AMENDING AND SUPPLEMENTING THE GENERAL ORDINANCES OF THE
BOROUGH,
CHAPTER 405 “ZONING”, PROVIDING FOR THE ZONING, LICENSING,
REGISTRATION AND REGULATIONS FOR CANNABIS ESTABLISHMENTS

Introduced: 5-27-2021
Adopted: 7-22-2021



Domenick Stampone-Mayor